

**MINUTES
FOR THE REGULAR MEETING
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD
Docket No. 5575**

1. Opening of Meeting:

The Appeals Board convened at 10:30 a.m., April 8, 2014, in Sacramento with Chair Robert Dresser presiding.

2. Roll Call: Members

Present

Absent

Robert Dresser, Chair

x

Roy Ashburn

x

Michael Allen

x

John Adkisson

x

3. Approval of the Minutes:

The March 11, 2014 minutes were approved unanimously.

4. Chair's Report:

Chair Dresser reported that again CUIAB is meeting all of its time lapse and case aging standards. The board and management are preparing options in light of the continuing decline in the caseload to try to minimize staff disruption. They've been meeting with several different departments to determine which departments might be agreeable to either loans of judges, as has been done with DSS, or hiring vacancies in judicial positions in various departments including departments within the Labor Agency. He thanked senior staff for doing that.

Chair Dresser reported that he is meeting this afternoon with the new EDD Director, Patrick Henning Jr. He is going to go over with him CUIAB's Service Level Agreements and various other items that they need to coordinate with EDD.

Chair Dresser reported that last week he met in San Francisco with the Regional Director of the Department of Labor, Virginia Hamilton, and others. The Department of Labor Regional Office is very pleased with CUIAB's progress.

5. Board Member Reports:

Member Allen updated the Board on the work on the Precedent Process. He's very pleased with where the committee is. The whole idea is to assure high quality decision making by having everybody being able to communicate and to allow for diversity of opinion as they move forward.

Member Adkisson reported an interest in re-examining precedent decisions and the Unemployment Insurance Code to identify areas where he has concluded updating would be appropriate based on developments in the law and his observations about its interpretation. As an example, he noted that the law of employment has developed quickly in the areas of disability, accommodation, family medical leave, and others. He envisions a few of these areas really require new precedents. Other times they are going to require training or in some cases possibly recommendations to the Legislature to amend and update the Unemployment Insurance Code itself. He believes CUIAB needs quite a few more precedent decisions than they are currently looking at.

Chair Dresser stated that he's asked Member Adkisson to lead a review of some of the standard paragraphs and some of the other legal issues that Member Adkisson has identified just now, working with the Chief Counsel and the Chief ALJ AO, and ultimately with the board members.

Member Allen added that in his discussion with Member Adkisson, he's very supportive of what Member Adkisson is trying to do.

Chair Dresser commented that he looks forward to see the results of these efforts and he thinks their process, as all processes, could be improved.

6. Public Comment:

No public comment.

7. Chief ALJ/Executive Director Report:

Chief ALJ/Executive Director Gonzales reported that they are keeping up with meeting the time lapse and case aging standards. They have a lot of people still on vacation, using excess leave.

Chief ALJ/Executive Director Gonzales reported that the Budget Advisory Committee meeting is coming up at the end of the month and they are trying to get ready for the 2014/15 budget and what they can do to meet the reduced dollar

amount that CUIAB has been given.

Chief ALJ/Executive Director Gonzales stated that one of the leave balance reduction issues that surfaced was that people make plans to take the time off but then wind up only taking, for example, only one week instead of three, and they accrue more time and so the situation gets worse. She has asked the presiding judges to meet with each individual that is over that amount and make a firm plan with them. Right now when there is a low caseload and a high number of judges it is a good time for people to use their leave time.

Member Adkisson commented that in his last position his office did a study of the effect of furloughs on these leave balances and concluded that they were making it worse.

Chief ALJ/Executive Director Gonzales commented that the furloughs really contributed to this. When people were furloughed that many days a month and they'd been here long term, they accrued many hours. On 4-10-40 schedule you could take time off without using leave time because of those circumstances. Now that the furloughs are gone they still have that accumulated time.

Member Allen commented that, having represented workers for many years, he always encourages meeting with the union representatives first to let them know what you are trying to accomplish and why, so that when members start going to them and asking them questions they understand your full intent.

Member Adkisson stated the press was very much on top of the furloughs impact on this balance a few years ago when his report came out and when other independent reports were making the same.

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

Chief ALJ of Appellate Operations Rose reported that AO continues at about the same statistics the last three months in terms of registrations and open balance. The registrations for March were 1,620 and calendar year average 1,656 so for the first three months they are pretty steady. Last year's average high however was 2,405. The dispositions were up a little bit at 1,743 and the open balance down to 2,074 but it has remained fairly steady over the last three weeks. AO is meeting and exceeding all of its DOL standards, deciding the cases in a timely manner. They've got 77% of the cases decided within 45 days as contrasted with last year's statistics at 20%. AO is deciding 96% of the cases within 75 days and 100% of the cases within 150 days. The average case age is 29, dropped about three days.

The field office to AO transfer rate is the lowest it's been at 1.5 days from the time the field gets the appeal to the time it gets to AO. The appeal rate is still around the same at 6.1%.

Chief ALJ AO Rose also reported that they are working on the Precedent Process. She reported that the next Precedent Committee meeting will be held on April 16. They also had an Appellate Operations Paragraph Committee meeting to make all of those Precedent Decisions that have been issued in the last six months into paragraphs that can be used by the AO ALJs. She has also received draft paragraphs from the field office which are going to be provided to that committee.

9. Chief Information Officer, Rafael Placencia Report:

CIO Placencia reported that the upgrade to Windows 7 project is going as scheduled and on track to be completed later this week. It stands at about 90% complete. He touched a little bit on the post April 8th, drop dead date for those in the XP world. The mitigation plan for going forward is to deny all remote connections from XP based computers after today. What that is, there could be an occasional laptop out there that is being used to try to connect to our network. Those employees have been informed that IT is going to stop the access to CUIAB post April 8.

CIO Placencia reported on the Automated Scheduling System Phase Two. This is the deployment at Field Operations. IT is prepared to deploy test copies to the application to Field Operations calendar clerks and their backups during the week of April 14. The testers will be provided test scripts and user manuals. IT and Business Service representatives will be visiting each field office to provide assistance to the testers. The idea is to give them an early look at the application so that they can use it and become familiar with the application

10. Chief Administrative Services, Robert Silva Report:

Chief Silva gave the monthly Overtime Report. He reported that the only branch that continues to expend any overtime dollars is IT. IT spent almost \$13,000 in overtime in the month of February, this report month, which was twice what their monthly average was for the fiscal year. The Windows 7 rollout occurred in March so he can only assume that the overtime expenditures for IT will probably trump that of February in March when he reports on it next month. He reported that there was no lump sum payout movement in the month of February. However, two employees separated in March carrying leave balances that will equate to roughly \$32,000 that will hit April's ledger.

Chief Silva reported at the last board meeting that they were in the process of renewing the lease here in the Venture Oaks building. That lease is now executed with the previously reported 17.5% reduction from the prior lease.

Lastly, the Budget Advisory Committee (BAC) meeting will take place on April 23 and 24. They are going to begin the process of analyzing and negotiating all branch staffing and OE&E requests for the 2014/15 fiscal year for our balanced budget. If previous fiscal years are any indication this will probably be one of a series of meetings. He provided the board a handout to give them an illustration of what the BAC is going to be tasked with. The chart has the previous five fiscal years of expenditures in salaries and wages and the OE&E. It has what they project to expend in the current 2013/14 fiscal year and it also has CUIAB's projected funding for next fiscal year and the gap between the funding and what the current spending levels are.

11. Chief Counsel's Report:

Chief Counsel Steinhardt reported that there was a more substantial number of cases closed last month because of housekeeping, going through and clearing out a number of cases that we finally removed from the list after lengthy periods of time had passed during which there had been a failure to prosecute. The actual ongoing pace is pretty much the same in terms the writ cases that are closed. The Board was not reversed on any case this last month.

12. Unfinished and New Business:

Member Allen commented that the United States Senate just recently voted to extend unemployment benefits and the House has basically said that they are not willing to do so or that they want to tie it to Keystone or some other jobs program, so the question to him is, is there a way that this board or EDD could appropriately communicate with the administration to alert them to the importance of the extensions for a lot of people and it is also a large part of what the board administers.

Chair Dresser commented that he agrees with the concern and thinks that is being done by the Labor Agency and by the Governor.

Member Adkisson stated he wanted a copy of any decision reversing any decision that comes out of this board.

Chair Dresser commented that they could do that because there aren't that many.

13. Closed Session:

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

Adjournment