

**MINUTES
FOR THE REGULAR MEETING
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD
Docket No. 5588**

1. Opening of Meeting:

The Appeals Board convened at 10:30 a.m., April 14, 2015, in Sacramento with Chair Robert Dresser presiding.

2. Roll Call: Members

Present

Absent

Robert Dresser, Chair

x

Michael Allen, Vice Chair

x

Ellen Corbett

x

3. Approval of the Minutes:

The approval of the March 17, 2015 minutes was postponed to the May 12, 2015 board meeting.

4. Chair's Report:

Chair Dresser thanked all the judges and staff. CUIAB made the March 31 federal timeliness standards. We were successful in achieving compliance with both the time lapse and the case aging standards in the Field, and the case aging in Appellate Operations. He thanked Chief ALJ Gonzales and AO Chief Rose, Assistant Chief Hugh Harrison and all the others, judges, support staff as well as the board members it is a lot of work to get this done and they appreciate it very much. We have now been in compliance for two years in a row.

Chair Dresser reported that with regard to the San Francisco Office of Appeals, CUIAB is working on a possible temporary solution to get some space in San Francisco so they can continue to do hearings, in-person, which is our mantra, what CUIAB prefers to do. He stated they do not have anything final quite yet.

Chair Dresser reported that they are also still working on the budget issues. Again, nothing is final.

5. Board Member Reports:

Vice Chair Allen echoed Chair Dresser and commented that it is with gratitude to the staff and his fellow board members, it is a team effort, and it doesn't go unnoticed. He wanted to thank everybody and stated it is a really difficult balance to give people justice and due process and at the same time comply with the numbers and time constraints. It is a real challenge but he thinks everyone is up to it.

Member Corbett commented that being that March was her first month, she expressed her appreciation for working with such a great professional staff and that it is very interesting work and she came up to speed very quickly. It's been a very exciting time.

6. Public Comment:

No public comment.

7. Chief ALJ/Executive Director Report:

Chief ALJ/Executive Director Gonzales reported that March was a hectic month, it always is, especially having a new board member who had cases her first day at work. In the field they are more used to knowing that March is the month that people generally don't take vacation, they keep a close look at the calendar to make sure they capture the snapshot on March 31 for case aging as well as the timeliness for the year. She reported that as the field had slipped for the month before it was even more important that the presiding judges and the LSSII the managers of the office staff were all on board. They had phone conferences and meetings to make sure that everyone understood their role, and the judges always step up. Despite whether there is ever controversy the judges always step up and do the work they are supposed to do and get the cases out because the federal timeliness measures are there to show that CUIAB timely provides appropriate service to the public. The month worked out well for that purpose.

Chief ALJ/Executive Director Gonzales reported that they wanted to make sure they continued to have regular performance evaluations of all employees in the agency. At times after people leave probation there may be less of an inclination to do annual evaluation. So she requested that managers, both staff and the presiding judges, go forward and get a baseline performance evaluation for all employees. She expects they will have most of the IDPs finished within the next few weeks.

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

Chief ALJ of Appellate Operations Rose reported that AO had good news to report because they had not made their numbers for a few months. She stated it felt really good to make that goal. It did take all of the staff, both the support staff and the ALJs all did a wonderful job, especially Mary Werner, her secretary and Acting LSSII, Mariluz Worden, who worked closely with the board members, the ALJs did a wonderful job because they were both doing some training thrown in. Member Corbett with ALJ Geiger and ALJ Bach sort of leading the training function and still keeping up with their caseloads. Everyone did a great job and it felt really good to be able to make that goal.

Chief ALJ of Appellate Operations Rose reported that as a result to the fact that AO has now leveled off and is doing well, she had been able to reduce the caseload back from the maximum of 24 to 22 cases. It had been at the maximum since November. Even though it seems like it is just two more cases a week, some of those cases are splits and it really makes a difference to be able to go back to a normal caseload. She thinks people are pretty happy about that.

Chief ALJ of Appellate Operations Rose reported that some of the board members had an opportunity to test the email PAF function. She is hoping that the program will be up and running soon.

Chair Dresser reiterated what Chief ALJ of Appellate Operations Rose said about Mary Werner and Mariluz Worden, they did excellent work. He stated that Mariluz would give him a list of cases every day that were due that day.

9. Assistant to the Executive Director, Sal Cannella Report:

Assistant Chief Sal Cannella stated that there was not much to report from IT because CUIAB doesn't have a budget yet for the upcoming year, and IT doesn't know what it will have for the next fiscal year. IT really hasn't engaged in any major projects or hasn't even identified any major projects for the next fiscal year until they know what the budget will be.

Assistant Chief Cannella reported that IT continues to work on the Automated Calendaring. Board Member Allen this morning was testing out the Discussion Page. They are looking at eCATS the rollout for the Phase Three. Just general housekeeping, they are in a maintenance mode at this point until they find out what resources they have for the next fiscal year. They continue to shuffle people around to cover vacancies and everyone is doing a great job with that but until they

know what resources they have they're just going to maintenance mode making sure that the systems that we have operate the way they are supposed to and they address whatever issues surface in a timely manner.

Chair Dresser asked which program Member Allen was testing.

Member Allen commented that actually he thinks that when you are testing a program you realize how complicated it is, something that you might consider simple to work correctly. At one time during this whole discussion you were talking about whether something was red or read, in trying to make sure they were all on the same page. He thinks it is going to eventually eliminate a lot of duplication of effort where there are different strands of conversation going on, where people can look at a case from all the different aspects rather than trying to search through and ask the staff to find the various emails that had been produced regarding one case. He thinks that once it is up and running people are going to appreciate it.

Assistant Chief Cannella expounded that he knows everyone appreciates what the technicians do at IT but until you get involved in the development stuff there is really not that hands-on understanding of how complicated and how difficult it is to do and they do a yeoman's job. They have not had any project that they have done in-house that has failed. That's a marvelous accomplishment for the IT staff here. They have never had a failure once.

10. Chief Administrative Services, Robert Silva Report:

Chief Silva reported on the Monthly Overtime and Lump Sum Payouts. CUIAB is continuing major reduction in overtime use; we've spent \$161 in overtime in the month of February. However, the report reflects under CTO expenditures, the IT Branch, due in large part to attritions they've gone through this year, they have amassed almost 690 hours of overtime that's compensatory time off. Typically, before the end of the Federal fiscal year, usually each August, what EDD will do is cash out any outstanding CTO time on the books that is over nine months old. If many of these hours don't actually get utilized by the employees that are carrying them then it does create a pay liability for next State fiscal year for CUIAB. With regard to lump sum payouts, there was only \$31,000 expense to the month of February for lump sum payouts. He's reported at previous board meetings that because of high expenditures in this category in the beginning of the fiscal year, the estimated overage for this category would continue to decrease as the fiscal year progress and that has been the case. At the December board meeting the estimated overage was over \$1 million, at last meeting it was just under \$800,000 and now it is just under \$600,000. Even though this is a projected overage it is not

placing CUIAB's 2014/15 personnel budget in jeopardy. Even with the lump sum payouts expense this fiscal year we are still on pace to meet our salary and wage budget of \$41.4 million. He stated they just received February figures and CUIAB has spent 2/3 of its personnel budget through 2/3 of the fiscal year.

Chief Silva reported that in two weeks the Budget Advisory Committee, which includes representatives of all the CUIAB branches, will be meeting. The purpose of the meeting is to firstly go over the 2014/15 expenditures to date and projected expenditures to ensure that CUIAB spends within its total fiscal budget of \$58.9 million. The second task is to build the budget for the State fiscal year 2015/16.

11. Chief Counsel's Report:

Chief Counsel Levy indicted that the Litigation Report is in the packets. CUIAB's current pending inventory is 269 cases in the various courts. That number continues to fluctuate as learn about additional cases; new cases come in and also as we close out older case. The totals for this year reflect 28 affirmances, 0 reversals and 0 remands, so we have a perfect score going into 2015. We have a variety of additional cases that have come up. Some of which are in court and some are in administrative agencies.

12. Unfinished and New Business:

Member Allen commented that he's brought this up a few board meetings ago and he was thinking about it when Chief Silva was reporting on the budget, is that, this whole thing that a few years ago CUIAB lost its internal personnel capacity and it was explained to him that CUIAB was supposed to get a credit or something, he just wondered where Chief Silva was on that in terms of having the internal personnel capacity.

Chief Silva responded that the personnel capacity is unchanged in that the Employment Development Department does a great deal of payroll services for CUIAB. What has changed in the last 40 days is that they are engaging in almost monthly meetings, they've had two so far, but they want to move that up to monthly meetings with their Terri Jennings who is the payroll head as well as Parm Dhoot, who is an analyst who works at EDD, to just go over problems as they arise between our agencies and communication with mainly CUIAB attendance clerks because this has been ongoing for a couple of years. EDD has had almost wholesale changes with their personnel specialist that handle CUIAB's payroll. There is a lot of shifting going on over there constantly. We have influx of a lot of new talent at EDD and so with that influx we are upping the amount of meetings

CUIAB has with EDD to make sure that the new people they have follow the directives we want them to follow as far as notifying management of changes here instead of just simply sending something to an attendance clerk for the change because they had a habit of doing that in the past. He thinks that they were assuming that CUIAB was a part of EDD so that we would receive notifications that they would internally receive but that's not the case. CUIAB is a separate agency. So he is trying to bridge that gap with EDD through these meetings to make sure that they communicate with us in that respect. He commented that it is working out so far. The new personnel specialists have a great relationship with our field office legal support staff and attendance clerks so far.

13. Closed Session:

The Board went into closed session at 10:55 am. The Board adjourned from closed session at noon. No votes were reported.

The meeting adjourned at noon.