

**MINUTES
FOR THE REGULAR MEETING
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD
Docket No. 5642**

Open Session

The Appeals Board convened at 1:00 p.m., May 15, 2019 in Sacramento with Chair Marty Block presiding.

1. Roll Call: <u>Members</u>	<u>Present</u>	<u>Absent</u>
Marty Block, Chair	X	
Dan Reeves, Vice Chair	X	
Mike Eng	X	
Michael Allen	X	
Ralph Lightstone	X	

2. Approval of the Minutes:

The April 17, 2019 Meeting Minutes were approved unanimously.

3. Chair's Report:

Chair Block reported that the meeting was not live streamed but would be videotaped and then posted to the CUIAB website. He anticipates live streaming board meetings will go in affect next month and permanently thereafter. Chair Block stated livestreaming Board meetings provides transparency and allows people to see the Board at work. He reminded viewers that although the Board only meets once a month the majority of the work is done between meetings, as they adjudicate appellate cases. Chair Block reported the Board reviewed and resolved 770 appellate cases in the past month.

4. Board Member Reports:

Vice Chair Reeves noted that the Governor's Budget Proposal is out, along with the May Revise and there are some proposal changes in the Labor Code area, for instance, extending Family Leave from six to eight weeks. He requested that when it is finalized, that staff could give the Board a report on any changes in the Labor Code that might affect the Board in terms of benefits, especially if there are any standards that might change or get tweaked.

Chair Block asked if Member Reeves wanted something at the end of session.

Vice Chair Reeves responded he assumes that by June 15, there will be a budget. Thus, by the June meeting there should be a finalized budget that has been adopted and we should know exactly what is in there. He acknowledged that they could all look at the May Revise today but you never know what is going to actually pass. He thinks that by the third week of June they should have a firm idea what is in that budget in regards to labor and he hopes that they can get a sense of it pretty quickly.

Executive Director/Chief Administrative Law Judge Gonzales responded that she will work with Chief Counsel Woo-Sam.

Vice Chair Reeves commented that there may not be much but whatever is there he would want. He is worried that a Trailer Bill might come through that tinkers with the code and changes the way the Board applies the law.

Chair Block commented that brings up another issue which is in legislation. He knows there is one bill working its way through now, Assembly Member Gonzalez, AB 5, related to Dynamex. He stated we don't know exactly what it is going to do because the Bill will change but after the Governor signs legislations, the Board should get a rundown of any new signed legislation that might impact CUIAB.

Member Eng thanked the staff for their tremendous assistance and also added his appreciation to PALJ Remke and ALJ Bach for the tutorial, the boot camp that the Board Members went through. He expressed his gratitude for all who assisted in his training.

Member Lightstone added that in addition to the materials, the preparation the Board Members received and the advice about how to approach the cases was very helpful.

Member Allen reported that he did get some positive feedback from his report out last month. Various staff members contacted him stating they appreciated the acknowledgment of their contributions.

Member Allen reported that due to certain workload considerations the newsletter will be delayed. He commented that once the workload is more under control the newsletter will resume.

Chair Blocked thanked Member Allen for being sensitive to the workload and

secondly for staying on top of it to assure a newsletter does come out.

5. Public Comment

No Public Comment.

6. Chief ALJ/Executive Director Report:

Chief ALJ/Executive Director Gonzales reported that both the Field and Appellate Operations have made the time lapse numbers for the Department of Labor. She noted that this month the report reflects that in the Field 80.5% of the cases were closed within 30 days and 97.6% were closed within 45 days. The average age of pending cases is 20.9 days. She commented that sometimes after the big push it slows down a bit but that has not happened. Staff has kept up with the work along with tax cases. She noted the Board will be seeing some tax cases due to the big push to process the tax cases by the end of the fiscal year and fewer UI cases come in.

Chief ALJ/Executive Director Gonzales reported that Dan Garcia, Presiding Judge of the Sacramento Office of Appeals retired at the end of last month. Currently, ALJ Jim O'Dell is temporarily filling in as the acting presiding judge. Last month the posting for the presiding judge application for the exam went out for the purpose of establishing an eligibility list. EDD will assist with putting together that list. She anticipates having the list within the next couple of weeks so they can begin to interview and hire someone for the Sacramento Office. She acknowledged Dan Garcia was a great addition to the agency. He worked diligently, always available to assist in training and he will be missed.

Chief ALJ/Executive Director Gonzales reported there is a presiding judge meeting scheduled for June 18-19, 2019, in Sacramento. The meeting will cover a variety of topics. They will also gather information about what kinds of training the presiding judges' think will be useful for the field judges for an upcoming training session being planned. Additionally, they want to get feedback from Appellate Operations, as well as the Board Members, for any areas which they think the ALJs could use additional training. The presiding judges will have an opportunity to meet the Board Members at an informal meet and greet luncheon on June 19, 2019.

Lastly, Chief ALJ/Executive Director Gonzales gave the Security Report. An incident occurred during the Lean Yellow Belt Training at a Rancho Cordova Best Western where most of the staff was staying. There was an attempted break-in around 2:00 a.m. into two of the rooms occupied by legal support supervisors who were alone in

the rooms. There was pounding on the door, one of the persons apparently had a device, possibly a crowbar, attempted to enter the rooms. The supervisors stayed in their rooms and did not open the doors. A follow up was done with the hotel. The hotel management basically did nothing. CUIAB Investigator Carl Vega filed a crime report with the CHP, the Rancho Cordova Police Department, and the Sacramento County Sheriff's Department. Admin Chief Silva was asked to work with EDD to have that hotel placed on the "do not stay list" for employees that use CONCUR for booking travel. Currently, the hotel still shows up on the CONCUR travel site. However, they are continuing to elevate this issue and work with EDD to have the hotel removed, so that the hotels which are available for employees to stay in will be safe.

Member Allen asked if the state had an interagency safety group that looks at things or that tracks common problems of state government.

Chief ALJ/Executive Director Gonzales said she was not aware of an interagency group.

Member Allen commented often times there are recurring themes in regards to security. It seems state government would want the ability to cross-reference safety problems which might not be just one discreet problem. He commented that safety problems could be larger with general themes which could be identified earlier.

Chief ALJ/Executive Director Gonzales responded that different agencies have different levels of security. Most agencies use hotels which is why they shared the information and were hoping elevate the issue.

Chief Silva added that he was able to contact the EDD Travel Unit who did submit our "do not stay" request to the Department of General Services (DGS) who controls the Travel Store and Concur. DGS reviews these requests and, if they are in agreement, will remove it from the Cal Travel store so people will not be able to book rooms there statewide. He noted that if for some reason DGS does not agree they will reach out to us with their findings.

Member Allen commented that a current example which the state could look at is the recent revelations of Boeing planes and when they will be returning to service, or if there will be recertification of their safety.

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

PALJ/AO Remke reported AO continues to meet the DOL guidelines and standards.

The percentage of cases closed in 45-days or less is at 97.6%. For the 75-day guideline AO is at 99.5%. She stated AO continues to hold strong in those figures. She reported the case aging average for pending cases is 14.2 days. She anticipates for the immediate future AO will have strong numbers.

8. Chief Information Officer, Jeff Willoughby Report:

CIO Willoughby reported the IT Department is now approaching 300 computers replaced for the Technology Refresh Project. He noted the project is approximately half way completed. The Orange County office will be swapped out next leaving only four offices remaining. There may be a few hearing rooms beyond that but he anticipates to finish by the end of June. It will be a nice technological upgrade for all CUIAB employees.

CIO Willoughby reported the Department of Technology Security Audit staff left last Thursday after three weeks on-site. He anticipates they should begin to see some findings from the audit within the next few weeks. He will be working with the ISO to put together a plan of action that will be shared with Executive Director Gonzales and the Board Members.

CIO Willoughby reported the live video streaming procurement should happen within the next couple of weeks. They are working with the vendors and are hopeful the July meeting will be livestreamed.

CIO Willoughby reported they are working through stage two of the Appeals Systems Modernization Project. He noted quite a bit of staff effort is being extended in gathering documentation, information, and moving forward on this project.

Chair Block acknowledged the report would be forthcoming but asked CIO Willoughby for his take on the DOT Security Audit.

CIO Willoughby responded that he thought the audit would be a great learning experience and will help shine the light on places which need improvement.

Chair Block asked if the Board could expect to hear more at the next meeting.

CIO Willoughby stated it will take some time for the Audit team to write up all the finding and they did not indicate when the report would be released. Once he receives news he will report back to the Board.

Chief ALJ/Executive Director Gonzales commented some issues have been ongoing since before CIO Willoughby was hired. She stated the IT Department is not waiting on the Audit recommendations and is already moving forward to make some changes.

CIO Willoughby stated they have already put together a preliminary list of things to work on and are moving in that direction.

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 a meeting with EDD's Fiscal Programs Division is set for June 5, 2019. He hopes to receive final marching orders for Personnel and Operating Expenses Budget for the state fiscal year 2019/20. He acknowledged that they will be facing a reduction of 16.9 positions attached to the Unemployment Insurance program as a result of the October 2018 Revise. He noted there will be an additional reduction of 5.4 positions that were temporarily assigned to CUIAB as part of the tax program Budget Change Proposal. The crux of the June 5, 2019 meeting will be a discussion regarding the May 2019 Revise and the impact to EDD and CUIAB for the coming fiscal year.

Chief Silva reported the State Controller's Office has established June 14, 2019, as the fiscal year deadline for travel claims to be processed through the CalATERS system. Admin Services circulated a reminder that any travel advance requests or reimbursement requests need to be submitted by close of business June 7, 2019, in order to receive timely payment of those claims. There will be a period of almost a month, from June 8 to July 4, 2019 in which CalATERS can be utilized to create claims and approve claims. Those claims processed during that time will be charged to the current fiscal year 2018/19 but the payment will not be received until sometime after July.

Chief Silva reported that in May employees receiving Bilingual Pay Differentials will participate in the bi-annual audit, conducted every November and May, to ensure employees are using their bilingual skills at the minimum threshold of 10%. There are currently 41 employees receive bilingual pay spread over nine of the 11 field

offices and in Appellate Operations covering six languages. The deadline for supervisors to submit the bilingual time ladders is June 7, 2019.

Chief Silva reported they received a lease renewal agreement for the Long Beach hearing facility. The agreement will be a six-year firm, four-year soft term lease beginning July 1, 2019. The monthly rent will be \$9,300 per month and it will gradually increase to \$12,100 per month over ten years. The lease includes 15 free parking spaces designated for CUIAB at the site. The property owner plans to build a pay-only parking structure on the property. However, language was added to the lease to allow for negotiations for free spaces within the pay parking lot.

Chief Silva reported they are working with the Agricultural Labor Relations Board (ALRB) to provide office space in the Oxnard field office for three attorneys and support staff. While working through the interagency agreement the ALRB augmented the request to include a law student during the summer months. The agreement is now completed and the term will be for three years at a cost to ARLB of \$2,300 per month. CUIAB will receive approximately \$82,000 for the use of the office space over the three year period.

Closed Session:

The Board adjourned Open Session at 1:27 p.m. The Board commenced a Closed Session at 1:30 p.m. Closed Session was adjourned at approximately 2:00 p.m.

Open Session:

The Board reconvened in Open Session at approximately 2:00 p.m. Chair Block reported that no votes were taken in Closed Session and that there was nothing further to report.

Adjournment