

**MINUTES  
FOR THE REGULAR MEETING  
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD  
Docket No. 5527**

**1. Opening of Meeting:**

The Appeals Board convened at 10:30 a.m., July 13, 2010, in Pasadena, with Chairwoman Bonnie Garcia presiding.

**2. Roll Call: Members**

	<u>Present</u>	<u>Absent</u>
Bonnie Garcia, Chair	x	
George Plescia, Vice Chair	x	
Ann Richardson		x
Liz Figueroa	x	
Cindy Montañez	x	
Sharon Runner	x	

**3. Approval of the Minutes:**

The June 10, 2010, minutes were approved by all members present except Member Montañez.

**4. Chair's Report:**

Chair Garcia thanked staff for their diligent effort to get our consulting team up and running. She also thanked the staff and all field offices for their efforts in meeting the needs of constituents.

**5. Board Member Reports:**

There were no reports from Board members.

**6. Chief ALJ/Chief Executive and Acting Executive Director, Alberto Roldan Report:**

Chief ALJ/Acting Executive Director Alberto Roldan reported on our accomplishments in the last fiscal year. We were recently ranked 45<sup>th</sup> in the nation regarding time lapse and average case age, up one position from the prior month. However, regarding average case aging, we moved up to 22<sup>nd</sup> in the nation. That has been a significant accomplishment because our workload has been quite significant.

In looking back over the entire fiscal year he prepared a few reports and gave 3 different documents to the Board to look at our numbers. Overall we are reducing the inventory little by little and we finally have the unemployment insurance backlog under 70,000 cases again.

The open inventory as of the end of June 2010 was 69,664 which reflects about 45,000 appellants. For the entire fiscal year we received 449,637 new cases in all programs, an increase of 16% from the previous fiscal year.

A couple of things to report related to the Office of the Chief: He is recruiting for the Presiding Administrative Law Judge position; an Administrative Law Judge Academy is scheduled for September 13, 2010; and, we are scheduling the next Judicial Training Conference for the week of February 7, 2011. He also reported on the status of our various facilities and discussed some issues regarding the facilities with the board members.

Chair Garcia thanked the field for doing a good job. If you look at the numbers for 2007 right before we ended up with the spike in unemployment we were at about 270,000 cases a year and we pretty much are close to the 250,000 mark. What is remarkable is that about a third of our staff is in. It is not only where we are inundated with work but we were also challenged by new employees that were learning going to training and then being overwhelmed by the amount of the volume of work coming in the door. A big hooray to them for their work and keeping phase and speeding the phase by being able to chop down that workload. She thanked Chief ALJ Roldan for his leadership.

**13. Public Comment:**

After a unanimously approved motion, Chair Garcia moved directly to Item 13, public comment. Super Shuttle franchisees commented on why they think the board should adopt the M & M Luxury Shuttle decision as a precedent. Because it was not an action item, the board just heard the franchisees comments.

**7. Special Assistant to the Board and Project Director, Lori Kurosaka Report:**

On behalf of Lori Kurosaka, Chief ALJ/Acting Executive Director Roldan reported the board packets include a letter dated July 12, 2010 with a rundown of the present work of North Highland. He also reported Lori has been working with EDD IT staff on a co-location pilot with the Los Angeles Unemployment Insurance PAC which we hope will eliminate 3-7 days in the mail time of documents from the LA PAC to the offices throughout the State. EDD and CUIAB Information Technology are now testing electronic decisions. Our draft Department of Labor (DOL) corrective action plan has been completed and has been submitted to the EDD and Agency so that it can be packaged and sent to DOL.

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

Chief ALJ/AO Carrillo reported in June AO registered 2,691 new appeals, which is still 15% above our fiscal year average. They closed 2,949 cases for the month which is the second highest that they have done in the fiscal year. Our open balance went down to 2,635 cases which is 80% below our fiscal year average. For the fiscal year we ended up registering altogether 28,539 appeals. We closed 28,761 cases. Our case aging for the month of June was 27 days. The average for

the fiscal year was 33 days. For the fifth month in a row, we continue to meet time lapse deadlines. We closed 81% of our cases within 45 days; 97.4% within 75 days; and, 99.9% within 150 days. When you look at the fiscal year average, it is 52% for 45 days, 89% for 75 days and 100% for 150 days. On an average which we met all time lapse for the fiscal year.

He included in the packet the monthly report of how long it takes for appeals to get to Appellate Operations measured from the date that the appeal was deposited into the mail. For the month of June the average was 5.26 days. He also included a report on the production of Appellate Operations by ALJ that gives you the number of cases that were assigned and any time that the judges took off in a month.

They are also working on the paperless pilot in AO. For 9 months the Orange County Office of Appeals has been sending board appeals electronically. As a result of that pilot they were able to identify the appropriate scanners needed to handle the volume of papers involved in board appeals. They were also able to identify a proper system needed in AO in order to manage these documents. They are targeting tomorrow to have the Sacramento Office of Appeals start scanning their board appeals to AO.

AO continues to use a vendor to help with transcripts and within 3-4 weeks the backlog was reduced to zero. Currently, all cases are being transcribed by our in-house transcribers but to the extent that we have any excess they have been using the vendor to maintain the outstanding number of minutes pretty much at zero. We are scheduling negotiations with CASE to discuss the parameters for assigning longer hearings for the judges to hear and that would help them tremendously because they can only use the vendor for a period of one year.

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

Chief Information Officer Rafael Placencia reported the Expansion of Information Technology Infrastructure project is nearing completion. Regarding Interim Access to SCDB/TAS- we are nearing the implementation of that project. The only hold is the training components. Once that is in place we will be able to start using that system.

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

Deputy Director Pam Boston reported every year we are required to conduct a Language Survey to determine the number and percentages of our non-English speaking clients. This year we will be conducting that and surveying the staff during two separate weeks. We had a change in our telephone interpreter services effective July 1<sup>st</sup> and so far, aside from start up issues, everything seems to be going OK. The overtime report is in your packets and next board meeting we will have our final report showing through June. As reflected in the chart we are still under our estimated expenditures of overtime. Your packet also includes a brief report on our 2010-11 budget. For 2010-11 we are estimating that our budget

will be about \$98.8 million. Because this is a preliminary budget and there is not state budget yet, the Board does not need to take any action at this time.

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

Staff Counsel Kim Hickox reported the Board is averaging 28 cases a day. Regarding litigation, 17 cases were opened this month and 3 were closed.

**12. Unfinished & New Business**

Status of Decision Review Pursuant to CUIC 406 (b):

Chief ALJ/Acting Executive Director Roldan reported he is currently recruiting for the Presiding Administrative Law Judge who is going to be handling this responsibility and he expects to have that position filled by the next board meeting.

Regional Support Unit Restructure

Chief ALJ/Acting Executive Director Roldan reported the Inland Office of Appeals is still under construction and he is expecting it to come on line in August. Once they have the physical location then the reorganization of their mission or whatever changes can be done.

Chief ALJ/AO Carrillo discussed the possibility of new precedent decisions. The Board unanimously approved having AO develop both precedent decisions on the drug testing and misconduct and irresistible compulsion.

**14. Closed Session:**

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

**Adjournment**