

**MINUTES  
FOR THE REGULAR MEETING  
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD  
Docket No. 5626**

**Open Session**

The Appeals Board convened at 1:00 p.m., January 17, 2018 in Sacramento with Chair Marty Block presiding.

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

**2. Approval of the Minutes:**

The December 20, 2017 Meeting Minutes were approved unanimously.

**3. Chair's Report:**

Chair Block welcomed staff back from the holidays. He was pleased to see the people in attendance were all healthy, since so many staff had been ill with the flu recently. Chair Block noted that Acting Presiding Judge Bach was absent because she was sick with the flu. Chair Block reported that in closed session today the Board would be holding interviews for the Chief Counsel position.

**4. Board Member Reports:**

Vice Chair Allen commented he was grateful to be at the Board meeting with everyone. He was sorry to hear Judge Bach was sick. Vice Chair Allen reported that he continues to work with Judge Bach on the Precedent Committee. He recommended all Board Members stay in contact with Judge Bach so that they could keep up with the current activities of the Precedent Committee.

Member Corbett stated she hoped everyone had a lovely and safe holiday, and wished everyone a Happy New Year. Member Corbett reflected on Martin Luther King events she attended near her home. She commented the events were

inspirational and she was happy to see so many young energetic people who were out to change the world. Member Corbett stated the MLK celebrations made her think about the importance of public service, the importance of speaking up when something is wrong and not being silent. She also reflected on Martin Luther King as a very important civil rights leader and she hoped he would be remembered throughout the year. Member Corbett wished everyone good luck and hoped everyone would have a fun and successful year.

Member Dresser reported that he celebrated the Martin Luther King Holiday by participating in a four mile march held in Sacramento. He stated there were an estimated 27,000 people in attendance. Member Dresser wished everyone a Happy New Year.

**5. Public Comment:**

Administrative Law Judge Wendy Breckon addressed the Board and announced her upcoming retirement this February. Judge Breckon stated that since her primary residence is now in Idaho, travelling back and forth between Sacramento and Idaho has created undue stress for her, and expressed frustration with Board policy and state provisions that would not allow her to perform the duties of her position primarily from out of state. She also expressed her thanks to the Board for all their hard work and her appreciation for all the people she had worked with in Appellate Operations. Judge Breckon commented she looks forward to spending more time with her nine grandchildren.

Chair Block thanked Judge Breckon and congratulated her on her retirement.

Member Dresser also thanked Judge Breckon and congratulated her on her retirement. Member Dresser stated Judge Breckon always did comprehensive and excellent work and he was sorry to hear that she was retiring.

Member Corbett wished Judge Breckon well on her retirement and she stated she would miss working with her.

**6. Chief ALJ/Executive Director Report:**

Chief ALJ/Executive Director Gonzales reported it was a slow month due to the holidays and many staff being ill. She reported that in November and December the Field was short of meeting Department of Labor standards but they had plans

for mass calendars and for bringing in retired annuitants. She stated that in January, February and March the Field offices would be back on track and be in compliance with the yearly standards required by the DOL.

Chief ALJ/Executive Director Gonzales reported that the Tax Office continues to handle all the Tax work required under the Budget Change Proposal and that they produced a substantial number of Tax case decisions this past month.

Chief ALJ/Executive Director Gonzales reported a Presiding Judge meeting would be held at the end of February, to include discussion of ideas for training in the upcoming year.

Chief ALJ/Executive Director Gonzales reported that Presiding Judges Brian Faulkner from Orange County and Mitch Davis from San Jose, completed a Sacramento State Management Program to increase their management skills. Lori Kurosaka attended the graduation ceremonies for the program. They plan to share information from that program with the other Field offices. Chief Gonzales also reported that the all managers/legal support supervisors from the Oakland Office of Appeals attended CalHR Training to reinforce their management skills.

Chair Block asked Chief Gonzales to comment on the success of the Quality Review. Chief ALJ/Executive Director Gonzales stated the review is conducted by other states to assess California's performance and to make sure California is consistent with DOL guidelines. Chief Gonzales reported that 93 percent of CUIAB's work passed the guidelines, a very good percentage.

Member Corbett asked Chief ALJ/Executive Director Gonzales if the hearing training for FO ALJS also included precedents and the latest state of the law.

Chief ALJ/Executive Director Gonzales responded that she had been working with PALJ Hugh Harrison and others so that the training would include more substantive law training. She welcomed any suggestions from the Board Members.

Member Corbett also asked if part of training content evolved from Board reported issues.

Chief ALJ/Executive Director Gonzales stated that yes, the Board issues do get reviewed by the Presiding Judges so that they can speak with specific judges one-on-one. She stated that issues which arise repeatedly would be included in training.

Member Dresser asked Chief ALJ/Executive Director Gonzales if they had a system to make sure the oldest Tax cases were reviewed first. Chief ALJ/Executive Director Gonzales responded that they do, and that they are complying with the mandates of the BCP.

Member Dresser asked if compliments from Board Members to Field Judges or Board Authors were being passed on to them.

Chair Block asked to respond and stated that he thought it best to maintain the proper separation between the Board and the lower authority to avoid any inference that the Board is attempting to influence lower level decision-making. He stated he encouraged Chief ALJ/Executive Director Gonzales to not pass those compliments on.

Member Dresser stated that he respectfully and vehemently disagreed. Chair Block commented he understood.

**7. Chief ALJ of Appellate Operations Report:**

On behalf of Acting Presiding Judge Bach, Chief ALJ/Executive Director Gonzales directed the Board Members attention to the Appellate Operations reports provided in the Board meeting folders.

Chair Block stated the Board Members could individually read the reports.

**8. Chief Information Officer, Nick Dressler Report:**

Chief Information Officer Dressler reported that the San Diego Field Office successfully went live with Winscribe. He reported the schedule was on track for the other Field offices to be completed by the end of February. All offices would have Winscribe, and then Dictaphone could be retired. CIO Dressler also reported that his division had been instructed by the Information Security Office (ISO) to patch all CUIAB electronic devices with Intel chips due to a security issue. CIO Dressler stated that an email had been sent to all CUIAB employees regarding the patching. He advised the Board Members that their remote laptops should remain logged on to receive patches. Lastly, if anyone was unsure if their device had received the patch they should call the IT help desk.

CIO Dressler reported the IT Department has been working on getting into compliance with AB 2408, which is the consolidation of IT and the movement of the IT infrastructure to a Tier Three Data Center. He explained that the consolidation meant that data would no longer be housed in the Sacramento Office. In the past a power outage in Sacramento would affect other Field Offices. Now by using redundant power and by using a secure location to store data, CUIAB will be much better protected. CIO Dressler thanked his staff for their very hard work over the past two years to migrate all applications over to the new data center.

Chair Block thanked CIO Dressler and clarified the instruction for patching desktop and laptop computers.

**9. Chief Administrative Services, Robert Silva Report:**

Chief Silva reported on the Language Program, stating that in November all CUIAB bilingual employees were audited to ensure they were using their bilingual skills at or above the 10 percent threshold.

Chief Silva gave an update on the consolidation of the attendance and time keeping duties into Administrative Services. He reported that the Inglewood and Pasadena Offices would be consolidated this month, meaning 5 of 13 offices would be complete. Chief Silva commented that Administrative Services had hired a new employee and that they intended to double the amount of offices served by Administrative Services within two months.

Chief Silva reported that Administrative Services was in the process of renewing the lease for the Visalia facility. The cost will remain approximately the same.

Chief Silva reported that since the Governor's budget had been released Administrative Services could now bring the 2017/18 Budget Proposal to the next Board meeting for the Board's consideration.

Chief Silva reported that the State Personal Board approved a classification consolidation effective January 31, 2018, wherein 36 IT state classes will be consolidated to nine classes statewide. He stated the fiscal impact of that consolidation would be included in the Budget Proposal.

Chair Block asked if the classification consolidation would affect salaries. CIO Dressler responded that they were not sure of all the effects of the consolidation, but that they would know more once CalHR publishes more guidelines.

Chair Block asked if the fiscal impact would be negligible. Chief Silva replied that they did not have the figures to confirm the fiscal impact yet, but that CalHR has upcoming meetings scheduled to review change management and fiscal impacts on departments.

Member Allen asked if the budget materials would be provided to Members before the next Board meeting. Chief Silva replied in the affirmative.

Member Allen also asked if a federal shut-down would affect our budget. Chief Silva stated that the last federal shutdown in 2013 did not impact our ability to do what we do business-wise.

**Closed Session:**

The Board adjourned Open Session at 1:40 p.m. and went into Closed Session. Closed Session was adjourned at approximately 2:40 p.m.

**Open Session:**

The Board reconvened in Open Session at approximately 2:45 p.m. Pursuant to Government Code Section 11126(a), Chair Block reported that in Closed Session the Board took a vote to offer the position of Chief Counsel to Autumn Gonzalez. The vote passed 4-0.

Chair Block adjourned Open Session at 2:50 p.m. in memory of Jose Luis Ramirez, who owned and operated Posey's Cottage in Sacramento and who passed away January 10, 2018, at the age of 85.

**Adjournment**