



Member Plescia thanked PALJ Kirk Garvin and everyone at Rancho Cucamonga for hosting the board and also thanked everyone at Pasadena for their hospitality.

**6. Assistant Secretary, Labor and Workforce Development Agency, Stephen Egan Report:**

Assistant Secretary Stephen Egan reported the California job loss for February was just over 33,000.

**7. Chief ALJ/Chief Executive and Acting Executive Director Report:**

Chief ALJ/Acting Executive Director Alberto Roldan reported his office is working on dealing with the significant backlog in the Inland office. They pulled together a 10 traveling judge task force to assist in the Inland office and scheduled a mass calendar to supplement the existing mass calendars and regular calendars. He went on to report yesterday they started their next administrative law judge academy of new judges. As of February 28, 2010, the open balance was 84,920 cases in all categories. The UI balance currently sits at 72,323 cases as of February 28, 2010.

Chief ALJ/Acting Executive Director Roldan reported the turnaround on the temporary typing Hub is averaging only a couple of days on a regular basis. He applauds the typing Hub for the efforts they have been involved in. He further reported a number of significant projects that were previously approved by the board are underway or are complete. Construction improvements in the headquarters building in Sacramento are now complete. Previous tenants vacated the second floor space allotted for the San Jose Office of Appeals in January and he worked with the Chair on selecting a final plan that has been communicated to the Department of General Services. They now have both the space and the general construction plan for the San Jose office. The Chair signed the lease for the Santa Ana satellite office to add an additional facility to service the area that was previously serviced by Fountain Valley. Chief ALJ/Acting Executive Director Roldan reported they have succeeded in securing a private vendor to provide more training on the voice to text software for the ALJs.

**8. Assistant to the Executive Director, Lori Kurosaka Report:**

Assistant to the Executive Director, Lori Kurosaka updated the board on a few projects and advised the board that there are upcoming legislative hearings scheduled. The Archive Documents Conversion Project quickly recaptures field office real-estate space for the CUIAB to convert to hearing rooms and ALJ offices. They are scanning paper archive files so they can quickly re-capture that real-estate space. The Digital Imaging project is the full electronic exchange of appeal documents between EDD and CUIAB. Phase I will include a business process reengineering analysis by a consultant. Phase II will be the programming and implementation of the new business design.

Assistant to the Executive Director Kurosaka reported on the Electronic Decision Transfer Project which transfers the appeal decisions between CUIAB and EDD for

processing and implementation. Appellate Operations staff identified sample decisions in the last month. The project team is scheduled to start testing with those decisions next week and hope to be fully implemented with Appellate Operations by the end of the month.

Assistant to the Executive Director Kurosaka updated the Chair on the DOL review report. CUIAB worked with EDD to draft a response on behalf of the Labor Agency. The letter was approved by the Governor's office last night and they anticipate it being mailed out today.

**9. Chief ALJ, Appellate Operations Branch, Jorge Carrillo Report:**

Chief ALJ, AO, Jorge Carrillo reported for the month AO registered 2,136 new appeals. AO closed 2,634 cases which is good given that February is a short month of 28 days and one holiday. AO was pretty much close to their average for the fiscal year. AO dispositions were 18% above normal. AO closed 2,634 cases which was 500 cases more than what came in so the open balance is down to 2,670. Not too long ago they were reporting numbers of about 3,700 or so. They have been able to cut the inventory by almost 1/3. This reduction is due to assigning mass calendars and extra cases to the judges. This also allowed AO to cut down the number of days that an average case is open during the month. Normally they report numbers of around 35 to 40 and DOL expects AO to be at 40 or under so they have been doing fairly well for 6 to 7 months. But this month they were able to get it down to 29 days which is an incredible feat for AO.

Chief ALJ, AO, Carrillo reported DOL has suggested time lapse guidelines for AO and for the second time in 6 or 7 years they have been able to meet all 3 of the time lapse. AO closed 59% of their dispositions with 45 days; the requirement from DOL is 50%. AO met the 75 day by closing 91% of their cases within 75 days and 99.77% of their cases within 150 days. He stated that is fairly unusual and thanked his staff, the support staff and judges, but also the board for working very hard on closing these cases.

Given that AO is catching up on its inventory they are doing some additional projects. The judges are going to be taking Dragon Naturally Speaking training. Chief ALJ, AO, Carrillo reported they also recently completed training for their staff on extended benefits.

**10. Chief Information Officer, Rafael Placencia Report:**

Chief Information Officer Rafael Placencia reported on the accelerated decisions notification to EDD. He also reported on the expansion of Information Technology infrastructure and Phase II of the WAN Acceleration project.

Chief Information Officer Placencia reported on the Interim Access to EDD Database project which is going to allow staff within CUIAB to access claimant data with EDD's data system. They are scheduled to start that project out of Sacramento at anytime now. He lastly reported on the ALJ Mobility Pilot project

**11. Deputy Director, Administrative Services Branch, Pam Boston Report:**

Deputy Director Pam Boston reported they have signed the Dragon contract and training is scheduled to begin March 15. She also referred to the overtime report included in the board's packet. Deputy Director Boston reported Personnel staff is in the process of providing statewide attendance clerk training. The 2010/11 Call Letters were due last Friday. They have a budget advisory committee meeting scheduled for that week and will be going over the Call Letter requests and presenting a 2010/11 budget to the board once the Governor signs the budget.

Deputy Director Boston reported the new employee orientation will be released with the first session scheduled for March 30 in San Diego. She also reported Personnel has filled some of its vacant positions.

Deputy Director Boston reported on the status of recruitment efforts for both ALJ and clerical positions. There was also a discussion about the issue of arduous pay for ALJs. Member Figueroa made a motion to write a letter to the Department of Personnel Administration requesting consideration for the arduous pay. Member Montañez seconded the motion. The motion passed unanimously by all members present.

Chair Garcia asked if it would be appropriate to have Member Richardson on the letter. Member Richardson commented that she would like to be a signer on the letter even though she is not able to register her vote. Chief Counsel Hilton responded it would be appropriate.

**12. Chief Counsel's Report:**

Chief Counsel Ralph Hilton reported that presently on the litigation front the board is carrying 240 cases. In a continuation of the trend during these economic times 12 new cases came in last month and 1 case closed. Of the 12 new cases, 11 of the cases were concerning benefit appeals and 1 was a Tax case brought by the employer.

Chief Counsel Hilton reported there were two significant developments in court cases: 1) the California Supreme Court declined to hear CUIAB's petition for review of the Court of Appeals' decision in the Cynthia George retaliation case which means the decision is now final; and, 2) a tax case in which the Court of Appeals issued a published decision upholding and reinforcing the notion that a taxpayer who has an assessment against it must pay that tax and exhaust its administrative remedies before it can go to court.

Chief Counsel Hilton reported on the workload and that the board members are doing an increasing number of cases each month.

**13. Unfinished & New Business**

**2009/10 Budget** – no report.

**Status of decision review pursuant to CUIAB 406(b) Report** – Chief ALJ/Acting Executive Director Roldan reported the process is continuing in the Chief's office. He has not expanded it beyond that office yet. He is using, with only slight modification, the previous form that was used by Special Master Cannella in pulling random cases throughout the field offices. He is still working with Chief Counsel Hilton and the legal counsel's office on trying to draw a distinction between the 406 reviews and the 413 reviews.

**Report on Proposed Regulations** – Staff Counsel Kim Hickox reported in the board packets she included a memo along with a table of all the relevant comments and our response. Also, included were the Proposed Regulations to be adopted and a packet of all the letters that were received during the notice and comment period. The majority of the comments received were regarding the §5055 Electronic Hearings, §5102 New and Additional Evidence and §5105 Written Arguments and Briefs. She stated Alberto Roldan, Jorge Carrillo and she reviewed all the comments and do not think that any changes should be made. Member Figueroa made a motion to approve the proposed regulations. Member Runner seconded the motion. The motion passed unanimously by all Members present with one abstention by Member Richardson.

**Regional Support Unit restructure report** - Chief ALJ/Acting Executive Director Roldan reported that part of the driving force for revisiting the Regional Support Unit from a logistics standpoint is that the Inland Office of Appeals is running out of space. There are issues to explore on how to reach a solution to this problem. Chair Garcia stated she wants to make sure we are preserving our employees and that we are putting them, if we make any changes, in areas that are appropriate for them and also benefit the agency. She wants to make it clear that they are not looking at dissolving employees or doing away with jobs. They just want to be much more efficient in how they operate as an agency. She asked for a plan, timeline and a budget for the next board meeting.

**14. Public Comment:**

PALJ Kirk Garvin from the Inland Office of Appeals thanked the board members and staff that made the effort to come and join them. He also thanked Member Figueroa for the request regarding the arduous pay; the judges very much appreciate and thanked the board for its motion in that regard sends a very powerful message to the judges that their efforts are appreciated.

**15. Closed Session:**

The Board went into closed session. No votes were reported.

**Adjournment**