

**MINUTES
FOR THE REGULAR MEETING
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD
Docket No. 5621**

Open Session

The Appeals Board convened at 1:00 p.m., August 16, 2017, in Sacramento with Chair Marty Block presiding.

1. Roll Call: <u>Members</u>	<u>Present</u>	<u>Absent</u>
Marty Block, Chair	x	
Michael Allen, Vice Chair		x
Ellen Corbett	x	
Robert Dresser	x	

2. Approval of the Minutes:

The July 18, 2017 Board Meeting Minutes were approved by all Members present.

3. Chair's Report:

Chair Block welcomed Administrative Law Judge, Rebecca Bach, and thanked her for her role as temporary Chief ALJ-AO.

Chair Block reported his confirmation went before a full Senate and he was approved on a thirty-seven to zero vote. He thanked all those involved in the process for their help in getting him confirmed.

4. Board Member Reports:

Vice Chair Allen was not in attendance due to illness.

There were no reports by Members Corbett or Dresser.

5. Public Comment:

No public comment.

6. Chief ALJ/Executive Director Report:

Chief ALJ/Executive Director Gonzales reported that Field Operations (FO) continues to concentrate on tax cases, making them a priority, and that they are making sure to comply with the promises made for the Budget Change Proposal (BCP). The Field offices have been given a number of tax cases which they are to calendar during the month. The Field offices are being monitored by the Tax Office. The tax ruling cases are being dispersed to more offices as the Field continues to train additional judges on how to do tax ruling cases. Chief ALJ/Executive Director Gonzales also stated they are considering more short tax training courses for the Field offices, to include a sample bank of tax decisions which the judges could access on particular issues.

Chief ALJ/Executive Director Gonzales reported FO is meeting all time-lapse, case aging and timeliness standards for UI cases. The overall work load balance for UI is approximately 17,000 cases, and 26,000 for cases overall.

Chief ALJ/Executive Director Gonzales also reported the Field is doing follow-up work with Administrative Law Judges (ALJ) who might be out of compliance with agency standards. Assistant Chief ALJ Hugh Harrison is assisting with retraining protocols in the Field. The Presiding Judges have been directed to listen to hearings and to read decisions for cases remanded or reversed by the Board. The Presiding Judges have been encouraged to continue monitoring the ALJs on compliance issues until the ALJs become aware of the expected standards of the Board Members, the Chief ALJ/Executive Director and the Presiding Judges.

Member Corbett thanked Chief ALJ/Executive Director Gonzales for her work and follow-up on the referral process. Member Corbett asked if the referred ALJ is required to listen to their own hearing. Chief ALJ/Executive Director Gonzales stated that part of the referred ALJ's retraining is to direct them to listen to problematic hearings with either the Presiding Judge or the trainer present. Chief ALJ/Executive Director Gonzales commented that later in the fall, FO is planning smaller regional group training similar to group training done in the past. The training involves staged mock hearings and role play by ALJ's. This facilitates group discussion on new issues and new precedents, as well as awareness of the expected standard of ALJ demeanor.

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

Acting Chief ALJ Rebecca Bach, on behalf of Chief ALJ Rose, reported Appellate Operations (AO) met all of their time lapse and case aging standards for the month. AO closed 71% of their cases in 45 days, 95.9% of their cases closed within 75 days, and the case aging average for the month was 27 days. AO opened 1,186 cases for the month and closed 1,017 cases, leaving a balance of 943 cases of which 853 cases are UI. Acting Chief ALJ Bach stated the numbers reflect that AO is doing well in regards to UI cases and that AO is preparing for the expected influx of tax cases.

Member Corbett stated that Acting Chief ALJ Bach gave a comprehensive report and commented that it was great working with her. Acting Chief ALJ Bach thanked Member Corbett.

8. Chief Information Officer, Nick Dressler Report:

CIO Dressler reported that the IT Department continues to work with Winscribe, the vendor for the replacement of the Dictaphone recording system. He reported the enhancements will ensure that both FO and AO judges will have an easier time with the transition process. The IT Department is on schedule for a September installation.

CIO Dressler reported IT anticipates the audit report done by the Department of the Military back mid-September. The Department of Military had complications with data collection their first two visits but they are hopeful the third visit resolved the complications. CIO Dressler stated in the past the audits have produced suggested fixes, but that this year he only anticipated minor fixes, as the Department of Military complimented the IT Department on their well-run shop.

CIO Dressler reported all of the replacement personal computer equipment had arrived. IT plans installation of new computers after the Winscribe project is complete. The Winscribe replacement is on target for completion by Thanksgiving.

Chair Block asked CIO Dressler if the Department of Military's complications with the data collections were their fault or caused by the agency. CIO Dressler stated it was definitely not an agency error and he credited it to the tough security of the IT Department. He added that the first two times the Military ran their scans they were unable to gather information.

9. Chief Administrative Services, Robert Silva Report:

Chief Silva presented the Overtime Report for fiscal year 2016/2017. He reported that CUIAB over spent its overtime allocation of \$41,500 by \$3,500 and that there was an additional liability of \$15,000 accumulated in overtime for compensatory time off during the year. The IT Department had the most overtime usage but they came within \$100 of their \$40,000 allocation. Field Operations used approximately \$13,000 in overtime, which was almost exclusively used at the end of 2016 for a decision typing backlog. Chief Silva stated that that usage will be taken into account for next fiscal year's overtime allocations. He will give more details at a subsequent meeting while reviewing the 2017/2018 proposed budget.

Chief Silva reported that the agency is coming out of a three-year period where the average annual lump sum payout was over \$900,000. He noted that in 2016/2017, only \$582,000 was expended due to the ongoing excess leave reduction program initiated in 2013. During the last 30 months excess leave has been reduced by 81%, going from 18,500 hours in January 2015 to the current 3,500 hours.

Chief Silva reported that a lease renewal for the San Diego Office of Appeals was signed. They are currently doing a footprint reduction and improvements to the San Diego office. Additionally, in April a lease renewal for the Lancaster hearing facility was signed. He anticipates the improvements at the Lancaster facility will be completed in September.

Chief Silva updated the Board on the Memorandum of Understanding (MOU) and Service Level Agreement between CUIAB and EDD. CUIAB went through an administration consolidation in 2012, and at that time entered into an MOU and Service Level Agreement with EDD. The current agreement expired June 30. Due to some confusion in the past few years with EDD and the facility representatives, there are no plans at the present time to resign a new agreement. The confusion resulted from the facility representative's role, in the lease renewal and improvement projects, as they work with CUIAB and the Department of General Services. Some of the confusion has been worked out but the current service agreement is a bit ambiguous with regard to facilities. EDD's Southern Facilities Manager has written proposed guidelines for Chief Silva's review. He is optimistic that CUIAB and EDD can come to agreed language for the new service agreement.

Chair Block noted that San Diego Presiding Judge Cutri had been generous in offering space for Chair Block to work out of the San Diego facility. Knowing about the renovations to the San Diego office, Chair Block advised Judge Cutri that no office space was necessary for him.

Member Dresser asked for an update on the San Francisco office, specifically to the hearing room cameras being installed. He asked if there was an issue with the reception area. Chief Silva will get back to the Board on those two items.

Closed Session:

The Board adjourned Open Session at 1:18 p.m. The Board commenced a Closed Session at approximately 1:20 p.m. Closed Session was adjourned at 1:30 p.m.

Open Session:

The Board reconvened in Open Session at approximately 1:35 p.m. Chair Block reported that no votes were taken in closed session.

Chair Block adjourned Open Session at 1:37 p.m.