

5. Board Member Reports:

Member Allen reported that they are getting toward the final stages of a new Precedent process. He reiterated he is enjoying working with the staff, the judges and his colleagues in this process.

6. Public Comment:

No public comment.

7. Chief ALJ/Executive Director Report:

Chief ALJ/Executive Director Gonzales reported that CUIAB reached all the milestones to be removed from all DOL Corrective Action. They have made all the numbers for time lapse and for case aging. However, she noted the workload is decreasing. February was 10% below the average for the fiscal year.

Chief ALJ/Executive Director Gonzales reported they had a presiding judge meeting and went over a number of issues. One important issue was how the offices are handling the decreasing caseload. Member Adkisson was introduced to the presiding judges at that meeting by Chair Dresser.

Chief ALJ/Executive Director Gonzales reported on the Windows 7 rollout which is upgrading from Windows XP to Windows 7.

Chief ALJ/Executive Director Gonzales stated that March is a critical month, since it is the month DOL assesses case age on March 31st. This is how DOL measures case age. The rest of it is the time lapse numbers, the 30 and 45 days, measured in March they do an average of the year.

Chair Dresser commented that he thinks we are ranked 13th in the United States in terms of our Field Operations. We were 51st a few years ago and he knows we are in the top 15 states in our performance. He commended Chief Gonzales because it has been difficult to manage that degree of improvement. A letter was issued to all staff about our reduced workload and to continue to update them as to the serious budget reductions the agency is experiencing due to the reductions in caseload.

Chair Dresser noted that they are closely monitoring attrition and retirements to see if any of that changes the budget picture.

On a separate issue, Member Allen commented that they have talked in the past about the process for making complaints about judges in the Field but he was also interested in making sure that judges would also be informed of comments from board authors and from board members about the good work the Field judges do.

Chief ALJ/Executive Director Gonzales responded that generally the way it has been done in the past is that the letter commending the ALJ would go to the presiding judge or the Chief of AO and then that letter would then go to the employee.

Member Adkisson stated that sometimes he has seen some of these judges really do an extraordinary job of bringing out evidence that wasn't going to come out without very astute questioning and that's one of the things he has been critical about in some cases, the evidentiary record. There are so many of the judges that just do an excellent job on that that he thinks encouraging that would be positive and if he knew that that was going to be shared with the judge he'd certainly make sure to note those cases.

8. Chief ALJ of Appellate Operations, Elise Rose Report:

Chief ALJ AO Rose reported that AO's registrations are holding fairly steady over the past four months. They are looking ahead to a drop listening to what's going on in the Field. The number of dispositions is almost even with last month. The case aging is at 27.8 which is the lowest it has been this fiscal year. That is the only standard that DOL requires AO to make, is the case aging standard but DOL also looks at and publishes the time lapse. AO has also met all of the goals there for the 13th straight month. She noticed a mistake on the report. The 75-day time lapse which needs to be at least 80% is actually 93% of the cases are being decided within 75 days, not 32%.

Chief ALJ AO Rose reported that the Precedent Committee is meeting this week. They have invited Member Adkisson and he has accepted to attend that meeting. Some changes have been made to the precedent decision process draft and that will be presented to the Precedent Committee which meets Thursday for any final comments. Then it will be circulated to the AO staff who has expressed some interest in that process and then it will be brought back to the board. If the board likes it then it will be finalized.

Chief ALJ AO Rose reported that AO has been transitioned to Windows 7. It has gone fairly smoothly.

Chief ALJ AO Rose reported that AO is still losing a lot of staff, about 20 support staff since last year at this time and they are losing someone else this week.

Member Allen asked that in this situation of losing support staff is this something that is important for salary savings or is this going to be a problem in terms of support or is it a neutral thing at this point.

Chief ALJ-AO Rose replied that it is something that will be discussed at the upcoming budget meetings. Yes it is difficult and some key positions have been lost. AO has a large permanent intermittent staff and that is part of the concern because they are looking for permanent positions so they leave if they find one. About 40% of the production staff is PI right now.

9. Chief Information Officer, Rafael Placencia Report:

CIO Placencia reported on the Windows 7 upgrade project. This project is about 30% complete.

CIO Placencia reported on ACSS Phase Two. The development of the Automated Case Scheduling System Phase Two is continuing on schedule. This application is being developed in-house. CIO Placencia noted there are quite a variety of different processes that are being used for calendaring of cases; some of them are manual, some are basically 100% paper. What they are hoping to do is have one standard way of calendaring cases. This application is already in use at AO.

CIO Placencia reported that they are in the process of upgrading their Disaster Recovery Plan. It is an annual event that is done. They review and update the plan according to changes in technology. One of the areas that they need to address is how we backup our email system. He hopes to have more information on that at the next meeting as to any costs associated with deepening the backup.

Chair Dresser asked who was working on the upgrade of the Disaster Recovery Plan. CIO Placencia responded that it is the ISO group as well as IT, mainly people within IT Branch including Paul Prestwich.

CIO Placencia noted it is a matter of in the event of a major outage; as an example, over in Rancho Cordova, if we choose to we can pay for additional service as a back up to that in the event of a disaster. It is strictly just contracting additional service over at OTech.

Member Allen asked if this was like having ongoing capacity in the event of a disaster as opposed to archiving the materials.

CIO Placencia responded that it has nothing to do with capacity. It has to do with being able to bring up services if our primary site is not available. Our old plan, the way we do that is if Sacramento for whatever reason was not available we would bring up the services at Orange County. It is the same concept with what we have with Ca.Mail. The difference is there is a cost associated with it and those costs have not been ironed out. We really don't know what those costs would be at this moment.

Member Allen asked if, historically, have there been many incidences when the whole system went down. CIO Placencia stated that since his time with CUIAB there has not been an event where they actually had to stand up services over at Orange County.

10. Chief Administrative Services, Robert Silva Report:

Chief Silva gave the monthly Overtime Report. He reported that the projected surplus in the category of overtime continues to grow as overtime use in January was very low. The only branch that continues to really utilize overtime is IT and in January they expended \$6,000 which is just below their monthly fiscal year average. There are no updates to the lump sum payouts as there weren't any in the month of January so that projected surplus continues to grow as well. He is aware of one retirement that is happening this month of someone who has some lump sum that will hit in the April ledger.

Chief Silva reported that in late February they had a meeting with EDD Fiscal Programs Division to go over CUIAB's expenditures midway point of the fiscal year. EDD Fiscal as well as a Labor Agency representative were very pleased with CUIAB's progress and basically we are on target to achieve our responsibility of a \$4.3 million expenditure reduction from what we expended in the 2012/13 fiscal year.

Chief Silva reported that they are in the process of finalizing lease renewal for the Venture Oaks building. The new lease will be at a 17.5% reduction from our previous agreement which is substantial. It couldn't come at a better time because it will assist us with our goal of reducing expenditures by \$9.5 million in the 2014/15 fiscal year.

Chief Silva responded to Member Allen's question regarding impact of support staff

position attrition. In the current fiscal year, first support staff positions have a higher rate of attrition than administrative law judge positions particularly in Sacramento. They have not been backfilling them in the current fiscal year because they do have to reduce by 77 positions going into next fiscal year. So every time a permanent fulltime employee leaves they are scoring that as a vacancy heading into next fiscal year

Chair Dresser clarified that this requirement is for 77 positions reduced by the end of this current fiscal year.

Chief Silva noted that CUIAB is currently at 56 vacancies and they are projecting to hit the 77 mark by the end of the fiscal year. When the Budget Advisory Committee meets in April they will be going over the support staff attritions and every branch will be analyzed because there may be a situation where an office has lost an inordinate amount of support staff positions and even though they are doing so many efforts to kind of combine the workload maybe they are struggling so AO and FO and other branches will analyze that in April going into next fiscal year as far as their support staff positions.

Lastly Chief Silva reported that tomorrow Facilities Liaison Doug Mattes will be attending Water Conservation training at DGS. Although CUIAB does not own any of its facilities there are obviously a lot that we can do as tenants in these facilities both from a personal water use perspective and also reporting any incidents inefficient water use. Chief Gonzales sent out an email to all staff reminding them of this with an attachment from the Association of California Water Agencies to report any inefficient water use.

11. Chief Counsel's Report:

Chief Counsel Steinhardt reported that last month there were seven writ petitions filed against board decisions, and three other cases closed. The board was affirmed in two of the cases and, one was remanded by the Superior Court. That court reversed on the determination on the late appeal, finding there was good cause and sent it back to be heard on the merits.

12. Unfinished and New Business:

No unfinished or new business.

13. Closed Session:

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

Adjournment