

**MINUTES
FOR THE REGULAR MEETING
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD
Docket No. 5636**

Open Session

The Appeals Board convened at 1:00 p.m., November 14, 2018 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	

2. Approval of the Minutes:

The September 20, 2018 Meeting Minutes were approved unanimously as corrected.

3. Chair's Report:

Chair Block expressed concern about the fires and how each regional office, outstations and the Sacramento office were affected.

Chair Block reported that the Chief Counsel position had been posted and some applications had been received. He is hopeful the position will be filled within the next couple of months and is looking forward to CUIAB once again being at full strength.

Chair Block noted the Board meetings are currently being recorded but are not live-streaming yet. He added that although the Board meets once a month and the meetings are relatively short, it is important to know that most of the Board's work is done between meetings, in the review of cases on appeal. During the last month the Board has adjudicated 824 appellate cases. He is looking forward to going live, which he anticipates to be in a few months. He commented that it will be helpful to have the Board meetings available to all staff throughout the state along with the constituency, both employers and employees.

4. Board Member Reports:

Vice Chair Allen expressed it is the time of year when we all think about what we are thankful for. In his community there has been a tremendous outpouring of support for the fire victims. He noted that during last month's Board meeting, Member Corbett talked about the important role the California Unemployment Insurance Appeals Board (CUIAB) plays in our society. He noted that CUIAB is a legacy program from the New Deal and its purpose is to stabilize families and individuals, both when they are unemployed and in times of disaster. He was thankful we can all play a part in trying to make things better for our citizens in the state and we can all pull together when we have these times of adversity. He expressed his thankfulness for his colleagues and noted that they do not disagree very often, that they mostly see eye-to-eye on cases. However, when they do disagree it is with good grace and with an understanding that people come from different points of view and different experiences. He is bringing this up because it is Thanksgiving and he has been with the agency for six years with no idea if he will be continuing or not. He commented that he has enjoyed his tenure and working with the various individuals in the agency along with his fellow Board Members.

Member Corbett thanked Vice Chair Allen for the kind comments. She concurred that Vice Chair Allen made some very important points at this time of Thanksgiving, especially in light of what is happening in both Southern and Northern California. Some of us have so much to be thankful for, our hearts go out to the families and the communities who have been devastated by these terrible wildfires. Member Corbett has asked PALJ-AO Remke to look up what type of support is available for people who have lost their work as a result of this disaster. She stated the Federal Disaster Declaration was issued on Monday and there is direct disaster relief for people who have lost their work as a direct result of the natural disaster. There are also benefits available for workers along with business owners, and for self-employed individuals. She noted it is a bit broader than the usual work done at CUIAB. Benefits are available in the counties that have been declared a natural disaster by the President; Butte County, Ventura County and Los Angeles County. Temporary Unemployment benefits are available to people/workers/businesses experiencing loss as a direct result of the natural disaster.

Member Corbett explained that the best place to look for information is through EDD. EDD has an online unemployment application form. She suggested people should go to that same place for this information. There are also phone numbers

where people can reach EDD. Information is provided in English, Spanish Cantonese, Mandarin and Vietnamese. EDD has a webpage for disaster related services which is another great place for people to go look for information. She encouraged people to look at the Governor's Office of Emergency Services recovery website for additional information and programs even beyond unemployment assistance. Our heart goes out to these individuals, to all of our state employees who have been impacted, and those in harm's way who are trying to help evacuate people. She wanted to share this information and again say how very thankful she is for all of CUIAB staff.

5. Public Comment:

No Public Comment.

6. Chief ALJ/Executive Director Report:

Chief ALJ/Executive Director Gonzales reported with regard to the camp fires, that PALJ Harrison sent out a notice to all of the ALJs about procedures that should be followed in filing Disaster Unemployment Assistance (DUA) claims. These procedures have been authorized by the Department of Labor (DOL). DOL is working with the state to roll out a training module for adjudicators of DUA claims. PALJ Harrison is reviewing the training module. His goal is to send it out to all ALJs so that they can take the training module. Occasionally DOL develops training modules for all of the states, a helpful tool to get specific training. She noted that most of these cases are processed through EDD and once the case is heard by the Field, if appealed, it does not come to the Appeals Board but goes directly to the DOL. She noted that based on past experience under DUA, there will be very few appeals.

Chief ALJ/Executive Director Gonzales reported that two Field ALJs were rehired, one in San Diego and one in Pasadena. They will be starting this month and will get full calendars by the beginning of December. Another ALJ in the Inglewood Office, who had been demoted due to the layoffs, was promoted back to an ALJ II. Consequently, all of the ALJs who had been demoted under the layoffs, and who sought to return to their ALJ II positions, have been given that opportunity.

Chief ALJ/Executive Director Gonzales reported on the consolidation of the Bay Area offices. CUIAB had a meeting with the Union regarding staffing, and explained that very little will change in terms of the daily life of the staff that are there, primarily because they have already been there for the past three years and working out of the Oakland Office.

Chief ALJ/Executive Director Gonzales reported this was the first time this year the Field did not make the 60% Department of Labor time lapse standard. The Field was at 59% for the 30-day time lapse standard for the month of October. She has been assured by PALJ Harrison, however, that the Field will still meet that standard when averaged out over the entire year. The Field is exceeding the required time lapse for 45-days (80%) at 83.1%. The average case age is 23.6 days, well under the standard of 30 days.

Chair Block questioned why it happened this month.

Chief ALJ/Executive Director Gonzales replied it was not clear, but according to PALJ Harrison a drop in production is not unusual following the summer months.

Chief ALJ/Executive Director Gonzales reported that tax case work is continuing well. They are working with Assistant Director Kurosaka's assistance to make sure CUIAB is in compliance with the conditions of the BCP.

7. Presiding ALJ of Appellate Operations, Jodi Remke Report:

PALJ-Appellate Operations (AO) Remke reported that Appellate Operations is in compliance at both levels. The percentage of cases closed in 45 days or less is at 87.3%, where the standard is 50%. Those closed in less than 75 days, is at 93.4 % with the standard at 80%. The average case age is at 19.8 day, well below the federal standard.

8. Chief Information Officer, Jeff Willoughby Report:

CIO Willoughby reported that live streaming efforts continue. The purchase package is currently with EDD. Barring any unforeseen circumstances, the solution is expected as early as next month.

CIO Willoughby also reported that the office consolidation effort is well underway from a systems standpoint. They are about 75% through the testing with positive results thus far from a systems and reporting perspective. He is confident that they are on a really good trajectory for this project.

CIO Willoughby reported from an IT standpoint they are preparing for CUIAB's audit. They met with the Department of Technologies pre-audit team. The team is committed to CUIAB's success so they will be working closely with them. They also met with EDD to go over any items EDD may be able to shed light on, what will be

beneficial or helpful to CUIAB. EDD will be sharing documents with CUIAB that can be used as a jumping off point for an even more successful audit.

Chair Block asked if live streaming equipment could be used to do internal messages to CUIAB employees statewide. He asked if that same equipment could be used, for example, if Chief ALJ/Executive Director Gonzales wanted to address all of the judges or if the Board had training, instead of streaming to a website. He questioned if it was possible to simply stream to CUIAB employees.

CIO Willoughby replied that all things are possible, but it depends on being able to figure out exactly what we would want to accomplish with that and then work through to a technical solution.

Chair Block stated that it could be a second use for the equipment and it would be a great way to get the word out in emergencies, especially in instances such as the fires.

Vice Chair Allen stated that he thought it was a great idea for training purposes and that it could reach more people with less travel time involved.

9. Chief Administrative Services, Robert Silva Report:

Chief Silva discussed the Monthly Overtime and Lump Sum Payout report set forth in the meeting packets.

Chief Silva reported that during November CUIAB conducted a bilingual skills audit. Employees who use their bilingual skills must do so at or above the 10% threshold. CUIAB has two employees, one in San Diego one in Pasadena, who were recently newly approved for bilingual pay.

Chief Silva welcomed Sonia Gonzalez to Administrative Services as an attendance clerk, performing the timekeeping duties for the San Diego Office and next month for the Orange County Office. The centralization of the attendance functions into Administrative Services should be complete within the next three months.

Chief Silva reported that the lease renewal for the Salinas facility has been completed.

Chief Silva also reported they are working to finalize the first-quarter Budget Report. He assured the Board that spending is within the allocations the Board approved in the August Budget Review.

Chair Block commented on the strong smoke odor in the Sacramento headquarters office during the fires. He asked Chief Silva if he could look into it. Chief Silva stated Doug Mattes, Facilities Manager, was working with the lessor to remedy the situation.

Vice Chair Allen asked the Chair if there was any discussion with DOL regarding California repaying the federal loans during the recession, considering we are now about six to seven years after the recovery. He noted many states have completely paid back what was borrowed from the federal government but that California still has between \$2 or \$3 billion still outstanding.

Chair Block responded that there has not been any discussion at the Labor Agency meetings. He questioned if Vice Chair Allen meant Labor Agency debt and CUIAB debt in particular.

Vice Chair Allen stated it was actually the Unemployment Fund. During the recession California and New York especially borrowed heavily. There is actually a chart that shows the states paying it down, however California and New York have hardly paid any of the debt down. He asked if that could be looked into. He wondered if it was an EDD issue to talk to the legislature or the governor, and found it worrisome. He was concerned that CUIAB be positioned for staffing and/or funding in the event of the next downturn.

Closed Session:

There were no Closed Session items. The Board adjourned at 1:25 p.m.

Adjournment