

commend them. He stated it was interesting that he talked to people from New York and Massachusetts and others who were also there on their own dime because of sequestration and budget cuts all throughout the country and some of our judges came paying their own way except for the conference fee which was paid for them. Chair Dresser reported that the numbers last week were good despite the conference. The inventory went up but the case aging and time lapse remained pretty much the same. Just as long as we keep the 30-day time lapse compliance we'll be out of that by March.

Chair Dresser reported that they are looking to open an office in Red Bluff, midway or closer to Redding than Chico. The reason is to have more in-person hearings. We'd have three or four hearing rooms and probably do 1,000 more in-person hearings than we can do now and our board policy is to do that. We are seriously looking at it but came to this conclusion kind of late this fiscal year. But thanks to Rob Silva's good work he thinks we have a good shot at getting it done.

Chair Dresser reported that they will be meeting with EDD on budget on two issues. The carryover from our budget to next fiscal year, there was some indication from Labor Agency that we could carryover our savings and we saved an additional \$1 million more or less and also to get the budget picture from EDD and their prognostications.

Chair Dresser reported that they are also working on the loan of administrative law judges to Labor Commissioner, Workers Comp. Appeals Board and Department of Rehabilitation. He thinks we are getting closer to having voluntary loans of judges who wish to receive the training and do the work. He thinks that will be a good step forward, not necessarily for 2013/14 so much as 2014/15, if our workload diminishes substantially and we have to loan out judges then this will be a good first step.

Chair Dresser reported that CUIAB has cut down on the use of retired annuitants. We are still using them and will continue to do that consistent with our budget requirements.

Lastly, Chair Dresser reported on the Co-Location Project that it was a good effort and we were saving about four days on each case however it was a substantial allocation of resources and now that we are cutting back they've decided to put that on hold, stop the program for now.

5. Board Member Reports:

Vice Chair Howard commented on the NAUIAP training last week in Los Angeles. All members of the board were there for most of the conference. She shared a few highlights; it was a very full week. The opportunity to have as many of our ALJs present together was really beneficial and she also very much enjoyed the chance to talk with ALJs from other states and hear about some of the challenges that are very similar and then some things that are wildly different, in-person hearings being one example. She thinks it is the State of Nebraska that does only telephone hearings exclusively at the first level. Some highlights, things she took a lot from were the keynote speaker on the first full day of the conference, Donzaleigh Abernathy, who's the daughter of the Reverend Ralph Abernathy and to hear somebody sharing a firsthand account of really huge historical events related to civil rights in our country was quite wonderful. There was an L.A. Sherriff's investigator there who made a really interesting presentation about investigation techniques and interviewing techniques and micro expressions and all sorts of stuff. When Bob was able to open the conference it really set a positive tone being able to share the good news on all of our progress, on meeting time lapse and case aging goals and really she felt like they were able to celebrate with the group this tremendous hard work that has been going on over the past several years. The presentation on judicial bias was particularly interesting and challenging in a certain way. There was a presentation on ADA and an excellent presentation on social media really focusing on the sort of intersection of protective union activities. The presence from our national colleagues was great too. There was kind of a general update about things on the national scene, presentation by Stephanie Garcia which was very informative, the big picture was helpful and having Marie Brillante was very nice as well. She stated it was an excellent conference and certainly Angela, Ryann, Martha, Elise and several others deserve a tremendous round of applause for all of the work that went into the conference, it was great.

Member Ashburn commented that Member Howard's report is very complete and thorough and he would similarly acknowledge the hard work of our staff in preparing for the conference, the participation of our judges, for those who were able to participate, the production and the quality of presentation were so good, the opportunity so great for the interchange and relationship building that is essential in all organizations and to know that many of our colleagues could not be there, that was the disappointing part of it. But it was extraordinarily well done and he appreciates the opportunity to have been there.

Member Allen commented that planning is always under appreciated. People will

notice when things don't go correctly but take it for granted when things go very smoothly. He stated the thing that really impressed him was not only talking to the judges from other states, it was kind of eye opening to hear what their experiences are and what they are dealing with, but he was really touched by the fact that so many judges from here in California came up to him and thanked him personally and the other board members for being there. It was very meaningful to them that the board members cared enough to be there with them. He commented on how caring people are and helpful. It kind of permeates the profession because it is the kind of work that is kind of arcane to a lot of people yet so vital and important. He stated it was a great conference and he is really glad that he went.

6. Public Comment:

No public comment.

7. Chief ALJ/Executive Director Report:

Chief ALJ/Executive Director Roldan commented that the board members have done a good job of covering the big picture of what they've been up to in the last couple of months in terms of performance and then also in the presentation of this NAUIAP conference and coordination with the NAUIAP organization. He pointed out that Chief Bullard and her training team did a great job of pulling the training together. Most of the presenters were professionals outside of CUIAB but Kim Steinhardt was involved in that and also Chief Rose who is on the Board of Governors of NAUIAP were instrumental in keeping everything held together because they did go through a period of upheaval leading up to the conference, although we wound up having to scale back our judges' participation, through the efforts of all of the people involved they kept the professionalism of the presentations at a very high level. That really is to be applauded.

Chief ALJ/Executive Director Roldan reported that they did have the opportunity to have the L.A. Basin judges participate and it only had a minor impact on the workload creeping up a little bit last week but overall the numbers remain very strong. They finished the month of April, which tends to be a little bit of a down month after the big push in March because the Department of Labor focuses so much on the March numbers we tend to overdo it during March then we have regressions in the mean during the month of April. April this year was consistent with years prior if you look at the trend reports. We finished with a balance in all programs of 37,401 cases so we are still in very good shape in terms of the balance of our open workload as of the end of April. For comparison our average

open workload in 2012 was 46,000 plus cases and in 2011 was 62,000 plus cases and then one of the recession hit years in particular was 2010 where we had an average open workload of 80,000 plus cases. So we have really come a long way. Our open balance right now generally matches up against the number of new cases that we are getting on a monthly average. On average we are receiving 34,480 cases a month in all programs for 2013. The open workload is only a few thousand cases above the monthly intake of new cases. So we have a very slight backlog. It crept up a little bit last month because of the conference but we are still in great shape. Our compliance in terms of case aging and time lapse continues to be excellent. The average case age at the end of April was 20 days which is 10 days better than the federal standard required of better than 30 days. The 30-day time lapse was at 80% and the 45-day time lapse was at 97% at the end of the month of April, and both of those are record highs for CUIAB. We're in really good shape from that standpoint. The cycle time, the UI cases, which is the average closing time of cases in the department held steady at 35 days, again an excellent performance measure of the work of our judges. Throughout all of this effort of trying to improve on average case age and time lapse we've done a really good job of holding together the quality of review standards required by the Department of Labor as well. There is always a delicate balance, you don't want to push too hard on pure performance at the expense of good quality hearings for the parties that come in front of us and he thinks we've done a good job balancing those two considerations. As Chair Dresser pointed out, we are making an effort to open the Red Bluff facility which they believe is going to be a much better location for providing services to the northern California locations that are currently being served by only a Chico facility. That would be an increase of one hearing room and then it would also put the hearing facility in Red Bluff which is almost exactly in the middle of Redding and Chico. It will give all three of those communities an opportunity to be within an hour's drive of a hearing facility for any hearings that might be conducted in that area. He thinks that might be a tremendous win if we're able to pull that off and he appreciates the work of our administrative services team headed by Mr. Silva and Doug Mattes, who is our facilities liaison, in trying to get that one pulled together.

8. Special Assistant to the Board, Lori Kurosaka Report:

Special Assistant Kurosaka reported that at the state level today the Assembly's Budget Sub 4 and on Thursday, Senate Budget Sub 5 will hold their budget hearings on the May Revise. Included in the May Revise is a \$29.7 million subsidy from the contingent fund for EDD to maintain their claim filing and Call Center and payroll tax collection function as they are scheduled this week. That would include

the reduction of the four hours Call Center time each day. The subsidy helps to fill the gap of about \$158 million for our UI shortfall which included some underfunding by the federal government as well as the sequestration cuts. The subsidy will help retain about 297 positions that are in the UI program itself at EDD. Chair Dresser asked what period the gap of \$158 million was for. Special Assistant Kurosaka responded that that is the project shortfall as of July 1, 2014.

Special Assistant Kurosaka reported that last week they attended an EDD overview on the new California Unemployment Insurance Benefits System. It's the continued claims redesign project that EDD's been undertaking for about the last 10 years. It was an impressive case management system that offers many claimant self-service functionalities and they are ready to go live with that effort on July 15 internally and then they will release to the claimants externally on August 15. Hopefully that will alleviate some of the pressure they'll be receiving in the next few weeks. Chair Dresser asked how that helps. Special Assistant Kurosaka replied it allows for self-service functionalities as far as the UI claim benefit management for claimants themselves. So they can go online and look at their benefit claim payments schedule status, actual calculation of the weekly benefit itself, if there were adjustments, why there were adjustments, they could change their address online, they can make request of their claim information online and as well as certify for weekly benefits online. Member Howard clarified that means they could submit their claim form electronically. She asked if this would all be by self selection, those claimants who hear about it and find out about it and want to avail themselves of online will get to do so. Special Assistant Kurosaka stated that EDD will start up a very comprehensive outreach campaign beginning in June to start getting the word out for August. However, this system will also drastically change the look of the screen shots that are sent here to CUIAB to review appeals at the first level as well as board appeals. EDD is gathering the screen shots of the new screens for them to take a look at in the next few weeks and then Alberto has scheduled the training group to start developing some training packages for both judges and staff.

Special Assistant Kurosaka reported on Imaging and Work Flow Project that tomorrow they will have their first design session with EDD with their imaging consultant to determine if there is potential for a small scope project on bringing imaging here to CUIAB. Once that joint analysis is complete, they'll report back to the Labor Agency as well as CUIAB and EDD for further decisions and next steps. In addition, they continue to work on identifying CUIAB business roles here at CUIAB. They meet with the Judicial and Staff Advisory Councils every three weeks with that activity.

Special Assistant Kurosaka reported that they are completing some preliminary analysis on the Flat File Expansion Project. This analysis will help EDD information technology move forward with that project. They are analyzing the coding, the actual programming of that flat file to help them identify where we can potentially add some data and information elements to that flat file.

Lastly, she announced that Janet Maglinte will be returning to their staff fulltime on June 3.

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

Chief ALJ AO Rose reported that AO continues to see an upward trend in the number of registrations. AO saw an increase of 400 registrations over last month for a total of 3,403 which is the highest monthly total this year. Number of dispositions did drop significantly from a high of 3,498 during March to 2,810 in April which is still a number above this year's average. This is expected after March madness, a lot of people are taking their time off and they have also been asked to use up a lot of their leave. They have a number of judges who did that in April and are continuing to do that. Because of the lower number of dispositions AO did have an increase in the open balance to 2,509 cases as of the end of April. But the balance of open cases is right at the average that it has been for this fiscal year. They haven't seen a huge drop in caseload yet. AO's case aging at the end of April was 30.1 days which is an increase of only one day over the number in March but in May they have held steady at 29 days again so they are continuing to hold their ground there. Time lapse has shown and increase in compliance in all areas. Their goal for the 45-day requirement is 50% and they have continued their improvement from 53% at the end of March to 62% at the end of April and now they are at 80%. As for the 75-day measure, they were at 92% at the end of April and are at 98% now. That's a good feeling to know that 98% of the cases are being decided within 75 days. They have also seen an improvement in the days in transfer of appeals from FO to AO. The average last month was 1.6 days, that's the number of days it takes from the day the FO is getting in the case and it appears in AO's Filebound queue. Most cases AO is receiving these appeals within 24 hours after FO receives them. That is really an improvement because they were at a point in time where the average was in some offices 14 days and more. They also greatly improved their intake. Sometime back last summer it was two to three weeks, now it's 4.7 days, that's from the date that AO receives it to the date they do the intake and it because part of their open cases. More good news, finally they did start the paperless project in full which means they are no longer receiving paper files from Orange County and San Jose offices. They started that

on April 9 and it has been going really smoothly. The Orange County only had one case where they had to ask for a rescan of some of the documents. San Jose had a few more cases but they were able to find out what the problem was. Because they have had this positive outcome with this pilot of the two offices they will be adding two offices a week and should be training the last office, Pasadena, by June 18. If all goes well, AO will be virtually paperless by the end of this fiscal year. There are a few cases that are still not paperless. Those would be some of the tax cases and some of the really large cases that are over 500 pages. Ultimately they want to make those paperless as well but they will need to continue their negotiations with the field office and the ALJs.

Chief ALJ AO Rose reported that they did reach an agreement with CASE. It's going to be a pilot project but the ALJs have agreed to listen to hearings instead of having transcripts prepared up to 120 minutes. It's optional on the part of the ALJs whether they want to take some of those cases that are just hearing tape only as opposed to transcript but when they last did it they had 22 of the judges willing to do it so that is almost all of them. She just signed the agreement today and it will be sent to CASE and they are actually starting next Tuesday. That is a big relief because they do have a backlog in transcripts waiting for all these things to get typed up and they had to get rid of the vendor contract a year ago and that increased the workload substantially and there were no new hires. Having the ALJs listen to these hearings has been a goal that's gone on for a while and she's happy to report that they at least have the agreement for six months and she expects that it will continue.

Chief ALJ AO Rose reported that Kim Bernhardt, one of AO's staff service analysts, had a baby boy, named Keegan. All are doing well and she will be back sometime in August.

Lastly, Chief ALJ AO Rose commented on the NAUIAP conference that after a very shaky beginning a couple of months ago it met and exceeded their expectations. Chair Dresser thanked her for her help on the conference.

10. Chief Information Officer, Rafael Placencia Report:

CIO Placencia reported on the Automated Calendar Scheduling System (ACSS). It's the implementation of phase two of the automated calendaring system at first level. Due to high priority projects this project has been placed on hold. ACSS is on hold pending the completion of the AO Paperless Project which he is hearing is going smoothly. They are doing quite a bit of work within IT to shore up areas

where concerns with the usability of the system are keeping that project moving forward. Resources have been reallocated to that project as well as our Ca.Mail Project which is also a little behind schedule due to technical issues with the service provider, Department of Technology. That is actually the not so good news on those two projects. He's hoping to have staff here from OTech on site this week to help them with these technical issues that they are having. They are hoping to have that project, Ca.Mail Project, moving again shortly. They anticipate just small issues to be resolved before going forward.

CIO Placencia reported on ECATS, as mentioned last report, is experiencing some issues with performance which they are addressing. He's happy to report that ECATS is back into testing and they are moving forward with that project. So they are hoping to resolve the performance issues which are preventing them from moving forward with full implementation.

CIO Placencia provided an update on the Information Technology pilots that are running in Fresno. The Close Case Archive Project is moving smoothly. On average FO is scanning 2,900 cases per month.

11. Chief Administrative Services, Robert Silva Report:

Chief Silva gave the Overtime Report. He reported that with February being a short month and with the focus push there has been discussion with meeting federal time lapse and case aging standards in March, there was an actual uptake of overtime usage of about \$8,700 in the month of March from the month of February. However, the overall trend of reduced overtime continued in March in that the \$58,000 that was expended during March represents about 11% decrease over the previous fiscal year average. Also, during the previous board meeting he discussed that there were some substantial lump sum payouts that were going to occur and hit our ledger in March. The roughly \$200,000 expenditure for that elevated our total for the year to almost \$572,000. Both the overtime usage on the report and the lump sum payouts identified factor into their temporary help budget. They've also been successful this fiscal year in getting exemptions to continue to work retired annuitants during the fiscal year which is also a contributing factor to our temporary help budget. The overages in all three of these categories from what was initially budgeted at the beginning of the fiscal year has them projecting to about a \$2.2 million over-expenditure in temporary help personnel budget for the current fiscal year. However, they are projecting to under spend in our permanent help by \$2.8 million so we are actually showing a budget surplus for our personnel budget in the current fiscal year. Speaking of budget surplus, the Budget Advisory

Committee got together in late April and early May to discuss the surplus and address some OE&E needs that could conceivably be purchased with current fiscal year funds. After developing a list of items they worked in concert this year with both EDD and Labor Agency to basically adhere to the purchasing restrictions that Labor Agency issued in August 2012, to make sure that we didn't purchase anything outside the realm of what's allowable. The procurement for these items is so far running smoothly both from the IT perspective and the non-IT perspective. They are assuming the fiscal cutoff this year will be June 7 for us to submit requests so they are working with that deadline in mind. Also included in the list of purchases is the earmarking of funds for three different facility projects. First project being our Los Angeles Office of Appeals and some panic button upgrades. The second project is our Oakland Office of Appeals where they are removing keypads for entry and replacing them with card readers. Also some much needed carpet and paint for the Oakland hearing facility and the third project is the aforementioned Red Bluff project and tenant improvements for the new site. So they are seeking to retain Architectural Revolving Fund accounts for these projects in the current fiscal year. Right now they are with EDD Fiscal for approval. Once they approve then Department of Finance has to approve the projects. Also, in facilities, Chief Silva reported that Doug Mattes, Facilities Liaison, just got back today from Oakland where he completed a complete overhaul and installation of all the modular systems furniture. This was about a two year project so it's very satisfying that it is complete. Also, tomorrow the new Stockton facility will be opened officially.

Lastly, Chief Silva reported that in the month of May they were performing the language audit for the 71 bilingual employees receiving a pay differential. The purpose of the audit is not only to ensure that the employees are using their language skills up to the 10% or more threshold to receive the bilingual pay but also to really identify if there are any geographic deficiencies with our language services that we provide for future hires. It's a biannual audit, the second will occur in November.

12. Chief Counsel's Report:

Chief Counsel Hilton reported that the board is presently carrying 325 court cases. The board received 10 new cases in April, and 11 were closed. All but four of those were affirmations of the board decisions. The remaining four were remands back to the board to be heard on the merits.

Chief Counsel Hilton reported that the Acosta case, in which CRLA was attempting

to obtain judicial intervention regarding compliance by EDD and CUIAB with federal performance standards, is at an end, at least in California. CRLA had petitioned the California Supreme Court for review of the lower court decisions in our favor. That petition has been denied. CRLA could, I suppose, try to get the United States Supreme Court to take the case, but that is highly unlikely.

13. Unfinished and New Business:

No unfinished or new business.

14. Closed Session:

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

Adjournment