



**STATE OF CALIFORNIA - GOVERNOR EDMOND G. BROWN JR.
LABOR AND WORKFORCE DEVELOPMENT AGENCY**
**CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD
EXECUTIVE DIRECTOR/CHIEF ADMINISTRATIVE LAW JUDGE**

2400 Venture Oaks Way, Suite 300
Sacramento, CA 95833
Phone: (916) 263-6722
Fax: (916) 263-6764

October 8, 2012

To: Board Members

**October 2012 Summary Report of Executive Director and
Chief Administrative Law Judge Alberto Roldan**

1. Office of the Chief

- The office by office training of the ALJs will be completed the third week of October.
- We will be shifting to the Best Practices and Training Teams going office to office to train support staff on Best Practices and working in the Filebound environment.

2. Snapshot of Field Operations performance through September 2012

Overall September 2012 Workload and Performance: September was the fourth consecutive month, and the fifth time in six months, in which the open inventory has grown. The number of new cases [35,059] was slightly below the average for 2012. Closed cases [31,752] were 12% below the year's average. The open inventory for all programs [51,402] has risen by more than 5,400 cases in the past two months and by more than 12,000 cases since the end of March. There were more than 50,000 open cases at the end of a month for the first time since January. Some of the drop off is attributable to the ALJ training which is now winding down. This trend has been responded to. As of October 1, all judges were being calendared with an extra case per week. This is scheduled for six weeks. In addition, there are more team calendars scheduled for October.

Case Aging and Time Lapse: Average case age rose to 27 days, which is the highest it has been since February. The rising caseload is the main driver of this upward trend. We are still well within DOL requirements for average case age which is good news. The time lapse numbers were the same or better than August in all categories. 30-day time lapse remained at 50%, which is its highest level in ten years. 45-day time lapse rose to 85%. The 90 day guideline was met for 8th straight month [98%].

The time frames for non-time lapse UI cases have suffered as a result of our compliance efforts. They were all worse in September than in August and substantially below the performance for time lapse cases [which is not entirely surprising as there is no special tracking done on the non-time

lapse cases]. The average case age of these matters rose from 34 to 38 days. Less than 9% of the non-time lapse UI decisions were issued within 30 days, while 31% went out within 45 days and 88% within 90 days. If the gap between time lapse and non-time lapse cases continues, we may need to take action to ensure greater equity.

Cycle Time: The UI cycle time in September was 43 days from date of appeal to issuance of the decision. This was one day longer than in August. There was no one step that accounted for the difference. San Diego made substantial progress on its older backlog and made the most progress of any office in this area. It's cycle time fell from 57 days in August to 48 days in September. At the same time, however, Pasadena's cycle time went the opposite direction rising from 38 to 49 days.

Unemployment Insurance (UI) for September: New UI cases [33,363 cases; 19,050 appellants] were down significantly from July but basically at the average for this year. The number of closed cases [30,299 cases; 17,301 appellants] was down by more than 5,000 from July and 11% below the norm. This was the third straight month of rising inventory [40,820 cases; 23,308 appellants] which exceeds 40,000 for the first time in eight months. Unlike many of the previous months, the increase in open caseloads last month was roughly equal in both time lapse and non-time lapse UI cases, as the extension cases again represent 39% of the total open inventory of UI cases.

Disability Insurance (DI) for September: In disability, the number of new cases [1,233] was the greatest in three months but was still 8% below the average for the year. This general trend downward is also highlighted by our having verified 11% fewer DI appeals during the first nine months of 2012 than was true in the same period in 2011. Closed cases [999] were 23% below the average and represented fewer than 1000 decisions for the first time since June 2006. Ironically, despite the general trend of substantially fewer new DI cases, the open inventory [2,139] jumped 12% last month and is at its highest month-end level since February 2011.

Tax and Rulings for September: Work was very slow in rulings with new cases [185] 51% below the average for 2012, and closed cases [157] down by 41%. The open inventory of rulings [4,558] rose for the sixth time in the past seven months and is now at its highest level since the end of 2010.

In Tax, September was the second straight month in which the open inventory [3,841] went down despite the fact OTP verified the greatest number of new petitions since June.

UI TRENDS - FO

Program Codes 1, 2, 3, 4, 5, 6, 8, 23, 24, 28, 29, 30, 31, 33, 34, 35, 36, 37, 38, 41, 42

NEW OPENED CASES

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2009	32,164	29,014	31,429	31,869	32,267	34,435	32,319	31,827	33,713	35,619	27,150	37,388	389,194	32,433		
2010	37,307	34,125	38,172	42,249	37,447	36,321	39,238	40,219	31,780	35,604	30,181	35,509	438,152	36,513	113%	4,080
2011	38,676	34,399	39,494	35,519	36,159	35,785	32,527	38,079	39,828	36,161	30,799	31,448	428,874	35,740	98%	-773
2012	33,339	30,233	36,391	33,590	34,531	31,871	32,132	37,791	33,363				303,241	33,693	94%	-2,046
Multi													2011	94%	92%	
													2010	92%	90%	
													2009	104%	105%	
														chg to '12 avg	chg to '12 YTD	
UI registrations Sep to date are down 8% from 2011, down 10% from 2010, and up 5% from 2009 UI registration monthly average is down 6% from 2011, down 8% from 2010, and up 4% from 2009																

CLOSED CASES

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2009	25,728	24,752	28,392	30,565	30,101	32,703	34,500	30,455	32,165	39,878	34,525	36,623	380,387	31,699		
2010	32,738	37,951	44,067	39,481	35,731	36,680	35,798	39,000	38,748	37,386	34,848	36,237	448,665	37,389	118%	5,690
2011	34,029	37,998	50,124	35,054	32,103	38,117	33,797	36,979	41,802	33,663	33,076	34,301	441,043	36,754	98%	-635
2012	33,604	37,167	44,615	28,383	34,802	31,915	30,672	35,346	30,299				306,803	34,089	93%	-2,664
Multi													2011	93%	90%	
													2010	91%	90%	
													2009	108%	114%	
														chg to '12 avg	chg to '12 YTD	
UI dispositions Sep to date are down 10% from 2011, down 10% from 2010, and up 14% from 2009 UI disposition monthly average is down 7% from 2011, down 9% from 2010, and up 8% from 2009																

BALANCE OPEN CASES

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2009	69,049	73,237	76,311	77,968	80,188	81,750	79,774	81,302	82,785	78,473	71,095	71,813		76,979		
2010	76,301	72,323	66,136	68,715	70,234	69,664	72,557	73,410	66,243	64,624	59,811	59,075		68,258	89%	-8,721
2011	63,632	59,909	49,088	49,435	53,389	50,926	49,805	50,755	48,650	51,057	48,653	45,715		51,751	76%	-16,507
2012	45,315	38,225	29,603	34,674	34,327	34,188	35,578	37,843	40,820					36,730	71%	-15,021
Multi													2011	71%	70%	
													2010	54%	52%	
													2009	48%	47%	
														chg to '12 avg	chg to '12 YTD	
UI balance of open cases Sep to date is down 30% from 2011, down 48% from 2010, and down 53% from 2009 UI balance monthly average down 29% from 2011, down 46% from 2010, and down 52% from 2009																

DI TRENDS - FO
Program Codes 7, 10, 11, 12, 16 & 20

NEW OPENED CASES

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2009	1,610	1,107	1,794	1,519	1,628	1,748	1,537	1,321	1,571	1,414	1,245	1,330	17,824	1,485		
2010	1,446	1,437	1,775	1,957	1,371	1,232	1,763	1,609	1,366	1,372	1,159	1,414	17,901	1,492	100%	6
2011	1,537	1,651	1,411	1,691	1,360	1,428	1,405	1,575	1,489	1,392	1,094	1,268	17,301	1,442	97%	-50
2012	1,395	1,490	1,611	1,256	1,362	1,382	1,206	1,122	1,233				12,057	1,340	93%	-102
DI registrations Sep to date are down 11% from 2011, down 14% from 2010, and down 13% from 2009													2011	93%	89%	
DI registration monthly average is down 7% from 2011, down 10% from 2010, and down 10% from 2009													2010	90%	86%	
													2009	90%	87%	
													chg to '12 avg		chg to '12 YTD	

CLOSED CASES

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2009	1,217	1,269	1,451	1,465	1,129	1,463	1,823	1,644	1,648	1,753	1,527	1,701	18,090	1,508		
2010	1,283	1,557	1,967	1,852	1,276	1,581	1,494	1,511	1,581	1,552	1,372	1,565	18,591	1,549	103%	42
2011	1,295	1,576	1,925	1,512	1,441	1,567	1,365	1,462	1,426	1,579	1,266	1,270	17,684	1,474	95%	-76
2012	1,334	1,547	1,456	1,424	1,460	1,140	1,079	1,220	999				11,659	1,295	88%	-178
DI dispositions Sep to date are down 14% from 2011, down 17% from 2010, and down 11% from 2009													2011	88%	86%	
DI disposition monthly average is down 12% from 2011, down 16% from 2010, and down 14% from 2009													2010	84%	83%	
													2009	86%	89%	
													chg to '12 avg		chg to '12 YTD	

BALANCE OPEN CASES

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Avg.	% Chg of Avg	Yr-Yr AvgChg	
2009	3,426	3,264	3,613	3,684	4,197	4,478	4,204	3,895	3,819	3,476	3,203	2,836	3,675			
2010	2,997	2,876	2,682	2,789	2,891	2,541	2,808	2,908	2,691	2,513	2,299	2,148	2,679	73%	-996	
2011	2,390	2,465	1,951	2,126	2,046	1,905	1,943	2,054	2,117	1,930	1,757	1,755	2,037	76%	-642	
2012	1,815	1,757	1,905	1,734	1,636	1,877	2,005	1,906	2,139				1,864	92%	-173	
DI open balance Sep to date is down 12% from 2011, down 33% from 2010, and down 51% from 2009													2011	92%	88%	
DI open balance monthly average down 8% from 2011, down 30% from 2010, and down 49% from 2009													2010	70%	67%	
													2009	51%	49%	
													chg to '12 avg		chg to '12 YTD	

TAX TRENDS - FO
 Program Codes 15, 17, 18, 32, 45, 46, 47, 48

NEW OPENED CASES

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2009	166	93	219	174	258	164	252	256	169	292	224	229	2,496	208		
2010	142	139	164	233	140	163	94	137	146	181	188	232	1,959	163	78%	-45
2011	134	168	144	261	140	180	112	266	364	147	248	402	2,566	214	131%	51
2012	346	141	196	117	78	335	253	229	254				1,949	217	101%	3
													2011	101%	110%	
													2010	133%	144%	
													2009	104%	111%	
														chg to '12 avg	chg to '12 YTD	

Tax registrations Sep to date are up 10% from 2011, up 44% from 2010, and up 11% from 2009
 Tax registration monthly average is up 1% from 2011, up 33% from 2010, and up 4% from 2009

CLOSED CASES

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2009	92	97	172	149	72	97	126	111	162	70	149	288	1,585	132		
2010	48	109	107	91	117	124	135	101	174	130	99	235	1,470	123	93%	-10
2011	139	173	193	252	176	277	168	278	325	293	323	247	2,844	237	193%	115
2012	227	352	322	492	267	217	236	290	284				2,687	299	126%	62
													2011	126%	136%	
													2010	244%	267%	
													2009	226%	249%	
														chg to '12 avg	chg to '12 YTD	

Tax dispositions Sep to date are up 36% from 2011, up 167% from 2010, and up 149% from 2009
 Tax disposition monthly average is up 26% from 2011, up 144% from 2010, and up 126% from 2009

BALANCE OPEN CASES

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2009	3,585	3,580	3,627	3,649	3,836	3,903	4,029	4,174	4,180	4,402	4,477	4,416		3,988		
2010	4,509	4,539	4,596	4,738	4,759	4,796	4,754	4,790	4,758	4,801	4,890	4,885		4,735	119%	746
2011	4,880	4,874	4,824	4,833	4,797	4,700	4,643	4,630	4,666	4,520	4,445	4,593		4,700	99%	-34
2012	4,711	4,498	4,371	3,995	3,803	3,918	3,931	3,871	3,841					4,104	87%	-596
														2011	87%	86%
														2010	87%	87%
														2009	103%	107%
															chg to '12 avg	chg to '12 YTD

Tax balance of open cases Sep to date is down 14% from 2011, down 13% from 2010, and up 7% from 2009
 Tax balance monthly average is down 13% from 2011, down 13% from 2010, and up 3% from 2009

RULING - OTHER TRENDS - FO
Program Codes 9, 13, 14, 19, 21, 22, 40, 44

NEW OPENED CASES

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2009	175	92	203	456	567	340	304	206	170	710	923	275	4,421	368		
2010	486	609	709	598	441	424	468	1,359	201	239	229	214	5,977	498	135%	130
2011	64	97	92	739	526	510	426	454	207	982	247	251	4,595	383	77%	-115
2012	182	245	746	576	605	424	229	418	209				3,634	404	105%	21
													2011	105%	117%	
													2010	81%	69%	
													2009	110%	145%	
														chg to '12 avg	chg to '12 YTD	

Ruling/Other registrations Sep to date are up 17% from 2011, down 31% from 2010, and up 45% from 2009
Ruling/Other registration monthly average is up 5% from 2011, down 19% from 2010, and up 10% from 2009

CLOSED CASES

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2009	236	333	238	209	179	208	273	264	315	192	260	357	3,064	255		
2010	335	392	500	682	465	716	421	631	484	804	303	415	6,148	512	201%	257
2011	442	399	728	390	424	631	384	397	530	593	389	351	5,658	472	92%	-41
2012	500	455	299	255	214	165	239	323	170				2,620	291	62%	-180
													2011	62%	61%	
													2010	57%	57%	
													2009	114%	116%	
														chg to '12 avg	chg to '12 YTD	

Ruling/Other dispositions Sep to date are down 39% from 2011, down 43% from 2010, and up 16% from 2009
Ruling/Other disposition monthly average is down 38% from 2011, down 43% from 2010, and up 14% from 2009

BALANCE OPEN CASES

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2009	3,399	3,158	3,123	3,374	3,763	3,894	3,925	3,860	3,715	4,232	4,896	4,809		3,846		
2010	4,965	5,182	5,394	5,312	5,287	4,996	5,048	5,781	5,494	4,931	4,857	4,658		5,159	134%	1,313
2011	4,281	3,977	3,340	3,692	3,792	3,672	3,716	3,772	3,453	3,842	3,698	3,590		3,735	72%	-1,423
2012	3,272	3,060	3,509	3,825	4,216	4,475	4,466	4,563	4,602					3,999	107%	263
													2011	107%	107%	
													2010	78%	76%	
													2009	104%	112%	
														chg to '12 avg	chg to '12 YTD	

Ruling/Other balance of open cases Sep to date is up 7% from 2011, down 24% from 2010, and up 12% from 2009
Ruling/Other balance monthly average is up 7% from 2011, down 22% from 2010, and up 4% from 2009

FIELD OPERATIONS ~ REPORT SUMMARY

STATEWIDE	2012												STATEWIDE			Appellants			
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Average	Current Mo. % of Avg.	Total	Current Mo.	Average	Total	
WORKLOAD																			
New Opened Cases																			
UI TL	33,339	30,233	36,391	33,590	34,531	31,871	32,132	37,791	33,363	33,693									
DI	1,395	1,490	1,611	1,256	1,362	1,382	1,206	1,122	1,233	1,340									
Ruling & T-R	168	213	714	555	571	407	207	399	185	380									
Tax	346	141	196	117	78	335	253	229	254	217									
Other	14	32	32	21	34	17	22	19	24	24									
Total	35,262	32,109	38,944	35,539	36,576	34,012	33,820	39,560	35,059	35,653									
Multi Cases		13	180	30	9	13	15	54	5										
Closed Cases																			
UI TL	33,604	37,167	44,615	28,383	34,802	31,915	30,672	35,346	30,299	34,089									
DI	1,334	1,547	1,456	1,424	1,460	1,140	1,079	1,220	999	1,295									
Ruling & T-R	468	436	258	238	192	144	215	294	157	267									
Tax	227	352	322	492	267	217	236	290	284	299									
Other	32	19	41	17	22	21	24	29	13	24									
Total	35,665	39,521	46,692	30,554	36,743	33,437	32,226	37,179	31,752	35,974									
Multi Case/Cmt		1/3	4/9	2/4	43/236	2/8	1/4	3/8	2/5										
Balance - Open Cases																			
UI TL	45,315	38,225	29,603	34,674	34,327	34,188	35,578	37,843	40,820	36,730									
DI	1,815	1,757	1,905	1,734	1,636	1,877	2,005	1,906	2,139	1,864									
Ruling & T-R	3,247	3,021	3,477	3,788	4,168	4,431	4,424	4,530	4,558	3,960									
Tax	4,711	4,498	4,371	3,995	3,803	3,918	3,931	3,871	3,841	4,104									
Other	25	39	32	37	48	44	42	33	44	38									
Total	55,113	47,540	39,388	44,228	43,982	44,458	45,980	48,183	51,402	46,697									
Multi Cases		13	256	275	9	10	17	56	51										
Time Lapse																			
30 TL % (60)	5	7	16	35	45	41	42	50	50	32									
45 TL % (80)	17	33	61	80	83	85	83	83	85	68									
90 TL % (95)	94	95	98	99	99	98	98	98	98	97									
CASE AGE																			
Average Days	35	29	23	26	24	25	26	23	27	26									
Average Days	33	27	22	23	22	23	22	21	24	24									
>90 Days Old	2%	1%	1%	1%	1%	1%	0%	1%	1%	1%									
>90 Days Old	2%	1%	1%	1%	1%	1%	0%	1%	1%	1%									
w/out Multis	4%	4%	2%	2%	1%	1%	2%	5%	8%	3%									
NET PYS USED																			
Field Offices	186,53	194,66	211,05	185,55	187,07	178,78	164,22	180,02		186,0									
Non ALJ	190,50	193,92	209,56	195,57	189,35	195,39	180,08	190,86		193,2									
Net Pys	377,43	388,58	420,61	381,12	376,42	374,17	344,30	370,88		379,2									
Ratio 1/	1,02	1,00	0,99	1,05	1,01	1,09	1,10	1,06		1,04									
w/FOHQ&RSU																			
Non ALJ	192,96	201,56	216,68	191,55	191,78	184,19	169,52	184,78		191,6									
Net Pys	226,09	231,26	249,01	236,84	230,78	236,89	218,65	234,75		233,0									
Ratio 1/	419,05	432,82	465,69	428,39	422,56	421,08	388,17	419,53		424,7									
EDD 0																			
Ratio 1/	1,17	1,15	1,15	1,24	1,20	1,29	1,29	1,27		1,22									
PRODUCTIVITY																			
Weekly Dispos per ALJ (UI&D)	45,3	48,0	48,3	37,0	43,0	42,7	44,6	43,0		44,0									
Weekly Dispos per ALJ	46,2	49,0	49,0	38,0	43,5	43,2	45,3	43,7		44,7									
Weekly Dispos (Non-ALJ)	39,4	42,7	42,6	30,7	36,2	33,6	35,1	34,4		36,9									

ALL PROGRAM TRENDS - FO

NEW OPENED CASES

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	TOTAL	Avg.	% Change	Yr-Yr AvgChg
2009	34,115	30,306	33,645	34,018	34,720	36,687	34,412	33,610	35,623	38,035	29,542	39,222	413,935	34,495		
2010	39,381	36,310	40,820	45,037	39,399	38,140	41,563	43,324	33,493	37,396	31,757	37,369	463,989	38,666	112%	4,171
2011	40,411	36,315	41,141	38,210	38,185	37,903	34,470	40,374	41,888	38,682	32,388	33,369	453,336	37,778	98%	-888
2012	35,262	32,109	38,944	35,539	36,576	34,012	33,820	39,560	35,059				320,881	35,653	94%	-2,125
Multi	13 180 30 9 13 15 54 5												2011	94%	92%	
	All program registrations Sep to date are down 8% from 2011, down 10% from 2010, and up 4% from 2009												2010	92%	90%	
	All program registration monthly average is down 6% from 2011, down 8% from 2010, and up 3% from 2009												2009	103%	104%	
													chg to '12 avg		chg to '12 YTD	

CLOSED CASES

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	TOTAL	Avg.	% Change	Yr-Yr AvgChg
2009	27,273	26,451	30,253	32,388	31,481	34,471	36,722	32,474	34,290	41,893	36,461	38,969	403,126	33,594		
2010	34,404	40,009	46,641	42,106	37,589	39,101	37,848	41,243	40,987	39,872	36,622	38,452	474,874	39,573	118%	5,979
2011	35,905	40,146	52,970	37,208	34,144	40,592	35,714	39,116	44,083	36,128	35,054	36,169	467,229	38,936	98%	-637
2012	35,665	39,521	46,692	30,554	36,743	33,437	32,226	37,179	31,752				323,769	35,974	92%	-2,961
Multi	1/3 4/9 2/4 43/236 2/8 1/4 3/8 2/5												2011	92%	90%	
	All program dispositions Sep to date are down 10% from 2011, down 10% from 2010, and up 13% from 2009												2010	91%	90%	
	All program disposition monthly average is down 8% from 2011, down 9% from 2010, and up 7% from 2009												2009	107%	113%	
													chg to '12 avg		chg to '12 YTD	

BALANCE OPEN CASES

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	TOTAL	Avg.	% Change	Yr-Yr AvgChg
2009	79,459	83,239	86,674	88,675	91,984	94,025	91,932	93,231	94,499	90,583	83,671	83,874		88,487		
2010	88,772	84,920	78,808	81,554	83,171	81,997	85,167	86,889	79,186	76,869	71,857	70,783		80,831	91%	-7,656
2011	75,183	71,225	59,203	60,086	64,024	61,203	60,107	61,211	58,886	61,349	58,553	55,653		62,224	77%	-18,608
2012	55,113	47,540	39,388	44,228	43,982	44,458	45,980	48,183	51,402					46,697	75%	-15,526
Multi	13 256 275 9 10 17 56 51												2011	75%	74%	
	All program open balance Sep to date is down 26% from 2011, down 44% from 2010, and down 48% from 2009												2010	58%	56%	
	All program open balance monthly average is down 25% from 2011, down 42% from 2010, and down 47% from 2009												2009	53%	52%	
													chg to '12 avg		chg to '12 YTD	

AO REPORT TO BOARD -- MONTH OF September 2012

	# Cases	# Appellants	Calendar Yr Avg
REGISTRATIONS	2433	1356	2623
DISPOSITIONS	2708	1585	2755
OPEN BALANCE	2509	1433	3042
PENDING REG.			
APPEAL RATE			6.50%

CASE AGING 49 Days

TIME LAPSE

45 Days (50%)	41.00%
75 Days (80%)	76.00%
150 Days (95%)	99.00%

ADDITIONAL INFORMATION

FO to AO Monthly Report 2.5 days

FO ALJs working in AO 0

WEEKLY AO WORKLOAD REPORT

September 2012

Week						
<u>Ending</u>	<u>Unreg total</u>	<u>Appeals Rec'd</u>	<u>Registrations</u>	<u>Dispositions</u>	<u>Open Balance</u>	<u>Change</u>
9/7/2012	2116	577	537	388	2940	182
9/14/2012	2347	548	451	678	2704	-236
9/21/2012	2348	862	506	759	2462	-242
9/28/2012	2511	654	936	884	2509	47
9-1 thru 9-30-12						
Running Total		2641	2430	2709	2509	

Week	Average	45-Day (50%)	75-Day (80%)	150-Day (95%)
<u>Ending</u>	<u>Case age</u>	<u>Time Lapse</u>	<u>Time Lapse</u>	<u>Time Lapse</u>
9/7/2012	45	45.61%	79.17%	99.31%
9/14/2012	47	47.78%	79.03%	98.79%
9/21/2012	47	35.10%	76.47%	99.22%
9/28/2012	47	35.83%	72.67%	98.83%
9-1 thru 9-30-12	49	40.71%	76.35%	99.00%

**California Unemployment Insurance Appeals Board
Board Appeal Summary Report**

Average Days in Transfer from FO Received Date to Date Received at AO

	September, 2012	August, 2012	July, 2012	June, 2012
	Average Days in Transfer			
	Case Count	Case Count	Case Count	Case Count
Fr	1.11	2.18	2.31	1.35
	36	143	106	165
Ing	3.43	3.30	2.85	1.62
	23	241	266	170
Inl	2.70	4.28	3.35	2.52
	30	261	272	341
LA	4.51	1.37	4.53	16.13
	68	292	269	213
Oak	5.50	6.47	5.55	3.63
	6	186	168	139
OC	1.38	2.17	1.14	1.60
	39	302	292	243
Ox	0.82	1.19	1.40	0.97
	49	151	121	155
Pas	7.75	5.47	7.81	10.08
	4	196	152	208
Sac	2.47	3.62	5.00	4.80
	51	304	310	268
SD	3.02	4.92	2.02	3.42
	43	252	240	260
SF	2.63	2.48	3.49	2.37
	19	139	217	117
SJ	1.55	1.84	1.72	2.03
	42	139	94	116
Tax	1.45	2.27	6.64	7.56
	11	11	14	18
Total	2.50	3.32	3.49	4.46
	421	2617	2521	2413

ALL PROGRAM TRENDS-AO

REGISTRATIONS

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2009	1,588	1,326	1,964	1,835	1,717	1,956	2,368	2,026	2,187	2,158	2,056	2,225	23,406	1,951		
2010	2,470	2,136	3,081	2,779	2,362	2,691	2,518	2,957	3,089	2,658	2,796	2,721	32,258	2,688	138%	738
2011	2,506	2,625	3,779	3,046	3,318	2,971	3,021	3,267	3,259	3,298	2,341	2,561	35,992	2,999	112%	311
2012	2,789	2,316	3,555	2,608	2,418	1,958	2,407	2,932	2,430				23,413	2,601	87%	-398

Registrations Jan to date down 16% from 2011, down 3% from 2010, and up 38% from 2009.

Registration monthly average down 13% from 2011, down 3% from 2010, and up 33% from 2009.

DISPOSITIONS

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2009	1,609	1,599	1,780	1,556	1,533	1,780	1,827	1,867	1,919	2,354	2,005	2,991	22,820	1,902		
2010	2,210	2,634	2,764	2,707	2,534	2,949	2,352	2,657	2,647	2,853	2,565	2,360	31,232	2,603	137%	701
2011	2,601	2,626	2,583	2,546	2,994	3,447	2,361	2,860	4,116	3,804	3,130	3,022	36,090	3,008	116%	405
2012	2,917	3,106	3,407	2,747	2,310	1,816	2,653	3,087	2,709				24,752	2,750	91%	-257

Dispositions Jan to date down 5% from 2011, up 6% from 2010, and up 60% from 2009.

Disposition monthly average down 9% from 2011, up 6% from 2010, and up 45% from 2009.

BALANCE OPEN CASES

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2009	2,379	2,093	2,270	2,555	2,734	2,906	3,446	3,599	3,849	3,649	3,703	2,918	36,101	3,008		
2010	3,177	2,668	3,000	3,058	2,886	2,635	2,837	3,135	3,591	3,387	3,626	3,973	37,973	3,164	105%	156
2011	3,872	3,870	4,984	5,543	5,814	5,356	6,020	6,423	5,566	5,057	4,265	3,792	60,562	5,047	159%	1,882
2012	3,663	2,902	3,018	2,906	3,014	3,141	2,948	2,758	2,509				26,859	2,984	59%	-2,063

Open Balance Jan to date down 43% from 2011, same from 2010, and up 4% from 2009.

Open Balance monthly average down 41% from 2011, down 6% from 2010, and down 1% from 2009.

2011	59%	57%
2010	94%	100%
2009	99%	104%
<small>chg to 12 avg chg to 12 YTD</small>		

Board Member	1st	2nd	3rd	UI	DI	Ruling	Tax	1 Party	2 Party	Total
Alberto Torrico										
Sum	443	473	24	877	48	1	14	357	583	940
Percent	33%	36%	27%	34%	36%	50%	40%	35%	34%	
Kathleen Howard										
Sum	460	452	30	888	47	1	6	359	583	942
Percent	35%	34%	34%	34%	35%	50%	17%	35%	34%	
Robert Dresser										
Sum	117	83	35	221	12	0	2	76	159	235
Percent	9%	6%	39%	9%	9%	0%	6%	7%	9%	
Roy Ashburn										
Sum	311	321	0	592	28	0	13	224	409	633
Percent	23%	24%	0%	23%	21%	0%	37%	22%	24%	
Total Cases Reviewed:	1331	1329	89	2578	135	2	35	1016	1734	

*Off Calendar

Monthly Board Meeting Litigation Report - September 2012

AGENDA ITEM 9

<u>LITIGATION CASES PENDING</u>	TOTAL = 328
SUPERIOR COURT: Claimant Petitions.....	267
Employer Petitions.....	32
EDD Petitions.....	3
Non-benefit Court Cases	6
APPELLATE COURT: Claimant Appeals.....	13
Employer Appeals.....	4
EDD Appeals.....	0
Non-benefit Court Cases	1
ISSUES: UI.....	286
DI.....	19
Tax.....	14
Non-benefit Court Cases	9

2012 CALENDAR YEAR ACTIVITY - Benefit & Tax Cases

<u>LITIGATION CASES FILED</u>	<u>YTD</u>	<u>September</u>
SUPERIOR COURT: Claimant Petitions.....	99	10
Employer Petitions.....	19	1
EDD Petitions.....	0	0
APPELLATE COURT: Claimant Appeals.....	4	0
Employer Appeals.....	0	0
EDD Appeals.....	0	0
 <u>LITIGATION CASES CLOSED</u>	 <u>YTD</u>	 <u>September</u>
SUPERIOR COURT: Claimant Petitions.....	71	10
Employer Petitions.....	9	0
EDD Petitions.....	0	0
APPELLATE COURT: Claimant Appeals.....	5	0
Employer Appeals.....	0	0
EDD Appeals.....	0	0

2012 Decision Summary

<u>Claimant Appeals</u>		<u>Employer Appeals</u>		<u>CUIAB Decisions</u>		
Win: 13	Loss: 63	Win: 0	Loss: 9	Affirmed: 73	Reversed: 11	Remanded: 2

**California Unemployment Insurance Appeals Board
Timelapse Summary Report**

September 2012

STATEWIDE

UI Timelapse Performance	Sept'12	2012 Corrective Action Plan Goals*			Target
		3/31	6/30	9/30	Oct'12
Closed within 30 Days	50.0%	20%	35%	50%	60%
Closed within 45 Days	84.5%	55%	70%	75%	80%
UI Case Aging Performance					
Avg. Age of Pending Cases	27	32	31	31	30

* The 2012 Corrective Action Plan covers the federal fiscal year, from October 2011 through September 2012.

BY FIELD OFFICE

UI Timelapse Performance	Fresno	Inglewood	Inland	Los Angeles	Oakland	Orange County
30 Days	66.5%	29.6%	67.0%	56.5%	69.1%	73.5%
45 Days	89.8%	80.6%	93.0%	80.8%	91.9%	89.6%
UI Case Aging						
(Avg. Days Pending)	25	29	26	29	25	31
UI Timelapse Performance	Oxnard	Pasadena	Sacramento	San Diego	San Francisco	San Jose
30 Days	69.3%	5.6%	39.3%	8.1%	50.8%	70.7%
45 Days	91.6%	81.1%	84.4%	55.3%	93.6%	92.4%
UI Case Aging						
(Avg. Days Pending)	24	30	29	26	24	22

CUIAB 12/13 Fiscal Year Overtime/Lump Sum Payout - SCO Report
July 2012 through August 2012

Branch	FY Y-T-D Decision Typing		FY Y-T-D CTU Typing		FY Y-T-D Registration		FY Y-T-D Other	
	Hours	Pay	Hours	Pay	Hours	Pay	Hours	Pay
Appellate	204.30	\$5,957.55	289.25	\$9,195.89	413.50	\$11,368.17	858.25	\$23,463.87
Admin	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	13.00	\$440.80
IT	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	334.25	\$13,670.02
Exec	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
Project	10.00	\$462.70	0.00	\$0.00	10.00	\$462.70	32.00	\$1,442.10
Field	316.50	\$9,125.33	48.75	\$1,586.23	381.75	\$10,605.20	1,569.00	\$46,958.64
Total	530.80	\$15,545.58	338.00	\$10,782.12	805.25	\$22,436.07	2,806.50	\$85,975.43

Branch	12/13 Fiscal Year-to-Date Total Overtime Expenditures				FY 12/13 FY Projections	
	11/12 FY Allocation	Year-to-Date Hours	Year-to-Date Position Equivalent	Year-to-Date Pay	Allocation Balance	Estimated Expenditures Over-/Under
Appellate	\$71,338.00	1,765.30	0.85	\$49,985.48	\$21,352.52	-\$228,574.88
Admin	\$3,818.00	13.00	0.01	\$440.80	\$3,377.20	\$1,173.20
IT	\$35,711.00	334.25	0.16	\$13,670.02	\$22,040.98	-\$46,309.12
Exec	\$2,266.00	0.00	0.00	\$0.00	\$2,266.00	\$2,266.00
Project	\$10,165.00	52.00	0.03	\$2,367.50	\$7,797.50	-\$4,040.00
Field Operations	\$233,873.00	2,316.00	1.11	\$68,275.40	\$165,597.60	-\$175,779.40
Total	357,171.00	4,480.55	2.15	\$134,739.20	\$222,431.80	-\$451,264.20

Actual Monthly Average Personnel Year 12.93

12/13 Fiscal Year-to-Date Lump Sum Payout				
July 2012 through August 2012				
Branch	Year-to-Date Hours	Year-to-Date Position Equivalent	Year-to-Date Pay	
Appellate	0.00	0.00	\$0.00	
Admin	71.00	0.03	\$609.89	
IT	0.00	0.00	\$0.00	
Exec	873.00	0.42	\$53,439.41	
Project	0.00	0.00	\$0.00	
Field Operations	587.10	0.28	\$24,983.93	
Total	1,531.10	0.74	\$79,033.23	

10-8-12 vg



CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD
SPECIAL PROJECTS MATRIX
October 2012

California's economy is globally ranked with approximately 1.0 million business owners and 18.2 million workers. Currently, California, along with the nation, is experiencing an immense economic downturn with 2.0 million California workers out of work. These are unprecedented numbers for California and the nation. Given this current economic situation, we strive to better serve California's workers and business owners during a time when more than ever, they are in need of our services. Since January 2009, the Board has been focused on the appeal backlog and identifying work solutions that will help address the workload.

WORK PROCESS IMPROVEMENTS

Project & Description	Lead	Priority	Milestones	Goals	Status
<p>EDD/CUIAB Appeal Co-Location Pilot Exploring the co-location of four CUIAB staff at EDD's LA PAC to streamline appeals registration processing.</p>		High	<ul style="list-style-type: none"> Developed scope with EDD 07/2010 Connectivity established 08/2010 Train staff 09/20/2010 Launch Pilot 09/27/2010 Suspended due to freeze 10/04/2010 Relaunch 06/13/2011 	<ul style="list-style-type: none"> - Reduce claimants' & employers' wait time for hearing decisions. - Resolve appeal registration issues in a timely manner. 	<p>On 07/09/12, one Pasadena staff member was added and Inglewood FO appeals will be added on 9/10/12. Co-Location is registering for Inglewood, Los Angeles, Pasadena, Sacramento, and San Diego.</p>
<p>US Department of Labor Taskforce For nine years, CUIAB has failed to meet US DOL timeliness standards for UI appeals. California is ranked 51st among 53 states and US territories on time lapse and case aging standards. In late 2008, US DOL placed CUIAB under a corrective action plan with oversight by a taskforce of US DOL, EDD & CUIAB representatives.</p>		High	<ul style="list-style-type: none"> Appeal program review 07/27-31/2009 DOL report 02/05/2010 LWDA response 03/10/2010 Two yr AI Risk CAP 07/15/2010 Site visit 04/18/2012 	<ul style="list-style-type: none"> - Meet DOL time lapse measures. - Meet DOL case age measures. 	<p>CA removed from corrective action on average case age for first level appeals. September 2012 Performance – first level</p> <p>30-day – 50% (60%) 45 day – 85% (80%) Avg Age – 27 days (30 days)</p> <p>Second level Avg age – 49 days (40 days)</p>

TECHNOLOGY

Project & Description	Lead	Priority	Milestones	Goals	Status
Collate Decision Print Jobs Reduce a manually collated appeal decision print jobs to one print job to save staff time.	Hugh Harrison Julie Krebs Lori Kurosaka Faye Saunders	On Hold		<ul style="list-style-type: none"> - Reduce claimants' & employers' wait times for benefits and adjustments. - Reduce cycle time for appeals process. 	Programming completed and testing is in progress. Solution will be implemented with new E-CATS release date pending.
CUIAB Network Upgrade This upgrade will double the bandwidth for faster processing of appeal data and information for ALJs and staff.	Rafael Pilaoncia	High		<ul style="list-style-type: none"> - Reduce cycle time for appeals data flow and document saving. 	Meeting with EDD IT to explore options & alignment with Agency network consolidation efforts. Design plans are completed.
Dictaphone Integration Consolidating data & audio files on CATS for appeal cases for improved access.	Faye Saunders	High			Will be released with E-CATS.
Digital Imaging EDD mails hard copy documents to CUIAB when an appeal is filed. CUIAB will collaborate with EDD to image documents and records relating to all appeals and design an electronic exchange.	Lori Kurosaka	High	Kick off 11/2010 FSR completion 02/2011 Potential BCP 02/2011 Procurement 04/2011 FSR in review 03/14/2011 FSR in review 11/30/2011	<ul style="list-style-type: none"> - Reduce paper files prepared & sent by EDD. - Increase information security. - Reduce paper file storage space needs & costs at CUIAB. - Reduce postage costs. - Increase federal performance. 	Draft FSR submitted to Agency on 07/31/2012. Agency will assist on funding strategies. Working with Agency for alternative scope strategies.
E-CATS Enhanced CA Appeal Tracking System is the modernization of CUIAB's legacy appeals tracking system. In-house IT staff are developing the system on a Microsoft web application framework.	Faye Saunders	High			Users will see enhancements such as new and improved screen search, efficiency in decision printing, and IT ability to roll-out updates via the internet. Testing is in progress. Implementation scheduled for November 2012.
Electronic Case Management CUIAB's case tracking database is 10 years old and cumbersome to manage the current workload volume. CUIAB is collaborating with LWDA & EDD to develop an integrated case management system.	Lori Kurosaka Janel Maglinle	On Hold	LWDA, EDD & CUIAB approved FSR & project strategy in 10/2010. Kick off 05/2011.	<ul style="list-style-type: none"> - Receive appeals case documents electronically from EDD. - Eliminate internal mailing of case documents 	Project Team is revisiting the FSR to update and complete by end of fiscal year. Will begin product research and demos each month.
E-Decision Review for ALJs In-house development for electronic appeal decision review process.	Faye Saunders	High			Performing business analysis for requirements gathering.

TECHNOLOGY cont.

Project & Description	Lead	Priority	Milestones	Goals	Status
<p>EDD CCR Interface As a part of EDD's UI Modernization Project, CUIAB is building an interface with the Continued Claims Redesign Project under development. Primary data exchange will include address change updates.</p>	Faye Saunders	High		<ul style="list-style-type: none"> - Eliminate paper exchange process with EDD. - Increase worker information security. 	EDD's CCR implementation is scheduled for March/April 2013. Testing solution with EDD.
<p>Expand Auto Dialer Hearing Reminder Adding email and cell phone text features for supplemental hearing notifications.</p>	Rafael Placencia	On Hold	<p>Updated software. Final testing 08/2010. Implemented 09/2010. Implemented email reminders 04/2011. Revised 10/2011.</p>	<ul style="list-style-type: none"> - Increase hearing attendance rate & productivity. 	
<p>Explore Feasibility to Use EDD Mail Center Within three months, Field Operations wants to explore feasibility of mailing decisions and notices via the EDD Mail Center to take advantage of bulk postal discounts and save staff resources.</p>	Hugh Harrison Lori Kurosaka Faye Saunders	High		-	Held planning meeting with EDD on 04/12/2012 for requirements gathering and costing. Identifying existing model costs and estimating project cost estimates. Held requirements gathering session with FO & AO on 05/02/2012. Design session on hold due to other IT priorities. AppDev is requesting purchase of software to expedite coding for this process.
<p>Field Office Technology Enhancements Investing and testing use of larger sized monitors for hearing rooms. Provide second monitors for support staff to toggle into SCDB without interrupting their CATS.</p>	Rafael Placencia	Medium	Complete procurement	<ul style="list-style-type: none"> - Improve readability of documents on screen. 	Hardware deployment
<p>Field Office Telephone Tree Field Operations will test the use of phone menu options to answer routine constituent calls. This will allow support staff to spend more time on the non-routine calls.</p>	Rafael Placencia	Medium	Develop standard automated phone tree to be used for all FO's Pilot new phone tree in the Inland FO	<ul style="list-style-type: none"> - Reduce claimants & employers time on phones. - Standardize hearing information provided by phone. 	Standard phone tree design completed. Pilot began in the Inland FO.
<p>EDD Flat File Expansion The nightly data file of UI, DI, and PFL appeal transmittals will be expanded to include data for the entire UI macro print jobs. This expanded data will allow CUIAB to calendar hearings before paper transmittal arrives.</p>	Lori Kurosaka Faye Saunders	High		-	Gathering business requirements with Judicial Advisory Council 10/16/2012.

TECHNOLOGY cont.

Project & Description	Lead	Priority	Milestones	Goals	Status
<p>Hearing Scheduling System Currently, FO & AO support staff schedule or assign appeal hearings or cases using a hybrid manual process. Appellate, Field & IT staff observed an EDD demon on their UI Scheduling System.</p>	Lori Kurosaka Faye Saunders	On Hold	Charter & scope completed Kick off 10/14/2010. Requirements 2/2011 Testing began 01/2012 AO Implementation 04/26/2012	<ul style="list-style-type: none"> - Reduce claimants & employers wait time for hearing decisions. - Provide easier electronic process for staff to calendar hearings or schedule cases. 	IT team visited 11 FOs in June & July to gather business requirements. Last two FOs will be visited in August 2012. Design document will be vetted with FO Steering Council in September 2012.
<p>LWDA Network Consolidation To comply with OCIO Policy Letter 10-14, the LWDA Departments & Boards are developing a network consolidation plan that must be completed by June 2013.</p>	Rafael Placencia	Medium	LWDA Workgroup develops migration plan. Consensus on migration plan. Implementation	<ul style="list-style-type: none"> - Improve IT efficiency & effectiveness. - Improve security. - Reduce IT costs by using shared service models. - Reduce greenhouse gas emissions. 	The migration plan is completed and a cost model has been developed.
<p>Personal Productivity & Mobility Pilot for Board Members, Appellate & Senior Staff Testing use of new mobile, paperless technology with Board Members, six Appellate ALJs, and Senior Staff.</p>	Rafael Placencia	On Hold due to air card limitations	OCIO approval for procurement. Testing equipment with Board.	<ul style="list-style-type: none"> - Reduce the use of paper for board appeal processing and board meetings. 	Scoped down due to GO directive on cell phone (air card) reductions.
<p>Printer Standardization Standardizes the use of printers throughout the organization as they are replaced. This will reduce maintenance and toner costs through the printers lives.</p>	Rafael Placencia	Medium		<ul style="list-style-type: none"> - Reduce maintenance & support costs. - Reduce toner costs. 	Researching feasible equipment. Standards are in place for light, heavy, color, and multi-function printers.
<p>Refresh Bench & Conversion CUIAB's intranet site is under refresh and conversion to SharePoint 2010 software. This software will provide easier updates and content.</p>	Faye Saunders	Medium		<ul style="list-style-type: none"> - Improve internal communication tool for CUIAB employees. 	Secured consultant to build a new SharePoint server in early September 2012. Migration of current content completed in August. IT is working with different programs to update the content of their pages. All contents must be updated by November.
<p>VOIP Telephony CUIAB is exploring use of Voice Over Internet technology to provide lower cost telecommunications.</p>	Rafael Placencia Janet Maglante	On Hold	09/17/2011 Completed 23 out station hearing facilities.	<ul style="list-style-type: none"> - Elimination of long distance toll calls - Consolidation of telecommunications support areas. 	On hold 07/2011. IT staff are preparing business analysis for feasibility of further implementation.

STAFFING, FACILITIES, EQUIPMENT & OTHER

Project & Description	Lead	Priority	Milestones	Goals	Status
<p>Archive File Document Conversion Each FO is retaining three years of completed paper appeal case files that are sitting in considerable real estate space. The file room space may be easily converted to ALJ offices or hearing rooms.</p>	<p>Lori Kurosaka Pat Houston</p>	<p>High</p>	<p>MSA vendor contract executed 01/20/10. OC, Inland, LA, Oxnard, San Jose, San Diego, LA, Sacro, SF, Appellate complete Vendor quality checks 04/05, 05/05, 08/19 Vendor quality check 05/09</p>	<p>- Recapture real estate space for ALJ offices and hearing rooms. - Priority conversion for OC, Inland, LA, San Jose & Oxnard.</p>	<p>Extended vendor contract to 12/31/2012. CUIAB IT working on solution to scan files in FO.</p>
<p>Judicial Advisory Council Established an advisory council of two Presiding Judges & three ALJs to seek input on major technology development.</p>	<p>Lori Kurosaka Janet Maglino</p>	<p>High</p>	<p>07/2011-Completed business requirements for case management system.</p>	<p>- Design comprehensive technology systems with input from judicial users.</p>	<p>Updating business requirements for imaging & workflow system. Testing ergonomic furniture to help judges to adopt new technology. Scheduling mini-design sessions from September – December 2012 to begin workflow design.</p>
<p>Performance Management Tools for Board & Leadership Develop additional reporting tools that the Board & Leadership will use to monitor overall appellate performance and appeal process cycle times. These tools will also help to measure success with the large scale technology projects.</p>	<p>Janet Maglino</p>	<p>High</p>	<p>Business case metrics for Imaging Business case metrics for case management Tested report template designs with IT.</p>	<p>- Design comprehensive technology systems with input from staff users.</p>	<p>Design & test Appellate Operations cycle time and case aging reports is pending completion of the E-CATS project. Field Operations performance indicator reports are complete.</p>
<p>Staff Advisory Council Established an advisory council of six Field Operations staff and two Appellate staff to seek input on major technology development</p>	<p>Lori Kurosaka Janet Maglino</p>	<p>High</p>			<p>First assignment is to redesign appeal forms as smart forms. Scheduling mini-design sessions from September – December 2012.</p>
<p>Transforming CUIAB Engage a consultant to help plan and guide the leadership team through organizational change management. A consultant will assist with defining organizational structure, proactive communications with stakeholders, identify staff skill sets needed for new technology, etc. to maximize user acceptance of new technology.</p>	<p>Rafael Piaccencia Pam Boston Lori Kurosaka</p>	<p>High</p>	<p>Release RFO 03/18/2011 Rerelease RFO 05/12/2011 Bids due 05/31/2011. Intent to award 06/10/2011. Deliverable 1 completed 10/2011. Deliverable 2 completed. Deliverable 3 completed 07/31/2012. Deliverable 4 completed 09/26/2012. Deliverable 5 completed 08/23/2012. Deliverable 6 completed 09/28/2012.</p>	<p>- Plan, design and implement organizational design for the large scale technology projects. - Plan and coordinate communications with all stakeholder groups.</p>	<p>Vendor delivered as-is & to-be job duty functions for pre and post technology. This product will be used to determine what job duty statements will look like and what classifications are necessary after implementation. The next deliverable is under review with the Steering Council.</p>

COMPLETED PROJECTS

Project & Description	Lead	Priority	Milestones	Goals	Status
Administration Branch Move To leverage headquarters space, a part of Administration Branch staff will be housed on the first floor @ Venture Oaks.	Janet Maglinle Pam Boston	High	Tenant improvements done. Modular furniture installed.	-	This move will accommodate space needs for Personnel. IT move completed. Personnel move scheduled for 06/10/2011.
ALJ & Board Member Training Curriculum is being developed to address federal and state policy changes such as extended unemployment benefits program.	Alberto Roldan Jorge Carrillo	High	Implement new curriculum 11/15/2009	-	Developing webinar training to update ALJs on federal policy & regulation changes to be available in 12/2009. New curriculum introduced in new ALJ training in 11/2009. Board Member curriculum delivered 12/2009.
ALJ Mobility Pilot Provides mobile equipment to conduct hearings in remote locations.	Rafael Placencia	Medium	Inland complete Training 03/2010 LA complete 12/2010 All FOs completed 03/2011.	-	
Auto Dialer Hearing Reminder FO experienced over 30% "no show" rate of appellants for scheduled hearings. To increase hearing attendance, CUIAB developed computerized auto dialing hardware and software to call claimants and employers with reminders 48 hours prior to scheduled hearing dates.	Rafael Placencia	High	System design 05/2009 Procurement 06/15/2009 Configuration & testing 06/30/2009 Implementation 07/01/2009	- Increase hearing attendance. - Increase phone hearing schedule. - Reduce duplication of work from reopening cases and rescheduling hearings.	Tested hardware/software 07/2009. Implementation was on 07/22/2009. Post-implementation "no-show" rate now at 22%.
Business Process Reengineering EDD & CUIAB established joint project team to solicit a vendor to review and document current appeals processes in light of EDD's technology efforts to ensure CUIAB aligns with new models. Vendor will offer new appeal business models for consideration and to lead to business and procurement requirements.	Lori Kurosaka	High	Vendor on site 06/21 Kick off 06/23 As is delivered 08/2010 To be deliverable 09/2010 Gap analysis 09/2010	- Reduce claimant & employer wait time for appeals decisions. - Reduce paper & postage costs. - Increase information security. - Increase federal performance measures.	Received DOL SBR grant to fund the entire effort. EDD/CUIAB joint kick off on 06/23. Vendor held leadership vision checks with CUIAB (08/19/2010) & EDD (08/31/2010). Final deliverables accepted 10/18. Provided briefing sessions with key stakeholders – LWDA, DOL, OCIO, etc.
Archive File Document Conversion Each FO is retaining three years of completed paper appeal case files that are sitting in considerable real estate space. The file room space may be easily converted to ALJ offices or hearing rooms.	Lori Kurosaka Pat Houston	High	MSA vendor contract executed 01/2010. OC, Inland, LA, Oxnard, San Jose, San Diego, LA, Sacto, SF. Appellate complete Vendor quality checks 04/05, 05/06, 08/19. Vendor quality check 05/09	- Recapture real estate space for ALJ offices and hearing rooms. - Priority conversion for OC, Inland, LA, San Jose & Oxnard.	Extended vendor contract to 12/31/2012. CUIAB IT working on solution to scan files in FO.

COMPLETED PROJECTS Cont.

Project & Description	Lead	Priority	Milestones	Goals	Status
<p>Case Process Time Analysis CUIAB conducted a detailed analysis of the steps in the first- and second-level appeal process. This helps to identify areas to streamline and maximize efficiencies.</p>	Steve Egan	Medium	Appellate analysis to be completed by 06/15/2009.	<ul style="list-style-type: none"> - Increase federal performance measures. - Reduce wait time for claimants & employers. 	Field analysis completed on 04/29/2009. Appellate analysis completed 06/30/2009. Both products were shared with US DOL & EDD.
<p>Court Case Database Conversion Update the writ of mandate database with web-based software for easier reporting and software and database upgrade deployment.</p>	Faye Saunders	Medium		<ul style="list-style-type: none"> - 	Database conversion completed. Working on a few enhancements for Legal Office.
<p>Dragonspeak Software Pilot Piloted use of voice to text software to dictate appeal decisions with 21 ALJs. Software helps reduce hub typing by support staff and expedite the mailing of appeal decisions to claimants and employers.</p>	Alberto Roldan	High		<ul style="list-style-type: none"> - Reduce decisions being typed in the hubs. - Reduce wait time for claimants & employers. 	3 ALJs in AO, 17 ALJs in FO and 1 in Office of Chief piloted the software. The software will be introduced at all new ALJ training beginning 09/2009.
<p>Electronic Appeal Decisions CUIAB Field staff manually sort and prepare appeal decisions for mailing to the appellants and EDD. CUIAB and EDD are jointly developing electronic solutions for the transfer of appeal decisions to all EDD programs.</p>	Lori Kurosaka	High	EDD/CUIAB workgroup launched 08/18/2009 Unisys contract award 01/2010 Phase I implementation 04/14/2010 (second level) Phase II design 05/03/2010 (first level) Phase II implementation 09-10/2010 Phase III tax implementation 10/21/2011 Phase IV DI/PFL implementation 12/21/2011	<ul style="list-style-type: none"> - Reduce claimants' & employers' wait times for benefits and adjustments. - Reduce postage and paper costs. - Increase information security for claimants & employers. 	Phase III delayed due to EDD's ACES implementation and DI staffing constraints on 11/2010, 01/2011, 03/2011, 04/2011 & 05/2011. Participated in three design sessions 07/-08/2011 with EDD Tax, DI & IT. DI/PFL testing completed 12/19/2011.
<p>Electronic Transmission of Board Appeals to FO Currently, Presiding Judges receive hard copies of all board decisions for review to help identify ALJ training needs. This solution will transmit the decisions electronically to the PJs.</p>	Rafael Placencia Faye Saunders	High	Completed 03/2011.	<ul style="list-style-type: none"> - Eliminate the mailing of hard copy decisions to CUIAB Field Offices. - Increase information security. - Save paper and postage costs. 	

COMPLETED PROJECTS Cont.

Project & Description	Lead	Priority	Milestones	Goals	Status
<p>Enhance E-Dec System for Paperless Decision Processing Replicate Field Operations typing hub for Appellate Operations. Provides electronic access to decisions by Appellate ALJs and decision typists for typing, review, edits, etc.</p>	Rafael Placencia Jorge Carrillo	High	Specification meeting 04/29/2010 Demo 05/05/2010	<ul style="list-style-type: none"> - Eliminates typist wait times in receiving hard copy folders with digital audio decisions. - Reduces wait time for claimants & employers. 	IT began pilot phase.
<p>Enhance Wireless Connections CUIAB will upgrade 12 Field Offices and 3 large out-station offices for wireless connection. This will provide faster laptop and PC response times for ALJs in hearing rooms and offices.</p>	Rafael Placencia	High	Procure "hot spot" connectivity boosters. Install boosters. All FOs completed 03/2011.	<ul style="list-style-type: none"> - Seamlessly connect to CUIAB network via mobile devices. 	
<p>Enhancing Information Security CUIAB appeal forms and mailings include printing of Social Security Numbers as identifiers. CUIAB is experiencing a high number of security incidents due to errors with mailing addresses.</p>	Rafael Placencia	High		<ul style="list-style-type: none"> - Increase information security for claimants and employers. 	IT developed programming to remove the SSN from all CUIAB mailings. User testing successfully completed. Changes in production on 02/09/2010 with a new release of CATS.
<p>Expansion of DragonSpeak Software Currently, 60 ALJs in FO & AO are using the voice to text software to dictate appeal decisions in result of the pilot and training. CUIAB is offering the use to all ALJs and provide a training schedule statewide.</p>	Alberto Roldan Rafael Placencia Pam Boston	High	Procure additional licenses Develop training schedule & technical assistance follow up. Implement new licenses.	<ul style="list-style-type: none"> - Reduce decisions being typed in the hubs. - Increase federal performance. - Reduce claimants & employers wait time for decisions. 	DOL approved funding for expansion at \$148,000 for 60 licenses. CUIAB matched funding for 30 additional licenses. IT rolled out software in 03/2010. Admin followed with ALJ training sessions from 03/2010 to 06/2010 with vendor-developed custom software training for ALJs.
<p>Expansion of Information Technology Infrastructure To align with the State CIO & CA Labor & Workforce Development Agency CIO strategic technology plans, CUIAB needs to update its IT infrastructure to pursue further technology projects.</p>	Rafael Placencia	High	System design 09/2009 Procurement 10/2009 Configuration & test 10/2009 Implementation 07/2010	<ul style="list-style-type: none"> - Reduce the complexity of the WAN by standardizing circuit types. - Provide faster throughput for centralized computer services - Lower administrative cost. - Align with Agency WAN consolidation. 	System design completed 07/2009 DOL approved funding at \$310,000. Sacto & OC were first priority.
<p>Hearing Room CUIAB will partner with Division of Workers' Compensation to use their underutilized hearing rooms across the state.</p>	Alberto Roldan Pam Boston Pat Houston	High	Executed contract for 3 Oakland hearing rooms from 12/2009 Executed contract for So Ca	<ul style="list-style-type: none"> - Increase facility capacity for hearings. - Increase federal performance. - Reduce wait time for claimants & employers. 	Hearing rooms secured in Van Nuys, Oxnard, and San Diego.

COMPLETED PROJECTS CONT.

Project & Description	Lead	Priority	Milestones	Goals	Status
<p>IT Asset Management Improvement Updated tracking of IT assets with an automated system. This item was a recommendation noted in the Bureau of State Audits Report 2008-103.</p>	<p>Rafael Placencia</p>	<p>Medium</p>	<p>Implement 08/2009 Transition assets to IT 09/2009 Draft & implement policies & procedures 09/2009 Conduct training 11/2009</p>	<ul style="list-style-type: none"> - Replace manual IT asset management system with new automated system. - Improve tracking of IT assets & aging. - Reduce asset management processing time by 50%. - Provide easier access to training resources & ALJ tools. 	
<p>Insight – Professional Development Develop an intranet-based judicial training site to serve as a clearinghouse for all judicial training materials, sample decisions, other ALJ tools, and colleague insights on laws and appeals.</p>	<p>Alberto Roldan Angela Bullard</p>	<p>High</p>	<p>Launched 10/24/2011.</p>	<ul style="list-style-type: none"> - Provide easier access to training resources & ALJ tools. 	
<p>Interim Access to SCDB/TAS CUIAB IT & EDD IT partnering to provide connectivity to EDD's Single Client Database for FO inquiry use - address updates, claim info, employer account updates, proper appeal documents, etc.</p>	<p>Rafael Placencia</p>	<p>Medium</p>	<p>EDD CIO strategy plan 01/29/2010. Security & connectivity tests in Sacramento 05/06/2010 MOU executed 06/24.</p>	<ul style="list-style-type: none"> - Validate claim information and appeal registration in real time. - Reduce wait time for claimants & employers. - Increase federal performance. 	<p>Interim solution until both EDD & CUIAB are on the same network infrastructures and imaging systems. MOU executed. Training module received on 08/25/2010 from UI Branch. CUIAB delivered training in FO 11 & 12/2010.</p>
<p>Mass Calendaring In each FO, a team of 3 to 4 ALJ IIs are assigned a mass calendar of more common, routine UI appeal hearings. Rather than scheduling one hearing for a time slot, the mass calendar schedules three hearings to maximize case calendar time.</p>	<p>Alberto Roldan</p>	<p>High</p>		<ul style="list-style-type: none"> - Increase case completions. - Increase federal performance measures. - Reduce wait time for claimants & employers. 	<p>Beginning 10/2009, all Field Offices will be holding mass calendars two weeks each month. Mass calendars will be scheduled for both ALJ Is and ALJ IIs.</p>
<p>Overcalendaring System Beginning 09/24/2009, all ALJs, during regular calendar weeks, will be assigned additional 4 -5 appellants per week per ALJ. This overcalendaring will offset lost productivity created by appellants not showing for hearings. In place in addition to mass calendars alternating weeks.</p>	<p>Alberto Roldan</p>	<p>High</p>		<ul style="list-style-type: none"> - Liquidate the appeal case backlog in FO - Increase federal performance measures. - Reduce wait time for claimants & employers. 	<p>This new procedure was put into place on 09/24/2009 for hearing calendars two weeks out. We will monitor results over the next few months.</p>
<p>Paperless Pilot Project When a board appeal is filed, the hard copy case file is mailed to AO for processing. To expedite this case transfer, CUIAB will pilot the transmission of electronic case files from one Field Office to AO.</p>	<p>Pam Boston Alberto Roldan Jorge Carrillo Luis Rodriguez</p>	<p>High</p>	<p>System design 03/2009 Procurement 06/2009 Configuration & testing 07/2009 Implement Phase I 09/2009 Implement Phase II 10/2009</p>	<ul style="list-style-type: none"> - Expedite the transfer of board appeals from FO to AO. - Reduce wait time for claimants & employers. - Increase federal performance. 	<p>AO developed a monthly report that measures the time it takes FO to transmit board appeals and case files to AO. Daily scanning in Orange County FO began 10/01/09. OC transfer rate has fallen from 4 days to 1.9 days.</p>

COMPLETED PROJECTS CONT.

Project & Description	Lead	Priority	Milestones	Goals	Status
Phase I – Workload Reduction Plan In 2008, the Board & management team developed a workload reduction plan to address the increase in cases and the time lapse and case aging standards.	Pam Boston Alberto Roldan Jorge Carrillo		Board approval Hire 21 ALJ Is in FO 05/2009 Hire 21 Support FO 05/2009 Hire 10 ALJ Is FO 08/2009	<ul style="list-style-type: none"> - Liquidate appeal case backlog in FO - Liquidate appeal case backlog in AO - Increase federal performance measures. 	All Phase I hires completed.
Phase II – Workload Reduction Plan Hired additional staff to address workload and phased ALL training.	Pam Boston Alberto Roldan Jorge Carrillo		Board approval Hire 40 ALJ Is by 06/2/2009 Hire 40 support by 06/2/2009	<ul style="list-style-type: none"> - Liquidate FO appeal case backlog. - Liquidate AO appeal case backlog. - Meet time lapse & case aging stds. 	
Phase III – Workload Reduction Plan	Pam Boston Alberto Roldan Jorge Carrillo	High	Board approval Hire 4 ALJ PIs in AO Hire 6 Support in AO Hire 30 ALJs in FO Hire 40 Support in FO	<ul style="list-style-type: none"> - Liquidate the appeal case backlog. - Reduce wait time for claimants & employers. - Increase federal performance. 	AO completed 4 FT ALJs and 4 PI Support Staff. FO has filled 29 ALJs and 28 Support Staff. All offices are actively recruiting, and anticipate having most of the PFT positions filled by 4/30/10.
Reduce Decision Typing Backlog CUIAB will partner with LWDA & EDD to borrow typists on Furlough Fridays, Saturdays &/or Sundays to help reduce decision typing backlogs in FO & AO. CUIAB is converting the Sacramento Training Room into a temporary mini-hub.	Alberto Roldan Jorge Carrillo Pam Boston Lori Kurosaka	High	Test equipment & training with small group 10/09 Mini-hub full group 10/16 FO decision typing liquidated by 11/13/2009	<ul style="list-style-type: none"> - Reduce wait time for claimants & employers. - Increase federal performance. 	49 CUIAB Headquarters staff began 10/12 & 20 EDD staff began 10/16. Transitioned hub to AO transcript typing on 11/13. Transcription backlog reduced by 50% by 01/15/2010. OAL stenographer contract in place to assist with transcription.
Refresh Forms & Pamphlets Update CUIAB forms and pamphlets.	Steve Egan-FO Luis Rodriguez AO	Medium	Draft procedures for FO staff. Implement data collection. Enhance auto dialer with new data mining.	<ul style="list-style-type: none"> - Update, summarize, clarify and consolidate public information on CUIAB website. 	Draft Hearing Info Pamphlet completed 05/09. Pending FO review. Draft AO FAQs completed. In final review. DE 1000 revised for cell phone & email collection. CATS drop down fields already in place.
Regulatory Revisions To eliminate 18 days of waiting time in board appeals, CUIAB is pursuing regulatory changes to require parties to exercise their rights earlier in the process.	Jorge Carrillo Ralph Hilton Kim Hickox Rafael Placencia	Medium	Board Approval OAL submission Develop forms IT reprogramming OAL approval 02/15/2010 Implement 05/2010	<ul style="list-style-type: none"> - Reduce board appeal processing time in AO. 	The Board held two public hearings for public comment – one in Northern CA & one in Southern CA. Draft regulation revisions adopted by the Board at the 10/2/2009 meeting. OAL published the draft regulations for public comment ending 02/15/2010. CUIAB also mailed drafts to interested parties. AO staff are working with IT staff to update all board appeal acknowledgement letters and any other applicable letters.
Sacramento Headquarters Construction CUIAB Headquarters experienced construction delays for seven hearing rooms.	Pam Boston Ralph Hilton	High	Locate seven hearing rooms with other state agencies.		Construction complete and hearings began 01/19/2010.

COMPLETED PROJECTS Cont.

Project & Description	Lead	Priority	Milestones	Goals	Status
Streamline Appeal Registration EDD & CUIAB established a joint workgroup to improve the appeal registration process that occurs at both EDD & CUIAB. The current process takes about 15 days before an appeal is ready to calendar for hearing.	Lori Kurosaka	High	Recruit FO staff Visit PACs & CUIAB FOS to review processes. Brainstorm solutions. Recommendations to Execs	<ul style="list-style-type: none"> Eliminate duplication in process. Increase efficiencies. Increase federal performance measures. Reduce wait time for claimants & employers. 	Workgroup launched on 11/20 with office visits on 12/10 & 11 Sacto and 01/14 & 15 in OC. EDD & CUIAB met on 02/18 to debrief and discuss potential solutions. Recommended solutions are under development.
Telephone Hearings Field Operations is testing the use of phone hearings to provide better access particularly to UI claimants who lack transportation to a hearing or have secured new employment. This also helps employers by allowing them to remain on their business premises during business hours.	Alberto Roldan	High		<ul style="list-style-type: none"> Increase hearing attendance by claimants & employers. Increase federal performance measures. Reduce wait time for claimants & employers. 	
Video Production Developed a 5 minute video to demystify the appeal hearing process. The video is looped in hearing office reception areas and available via the internet.	Steve Egan	High		<ul style="list-style-type: none"> Familiarize parties with the hearing process. Educate parties on presenting their cases at hearings. 	PowerPoint slide presentation is complete. DGS Studio Director Stella Garin completed film shoot on 06/19. Editing completed & DVD delivered 07/08/2009. Posted to CUIAB website on 09/01.
WAN Acceleration Implement a networking technology known as Wide Area Acceleration Services (WAAS) to speed up the transferring of data over the Wide Area Network.	Rafael Placencia	High	System design 06/2009 Procurement 07/2009 Configuration & testing 08/30/2009 Implementation 10/1/2009	<ul style="list-style-type: none"> Reduce computer response time when accessing files over WAN links Increase productivity of staff by improving opening and closing of documents over the WAN 	System Design Complete. Implementation occurred in San Jose, Inland, Fresno, Inglenwood, Oakland, Pasadena, and San Francisco. Phase II is complete.
Workstation Refresh Replace the 150 remaining PCs that have expired warranties throughout the state.	Rafael Placencia	High	Completed deploy to Admin staff.		Preparing procurement documents.

CANCELLED PROJECTS

Project & Description	Lead	Priority	Milestones	Goals	Status
Digital Personnel System This project creates a paperless process for recruitment and hiring process between HR and hiring managers (Phase I). Phase II will use CUIAB's external web site to accept electronic application filing for CUIAB job vacancies.	Rafael Placencia	Medium Cancelled	Phase I design 05/2009 Phase I implementation 06/2009 Phase II design 08/2009 Phase II implementation 09/2009	<ul style="list-style-type: none"> Replace existing manual process to full paperless process Eliminate the mailing of applicant documentation Reduce staff time hire transactions 	Phase I is in use. Phase II is in development.



CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD
P O Box 944275
SACRAMENTO CA 94244-2750

SHARIF J DAVIS
Claimant

TIME WARNER NY CABLE LLC
c/o TALX - EMPLOYER SERVICES
Account No.: 266-5864
Employer-Appellant

Case No.: **AO-260877**

OA Decision No.: 3673419
EDD: 0060 BYB: 02/06/2011

DECISION

Attached is the Appeals Board decision in the above-captioned case issued by Board Panel members:

ROBERT DRESSER

ALBERTO TORRICO

KATHLEEN HOWARD

ROY ASHBURN, Dissenting

This is the final decision by the Appeals Board. The Appeals Board has no authority to reconsider this decision. If you disagree with the decision, please refer to the information attachment which outlines your rights.

Date Mailed:

OCT. 05 2012

Case No.: AO-260877
Claimant: SHARIF J DAVIS

The employer appealed from the decision of the administrative law judge that held the claimant not disqualified for unemployment insurance benefits under section 1256 of the Unemployment Insurance Code and ruled the employer's reserve account was not relieved of benefit charges. The administrative law judge's decision also impliedly held the claimant not disqualified for benefits under code section 1256.4.¹

ISSUE STATEMENT

The issues presented in this case are:

1. Whether the claimant was discharged from his most recent employment due to behavior that constituted misconduct connected with such work;
2. whether the claimant was discharged from his most recent employment due to behavior that was attributable to an irresistible compulsion to consume intoxicants, and,
3. whether the employer's reserve account is subject to charges for benefits paid or payable to the claimant.

FINDINGS OF FACT

Prior to filing his claim for benefits, the claimant was most recently employed by the employer as a customer service escalation specialist earning \$15.06 per hour. The employer is a cable company. The claimant worked at a help desk responding to telephone inquiries from customers concerning their cable service. The claimant had been employed by the employer for approximately three years when he was discharged under the following circumstances.

¹ Unless otherwise noted, all code references are to the Unemployment Insurance Code. Code section 1256.4 disqualifies for benefits any claimant who is discharged from his or her most recent work for chronic absenteeism due to intoxication, reporting for work while intoxicated, using intoxicants on the job, or gross neglect of duty while intoxicated, when such behavior is caused by an irresistible compulsion to use or consume intoxicants, including alcoholic beverages.

At the time of hire, the claimant was made aware of the employer's written "Drug Free Workplace" and "Post Accident Substance Testing" policies. The employer's "Drug Free Workplace Policy" provides, in pertinent part, as follows:

[The employer] is committed to protecting the safety, health, and well being (sic) of all employees and other individuals in our workplace. It is the policy of [the employer] to prohibit the unlawful manufacture, distribution, possession or use of a controlled substance during company time, on [the employer's] premises or other work sites where employees may be assigned. The [employer] further prohibits the use, sale, possession, distribution, manufacture or the transfer of controlled substances during nonworking time to the extent such use impairs an employee's ability to perform his/her job or where such use, sale, possession, distribution, manufacture, or transfer affects [the employer's] reputation with the general public.

The employer's "Post Accident Substance Testing Policy" provides, in pertinent part, as follows:

[The employer] expects employees to report to work in the physical and mental condition to perform their duties safely and efficiently. Consequently, [the employer] is committed to providing a working environment free of problems associated with the use and abuse of legal and illegal controlled substances and alcohol. Work related vehicular accidents and workers' compensation injuries will require a post accident substance test....Employees who tests (sic) non-negative for either drug or alcohol will be terminated immediately.

The claimant was experiencing stress and anxiety due to a variety of reasons, including some that were work-related. On January 25, 2011, the claimant met with the employer's human resources manager for the purpose of learning what options existed for the claimant obtaining time off from work in order to better cope with his condition. As a result of that discussion, the claimant decided to open a workers' compensation claim based on his stress-related problems and proceeded to the nearby clinic that handled such matters for the employer.

Upon arriving at the clinic, the claimant was required by clinic personnel to submit to a drug screen urinalysis test. He was required to do so on the ground that it is the employer's policy that an employee opening a workers' compensation claim be required to participate in such testing regardless of whether the claim is based on injury or illness. The employer's stated reason for that policy is the employer's interest in a drug-free workplace. The claimant was initially unwilling to undergo such testing. He only submitted to the drug screen

test after he was advised that a failure to do so would result in the termination of his employment.

Since the result of that test was "non-negative," the test specimen obtained on January 25, 2011 was sent to a separate facility for further analysis. On February 1, 2011, both the claimant and the employer were notified that such further analysis had resulted in a positive test result for marijuana use by the claimant. Due to the positive January 25, 2011, drug screen test result, the employer discharged the claimant effective February 8, 2011. The claimant thereafter opened his claim for unemployment insurance benefits with the Employment Development Department (EDD).

On February 23, 2011, a representative of EDD interviewed the claimant by telephone. The representative's record of that interview reflects the claimant's contentions that the claimant was discharged due to a positive drug screen test result and that the test result is incorrect because the claimant "doesn't do drugs" and "has no drug problem at all." The "summary of facts and reasons for decision" section of the interview record concluded that misconduct by the claimant had not been clearly established.

On March 2, 2011, EDD issued a notice of determination/ruling to the employer that held the claimant not disqualified for unemployment insurance benefits under code section 1256 and ruled the employer's reserve account was not relieved of benefit charges. That notice of determination/ruling did not explicitly address the issue of the claimant's qualification or disqualification for benefits under code section 1256.4.

The employer timely appealed from that notice of determination/ruling. The notice of hearing sent to the parties listed the claimant's qualification or disqualification for benefits under code section 1256 and the chargeability of the employer's reserve account under code sections 1030 and 1032 as issues to be covered at the hearing. Having reviewed the appeal and the file documents indicating that alleged drug use by the claimant was a factor in the employer's decision to discharge the claimant, the office of appeals also listed on the notice of hearing the issue of the claimant's qualification or disqualification for benefits under code section 1256.4.

At the beginning of the hearing, the administrative law judge announced that the issue of the claimant's qualification or disqualification for benefits under code section 1256.4 was an issue in the case. The claimant testified that he does not use marijuana or other illicit drugs. The claimant ascribed the positive drug screen test result to the fact that he was sharing a household with a roommate who regularly used marijuana for medicinal reasons. The employer admitted that

the employer did not suspect that the claimant had ever worked while impaired by the use of any intoxicant prior to the employer receiving notification of the drug screen test result. The employer presented no evidence to indicate that the marijuana level reported in the claimant's drug screen test result warranted the reasonable inference that the claimant's job performance on January 25, 2011 was impaired by use of marijuana.

There is a conflict between the evidence presented by the employer and the evidence presented by the claimant on the question of whether the claimant at some point in time used marijuana. It is not necessary to resolve that conflict. It was not established that (1) any such use took place on the employer's premises or during work time; (2) any off-duty marijuana use by the claimant either impaired the claimant's ability to perform his job or affected the employer's reputation with the general public; (3) the claimant's job was safety-sensitive, involved a substantial public profile on the employer's behalf, or entailed a high level of trust or responsibility; or (4) the claimant suffers from an irresistible compulsion to consume marijuana or any other intoxicant.

REASONS FOR DECISION

This case presents questions concerning this agency's procedures for adjudicating the issues involved and the extent to which an employer's rules may justifiably govern an employee's off-duty behavior in terms of assessing whether misconduct connected with the work has occurred for purposes of code section 1256. We will deal with each of these questions in turn. Since the claimant was discharged due to the result of the drug screen test and not due to any objection on his part to the requirement of the test, it is not necessary for us to address the separate question as to the reasonableness of the employer's requirement that the claimant submit to the test.²

PART I. What is the appropriate policy for the procedural adjudication of cases wherein issues under both code sections 1256 and 1256.4 may be involved?

The policy articulated herein supersedes the policy set forth in Precedent Decision P-B-483 for the procedural resolution of such cases. A brief review of

² The employer's requirement that the claimant submit to the drug screen test raises an issue concerning the claimant's right to privacy under the California Constitution. The administrative law judge concluded that the employer's requirement of the test was unreasonable. However, a resolution of that question is not necessary to our decision on this case. We therefore defer consideration of that issue to a more suitable opportunity on a later occasion.

the history of these provisions and the special difficulties they present is warranted in order that the need for the revised policy can be better understood.

Code section 1256 provides that a claimant is disqualified for benefits if he or she was discharged for misconduct connected with his or her most recent work. Misconduct was defined in Precedent Decision P-B-3, citing *Maywood Glass Co. v Stewart* (1959) 170 Cal. App. 2nd 719, as being "conduct evincing such willful or wanton disregard of an employer's interests as is found in deliberate violations or disregard of standards of behavior which the employer has the right to expect of his employee." It was specifically noted in those authorities that a "failure of good performance as a result of inability or incapacity" would not be deemed misconduct within the meaning of the statute.

Pursuant to code sections 1030 and 1032, an employer's reserve account will be relieved of benefit charges if the claimant was discharged for misconduct connected with the work.

In *Jacobs v. California Unemployment Insurance Appeals Board* (1972) 25 Cal. App. 3rd 1035, the Court of Appeals held that if a claimant is discharged due to behavior that is the product of an irresistible compulsion to drink, the behavior is not sufficiently volitional to constitute misconduct. As a consequence of the *Jacobs* decision, the legislature in 1983 enacted code section 1256.5. That provision, in pertinent part, disqualifies for benefits any claimant who is discharged from his or her most recent work for chronic absenteeism due to intoxication, reporting for work while intoxicated, using intoxicants on the job, or gross neglect of duty while intoxicated, "when any of these incidents is caused by an irresistible compulsion to use or consume intoxicants, including alcoholic beverages." In 1987, code sections 1030 and 1032 were amended to relieve the reserve account of the claimant's most recent employer of benefit charges if the claimant's separation from that employment was due to the claimant's irresistible compulsion to consume intoxicants. In 2005, code section 1256.5 was renumbered as 1256.4.

The fact that the provisions of code section 1256.4 were codified in a statute other than code section 1256 created some inherent procedural difficulties for the adjudication of unemployment insurance appeals. The first difficulty stems from the fact that there is no requirement that a claimant's qualification or disqualification for benefits be concurrently decided under both such code sections if the claimant was discharged due to behavior that appears to be associated with the use of intoxicants. This circumstance ignores the reality that the same factual circumstances will often result in diametrically different results if analyzed under one provision rather than the other. Since there was no means for ensuring that these issues would be decided together, too often conflicting

adjudications concerning the same individual and the same set of facts were issued under different code sections at different times by different authorities.

A second difficulty derives from the uncertainties that often plague the task of determining whether a case apparently arising under code section 1256 should include or be governed by code section 1256.4. Claimants are often reluctant to concede to EDD that they suffer from a substance abuse condition and frequently the initial information supplied by an employer to EDD attributing the separation from employment to a possible substance abuse condition is also quite ambiguous or incomplete.

A further difficulty stems from the fact that the factual record in cases involving these issues frequently changes in often dramatic ways during the appellate process. A case involving a claimant's alleged use of intoxicants initially presented to EDD as primarily involving a question of misconduct under code section 1256 due to a lack of evidence that the claimant suffers from an irresistible compulsion can take on a very different appearance by the time it is heard before an administrative law judge. Substantial additional evidence indicating that the claimant does indeed suffer from such an irresistible compulsion is often presented at the hearing with the result that a quite different ascertainment of the facts and application of the law is necessary.

In the absence of a policy for linking these issues throughout the appellate process, it became evident that these issues would too often be decided separately in ways that were inconsistent with the facts and contrary to the intent of the law. The appeals board's dissatisfaction with this situation led to the establishment in Precedent Decision P-B-483 of the general precept requiring that issues under code sections 1256 and 1256.4 be conjoined throughout the appellate process for the purpose of providing consistent and concurrent adjudications of those issues. That precept remains viable notwithstanding the fact that the policy described in P-B-483 has in other respects become outmoded.

The specificity required of the determination became the primary limitation of the policy delineated in P-B-483. P-B-483 instructed that an administrative law judge could only hear and decide the related issue if the related issue was specifically addressed in the appealed determination with the primary issue and the related issue also was either listed on the notice of hearing or all parties, including EDD, waived notice of the related issue. That instruction was predicated upon an understanding that the determination process was being revised in order to issue notices of determination that would specifically and concurrently address both code section 1256 and code section 1256.4 issues in a case wherein both of

those issues were involved. That revision was ultimately not implemented and the determination process has never been modified to consistently provide claimants with notices of determination that specifically address questions under both code sections 1256 and 1256.4. This reality has limited the viability of P-B-483. It thus became necessary for our agency to adopt a more pragmatic definition of what effectively constitutes a determination of a related code section 1256 or 1256.4 issue in a case wherein the notice of determination specifically addresses only one issue under either of those provisions. Indeed, that necessity represents the primary reason for the revised policy based upon the following principles.

First, if the case file supports the reasonable inference that a related issue under code section 1256 or code section 1256.4 was considered and at least impliedly determined by EDD, the notice of determination should be considered to include the related issue for purposes of the California Unemployment Insurance Appeals Board (CUIAB) exercising jurisdiction over the related issue.

With regard to the type of file information that might support such a reasonable inference, a rather wide spectrum of possibilities exists. On the relatively clear side of that spectrum are the cases wherein EDD has utilized a form dedicated to an analysis of issues under code section 1256.4 to memorialize the substance of at least a portion of its claim status interview even though the notice of determination thereafter issued only lists an issue under code section 1256. The existence of that form, currently described as form "2403 tox," clearly indicates that the related issue under code section 1256.4 was considered and at least impliedly determined by EDD despite the fact that the notice of determination does not explicitly make reference to it.

The instant case represents the other, clouded end of the spectrum in which the "silent" or "implied" determination must be divined from less explicit and often more cryptic references in file documents that are primarily dedicated to the analysis of the listed issue. While it might well be argued that the mere notation in EDD's file record that the claimant "has no drug problem" represents a less than optimal foundation for the inference that an implied determination has been made by EDD with regard to a claimant's qualification for benefits under code section 1256.4, such notation is typical of the often sparse information upon which CUIAB staff must rely in attempting to detect such implied determinations. Cursory notations such as "tox eligible" or "no i.c." [i.e. "no irresistible compulsion"] are not at all uncommon in reflecting an analysis by EDD of a claimant's qualification for benefits under code section 1256.4. Such comments are thus routinely and properly deemed by CUIAB staff to represent an implied determination by EDD of that issue notwithstanding the fact that the only issue listed on the notice of determination is under code section 1256.

Inasmuch as the claimant in this case was discharged due to a positive drug screen test result and the claimant denied suffering from a "drug problem" when questioned by EDD, we believe the record in this case was sufficient to support the reasonable inference that EDD at least impliedly determined the claimant to be qualified for benefits under code section 1256.4 when EDD determined the claimant to be disqualified for benefits under code section 1256. We therefore find that the office of appeals acted correctly under the revised policy by including the issue of the claimant's qualification or disqualification for benefits under code section 1256.4 on the notice of hearing as an issue to be covered at the hearing and decided by the administrative law judge.

This policy should not be regarded as an exception to the general rule which prohibits an appeal from a determination that is not adverse to the appellant. The related issue that has been impliedly determined in a manner favorable to the appellant must be considered as representing essentially the converse of the listed issue and therefore an issue that is inextricably linked with the listed issue that is adverse to the appellant. As such, once one of these conjoined issues is determined or decided in a manner adverse to the appellant, an appeal from the listed adverse issue necessarily carries with it the related issue and the related issue therefore should not be regarded as moot.

In the event that an administrative law judge in a case involving issues under both code sections 1256 and 1256.4 decides both that (1) there is an insufficient basis to conclude that EDD impliedly determined the related issue when EDD explicitly determined the listed issue, and (2) there is, in the administrative law judge's opinion, ample evidence³ to warrant the conclusion that the related issue should be determined by EDD, the administrative law judge is obligated to set aside the determination on the listed issue, together with any associated ruling, and refer both the listed and related issues, together with any associated ruling, to EDD for further investigation and such action as EDD deems appropriate.⁴

Since the issue under code section 1256.4 was impliedly determined by EDD in this case and properly listed by the office of appeals on the notice of hearing as an issue to be covered at the hearing in this case, it was incumbent upon the administrative law judge to address that issue at the hearing and specifically decide that issue. This is so because the main precept set forth in P-B-483 remains viable; once conjoined, the issues under code sections 1256 and 1256.4

³ In terms of describing what quantum of information would warrant the conclusion that a related issue should be determined by EDD, the current policy adopts the "ample evidence" standard originally prescribed in P-B-483.

⁴ Pursuant to code sections 1256 and 1256.4, EDD is entitled to make the first determination of benefit qualification or disqualification under these provisions.

must be decided or otherwise processed in tandem as an inseparable unit. Whether those issues are decided, continued, remanded or referred for further proceedings, those issues must remain together throughout the appellate process even though the decision on one issue will often be favorable to the appellant at any given stage in the proceedings.

The administrative law judge correctly announced at the start of the hearing that the claimant's qualification or disqualification for benefits under code section 1256.4 was a matter to be heard and decided. The administrative law judge therefore should have specifically decided that issue in the administrative law judge's decision. Given the circumstances of this case, however, the administrative law judge's failure to specifically include that issue in the decision is considered to represent an oversight that is attributable to the fact that there was little evidence provided to warrant the conclusion that the claimant suffers from an irresistible compulsion to consume marijuana. Accordingly, we believe that the particular circumstances of this case warrant the conclusion that the administrative law judge's decision at least impliedly decided that the claimant is not subject to benefit disqualification under code section 1256.4. Inasmuch as the record supports that implied decision and we discern that no purpose would be served by remanding this case for further proceedings, we will affirm the administrative law judge's implied decision on this issue.⁵

Inasmuch as we have taken the opportunity presented by this case to confirm the primary revision to the policy set forth in Precedent Decision P-B-483, we think it only appropriate at this juncture to describe the other notable way in which the policy announced in P-B-483 has been supplanted by the current policy. In P-B-483, the Appeals Board directed that the related issue in such combined issue cases involving code sections 1256 and 1256.4 could be heard and decided if it was determined by EDD and either listed on the notice of hearing or "all parties, including EDD, waive notice of that issue." In Precedent Decisions P-B-494 and P-B-496, however, an entirely new policy was announced concerning the need to obtain waivers from parties who do not attend the hearing in person or electronically, e.g. by phone.

P-B-494 provided an extensive overview of the "subject matter jurisdiction" and "notice jurisdiction" requirements in proceedings before CUIAB and announced that the due process notice rights of parties would henceforth be identified and resolved in accordance with a more flexible balancing of the respective interests of the parties involved rather than through adherence to the rigid concept of

⁵ We note that had the record raised significant questions as to whether the claimant suffers from an irresistible compulsion to consume marijuana or other intoxicants, we likely would have remanded this case for at least an explicit decision by the administrative law judge on this issue and very possibly a further hearing.

notice reflected in P-B-483. Recognizing the special rights and needs of a claimant to receive fair, correct and timely adjudications that ensure that the claimant promptly receive benefits "when due," P-B-494 confirmed that a claimant is always entitled to a continuance when inadequate notice has been provided to the claimant and irrespective of whether the claimant has not appeared at the hearing or only appeared by a written statement.

P-B-494 also clarified, however, that the notice rights of employers and EDD are distinguishable from those of a claimant. P-B-494 confirmed that while a claimant is always entitled to adequate notice of the issues involved, neither EDD nor an employer would be entitled to a continuance of the hearing due to inadequate notice unless they appear at the hearing either in person or electronically. While much of the analysis contained in P-B-494 was directed to the question of adequate notice of the factual issues involved in a case, the decision subsequently issued in Precedent Decision P-B-496 verified that the limited rights to continuance or waiver announced in P-B-494 were applicable to a lack of legal notice as well as factual notice. In P-B-496 it was noted that the administrative law judge at the hearing "could have corrected the lack of legal notice by obtaining waivers from the claimant and any other party at the hearing as to both the legal issue and the ten day notice requirement." It was further explained in P-B-496 that the right to request a further hearing by making an application to vacate the administrative law judge's decision was sufficient to safeguard the rights of EDD or an employer if those parties did not appear at the hearing. Thus, as a consequence of the principles announced in P-B-494 and P-B-496, it is no longer necessary to obtain a waiver from EDD or any involved employer unless EDD or such employer appears at the hearing in person or electronically.

In summary, we confirm the following, revised policy for the appellate adjudication of cases wherein issues under both code sections 1256 and 1256.4 are included or should be included. First, if a case before an administrative law judge involves a listed issue under either code section 1256 or code section 1256.4 that has been specifically determined by EDD and there is either (1) a basis to support the reasonable inference that a related issue under one of those two provisions was also at least impliedly determined by EDD, or (2) ample evidence to support the reasonable conclusion that a related issue under one of those two provisions should be determined by EDD, then both such issues, together with any associated ruling, must thereafter be treated and processed as conjoined issues. Irrespective of whether those issues are decided, continued, remanded or referred, the issues shall remain linked together for concurrent treatment.

Second, an administrative law judge shall decide both the listed and related issues if the related issue was specifically or impliedly determined by EDD and both such issues were either (1) listed on the notice of hearing or (2) the claimant and each party that appears at the hearing in person or electronically waives notice of the related issue after being advised of the right to a continuance. If the related issue was not listed on the notice of hearing and all such waivers of notice are not obtained, the administrative law judge is obligated to continue the case for a new hearing with proper notice of both issues. It is acknowledged that in cases wherein the determination lists an issue under code section 1256.4, there will likely be a reasonable basis for inferring that a related issue under code section 1256 was at least impliedly determined by EDD.

Third, if the related issue was not specifically or impliedly determined by EDD, but ample evidence exists to warrant the administrative law judge's reasonable conclusion that the related issue should be determined, the administrative law judge assigned to the case is obligated to set aside the existing determination on the listed issue and refer both the listed and related issues, together with any associated ruling, to EDD for further investigation and such action as EDD deems appropriate.

Fourth, in the event that a related issue is mistakenly listed on the notice of hearing despite having not been specifically or impliedly determined by EDD and the administrative law judge finds ample evidence to warrant the reasonable conclusion that the related issue should be determined, the administrative law judge is obligated to set aside the existing determination on the listed issue and refer both the listed and related issues, together with any associated ruling, to EDD for further investigation. In the absence of ample evidence to support the reasonable conclusion that the related issue should be determined, the administrative law judge shall decide the listed issue and explain in the decision why the related issue listed in the notice of hearing does not warrant a decision.

Fifth, in the event that a related issue was not specifically or impliedly determined by EDD and the related issue was also not listed on the notice of hearing, but ample evidence is presented at the hearing before the administrative law judge to support the reasonable conclusion that the related issue should be determined by EDD, the administrative law judge is obligated to set aside the existing determination on the listed issue and refer both the listed and related issues, together with any associated ruling, to EDD for further investigation and such action as EDD deems appropriate.

The above-described policy also applies to the procedural adjudication of cases involving voluntary departures from employment wherein issues under code

sections 1256 and 1256.4 may be involved.⁶ We further note that although the above-described policy primarily refers to the processing of cases at the first appellate level wherein appeals from determinations by EDD are heard and decided by administrative law judges, the principles of the policy also generally apply to the processing of cases at the second appellate level wherein appeals from decisions by administrative law judges are decided by the appeals board.

Part II. Does a claimant's violation of an employer rule prohibiting the claimant's off-duty use of a controlled substance constitute misconduct connected with the work under code section 1256 if it is not established that the claimant was impaired at work due to such off-duty behavior and there is otherwise no sufficient nexus between that off-duty behavior and the job to justify enforcement of the rule?

For the reasons hereinafter explained, the answer to the foregoing question is no. We will therefore affirm the administrative law judge's decision holding the claimant not disqualified for benefits under code section 1256. In doing so, it is not necessary for us to decide whether the claimant actually used marijuana in his off-duty hours. Even if it were assumed that the claimant used marijuana while off-duty, the facts of this case provide no basis for characterizing such behavior as misconduct connected with the work.

For purposes of code section 1256, misconduct connected with the work has been defined as a substantial breach by the employee of an important duty or obligation owed the employer, willful or wanton in character, and tending to injure the employer. (Precedent Decision P-B-3, citing *Maywood Glass co. v. Stewart* (1959) 170 Ca. App. 2nd 719). An employee is generally required to substantially comply with all the directions of his or her employer concerning the service on which he or she is engaged, except where such obedience is impossible or unlawful, or would impose new and unreasonable burdens upon the employee. (Labor Code, section 2856). An employee's deliberate disobedience of a lawful and reasonable instruction of the employer, related to the employer's business, is misconduct. (Precedent Decision P-B-190). The employer has the burden of proving misconduct. (*Prescod v California Unemployment Insurance Appeals Board* (1978) 57 Cal. App. 3d 29).

The employer's policy reasonably prohibits an employee's use of a controlled substance during work time, on the employer's premises, or if such use impairs the employee's ability to perform the employee's job. The employer was unable

⁶ Code section 1256 provides that a claimant is disqualified for benefits if he or she voluntarily left his or her most recent work without good cause and code section 1256.4 provides that a claimant is disqualified for benefits if he or she left his or her most recent work for reasons caused by an irresistible compulsion to consume intoxicants, including alcoholic beverages.

to prove that the claimant was impaired in the performance of his job duties by any off-duty marijuana use or that any such use occurred during work time or on work premises. Misconduct by the claimant therefore cannot be based on that aspect of the employer's policy.

The employer's policy also prohibits an employee's use of a controlled substance if such use "affects the employer's reputation with the general public." That aspect of the policy calls into question the extent to which an employee's off-duty behavior can be considered "connected with the work" merely because of its possible reflection upon the employer. This issue was addressed in Precedent Decision P-B-217.

In P-B-217 the appeals board acknowledged the general rule holding that an act that occurs while the worker is off-duty and that is not related to the worker's employment is not misconduct. P-B-217 cited prior precedent decisions wherein misconduct was not found with regard to a leadman at a manufacturing plant who was discharged for gambling activity away from work (P-B-189) and a janitor who was discharged due to a conviction of drunk driving while off-duty (P-B-191). Misconduct was found, however, in another referenced prior decision wherein a bank bookkeeper's off-duty practice of drawing checks on a bank account with insufficient funds was deemed to be so logically linked to her occupation as to adversely reflect upon and substantially injure the interests of the employer. Accordingly, P-B-217 held that the claimant, a pharmacist who illegally possessed narcotics while off-duty, committed misconduct connected with the work because that offense was so closely related to his occupation. Since the claimant served the public on behalf of the employer in a position of trust wherein the health and, at times, even the lives of the employer's customers were under the claimant's control, it was concluded that the claimant's actions were so closely connected to his job as to negatively affect the employer's interests and effectively destroy the claimant's suitability for continued employment as a pharmacist.

Applying the principles confirmed in P-B-217 to the case at hand, we discern no basis for a contention that any off-duty marijuana use by the claimant adversely affected the employer's reputation with the general public. The claimant was a rank and file employee who handled telephone inquiries from customers concerning their cable service. It was not established that the claimant's job was hazardous or safety-sensitive, involved a substantial public profile on the employer's behalf, or entailed a high level of trust or responsibility. Accordingly, it cannot reasonably be claimed that any off-duty marijuana use by the claimant would in any substantial way affect the employer's image or standing in the community. The employer has therefore failed to establish a sufficient nexus between the alleged prohibited conduct by the claimant and the employer's

interests. Accordingly, charges of misconduct cannot be sustained on the contention that off-duty marijuana use by the claimant adversely affected the employer's reputation with the general public.

We certainly understand that employers have a significant interest in maintaining a drug-free workplace. To the extent that an employer's rule prohibits an employee from reporting for work while impaired by drug use, such a reasonable rule properly governs the employee's off-duty conduct because of the clear nexus between the employee's off-duty behavior and the employer's workplace.

In the absence of such impairment, however, an employer rule that prohibits an employee's off-duty use of a controlled substance will only be deemed reasonable for purposes of the unemployment insurance program if it can be justified by some legitimate interest that is sufficiently important to establish the requisite nexus between the workplace and the off-duty behavior of the employee in question. No such justification was established in this case. Given the nature of the claimant's job, the employer's interest in maintaining a drug-free workplace, standing alone, was not sufficient to supply that justification.

For all the reasons set forth above, we conclude that the claimant was discharged for reasons that do not disqualify the claimant for benefits under either code section 1256.4 or code section 1256. Accordingly, there is no basis for relieving the employer's reserve account of benefit charges.

DECISION

The decision of the administrative law judge is affirmed. The claimant is not disqualified for benefits under code section 1256.4. The claimant is not disqualified for benefits under code section 1256. The employer's reserve account is not relieved of benefit charges. Benefits are payable to the claimant provided the claimant is otherwise eligible.

DISSENTING OPINION

I respectfully dissent from the decision reached by my colleagues on the issue of whether the claimant's off-duty use of marijuana constituted misconduct connected with the work for purposes of Code section 1256.

This board has long held that an employee's deliberate disobedience of a lawful and reasonable employer directive that is related to the employer's business represents misconduct connected with the work. (Precedent Decision P-B-190). An employer has the right to shield its workplace from the pernicious effects of illegal drug use by prohibiting its employees from engaging in such behavior. An employer's rules that reasonably proscribe such activities should be respected under our unemployment insurance law. This employer's "drug-free workplace" rules specifically prohibit off-duty use of a controlled substance if such use impairs the employee's ability to perform his job or affect the employer's reputation with the general public. Impairment is reasonably inferred when an employee is revealed to have a detectable amount of a controlled substance in his system. The positive drug screen test result produced by the employer was thus sufficient to establish that the claimant's ability to perform his job duties had been to some extent impaired by his use of marijuana. By purposefully engaging in behavior that caused a detectable amount of marijuana to be present in his system, the claimant willfully violated his employer's "drug-free workplace" rules and committed misconduct. I would therefore reverse the decision of the administrative law judge, hold the claimant disqualified for benefits, and relieve the employer's reserve account of benefit charges.

ROY ASHBURN

FURTHER APPEAL INFORMATION

The Appeals Board's decision is final and can be changed only by action of a judicial court. (Unemp. Ins. Code § 410). The Appeals Board cannot reconsider or set aside the enclosed decision. (37 Ops.Cal.Atty.Gen. 133.)

If you wish to appeal the enclosed decision, you may seek review in Superior Court by filing a *Petition for Writ of Mandate* against the California Unemployment Insurance Appeals Board (Appeals Board) pursuant to section 1094.5 of the Code of Civil Procedure.

The Appeals Board does not process petitions for court review. **You must file such petitions directly with the Superior Court not later than six (6) months after the date of the decision of the Appeals Board. You must also serve a copy of the Petition for Writ of Mandate on the Appeals Board** at its headquarter, 2400 Venture Oaks Way, Suite 100, Sacramento, California 95833. Service of the Petition must comply with legal requirements set forth in the Code of Civil Procedure, sections 414 to 415.95.

The Appeals Board does not pay benefits, handle claims or claim forms, or collect overpayments. If you have questions about these matters, you must contact the Employment Development Department (EDD), not the Appeals Board. It is important that you notify the appropriate EDD office of any change in your address. You may contact EDD at (800) 300-5616 for California claims (Intrastate) or (800) 250-3913 for out-of-state claims (Interstate).

If you are a claimant, you are reminded to continue to file weekly claim forms with the EDD while seeking a writ of mandate. If you prevail in court, you will only be paid for those weeks in which you file weekly claim forms and meet other eligibility requirements.

CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD



INLAND OFFICE OF APPEALS
9655 Arrow Rt, Bldg 19-A
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RANCHO CUCAMONGA CA 91729

(909) 987-2212

SHARIF J DAVIS
Claimant

TIME NY CABLE LLV
c/o TALX - EMPLOYER SERVICES
Account No: 266-5864
Employer-Appellant

Case No. 3673419

Issue(s): 1256, 1256.4, 1030/32

Date Appeal Filed: 03/22/2011

EDD: 0060 BYB: 02/06/2011

Date and Place of Hearing(s):
(1) 05/26/2011 SAN BERNARDINO

Parties Appearing:
Claimant, Employer

DECISION

The decision in the above-captioned case appears on the following page(s).

The decision is final unless appealed within 20 calendar days from the date of mailing shown below. See the attached "Notice to Parties" for further information on how to file an appeal. If you are entitled to benefits and have a question regarding the payment of benefits, call EDD at 1-800-300-5616.

James K. Karas, Administrative Law Judge

FILE COPY

Date Mailed: JUN 15 2011

Case No.: 3673419

CLT/PET: Sharif Davis

Parties Appearing: Claimant, Employer

Parties Appearing by Written Statement: None

Inland Office of Appeals

ALJ: James K. Karas

ISSUE STATEMENT

The employer appealed from a determination/ruling that held the claimant was not disqualified for benefits under Unemployment Insurance Code section 1256 and that the employer's account was subject to charges. The issues in this case are:

- (1) Whether the claimant was discharged for misconduct connected with the most recent work; and
- (2) Whether the employer's reserve account is subject to charges.

FINDINGS OF FACT

The claimant was most recently employed by the above-captioned employer as a customer service escalation specialist for three years earning \$15.06 an hour. He was terminated from this employment after last working January 12, 2011 under the following circumstances.

As a result of going through a messy divorce and the concurrent death of the claimant's mother, the claimant was feeling a lot of stress and anxiety.

The claimant visited his Human Resource department to advise the Human Resource department that he was under a lot of stress and anxiety arising from these personal events and also inquired as to what possible time off might be available to him in the future should he need to take advantage of any such time off. After discussing the matter further with the claimant, the Human Resource officer suggested that the claimant visit the employer's workers' compensation clinic immediately after work that same day. The claimant wanted help and therefore visited the clinic.

After arriving at the clinic, the claimant was told he would have to take a drug test. This came as a complete and total surprise to the claimant as he had merely wanted to go to the clinic to receive assistance for his stress. The claimant was advised that if he failed to take the test it would be considered an automatic failure and that he would lose his employment. Faced with such a threat the claimant took the test.

The claimant gave a urine sample which at first came back inconclusive but then after being sent out for further testing came back with a positive result for marijuana. This led to the claimant being terminated under the employer's drug-free workplace policy. That policy states in relevant part "Time Warner Cable (TWC) is committed to protecting the safety, health and well-being of all employees and other individuals in our workplace. It is the policy of TWC to prohibit the unlawful manufacture, distribution, possession or use of a controlled substance during company time, on TWC's premises or other work sites where employees may be assigned. The company further prohibits the use, sale, possession, distribution, manufacture or the transfer of controlled substances during non-working time to the extent such use impairs an employee's ability to perform his/her job or where such use, sale, possession, distribution, manufacture, or transfer effects TWC's reputation with the general public."

The employer does not have a random drug test policy. It does have a reasonable suspicion policy and a post-accident substance testing policy. The employer indicated at hearing that the claimant had done nothing to arouse any suspicion that he was using drugs or was impaired at work and therefore, was not tested under that portion of its policy but rather the post-accident substance testing policy despite the fact the claimant was not involved in any workplace accident arising from the possible future stress workers' compensation claim that the employer anticipated could be filed. The claimant denied any use of marijuana or any other illegal substance.

REASONS FOR DECISION

An individual is disqualified for benefits if he or she has been discharged for misconduct connected with his or her most recent work. (Unemployment Insurance Code, section 1256.)

The employer's reserve account may be relieved of benefit charges if the claimant was discharged for misconduct. (Unemployment Insurance Code, sections 1030 and 1032.)

"Misconduct connected with the work" is a substantial breach by the claimant of an important duty or obligation owed the employer, wilful or wanton in character, and tending to injure the employer. (Precedent Decision P-B-3, citing *Maywood Glass Co. v. Stewart* (1959) 170 Cal.App.2d 719.)

On the other hand, mere inefficiency, unsatisfactory conduct, poor performance as the result of inability or incapacity, isolated instances of ordinary negligence or inadvertence, or good faith errors in judgment or discretion are not misconduct.

An employee's deliberate disobedience of a lawful and reasonable instruction of the employer, related to the employer's business, is misconduct. (Precedent Decision P-B-190.)

In *American Federation of Labor v. Unemployment Insurance Appeals Board* (1994) 23 Cal.App.4th 51, the claimant was discharged when he refused to take an annual drug test as required by the employer's rules. The court held that the reasonableness of the rule must be measured by balancing the employer's interests which are to be served by drug testing against the employee's expectation of privacy. The court found that as the claimant was working in a hazardous environment and was aware of the rule, the requirement to take the drug test was reasonable. The claimant's refusal to take the test was misconduct.

In Precedent Decision P-B-454 the claimant refused to take a drug test. Performance of his job involved a substantial risk of harm to the claimant and others. The employer reasonably suspected the claimant was under the influence of a drug which impaired his ability to perform his work. The appeals board held the demand for a drug test was reasonable and the claimant's refusal was misconduct.

In *Smith v. Fresno Irrigation District* (1999) 72 Cal.App.4th 147, the court held a construction worker was engaged in safety sensitive work. In determining whether a position is safety sensitive the court held that the degree, severity and immediacy of the harm must be considered. The "immediacy" of the threat of injury and the fact that a single misperformed duty could have irremediable consequences are important factors in determining the safety sensitivity of a job. Irremediable consequences result when an employee is not able to rectify his or her mistake, and the co-workers of the employee have no opportunity to intervene before harm occurs.

Usually, the off-the-job activity of an employee does not injure or tend to injure the employer's interests. If there is no injury or potential injury to the employer's interests, the employer cannot reasonably impose the employer's standards of behavior on an employee during his or her off duty time. However, there are off-the-job situations where the interests of an employer are either injured or tend to be injured by the conduct of an employee during these off-duty periods, usually involving illegal or criminal activity. If the employee is discharged for such conduct, the discharge would be for misconduct. (California Code of Regulations, Title 22, Section 1256-33 (b) (1)).

In the instant case, the claimant's job tasks involved speaking to customers over the telephone and handling their requests and complaints utilizing the telephone and a computer. The claimant's work environment therefore was not a hazardous environment and his position was not safety sensitive. There was no "immediacy"

of the threat of injury to the claimant or anyone else in the event that he misperforms his duty nor were there any irremediable consequences. It should be noted that there was no evidence that the claimant had actually made any mistakes and/or was impaired in any way prior to being sent out to be tested.

Therefore balancing the employer's right to police its workforce against the claimant's right to privacy under the California Constitution Article 1, Section 1 it is found that under the circumstances of this case the test was unreasonable. The claimant therefore would have had a perfectly valid legal right to refuse the test and the fact that the claimant did submit to the test only after he was threatened with loss of his employment does not transmute the testing into a reasonable situation. Here, construing the evidence in a light most favorable to the employer and therefore, assuming off-duty activity which did no injury or tend to injure the employer's interests there is no nexus between the activity and the employment. Hence, it will be found that the claimant was not terminated for any misconduct connected with his work and therefore is not disqualified for benefits under section 1256.

DECISION

The department determination/ruling is affirmed. The claimant is not disqualified for benefits pursuant to section 1256. Benefits are payable provided the claimant is otherwise eligible. The employer's reserve account is not relieved of benefit charges.

OC: jb

Case No. AO-260877

P O Box 944275
SACRAMENTO, CA 94244-2750
Telephone: (916) 263-6619
Fax: (916) 263-6836

DECISIONS WERE MAILED TO THE FOLLOWING

SHARIF J DAVIS
27896 JOHN F KENNEDY DR APT C
MORENO VALLEY, CA 92555-5049

TALX - EMPLOYER SERVICES
P O BOX 23020
OAKLAND, CA 94623



**STATE OF CALIFORNIA - GOVERNOR EDMOND G. BROWN JR.
LABOR AND WORKFORCE DEVELOPMENT AGENCY**
**CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD
EXECUTIVE DIRECTOR/CHIEF ADMINISTRATIVE LAW JUDGE**

2400 Venture Oaks Way, Suite 300
Sacramento, CA 95833
Phone: (916) 263-6722
Fax: (916) 263-6764

October 8, 2012

To: Board Members

**October 2012 Summary Report of Executive Director and
Chief Administrative Law Judge Alberto Roldan**

1. Office of the Chief

- The office by office training of the ALJs will be completed the third week of October.
- We will be shifting to the Best Practices and Training Teams going office to office to train support staff on Best Practices and working in the Filebound environment.

2. Snapshot of Field Operations performance through September 2012

Overall September 2012 Workload and Performance: September was the fourth consecutive month, and the fifth time in six months, in which the open inventory has grown. The number of new cases [35,059] was slightly below the average for 2012. Closed cases [31,752] were 12% below the year's average. The open inventory for all programs [51,402] has risen by more than 5,400 cases in the past two months and by more than 12,000 cases since the end of March. There were more than 50,000 open cases at the end of a month for the first time since January. Some of the drop off is attributable to the ALJ training which is now winding down. This trend has been responded to. As of October 1, all judges were being calendared with an extra case per week. This is scheduled for six weeks. In addition, there are more team calendars scheduled for October.

Case Aging and Time Lapse: Average case age rose to 27 days, which is the highest it has been since February. The rising caseload is the main driver of this upward trend. We are still well within DOL requirements for average case age which is good news. The time lapse numbers were the same or better than August in all categories. 30-day time lapse remained at 50%, which is its highest level in ten years. 45-day time lapse rose to 85%. The 90 day guideline was met for 8th straight month [98%].

The time frames for non-time lapse UI cases have suffered as a result of our compliance efforts. They were all worse in September than in August and substantially below the performance for time lapse cases [which is not entirely surprising as there is no special tracking done on the non-time

lapse cases]. The average case age of these matters rose from 34 to 38 days. Less than 9% of the non-time lapse UI decisions were issued within 30 days, while 31% went out within 45 days and 88% within 90 days. If the gap between time lapse and non-time lapse cases continues, we may need to take action to ensure greater equity.

Cycle Time: The UI cycle time in September was 43 days from date of appeal to issuance of the decision. This was one day longer than in August. There was no one step that accounted for the difference. San Diego made substantial progress on its older backlog and made the most progress of any office in this area. It's cycle time fell from 57 days in August to 48 days in September. At the same time, however, Pasadena's cycle time went the opposite direction rising from 38 to 49 days.

Unemployment Insurance (UI) for September: New UI cases [33,363 cases; 19,050 appellants] were down significantly from July but basically at the average for this year. The number of closed cases [30,299 cases; 17,301 appellants] was down by more than 5,000 from July and 11% below the norm. This was the third straight month of rising inventory [40,820 cases; 23,308 appellants] which exceeds 40,000 for the first time in eight months. Unlike many of the previous months, the increase in open caseloads last month was roughly equal in both time lapse and non-time lapse UI cases, as the extension cases again represent 39% of the total open inventory of UI cases.

Disability Insurance (DI) for September: In disability, the number of new cases [1,233] was the greatest in three months but was still 8% below the average for the year. This general trend downward is also highlighted by our having verified 11% fewer DI appeals during the first nine months of 2012 than was true in the same period in 2011. Closed cases [999] were 23% below the average and represented fewer than 1000 decisions for the first time since June 2006. Ironically, despite the general trend of substantially fewer new DI cases, the open inventory [2,139] jumped 12% last month and is at its highest month-end level since February 2011.

Tax and Rulings for September: Work was very slow in rulings with new cases [185] 51% below the average for 2012, and closed cases [157] down by 41%. The open inventory of rulings [4,558] rose for the sixth time in the past seven months and is now at its highest level since the end of 2010.

In Tax, September was the second straight month in which the open inventory [3,841] went down despite the fact OTP verified the greatest number of new petitions since June.

UI TRENDS - FO

Program Codes 1, 2, 3, 4, 5, 6, 8, 23, 24, 28, 29, 30, 31, 33, 34, 35, 36, 37, 38, 41, 42

NEW OPENED CASES

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2009	32,164	29,014	31,429	31,869	32,267	34,435	32,319	31,827	33,713	35,619	27,150	37,388	389,194	32,433		
2010	37,307	34,125	38,172	42,249	37,447	36,321	39,238	40,219	31,780	35,604	30,181	35,509	438,152	36,513	113%	4,080
2011	38,676	34,399	39,494	35,519	36,159	35,785	32,527	38,079	39,828	36,161	30,799	31,448	428,874	35,740	98%	-773
2012	33,339	30,233	36,391	33,590	34,531	31,871	32,132	37,791	33,363				303,241	33,693	94%	-2,046
Multi													2011	94%	92%	
													2010	92%	90%	
													2009	104%	105%	
													chg to '12 avg		chg to '12 YTD	
UI registrations Sep to date are down 8% from 2011, down 10% from 2010, and up 5% from 2009 UI registration monthly average is down 6% from 2011, down 8% from 2010, and up 4% from 2009																

CLOSED CASES

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2009	25,728	24,752	28,392	30,565	30,101	32,703	34,500	30,455	32,165	39,878	34,525	36,623	380,387	31,699		
2010	32,738	37,951	44,067	39,481	35,731	36,680	35,798	39,000	38,748	37,386	34,848	36,237	448,665	37,389	118%	5,690
2011	34,029	37,998	50,124	35,054	32,103	38,117	33,797	36,979	41,802	33,663	33,076	34,301	441,043	36,754	98%	-635
2012	33,604	37,167	44,615	28,383	34,802	31,915	30,672	35,346	30,299				306,803	34,089	93%	-2,664
Multi													2011	93%	90%	
													2010	91%	90%	
													2009	108%	114%	
													chg to '12 avg		chg to '12 YTD	
UI dispositions Sep to date are down 10% from 2011, down 10% from 2010, and up 14% from 2009 UI disposition monthly average is down 7% from 2011, down 9% from 2010, and up 8% from 2009																

BALANCE OPEN CASES

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2009	69,049	73,237	76,311	77,968	80,188	81,750	79,774	81,302	82,785	78,473	71,095	71,813		76,979		
2010	76,301	72,323	66,136	68,715	70,234	69,664	72,557	73,410	66,243	64,624	59,811	59,075		68,258	89%	-8,721
2011	63,632	59,909	49,088	49,435	53,389	50,926	49,805	50,755	48,650	51,057	48,653	45,715		51,751	76%	-16,507
2012	45,315	38,225	29,603	34,674	34,327	34,188	35,578	37,843	40,820					36,730	71%	-15,021
Multi													2011	71%	70%	
													2010	54%	52%	
													2009	48%	47%	
													chg to '12 avg		chg to '12 YTD	
UI balance of open cases Sep to date is down 30% from 2011, down 48% from 2010, and down 53% from 2009 UI balance monthly average down 29% from 2011, down 46% from 2010, and down 52% from 2009																

DI TRENDS - FO
Program Codes 7, 10, 11, 12, 16 & 20

NEW OPENED CASES

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2009	1,610	1,107	1,794	1,519	1,628	1,748	1,537	1,321	1,571	1,414	1,245	1,330	17,824	1,485		
2010	1,446	1,437	1,775	1,957	1,371	1,232	1,763	1,609	1,366	1,372	1,159	1,414	17,901	1,492	100%	6
2011	1,537	1,651	1,411	1,691	1,360	1,428	1,405	1,575	1,489	1,392	1,094	1,268	17,301	1,442	97%	-50
2012	1,395	1,490	1,611	1,256	1,362	1,382	1,206	1,122	1,233				12,057	1,340	93%	-102
DI registrations Sep to date are down 11% from 2011, down 14% from 2010, and down 13% from 2009													2011	93%	89%	
DI registration monthly average is down 7% from 2011, down 10% from 2010, and down 10% from 2009													2010	90%	86%	
													2009	90%	87%	
													chg to '12 avg		chg to '12 YTD	

CLOSED CASES

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2009	1,217	1,269	1,451	1,465	1,129	1,463	1,823	1,644	1,648	1,753	1,527	1,701	18,090	1,508		
2010	1,283	1,557	1,967	1,852	1,276	1,581	1,494	1,511	1,581	1,552	1,372	1,565	18,591	1,549	103%	42
2011	1,295	1,576	1,925	1,512	1,441	1,567	1,365	1,462	1,426	1,579	1,266	1,270	17,684	1,474	95%	-76
2012	1,334	1,547	1,456	1,424	1,460	1,140	1,079	1,220	999				11,659	1,295	88%	-178
DI dispositions Sep to date are down 14% from 2011, down 17% from 2010, and down 11% from 2009													2011	88%	86%	
DI disposition monthly average is down 12% from 2011, down 16% from 2010, and down 14% from 2009													2010	84%	83%	
													2009	86%	89%	
													chg to '12 avg		chg to '12 YTD	

BALANCE OPEN CASES

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Avg.	% Chg of Avg	Yr-Yr AvgChg	
2009	3,426	3,264	3,613	3,684	4,197	4,478	4,204	3,895	3,819	3,476	3,203	2,836	3,675			
2010	2,997	2,876	2,682	2,789	2,891	2,541	2,808	2,908	2,691	2,513	2,299	2,148	2,679	73%	-996	
2011	2,390	2,465	1,951	2,126	2,046	1,905	1,943	2,054	2,117	1,930	1,757	1,755	2,037	76%	-642	
2012	1,815	1,757	1,905	1,734	1,636	1,877	2,005	1,906	2,139				1,864	92%	-173	
DI open balance Sep to date is down 12% from 2011, down 33% from 2010, and down 51% from 2009													2011	92%	88%	
DI open balance monthly average down 8% from 2011, down 30% from 2010, and down 49% from 2009													2010	70%	67%	
													2009	51%	49%	
													chg to '12 avg		chg to '12 YTD	

TAX TRENDS - FO
 Program Codes 15, 17, 18, 32, 45, 46, 47, 48

NEW OPENED CASES

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2009	166	93	219	174	258	164	252	256	169	292	224	229	2,496	208		
2010	142	139	164	233	140	163	94	137	146	181	188	232	1,959	163	78%	-45
2011	134	168	144	261	140	180	112	266	364	147	248	402	2,566	214	131%	51
2012	346	141	196	117	78	335	253	229	254				1,949	217	101%	3
													2011	101%	110%	
													2010	133%	144%	
													2009	104%	111%	
														chg to '12 avg	chg to '12 YTD	

Tax registrations Sep to date are up 10% from 2011, up 44% from 2010, and up 11% from 2009
 Tax registration monthly average is up 1% from 2011, up 33% from 2010, and up 4% from 2009

CLOSED CASES

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2009	92	97	172	149	72	97	126	111	162	70	149	288	1,585	132		
2010	48	109	107	91	117	124	135	101	174	130	99	235	1,470	123	93%	-10
2011	139	173	193	252	176	277	168	278	325	293	323	247	2,844	237	193%	115
2012	227	352	322	492	267	217	236	290	284				2,687	299	126%	62
													2011	126%	136%	
													2010	244%	267%	
													2009	226%	249%	
														chg to '12 avg	chg to '12 YTD	

Tax dispositions Sep to date are up 36% from 2011, up 167% from 2010, and up 149% from 2009
 Tax disposition monthly average is up 26% from 2011, up 144% from 2010, and up 126% from 2009

BALANCE OPEN CASES

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Avg.	% Chg of Avg	Yr-Yr AvgChg
2009	3,585	3,580	3,627	3,649	3,836	3,903	4,029	4,174	4,180	4,402	4,477	4,416	3,988		
2010	4,509	4,539	4,596	4,738	4,759	4,796	4,754	4,790	4,758	4,801	4,890	4,885	4,735	119%	746
2011	4,880	4,874	4,824	4,833	4,797	4,700	4,643	4,630	4,666	4,520	4,445	4,593	4,700	99%	-34
2012	4,711	4,498	4,371	3,995	3,803	3,918	3,931	3,871	3,841				4,104	87%	-596
													2011	87%	86%
													2010	87%	87%
													2009	103%	107%
														chg to '12 avg	chg to '12 YTD

Tax balance of open cases Sep to date is down 14% from 2011, down 13% from 2010, and up 7% from 2009
 Tax balance monthly average is down 13% from 2011, down 13% from 2010, and up 3% from 2009

RULING - OTHER TRENDS - FO
Program Codes 9, 13, 14, 19, 21, 22, 40, 44

NEW OPENED CASES

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2009	175	92	203	456	567	340	304	206	170	710	923	275	4,421	368		
2010	486	609	709	598	441	424	468	1,359	201	239	229	214	5,977	498	135%	130
2011	64	97	92	739	526	510	426	454	207	982	247	251	4,595	383	77%	-115
2012	182	245	746	576	605	424	229	418	209				3,634	404	105%	21
													2011	105%	117%	
													2010	81%	69%	
													2009	110%	145%	
														chg to '12 avg	chg to '12 YTD	

Ruling/Other registrations Sep to date are up 17% from 2011, down 31% from 2010, and up 45% from 2009
Ruling/Other registration monthly average is up 5% from 2011, down 19% from 2010, and up 10% from 2009

CLOSED CASES

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2009	236	333	238	209	179	208	273	264	315	192	260	357	3,064	255		
2010	335	392	500	682	465	716	421	631	484	804	303	415	6,148	512	201%	257
2011	442	399	728	390	424	631	384	397	530	593	389	351	5,658	472	92%	-41
2012	500	455	299	255	214	165	239	323	170				2,620	291	62%	-180
													2011	62%	61%	
													2010	57%	57%	
													2009	114%	116%	
														chg to '12 avg	chg to '12 YTD	

Ruling/Other dispositions Sep to date are down 39% from 2011, down 43% from 2010, and up 16% from 2009
Ruling/Other disposition monthly average is down 38% from 2011, down 43% from 2010, and up 14% from 2009

BALANCE OPEN CASES

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg	
2009	3,399	3,158	3,123	3,374	3,763	3,894	3,925	3,860	3,715	4,232	4,896	4,809		3,846			
2010	4,965	5,182	5,394	5,312	5,287	4,996	5,048	5,781	5,494	4,931	4,857	4,658		5,159	134%	1,313	
2011	4,281	3,977	3,340	3,692	3,792	3,672	3,716	3,772	3,453	3,842	3,698	3,590		3,735	72%	-1,423	
2012	3,272	3,060	3,509	3,825	4,216	4,475	4,466	4,563	4,602					3,999	107%	263	
														2011	107%	107%	
														2010	78%	76%	
														2009	104%	112%	
															chg to '12 avg	chg to '12 YTD	

Ruling/Other balance of open cases Sep to date is up 7% from 2011, down 24% from 2010, and up 12% from 2009
Ruling/Other balance monthly average is up 7% from 2011, down 22% from 2010, and up 4% from 2009

FIELD OPERATIONS ~ REPORT SUMMARY

STATEWIDE	2012												STATEWIDE			Appellants			
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Average	Current Mo. % of Avg.	Total	Current Mo.	Average	Total	
WORKLOAD																			
New Opened Cases																			
UI TL	33,339	30,233	36,391	33,590	34,531	31,871	32,132	37,791	33,363					33,693	99%	303,241	19,050	19,239	173,151
DI	1,395	1,490	1,611	1,256	1,362	1,382	1,206	1,122	1,233					1,340	92%	12,057			
Ruling & T-R	168	213	714	555	571	407	207	399	185					380	49%	3,419			
Tax	346	141	196	117	78	335	253	229	254					217	117%	1,949			
Other	14	32	32	21	34	17	22	19	24					24	100%	215			
Total	35,262	32,109	38,944	35,539	36,576	34,012	33,820	39,560	35,059					35,653	98%	320,881			
Multi Cases		13	180	30	9	13	15	54	5										
Closed Cases																			
UI TL	33,604	37,167	44,615	28,383	34,802	31,915	30,672	35,346	30,299					34,089	89%	306,803	17,301	19,465	175,185
DI	1,334	1,547	1,456	1,424	1,460	1,140	1,079	1,220	999					1,295	77%	11,659			
Ruling & T-R	468	436	258	238	192	144	215	294	157					267	59%	2,402			
Tax	227	352	322	492	267	217	236	290	284					299	95%	2,687			
Other	32	19	41	17	22	21	24	29	13					24	54%	218			
Total	35,665	39,521	46,692	30,554	36,743	33,437	32,226	37,179	31,752					35,974	88%	323,769			
Multi Case/Cmt		1/3	4/9	2/4	43/236	2/8	1/4	3/8	2/5										
Balance - Open Cases																			
UI TL	45,315	38,225	29,603	34,674	34,327	34,188	35,578	37,843	40,820					36,730	111%		23,308	20,973	
DI	1,815	1,757	1,905	1,734	1,636	1,877	2,005	1,906	2,139					1,864	115%				
Ruling & T-R	3,247	3,021	3,477	3,788	4,168	4,431	4,424	4,530	4,558					3,960	115%				
Tax	4,711	4,498	4,371	3,995	3,803	3,918	3,931	3,871	3,841					4,104	94%				
Other	25	39	32	37	48	44	42	33	44					38	115%				
Total	55,113	47,540	39,388	44,228	43,982	44,458	45,980	48,183	51,402					46,697	110%				
Multi Cases		13	256	275	9	10	17	56	51										
Time Lapse																			
30 TL % (60)	5	7	16	35	45	41	42	50	50					32	155%				
45 TL % (80)	17	33	61	80	83	85	83	83	85					68	125%				
90 TL % (95)	94	95	98	99	99	98	98	98	98					97	101%				
CASE AGE																			
Average Days	35	29	23	26	24	25	26	23	27					26	102%				
Average Days	33	27	22	23	22	23	22	21	24					24	100%				
>90 Days Old	2%	1%	1%	1%	1%	1%	0%	1%	1%					1%	100%				
>90 Days Old	2%	1%	1%	1%	1%	1%	0%	1%	1%					1%	100%				
w/out Multis	4%	4%	2%	2%	1%	1%	2%	5%	8%					3%	248%				
NET PYS USED																			
ALJ	186,53	194,66	211,05	185,55	187,07	178,78	164,22	180,02						186,0	97%				
Non ALJ	190,50	193,92	209,56	195,57	189,35	195,39	180,08	190,86						193,2	99%				
Net Pys	377,43	388,58	420,61	381,12	376,42	374,17	344,30	370,88						379,2	98%				
Ratio 1/	1,02	1,00	0,99	1,05	1,01	1,09	1,10	1,06						1,04	102%				
w/FOH&RSU																			
ALJ	192,96	201,56	216,68	191,55	191,78	184,19	169,52	184,78						191,6	96%				
Non ALJ	226,09	231,26	249,01	236,84	230,78	236,89	218,65	234,75						233,0	101%				
Net Pys	419,05	432,82	465,69	428,39	422,56	421,08	388,17	419,53						424,7	99%				
Ratio 1/	1,17	1,15	1,15	1,24	1,20	1,29	1,29	1,27						1,22	104%				
PRODUCTIVITY																			
Weekly Dispos per ALJ (UI&D)	45,3	48,0	48,3	37,0	43,0	42,7	44,6	43,0						44,0	98%				
Weekly Dispos per ALJ	46,2	49,0	49,0	38,0	43,5	43,2	45,3	43,7						44,7	98%				
Weekly Dispos (Non-ALJ)	39,4	42,7	42,6	30,7	36,2	33,6	35,1	34,4						36,9	93%				

AO REPORT TO BOARD -- MONTH OF September 2012

	# Cases	# Appellants	Calendar Yr Avg
REGISTRATIONS	2433	1356	2623
DISPOSITIONS	2708	1585	2755
OPEN BALANCE	2509	1433	3042
PENDING REG.			
APPEAL RATE			6.50%

CASE AGING 49 Days

TIME LAPSE

45 Days (50%)	41.00%
75 Days (80%)	76.00%
150 Days (95%)	99.00%

ADDITIONAL INFORMATION

FO to AO Monthly Report 2.5 days

FO ALJs working in AO 0

WEEKLY AO WORKLOAD REPORT

September 2012

Week Ending	Unreg total	Appeals Rec'd	Registrations	Dispositions	Open Balance	Change
9/7/2012	2116	577	537	388	2940	182
9/14/2012	2347	548	451	678	2704	-236
9/21/2012	2348	862	506	759	2462	-242
9/28/2012	2511	654	936	884	2509	47
9-1 thru 9-30-12						
Running Total		2641	2430	2709	2509	

Week Ending	Average Case age	45-Day (50%) Time Lapse	75-Day (80%) Time Lapse	150-Day (95%) Time Lapse
9/7/2012	45	45.61%	79.17%	99.31%
9/14/2012	47	47.78%	79.03%	98.79%
9/21/2012	47	35.10%	76.47%	99.22%
9/28/2012	47	35.83%	72.67%	98.83%
9-1 thru 9-30-12	49	40.71%	76.35%	99.00%

**California Unemployment Insurance Appeals Board
Board Appeal Summary Report**

Average Days in Transfer from FO Received Date to Date Received at AO

	September, 2012	August, 2012	July, 2012	June, 2012
	Average Days in Transfer			
	Case Count	Case Count	Case Count	Case Count
Fr	1.11	2.18	2.31	1.35
	36	143	106	165
Ing	3.43	3.30	2.85	1.62
	23	241	266	170
Inl	2.70	4.28	3.35	2.52
	30	261	272	341
LA	4.51	1.37	4.53	16.13
	68	292	269	213
Oak	5.50	6.47	5.55	3.63
	6	186	168	139
OC	1.38	2.17	1.14	1.60
	39	302	292	243
Ox	0.82	1.19	1.40	0.97
	49	151	121	155
Pas	7.75	5.47	7.81	10.08
	4	196	152	208
Sac	2.47	3.62	5.00	4.80
	51	304	310	268
SD	3.02	4.92	2.02	3.42
	43	252	240	260
SF	2.63	2.48	3.49	2.37
	19	139	217	117
SJ	1.55	1.84	1.72	2.03
	42	139	94	116
Tax	1.45	2.27	6.64	7.56
	11	11	14	18
Total	2.50	3.32	3.49	4.46
	421	2617	2521	2413

ALL PROGRAM TRENDS-AO

REGISTRATIONS

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg	
2009	1,588	1,326	1,964	1,835	1,717	1,956	2,368	2,026	2,187	2,158	2,056	2,225	23,406	1,951			
2010	2,470	2,136	3,081	2,779	2,362	2,691	2,518	2,957	3,089	2,658	2,796	2,721	32,258	2,688	138%	738	
2011	2,506	2,625	3,779	3,046	3,318	2,971	3,021	3,267	3,259	3,298	2,341	2,561	35,992	2,999	112%	311	
2012	2,789	2,316	3,555	2,608	2,418	1,958	2,407	2,932	2,430				23,413	2,601	87%	-398	
													2011	87%	84%		
													2010	97%	97%		
													2009	133%	138%		
																chg to 12 avg	
																	chg to 12 YTD

Registrations Jan to date down 16% from 2011, down 3% from 2010, and up 38% from 2009.
 Registration monthly average down 13% from 2011, down 3% from 2010, and up 33% from 2009.

DISPOSITIONS

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg	
2009	1,609	1,599	1,780	1,556	1,533	1,780	1,827	1,867	1,919	2,354	2,005	2,991	22,820	1,902			
2010	2,210	2,634	2,764	2,707	2,534	2,949	2,352	2,657	2,647	2,853	2,565	2,360	31,232	2,603	137%	701	
2011	2,601	2,626	2,583	2,546	2,994	3,447	2,361	2,860	4,116	3,804	3,130	3,022	36,090	3,008	116%	405	
2012	2,917	3,106	3,407	2,747	2,310	1,816	2,653	3,087	2,709				24,752	2,750	91%	-257	
													2011	91%	95%		
													2010	106%	106%		
													2009	145%	160%		
																chg to 12 avg	
																	chg to 12 YTD

Dispositions Jan to date down 5% from 2011, up 6% from 2010, and up 60% from 2009.
 Disposition monthly average down 9% from 2011, up 6% from 2010, and up 45% from 2009.

BALANCE OPEN CASES

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg	
2009	2,379	2,093	2,270	2,555	2,734	2,906	3,446	3,599	3,849	3,649	3,703	2,918	36,101	3,008			
2010	3,177	2,668	3,000	3,058	2,886	2,635	2,837	3,135	3,591	3,387	3,626	3,973	37,973	3,164	105%	156	
2011	3,872	3,870	4,984	5,543	5,814	5,356	6,020	6,423	5,566	5,057	4,265	3,792	60,562	5,047	159%	1,882	
2012	3,663	2,902	3,018	2,906	3,014	3,141	2,948	2,758	2,509				26,859	2,984	59%	-2,063	
													2011	59%	57%		
													2010	94%	100%		
													2009	99%	104%		
																chg to 12 avg	
																	chg to 12 YTD

Open Balance Jan to date down 43% from 2011, same from 2010, and up 4% from 2009.
 Open Balance monthly average down 41% from 2011, down 6% from 2010, and down 1% from 2009.

Board Member	1st	2nd	3rd	UI	DI	Ruling	Tax	1 Party	2 Party	Total
Alberto Torrico										
Sum	443	473	24	877	48	1	14	357	583	940
Percent	33%	36%	27%	34%	36%	50%	40%	35%	34%	
Kathleen Howard										
Sum	460	452	30	888	47	1	6	359	583	942
Percent	35%	34%	34%	34%	35%	50%	17%	35%	34%	
Robert Dresser										
Sum	117	83	35	221	12	0	2	76	159	235
Percent	9%	6%	39%	9%	9%	0%	6%	7%	9%	
Roy Ashburn										
Sum	311	321	0	592	28	0	13	224	409	633
Percent	23%	24%	0%	23%	21%	0%	37%	22%	24%	
Total Cases Reviewed:	1331	1329	89	2578	135	2	35	1016	1734	

*Off Calendar

Monthly Board Meeting Litigation Report - September 2012

AGENDA ITEM 9

<u>LITIGATION CASES PENDING</u>	TOTAL = 328
SUPERIOR COURT: Claimant Petitions.....	267
Employer Petitions.....	32
EDD Petitions.....	3
Non-benefit Court Cases	6
APPELLATE COURT: Claimant Appeals.....	13
Employer Appeals.....	4
EDD Appeals.....	0
Non-benefit Court Cases	1
ISSUES: UI.....	286
DI.....	19
Tax.....	14
Non-benefit Court Cases	9

2012 CALENDAR YEAR ACTIVITY - Benefit & Tax Cases

<u>LITIGATION CASES FILED</u>	<u>YTD</u>	<u>September</u>
SUPERIOR COURT: Claimant Petitions.....	99	10
Employer Petitions.....	19	1
EDD Petitions.....	0	0
APPELLATE COURT: Claimant Appeals.....	4	0
Employer Appeals.....	0	0
EDD Appeals.....	0	0
 <u>LITIGATION CASES CLOSED</u>	 <u>YTD</u>	 <u>September</u>
SUPERIOR COURT: Claimant Petitions.....	71	10
Employer Petitions.....	9	0
EDD Petitions.....	0	0
APPELLATE COURT: Claimant Appeals.....	5	0
Employer Appeals.....	0	0
EDD Appeals.....	0	0

2012 Decision Summary

<u>Claimant Appeals</u>		<u>Employer Appeals</u>		<u>CUIAB Decisions</u>		
Win: 13	Loss: 63	Win: 0	Loss: 9	Affirmed: 73	Reversed: 11	Remanded: 2

**California Unemployment Insurance Appeals Board
Timelapse Summary Report**

September 2012

STATEWIDE

UI Timelapse Performance	Sept'12	2012 Corrective Action Plan Goals*			Target
		3/31	6/30	9/30	Oct'12
Closed within 30 Days	50.0%	20%	35%	50%	60%
Closed within 45 Days	84.5%	55%	70%	75%	80%
UI Case Aging Performance					
Avg. Age of Pending Cases	27	32	31	31	30

* The 2012 Corrective Action Plan covers the federal fiscal year, from October 2011 through September 2012.

BY FIELD OFFICE

UI Timelapse Performance	Fresno	Inglewood	Inland	Los Angeles	Oakland	Orange County
30 Days	66.5%	29.6%	67.0%	56.5%	69.1%	73.5%
45 Days	89.8%	80.6%	93.0%	80.8%	91.9%	89.6%
UI Case Aging						
(Avg. Days Pending)	25	29	26	29	25	31
UI Timelapse Performance	Oxnard	Pasadena	Sacramento	San Diego	San Francisco	San Jose
30 Days	69.3%	5.6%	39.3%	8.1%	50.8%	70.7%
45 Days	91.6%	81.1%	84.4%	55.3%	93.6%	92.4%
UI Case Aging						
(Avg. Days Pending)	24	30	29	26	24	22

CUIAB 12/13 Fiscal Year Overtime/Lump Sum Payout - SCO Report
July 2012 through August 2012

Branch	FY Y-T-D Decision Typing		FY Y-T-D CTU Typing		FY Y-T-D Registration		FY Y-T-D Other	
	Hours	Pay	Hours	Pay	Hours	Pay	Hours	Pay
Appellate	204.30	\$5,957.55	289.25	\$9,195.89	413.50	\$11,368.17	858.25	\$23,463.87
Admin	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	13.00	\$440.80
IT	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	334.25	\$13,670.02
Exec	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
Project	10.00	\$462.70	0.00	\$0.00	10.00	\$462.70	32.00	\$1,442.10
Field	316.50	\$9,125.33	48.75	\$1,586.23	381.75	\$10,605.20	1,569.00	\$46,958.64
Total	530.80	\$15,545.58	338.00	\$10,782.12	805.25	\$22,436.07	2,806.50	\$85,975.43

12/13 Fiscal Year-to-Date Total Overtime Expenditures						FY 12/13 FY Projections	
Branch	11/12 FY Allocation	Year-to-Date Hours	Year-to-Date Position Equivalent	Year-to-Date Pay	Allocation Balance	Estimated Expenditures Over-/Under	
Appellate	\$71,338.00	1,765.30	0.85	\$49,985.48	\$21,352.52		-\$228,574.88
Admin	\$3,818.00	13.00	0.01	\$440.80	\$3,377.20		\$1,173.20
IT	\$35,711.00	334.25	0.16	\$13,670.02	\$22,040.98		-\$46,309.12
Exec	\$2,266.00	0.00	0.00	\$0.00	\$2,266.00		\$2,266.00
Project	\$10,165.00	52.00	0.03	\$2,367.50	\$7,797.50		-\$4,040.00
Field Operations	\$233,873.00	2,316.00	1.11	\$68,275.40	\$165,597.60		-\$175,779.40
Total	357,171.00	4,480.55	2.15	\$134,739.20	\$222,431.80		-\$451,264.20
Actual Monthly Average Personnel Year							12.93

12/13 Fiscal Year-to-Date Lump Sum Payout				
July 2012 through August 2012				
Branch	Year-to-Date Hours	Year-to-Date Position Equivalent	Year-to-Date Pay	
Appellate	0.00	0.00	\$0.00	
Admin	71.00	0.03	\$609.89	
IT	0.00	0.00	\$0.00	
Exec	873.00	0.42	\$53,439.41	
Project	0.00	0.00	\$0.00	
Field Operations	587.10	0.28	\$24,983.93	
Total	1,531.10	0.74	\$79,033.23	



CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD
SPECIAL PROJECTS MATRIX
October 2012

California's economy is globally ranked with approximately 1.0 million business owners and 18.2 million workers. Currently, California, along with the nation, is experiencing an immense economic downturn with 2.0 million California workers out of work. These are unprecedented numbers for California and the nation. Given this current economic situation, we strive to better serve California's workers and business owners during a time when more than ever, they are in need of our services. Since January 2009, the Board has been focused on the appeal backlog and identifying work solutions that will help address the workload.

WORK PROCESS IMPROVEMENTS

Project & Description	Lead	Priority	Milestones	Goals	Status
<p>EDD/CUIAB Appeal Co-Location Pilot Exploring the co-location of four CUIAB staff at EDD's LA PAC to streamline appeals registration processing.</p>		High	Developed scope with EDD 07/2010 Connectivity established 08/2010 Train staff 09/20/2010 Launch Pilot 09/27/2010 Suspended due to freeze 10/04/2010 Relaunch 06/13/2011	<ul style="list-style-type: none"> - Reduce claimants' & employers' wait time for hearing decisions. - Resolve appeal registration issues in a timely manner. 	On 07/09/12, one Pasadena staff member was added and Inglewood FO appeals will be added on 9/10/12. Co-Location is registering for Inglewood, Los Angeles, Pasadena, Sacramento, and San Diego.
<p>US Department of Labor Taskforce For nine years, CUIAB has failed to meet US DOL timeliness standards for UI appeals. California is ranked 51st among 53 states and US territories on time lapse and case aging standards. In late 2008, US DOL placed CUIAB under a corrective action plan with oversight by a taskforce of US DOL, EDD & CUIAB representatives.</p>		High	Appeal program review 07/27-31/2009 DOL report 02/05/2010 LWDA response 03/10/2010 Two yr AI Risk CAP 07/15/2010 Site visit 04/18/2012	<ul style="list-style-type: none"> - Meet DOL time lapse measures. - Meet DOL case age measures. 	CA removed from corrective action on average case age for first level appeals. September 2012 Performance – first level 30-day – 50% (60%) 45 day – 85% (80%) Avg Age – 27 days (30 days) Second level Avg age – 49 days (40 days)

TECHNOLOGY

Project & Description	Lead	Priority	Milestones	Goals	Status
Collate Decision Print Jobs Reduce a manually collated appeal decision print jobs to one print job to save staff time.	Hugh Harrison Julie Krebs Lori Kurosaka Faye Saunders	On Hold		<ul style="list-style-type: none"> - Reduce claimants' & employers' wait times for benefits and adjustments. - Reduce cycle time for appeals process. 	Programming completed and testing is in progress. Solution will be implemented with new E-CATS release date pending.
CUIAB Network Upgrade This upgrade will double the bandwidth for faster processing of appeal data and information for ALJs and staff.	Rafael Pilaoncia	High		<ul style="list-style-type: none"> - Reduce cycle time for appeals data flow and document saving. 	Meeting with EDD IT to explore options & alignment with Agency network consolidation efforts. Design plans are completed.
Dictaphone Integration Consolidating data & audio files on CATS for appeal cases for improved access.	Faye Saunders	High			Will be released with E-CATS.
Digital Imaging EDD mails hard copy documents to CUIAB when an appeal is filed. CUIAB will collaborate with EDD to image documents and records relating to all appeals and design an electronic exchange.	Lori Kurosaka	High	Kick off 11/2010 FSR completion 02/2011 Potential BCP 02/2011 Procurement 04/2011 FSR in review 03/14/2011 FSR in review 11/30/2011	<ul style="list-style-type: none"> - Reduce paper files prepared & sent by EDD. - Increase information security. - Reduce paper file storage space needs & costs at CUIAB. - Reduce postage costs. - Increase federal performance. 	Draft FSR submitted to Agency on 07/31/2012. Agency will assist on funding strategies. Working with Agency for alternative scope strategies.
E-CATS Enhanced CA Appeal Tracking System is the modernization of CUIAB's legacy appeals tracking system. In-house IT staff are developing the system on a Microsoft web application framework.	Faye Saunders	High			Users will see enhancements such as new and improved screen search, efficiency in decision printing, and IT ability to roll-out updates via the internet. Testing is in progress. Implementation scheduled for November 2012.
Electronic Case Management CUIAB's case tracking database is 10 years old and cumbersome to manage the current workload volume. CUIAB is collaborating with LWDA & EDD to develop an integrated case management system.	Lori Kurosaka Janel Maglinle	On Hold	LWDA, EDD & CUIAB approved FSR & project strategy in 10/2010. Kick off 05/2011.	<ul style="list-style-type: none"> - Receive appeals case documents electronically from EDD. - Eliminate internal mailing of case documents 	Project Team is revisiting the FSR to update and complete by end of fiscal year. Will begin product research and demos each month.
E-Decision Review for ALJs In-house development for electronic appeal decision review process.	Faye Saunders	High			Performing business analysis for requirements gathering.

TECHNOLOGY cont.

Project & Description	Lead	Priority	Milestones	Goals	Status
<p>EDD CCR Interface As a part of EDD's UI Modernization Project, CUIAB is building an interface with the Continued Claims Redesign Project under development. Primary data exchange will include address change updates.</p>	Faye Saunders	High		<ul style="list-style-type: none"> - Eliminate paper exchange process with EDD. - Increase worker information security. 	EDD's CCR implementation is scheduled for March/April 2013. Testing solution with EDD.
<p>Expand Auto Dialer Hearing Reminder Adding email and cell phone text features for supplemental hearing notifications.</p>	Rafael Placencia	On Hold	<p>Updated software. Final testing 08/2010. Implemented 09/2010. Implemented email reminders 04/2011. Revised 10/2011.</p>	<ul style="list-style-type: none"> - Increase hearing attendance rate & productivity. 	
<p>Explore Feasibility to Use EDD Mail Center Within three months, Field Operations wants to explore feasibility of mailing decisions and notices via the EDD Mail Center to take advantage of bulk postal discounts and save staff resources.</p>	Hugh Harrison Lori Kurosaka Faye Saunders	High		-	Held planning meeting with EDD on 04/12/2012 for requirements gathering and costing. Identifying existing model costs and estimating project cost estimates. Held requirements gathering session with FO & AO on 05/02/2012. Design session on hold due to other IT priorities. AppDev is requesting purchase of software to expedite coding for this process.
<p>Field Office Technology Enhancements Investing and testing use of larger sized monitors for hearing rooms. Provide second monitors for support staff to toggle into SCDB without interrupting their CATS.</p>	Rafael Placencia	Medium	Complete procurement	<ul style="list-style-type: none"> - Improve readability of documents on screen. 	Hardware deployment
<p>Field Office Telephone Tree Field Operations will test the use of phone menu options to answer routine constituent calls. This will allow support staff to spend more time on the non-routine calls.</p>	Rafael Placencia	Medium	Develop standard automated phone tree to be used for all FO's Pilot new phone tree in the Inland FO	<ul style="list-style-type: none"> - Reduce claimants & employers time on phones. - Standardize hearing information provided by phone. 	Standard phone tree design completed. Pilot began in the Inland FO.
<p>EDD Flat File Expansion The nightly data file of UI, DI, and PFL appeal transmittals will be expanded to include data for the entire UI macro print jobs. This expanded data will allow CUIAB to calendar hearings before paper transmittal arrives.</p>	Lori Kurosaka Faye Saunders	High		-	Gathering business requirements with Judicial Advisory Council 10/16/2012.

TECHNOLOGY cont.

Project & Description	Lead	Priority	Milestones	Goals	Status
<p>Hearing Scheduling System Currently, FO & AO support staff schedule or assign appeal hearings or cases using a hybrid manual process. Appellate, Field & IT staff observed an EDD demon on their UI Scheduling System.</p>	<p>Lori Kurosaka Faye Saunders</p>	<p>On Hold</p>	<p>Charter & scope completed Kick off 10/14/2010. Requirements 2/2011 Testing began 01/2012 AO Implementation 04/26/2012</p>	<ul style="list-style-type: none"> - Reduce claimants & employers wait time for hearing decisions. - Provide easier electronic process for staff to calendar hearings or schedule cases. 	<p>IT team visited 11 FOs in June & July to gather business requirements. Last two FOs will be visited in August 2012. Design document will be vetted with FO Steering Council in September 2012.</p>
<p>LWDA Network Consolidation To comply with OCIO Policy Letter 10-14, the LWDA Departments & Boards are developing a network consolidation plan that must be completed by June 2013.</p>	<p>Rafael Placencia</p>	<p>Medium</p>	<p>LWDA Workgroup develops migration plan. Consensus on migration plan. Implementation</p>	<ul style="list-style-type: none"> - Improve IT efficiency & effectiveness. - Improve security. - Reduce IT costs by using shared service models. - Reduce greenhouse gas emissions. 	<p>The migration plan is completed and a cost model has been developed.</p>
<p>Personal Productivity & Mobility Pilot for Board Members, Appellate & Senior Staff Testing use of new mobile, paperless technology with Board Members, six Appellate ALJs, and Senior Staff.</p>	<p>Rafael Placencia</p>	<p>On Hold due to air card limitations</p>	<p>OCIO approval for procurement. Testing equipment with Board.</p>	<ul style="list-style-type: none"> - Reduce the use of paper for board appeal processing and board meetings. 	<p>Scoped down due to GO directive on cell phone (air card) reductions.</p>
<p>Printer Standardization Standardizes the use of printers throughout the organization as they are replaced. This will reduce maintenance and toner costs through the printers lives.</p>	<p>Rafael Placencia</p>	<p>Medium</p>		<ul style="list-style-type: none"> - Reduce maintenance & support costs. - Reduce toner costs. 	<p>Researching feasible equipment. Standards are in place for light, heavy, color, and multi-function printers.</p>
<p>Refresh Bench & Conversion CUIAB's intranet site is under refresh and conversion to SharePoint 2010 software. This software will provide easier updates and content.</p>	<p>Faye Saunders</p>	<p>Medium</p>		<ul style="list-style-type: none"> - Improve internal communication tool for CUIAB employees. 	<p>Secured consultant to build a new SharePoint server in early September 2012. Migration of current content completed in August. IT is working with different programs to update the content of their pages. All contents must be updated by November.</p>
<p>VOIP Telephony CUIAB is exploring use of Voice Over Internet technology to provide lower cost telecommunications.</p>	<p>Rafael Placencia Janet Maglinite</p>	<p>On Hold</p>	<p>09/17/2011 Completed 23 out station hearing facilities.</p>	<ul style="list-style-type: none"> - Elimination of long distance toll calls - Consolidation of telecommunications support areas. 	<p>On hold 07/2011. IT staff are preparing business analysis for feasibility of further implementation.</p>

STAFFING, FACILITIES, EQUIPMENT & OTHER

Project & Description	Lead	Priority	Milestones	Goals	Status
<p>Archive File Document Conversion Each FO is retaining three years of completed paper appeal case files that are sitting in considerable real estate space. The file room space may be easily converted to ALJ offices or hearing rooms.</p>	<p>Lori Kurosaka Pat Houston</p>	<p>High</p>	<p>MSA vendor contract executed 01/20/10. OC, Inland, LA, Oxnard, San Jose, San Diego, LA, Sacro, SF, Appellate complete Vendor quality checks 04/05, 05/06, 08/19 Vendor quality check 05/09</p>	<p>- Recapture real estate space for ALJ offices and hearing rooms. - Priority conversion for OC, Inland, LA, San Jose & Oxnard.</p>	<p>Extended vendor contract to 12/31/2012. CUIAB IT working on solution to scan files in FO.</p>
<p>Judicial Advisory Council Established an advisory council of two Presiding Judges & three ALJs to seek input on major technology development.</p>	<p>Lori Kurosaka Janet Maglino</p>	<p>High</p>	<p>07/2011-Completed business requirements for case management system.</p>	<p>- Design comprehensive technology systems with input from judicial users.</p>	<p>Updating business requirements for imaging & workflow system. Testing ergonomic furniture to help judges to adopt new technology. Scheduling mini-design sessions from September – December 2012 to begin workflow design.</p>
<p>Performance Management Tools for Board & Leadership Develop additional reporting tools that the Board & Leadership will use to monitor overall appellate performance and appeal process cycle times. These tools will also help to measure success with the large scale technology projects.</p>	<p>Janet Maglino</p>	<p>High</p>	<p>Business case metrics for Imaging Business case metrics for case management Tested report template designs with IT.</p>	<p>- Design comprehensive technology systems with input from staff users.</p>	<p>Design & test Appellate Operations cycle time and case aging reports is pending completion of the E-CATS project. Field Operations performance indicator reports are complete.</p>
<p>Staff Advisory Council Established an advisory council of six Field Operations staff and two Appellate staff to seek input on major technology development</p>	<p>Lori Kurosaka Janet Maglino</p>	<p>High</p>			<p>First assignment is to redesign appeal forms as smart forms. Scheduling mini-design sessions from September – December 2012.</p>
<p>Transforming CUIAB Engage a consultant to help plan and guide the leadership team through organizational change management. A consultant will assist with defining organizational structure, proactive communications with stakeholders, identify staff skill sets needed for new technology, etc. to maximize user acceptance of new technology.</p>	<p>Rafael Piaccencia Pam Boston Lori Kurosaka</p>	<p>High</p>	<p>Release RFO 03/18/2011 Rerelease RFO 05/12/2011 Bids due 05/31/2011. Intent to award 06/10/2011. Deliverable 1 completed 10/2011. Deliverable 2 completed. Deliverable 3 completed 07/31/2012. Deliverable 4 completed 09/26/2012. Deliverable 5 completed 08/23/2012. Deliverable 6 completed 09/28/2012.</p>	<p>- Plan, design and implement organizational design for the large scale technology projects. - Plan and coordinate communications with all stakeholder groups.</p>	<p>Vendor delivered as-is & to-be job duty functions for pre and post technology. This product will be used to determine what job duty statements will look like and what classifications are necessary after implementation. The next deliverable is under review with the Steering Council.</p>

COMPLETED PROJECTS

Project & Description	Lead	Priority	Milestones	Goals	Status
Administration Branch Move To leverage headquarters space, a part of Administration Branch staff will be housed on the first floor @ Venture Oaks.	Janet Maglinle Pam Boston	High	Tenant improvements done. Modular furniture installed.	-	This move will accommodate space needs for Personnel. IT move completed. Personnel move scheduled for 06/10/2011.
ALJ & Board Member Training Curriculum is being developed to address federal and state policy changes such as extended unemployment benefits program.	Alberto Roldan Jorge Carrillo	High	Implement new curriculum 11/15/2009	-	Developing webinar training to update ALJs on federal policy & regulation changes to be available in 12/2009. New curriculum introduced in new ALJ training in 11/2009. Board Member curriculum delivered 12/2009.
ALJ Mobility Pilot Provides mobile equipment to conduct hearings in remote locations.	Rafael Placencia	Medium	Inland complete Training 03/2010 LA complete 12/2010 All FOs completed 03/2011.	-	
Auto Dialer Hearing Reminder FO experienced over 30% "no show" rate of appellants for scheduled hearings. To increase hearing attendance, CUIAB developed computerized auto dialing hardware and software to call claimants and employers with reminders 48 hours prior to scheduled hearing dates.	Rafael Placencia	High	System design 05/2009 Procurement 06/15/2009 Configuration & testing 06/30/2009 Implementation 07/01/2009	- Increase hearing attendance. - Increase phone hearing schedule. - Reduce duplication of work from reopening cases and rescheduling hearings.	Tested hardware/software 07/2009. Implementation was on 07/22/2009. Post-implementation "no-show" rate now at 22%.
Business Process Reengineering EDD & CUIAB established joint project team to solicit a vendor to review and document current appeals processes in light of EDD's technology efforts to ensure CUIAB aligns with new models. Vendor will offer new appeal business models for consideration and to lead to business and procurement requirements.	Lori Kurosaka	High	Vendor on site 06/21 Kick off 06/23 As is delivered 08/2010 To be deliverable 09/2010 Gap analysis 09/2010	- Reduce claimant & employer wait time for appeals decisions. - Reduce paper & postage costs. - Increase information security. - Increase federal performance measures.	Received DOL SBR grant to fund the entire effort. EDD/CUIAB joint kick off on 06/23. Vendor held leadership vision checks with CUIAB (08/19/2010) & EDD (08/31/2010). Final deliverables accepted 10/18. Provided briefing sessions with key stakeholders – LWDA, DOL, OCIO, etc.
Archive File Document Conversion Each FO is retaining three years of completed paper appeal case files that are sitting in considerable real estate space. The file room space may be easily converted to ALJ offices or hearing rooms.	Lori Kurosaka Pat Houston	High	MSA vendor contract executed 01/2010. OC, Inland, LA, Oxnard, San Jose, San Diego, LA, Sacto, SF. Appellate complete Vendor quality checks 04/05, 05/06, 08/19. Vendor quality check 05/09	- Recapture real estate space for ALJ offices and hearing rooms. - Priority conversion for OC, Inland, LA, San Jose & Oxnard.	Extended vendor contract to 12/31/2012. CUIAB IT working on solution to scan files in FO.

COMPLETED PROJECTS Cont.

Project & Description	Lead	Priority	Milestones	Goals	Status
<p>Case Process Time Analysis CUIAB conducted a detailed analysis of the steps in the first- and second-level appeal process. This helps to identify areas to streamline and maximize efficiencies.</p>	Steve Egan	Medium	Appellate analysis to be completed by 06/15/2009.	<ul style="list-style-type: none"> - Increase federal performance measures. - Reduce wait time for claimants & employers. 	Field analysis completed on 04/29/2009. Appellate analysis completed 06/30/2009. Both products were shared with US DOL & EDD.
<p>Court Case Database Conversion Update the writ of mandate database with web-based software for easier reporting and software and database upgrade deployment.</p>	Faye Saunders	Medium		<ul style="list-style-type: none"> - 	Database conversion completed. Working on a few enhancements for Legal Office.
<p>Dragonspeak Software Pilot Piloted use of voice to text software to dictate appeal decisions with 21 ALJs. Software helps reduce hub typing by support staff and expedite the mailing of appeal decisions to claimants and employers.</p>	Alberto Roldan	High		<ul style="list-style-type: none"> - Reduce decisions being typed in the hubs. - Reduce wait time for claimants & employers. 	3 ALJs in AO, 17 ALJs in FO and 1 in Office of Chief piloted the software. The software will be introduced at all new ALJ training beginning 09/2009.
<p>Electronic Appeal Decisions CUIAB Field staff manually sort and prepare appeal decisions for mailing to the appellants and EDD. CUIAB and EDD are jointly developing electronic solutions for the transfer of appeal decisions to all EDD programs.</p>	Lori Kurosaka	High	EDD/CUIAB workgroup launched 08/18/2009 Unisys contract award 01/2010 Phase I implementation 04/14/2010 (second level) Phase II design 05/03/2010 (first level) Phase II implementation 09-10/2010 Phase III tax implementation 10/21/2011 Phase IV DI/PFL implementation 12/21/2011	<ul style="list-style-type: none"> - Reduce claimants' & employers' wait times for benefits and adjustments. - Reduce postage and paper costs. - Increase information security for claimants & employers. 	Phase III delayed due to EDD's ACES implementation and DI staffing constraints on 11/2010, 01/2011, 03/2011, 04/2011 & 05/2011. Participated in three design sessions 07/-08/2011 with EDD Tax, DI & IT. DI/PFL testing completed 12/19/2011.
<p>Electronic Transmission of Board Appeals to FO Currently, Presiding Judges receive hard copies of all board decisions for review to help identify ALJ training needs. This solution will transmit the decisions electronically to the PJs.</p>	Rafael Placencia Faye Saunders	High	Completed 03/2011.	<ul style="list-style-type: none"> - Eliminate the mailing of hard copy decisions to CUIAB Field Offices. - Increase information security. - Save paper and postage costs. 	

COMPLETED PROJECTS Cont.

Project & Description	Lead	Priority	Milestones	Goals	Status
<p>Enhance E-Dec System for Paperless Decision Processing Replicate Field Operations typing hub for Appellate Operations. Provides electronic access to decisions by Appellate ALJs and decision typists for typing, review, edits, etc.</p>	Rafael Placencia Jorge Carrillo	High	Specification meeting 04/29/2010 Demo 05/05/2010	<ul style="list-style-type: none"> - Eliminates typist wait times in receiving hard copy folders with digital audio decisions. - Reduces wait time for claimants & employers. 	IT began pilot phase.
<p>Enhance Wireless Connections CUIAB will upgrade 12 Field Offices and 3 large out-station offices for wireless connection. This will provide faster laptop and PC response times for ALJs in hearing rooms and offices.</p>	Rafael Placencia	High	Procure "hot spot" connectivity boosters. Install boosters. All FOs completed 03/2011.	<ul style="list-style-type: none"> - Seamlessly connect to CUIAB network via mobile devices. 	
<p>Enhancing Information Security CUIAB appeal forms and mailings include printing of Social Security Numbers as identifiers. CUIAB is experiencing a high number of security incidents due to errors with mailing addresses.</p>	Rafael Placencia	High		<ul style="list-style-type: none"> - Increase information security for claimants and employers. 	IT developed programming to remove the SSN from all CUIAB mailings. User testing successfully completed. Changes in production on 02/09/2010 with a new release of CATS.
<p>Expansion of DragonSpeak Software Currently, 60 ALJs in FO & AO are using the voice to text software to dictate appeal decisions in result of the pilot and training. CUIAB is offering the use to all ALJs and provide a training schedule statewide.</p>	Alberto Roldan Rafael Placencia Pam Boston	High	Procure additional licenses Develop training schedule & technical assistance follow up. Implement new licenses.	<ul style="list-style-type: none"> - Reduce decisions being typed in the hubs. - Increase federal performance. - Reduce claimants & employers wait time for decisions. 	DOL approved funding for expansion at \$148,000 for 60 licenses. CUIAB matched funding for 30 additional licenses. IT rolled out software in 03/2010. Admin followed with ALJ training sessions from 03/2010 to 06/2010 with vendor-developed custom software training for ALJs.
<p>Expansion of Information Technology Infrastructure To align with the State CIO & CA Labor & Workforce Development Agency CIO strategic technology plans, CUIAB needs to update its IT infrastructure to pursue further technology projects.</p>	Rafael Placencia	High	System design 09/2009 Procurement 10/2009 Configuration & test 10/2009 Implementation 07/2010	<ul style="list-style-type: none"> - Reduce the complexity of the WAN by standardizing circuit types. - Provide faster throughput for centralized computer services - Lower administrative cost. - Align with Agency WAN consolidation. 	System design completed 07/2009 DOL approved funding at \$310,000. Sacto & OC were first priority.
<p>Hearing Room CUIAB will partner with Division of Workers' Compensation to use their underutilized hearing rooms across the state.</p>	Alberto Roldan Pam Boston Pat Houston	High	Executed contract for 3 Oakland hearing rooms from 12/2009 Executed contract for So Ca	<ul style="list-style-type: none"> - Increase facility capacity for hearings. - Increase federal performance. - Reduce wait time for claimants & employers. 	Hearing rooms secured in Van Nuys, Oxnard, and San Diego.

COMPLETED PROJECTS CONT.

Project & Description	Lead	Priority	Milestones	Goals	Status
<p>IT Asset Management Improvement Updated tracking of IT assets with an automated system. This item was a recommendation noted in the Bureau of State Audits Report 2008-103.</p>	Rafael Placencia	Medium	Implement 08/2009 Transition assets to IT 09/2009 Draft & implement policies & procedures 09/2009 Conduct training 11/2009	<ul style="list-style-type: none"> - Replace manual IT asset management system with new automated system. - Improve tracking of IT assets & aging. - Reduce asset management processing time by 50%. - Provide easier access to training resources & ALJ tools. 	
<p>Insight – Professional Development Develop an intranet-based judicial training site to serve as a clearinghouse for all judicial training materials, sample decisions, other ALJ tools, and colleague insights on laws and appeals.</p>	Alberto Roldan Angela Bullard	High	Launched 10/24/2011.	<ul style="list-style-type: none"> - Provide easier access to training resources & ALJ tools. 	
<p>Interim Access to SCDB/TAS CUIAB IT & EDD IT partnering to provide connectivity to EDD's Single Client Database for FO inquiry use - address updates, claim info, employer account updates, proper appeal documents, etc.</p>	Rafael Placencia	Medium	EDD CIO strategy plan 01/29/2010. Security & connectivity tests in Sacramento 05/06/2010 MOU executed 06/24.	<ul style="list-style-type: none"> - Validate claim information and appeal registration in real time. - Reduce wait time for claimants & employers. - Increase federal performance. 	Interim solution until both EDD & CUIAB are on the same network infrastructures and imaging systems. MOU executed. Training module received on 08/25/2010 from UI Branch. CUIAB delivered training in FO 11 & 12/2010.
<p>Mass Calendaring In each FO, a team of 3 to 4 ALJ IIs are assigned a mass calendar of more common, routine UI appeal hearings. Rather than scheduling one hearing for a time slot, the mass calendar schedules three hearings to maximize case calendar time.</p>	Alberto Roldan	High		<ul style="list-style-type: none"> - Increase case completions. - Increase federal performance measures. - Reduce wait time for claimants & employers. 	Beginning 10/2009, all Field Offices will be holding mass calendars two weeks each month. Mass calendars will be scheduled for both ALJ Is and ALJ IIs.
<p>Overcalendaring System Beginning 09/24/2009, all ALJs, during regular calendar weeks, will be assigned additional 4 -5 appellants per week per ALJ. This overcalendaring will offset lost productivity created by appellants not showing for hearings. In place in addition to mass calendars alternating weeks.</p>	Alberto Roldan	High		<ul style="list-style-type: none"> - Liquidate the appeal case backlog in FO - Increase federal performance measures. - Reduce wait time for claimants & employers. 	This new procedure was put into place on 09/24/2009 for hearing calendars two weeks out. We will monitor results over the next few months.
<p>Paperless Pilot Project When a board appeal is filed, the hard copy case file is mailed to AO for processing. To expedite this case transfer, CUIAB will pilot the transmission of electronic case files from one Field Office to AO.</p>	Pam Boston Alberto Roldan Jorge Carrillo Luis Rodriguez	High	System design 03/2009 Procurement 06/2009 Configuration & testing 07/2009 Implement Phase I 09/2009 Implement Phase II 10/2009	<ul style="list-style-type: none"> - Expedite the transfer of board appeals from FO to AO. - Reduce wait time for claimants & employers. - Increase federal performance. 	AO developed a monthly report that measures the time it takes FO to transmit board appeals and case files to AO. Daily scanning in Orange County FO began 10/01/09. OC transfer rate has fallen from 4 days to 1.9 days.

COMPLETED PROJECTS CONT.

Project & Description	Lead	Priority	Milestones	Goals	Status
Phase I – Workload Reduction Plan In 2008, the Board & management team developed a workload reduction plan to address the increase in cases and the time lapse and case aging standards.	Pam Boston Alberto Roldan Jorge Carrillo		Board approval Hire 21 ALJ's in FO 05/2009 Hire 21 Support FO 05/2009 Hire 10 ALJ's FO 08/2009	<ul style="list-style-type: none"> - Liquidate appeal case backlog in FO - Liquidate appeal case backlog in AO - Increase federal performance measures. 	All Phase I hires completed.
Phase II – Workload Reduction Plan Hired additional staff to address workload and phased ALL training.	Pam Boston Alberto Roldan Jorge Carrillo		Board approval Hire 40 ALJ's by 06/2009 Hire 40 support by 06/2009	<ul style="list-style-type: none"> - Liquidate FO appeal case backlog. - Liquidate AO appeal case backlog. - Meet time lapse & case aging stds. 	
Phase III – Workload Reduction Plan	Pam Boston Alberto Roldan Jorge Carrillo	High	Board approval Hire 4 ALJ PIs in AO Hire 6 Support in AO Hire 30 ALJs in FO Hire 40 Support in FO	<ul style="list-style-type: none"> - Liquidate the appeal case backlog. - Reduce wait time for claimants & employers. - Increase federal performance. 	AO completed 4 FT ALJs and 4 PI Support Staff. FO has filled 29 ALJs and 28 Support Staff. All offices are actively recruiting, and anticipate having most of the PFT positions filled by 4/30/10.
Reduce Decision Typing Backlog CUIAB will partner with LWDA & EDD to borrow typists on Furlough Fridays, Saturdays &/or Sundays to help reduce decision typing backlogs in FO & AO. CUIAB is converting the Sacramento Training Room into a temporary mini-hub.	Alberto Roldan Jorge Carrillo Pam Boston Lori Kurosaka	High	Test equipment & training with small group 10/09 Mini-hub full group 10/16 FO decision typing liquidated by 11/13/2009	<ul style="list-style-type: none"> - Reduce wait time for claimants & employers. - Increase federal performance. 	49 CUIAB Headquarters staff began 10/12 & 20 EDD staff began 10/16. Transitioned hub to AO transcript typing on 11/13. Transcription backlog reduced by 50% by 01/15/2010. OAL stenographer contract in place to assist with transcription.
Refresh Forms & Pamphlets Update CUIAB forms and pamphlets.	Steve Egan-FO Luis Rodriguez AO	Medium	Draft procedures for FO staff. Implement data collection. Enhance auto dialer with new data mining.	<ul style="list-style-type: none"> - Update, summarize, clarify and consolidate public information on CUIAB website. 	Draft Hearing Info Pamphlet completed 05/09. Pending FO review. Draft AO FAQs completed. In final review. DE 1000 revised for cell phone & email collection. CATS drop down fields already in place.
Regulatory Revisions To eliminate 18 days of waiting time in board appeals, CUIAB is pursuing regulatory changes to require parties to exercise their rights earlier in the process.	Jorge Carrillo Ralph Hilton Kim Hickox Rafael Placencia	Medium	Board Approval OAL submission Develop forms IT reprogramming OAL approval 02/15/2010 Implement 05/2010	<ul style="list-style-type: none"> - Reduce board appeal processing time in AO. 	The Board held two public hearings for public comment – one in Northern CA & one in Southern CA. Draft regulation revisions adopted by the Board at the 10/2009 meeting. OAL published the draft regulations for public comment ending 02/15/2010. CUIAB also mailed drafts to interested parties. AO staff are working with IT staff to update all board appeal acknowledgement letters and any other applicable letters.
Sacramento Headquarters Construction CUIAB Headquarters experienced construction delays for seven hearing rooms.	Pam Boston Ralph Hilton	High	Locate seven hearing rooms with other state agencies.		Construction complete and hearings began 01/19/2010.

COMPLETED PROJECTS Cont.

Project & Description	Lead	Priority	Milestones	Goals	Status
Streamline Appeal Registration EDD & CUIAB established a joint workgroup to improve the appeal registration process that occurs at both EDD & CUIAB. The current process takes about 15 days before an appeal is ready to calendar for hearing.	Lori Kurosaka	High	Recruit FO staff Visit PACs & CUIAB FOS to review processes. Brainstorm solutions. Recommendations to Execs	<ul style="list-style-type: none"> - Eliminate duplication in process. - Increase efficiencies. - Increase federal performance measures. - Reduce wait time for claimants & employers. 	Workgroup launched on 11/20 with office visits on 12/10 & 11 Sacto and 01/14 & 15 in OC. EDD & CUIAB met on 02/18 to debrief and discuss potential solutions. Recommended solutions are under development.
Telephone Hearings Field Operations is testing the use of phone hearings to provide better access particularly to UI claimants who lack transportation to a hearing or have secured new employment. This also helps employers by allowing them to remain on their business premises during business hours.	Alberto Roldan	High		<ul style="list-style-type: none"> - Increase hearing attendance by claimants & employers. - Increase federal performance measures. - Reduce wait time for claimants & employers. 	
Video Production Developed a 5 minute video to demystify the appeal hearing process. The video is looped in hearing office reception areas and available via the internet.	Steve Egan	High		<ul style="list-style-type: none"> - Familiarize parties with the hearing process. - Educate parties on presenting their cases at hearings. 	PowerPoint slide presentation is complete. DGS Studio Director Stella Garin completed film shoot on 06/19. Editing completed & DVD delivered 07/08/2009. Posted to CUIAB website on 09/01.
WAN Acceleration Implement a networking technology known as Wide Area Acceleration Services (WAAS) to speed up the transferring of data over the Wide Area Network.	Rafael Placencia	High	System design 06/2009 Procurement 07/2009 Configuration & testing 08/30/2009 Implementation 10/1/2009	<ul style="list-style-type: none"> - Reduce computer response time when accessing files over WAN links - Increase productivity of staff by improving opening and closing of documents over the WAN 	System Design Complete. Implementation occurred in San Jose, Inland, Fresno, Inglenwood, Oakland, Pasadena, and San Francisco. Phase II is complete.
Workstation Refresh Replace the 150 remaining PCs that have expired warranties throughout the state.	Rafael Placencia	High	Completed deploy to Admin staff.		Preparing procurement documents.

CANCELLED PROJECTS

Project & Description	Lead	Priority	Milestones	Goals	Status
Digital Personnel System This project creates a paperless process for recruitment and hiring process between HR and hiring managers (Phase I). Phase II will use CUIAB's external web site to accept electronic application filing for CUIAB job vacancies.	Rafael Placencia	Medium Cancelled	Phase I design 05/2009 Phase I implementation 06/2009 Phase II design 08/2009 Phase II implementation 09/2009	<ul style="list-style-type: none"> - Replace existing manual process to full paperless process - Eliminate the mailing of applicant documentation - Reduce staff time hire transactions 	Phase I is in use. Phase II is in development.