

**MINUTES
FOR THE REGULAR MEETING
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD
Docket No. 5648**

Open Session

The Appeals Board convened at 1:00 p.m., November 20, 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	

2. Approval of the Minutes:

The October 16, 2019, Meeting Minutes were approved unanimously.

3. Chair's Report:

Chair Block reported the Board meeting was being live-streamed and will continue to be live-streamed henceforth. Live streaming Board meetings provides transparency and allows people to see the Board at work on matters of public interest. However, he did remind viewers that although the Board only meets once a month, the majority of the Board Members' work time is taken up between meetings by adjudicating individual quasi-judicial appellate cases relating to unemployment compensation, disability compensation, and tax petitions. He noted that since the last Board meeting three weeks ago the Board has reviewed and resolved 968 appellate cases.

Chair Block recalled that during last month's meeting they discussed timelines. He stated that CEO Gonzales' report today will include the good efforts made to change the direction of timelines, and about some obstacles the agency is facing. He noted that CUIAB's timeline measure for the Department of Labor (DOL) is due in March and is hopeful CUIAB will be ahead of all the DOL standards by that time. Last, Chair Block announced that Ralph Lightstone has been appointed to a position on another board and is therefore no longer a member of the CUIAB. Chair Block stated that the Board appreciated his service and will miss him.

4. Board Member Reports:

Vice Chair Reeves expressed the Board's condolences for the recent passing of Susan Bloom, who was an ALJ for 27 years in the Bay Area Office of Appeals. She was a stalwart employee and an outstanding judge for the state of California. Vice Chair Reeves also acknowledged and expressed the Board's condolences for the tragic passing of Judge Mark Maerowitz's, Presiding Judge of the Oxnard Office of Appeals, son.

Vice Chair Reeves commented that he had the great fortune of meeting Mr. Lightstone several years ago and working with him in various different capacities when Mr. Lightstone was with CRLA and the Brown Administration. Vice Chair Reeves commented it was an enormous pleasure to work with Mr. Lightstone, that he was a role model for him to follow and sad to see him go.

Member Eng joined in expressing condolences to Presiding Judge Maerowitz. Member Eng also commented it has been a great pleasure to know Mr. Lightstone and acknowledged his knowledge, professionalism, and hard work. Member Eng commented that Mr. Lightstone is a role model and that the Agricultural Labor Relations Board (ALRB) is very fortunate to have him. Member Eng also congratulated Mr. Lightstone on his daughter's passing of the California State Bar and noted that Mr. Lightstone's family is very distinguished as Mr. Lightstone's wife was the first Latina appointed to the court in this region.

Member Allen echoed the Board's expression of sadness for the losses suffered by members of the CUIAB family and expressed his condolences. In the spirit of Thanksgiving, Member Allen expressed gratitude toward his fellow Board Members, the judges, the IT Staff, Clerical Staff, Support Staff and everyone who makes the agency function at its high level. Recalling the hardships created by the Tubbs Fire and other recent fires throughout the state, Member Allen acknowledged the importance of the availability of disaster unemployment benefits. Member Allen also expressed his appreciation for Mr. Lightstone, his humor, intellect, heart, and thanked him for his service to the Board.

5. Public Comment

No Public Comment.

6. Chief ALJ/Executive Director Report:

Chief ALJ/Executive Director Gonzales echoed the sentiments of the Board

regarding the departure of Ralph Lightstone. Chief ALJ Gonzales worked with Mr. Lightstone for many years during his work with Labor Agency prior to his joining the Board, and will miss him.

Chief ALJ/Executive Director Gonzales reported one security incident this month involving a claimant that had been regularly calling and threatening the employees in the Pasadena Office of Appeals. The California Highway Patrol (CHP) was dispatched to the claimant's residence but did not make contact. The claimant has not contacted the Pasadena Office following this; however, when the claimant's hearing is reset, the CHP will be asked to attend.

Chief ALJ/Executive Director Gonzales reported that the field did not make the timeliness standards for September, but noted several measures had been recently implemented to improve performance and the Board continues to meet timeliness standards on an annual basis.

Chief ALJ/Executive Director Gonzales noted that one cause of the reduction of decisions issued by the Board was the arbitration decision of the grievance on ALJ caseloads. As a result of this decision, there has been a loss of approximately 1,400 decisions per month, a major hindrance to the Board's ability to meet timeliness standards. A meet and confer session had been scheduled for November 20 but was canceled. The Board's counsels are working to reschedule meet and confer sessions, which will enable the Board to re-implement higher caseloads assignments.

Chief ALJ/Executive Director Gonzales reported on measures that have been recently undertaken to increase the Board's production. The Board is hiring ALJs. Three ALJs who have previously worked for CUIAB will be starting in the first two weeks of December, and offers of employment have been extended to two additional ALJs. The Board will also have retired annuitant ALJs returning to work in the Sacramento and Inland Offices of Appeals. Mass calendars have been required and each office has been conducting one or two mass calendars per month. And a Workload Management Committee was created to evaluate and manage statewide workload through the efficient transfer of cases between field offices as needed to optimize productivity.

Other measures taken include the "plugging" of cases, wherein if previously-scheduled cases will not be heard at the allotted time, the open time slot will be filled with another case where possible. Approval of vacations for the ALJs and the presiding judges have been restricted for the holiday period. Lastly, the Rotation Program, in which appellate operations judges are assigned to conduct first level hearings in field offices, is going very well. ALJ Bach is training ALJs who have not

previously worked in field offices.

Chief ALJ/Executive Director Gonzales reported that Rob Silva is absent today due to attending the Sacramento State Leadership in Government Program. PALJ Remke is also attending the executive level management program. PALJs Maerowitz and Price will be attending the spring semester leadership program and the goal is to have all the managers complete the program. Additionally, CUIAB managers have been attending Lean Sigma Yellow Belt Training and have training scheduled in December.

Chief ALJ/Executive Director Gonzales reported that Lori Kurosaka attended Labor Agency's kickoff legislative session in which the Labor Secretary discussed the administration's legislative process.

Chief ALJ/Executive Director Gonzales reported that due to timely management efforts that included transferring cases and conducting telephonic hearings, the state's power outages did not prevent field offices from conducting hearings.

Chief ALJ/Executive Director Gonzales introduced Siek Run, who will be taking Janet Maglinte's place as the Board's Business Intelligence Manager and has been training with Janet the last month. Gonzales advised that Janet is retiring mid-December and will be missed tremendously.

Chair Block thanked Chief ALJ/Executive Director Gonzales and the Board personnel for all the initiatives they have implemented in the last couple of months to improve efficiency. Chair Block emphasized that meeting timeliness standards is not only important because the DOL monitors the Board's performance, but also primarily because there are individuals who need and are entitled to unemployment benefits, and are not receiving them when their cases are delayed.

Vice Chair Reeves thanked Chief ALJ/Executive Director Gonzales for her report and efforts taken. He noted that that between last month and this month, the caseload rose by approximately 2,500 cases, and the percentage of cases closed within 30 days had decreased from 64.8% to 62.6%. Vice Chair Reeves asked if the steps taken in the past 30 days have arrested a downward trend. Chief ALJ/Executive Director Gonzales responded affirmatively. The November report to date indicates performance of nearly 80% for the 45-day time-lapse standard as well as improvement in the 30-day standard.

Vice Chair Reeves asked if the trend of substantially increasing cases being opened was anticipated to continue and whether it would require additional measures to address. Chief ALJ/Executive Director Gonzales advised that there may not be

other management measures available at this time other than increasing ALJ caseloads.

Vice-Chair Reeves noted that restricting vacations is unpopular but, given the circumstances, it is necessary for a period of time. He asked Chief Counsel Woo-Sam how long restricting vacations could be implemented under the employee contracts. Chief Counsel Woo-Sam responded that the provisions of the Memorandum of Understanding with Unit 2 generally provide that employee requests to use leave time should not be unreasonably denied based on operational needs.

Vice Chair Reeves asked when the request to meet and confer regarding caseloads was transmitted and whether meeting dates had been set. Chief Counsel Woo-Sam responded that the Board provided Unit 2 with the notice of the intent to increase caseloads on September 30. Chief Counsel Woo-Sam advised that they have had a series of communications with both CASE the California Department of Human Resources to coordinate meeting dates and that a meeting had been set for today, but canceled due to the unavailability of CalHR's labor representative. He is now working with CASE directly to schedule meetings as CALHR has delegated authority to the Board to meet and confer on the noticed ALJ caseload increases. Vice-Chair Reeves emphasized the need to complete this process quickly. Chair Block noted the efforts of Board personnel to schedule meetings and advised that if Members would like a summary or list of dates and communications in this effort, that can be provided.

Member Allen stated that at the last board meeting he requested information about ALJ II vacancies, and received information that there are 12. With five new hires, Member Allen asked if seven more ALJs could be hired. Chief ALJ/Executive Director Gonzales responded that due to experience with workload fluctuations and budgetary considerations, the Board advertised for 10 positions. Board Member Allen inquired about the number of vacancies for all personnel classifications in the department. Chief ALJ/Executive Director Gonzales advised that this information would be provided, but noted that currently, the employee classification impacting the Board's ability to issue dispositions on cases is the ALJ class.

Member Allen echoed his fellow Board Members' sentiments that it is a sacrifice to restrict vacations over the holidays. Member Allen expressed his hope that the Board's personnel will be able to enjoy their vacations when the Board's caseloads permit.

Chief ALJ/Executive Director Gonzales acknowledged that with the challenges of fires and other events, the presiding judges have worked hard and performed very

well. Chief ALJ/Executive Director Gonzales also noted the diligent efforts that have been undertaken to schedule meetings with Unit 2, and the delegation of authority CalHR has granted to CUIAB to meet and confer with the union.

Chair Block echoed Chief ALJ/Executive Director Gonzales' comments that the only Board employee classification that is negatively impacting the Board's timing in issuing decisions is the ALJ classification. As a result of the arbitration decision, the Board is losing approximately 1,400 cases per month, and so it is necessary to meet and confer with CASE.

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

PALJ/AO Remke reported the Board has done an outstanding job meeting the DOL guidelines and standards. Appellate Operations (AO) continues to exceed requirements with cases closed in 45-days or less at 91.9% and cases closed in 75-days or less at 97.5%. The average pending case aging is 17.1 and the standard being under 40 days. This is a result of the board appeals being lower, on average than usual. There was a slight increase in UI cases opened this past month, it was the highest since February 2019, but still only at 899 cases. She commented that it is somewhat of a mystery with the FO cases increasing but not in comparison in AO, but it is fortunate. In addition, this allows some of the AO ALJs to rotate to the field office to help. AO is at a good spot right now and they will continue to monitor the case aging and tendency to make sure it does not fall behind.

Member Allen asked whether about ALJ travel in the rotation system. PALJ/AO Remke replied that the rotation is at the Sacramento office and so there is no change in the travel to work.

Chair Block highlighted that part of the reason for the reduction in cases at the appellate level is that the field level judges are doing a better job, making better decisions or treating the people and parties before them in way that makes them feel more comfortable with the decision made, and so they do not want to appeal to the Board. He expressed thanks to the field judges and to the appellate judges.

8. Chief Information Officer, Jeff Willoughby Report:

CIO Willoughby reported the closing out of Stage two of four stages of the project approval lifecycle with our partners at the Department of Technology. They are putting together detailed requirements for a new modern system. They have also been working on stage three, in parallel with work on stage two. Their hope is to speed through the next project stages and engage a vendor in the spring.

Member Allen reported that Mr. Silva sent him the Memorandum of Understanding between CUIAB and EDD. The MOU shows the cooperation that is needed between agencies to make sure everything runs smoothly and he thanked Mr. Silva for sending it.

Chair Block reminded that Members' requests to Board personnel for reports or documents outside of Board meetings should initially go through the Chair and the Board's Chief ALJ/Executive Director. This is so Chief ALJ/Executive Director Gonzales can oversee and ensure responsiveness to requests and avoid confusion.

9. Chief Administrative Services, Robert Silva Report:

No report

Closed Session:

There were no Closed Session items. The Board adjourned at 1:42 p.m.

Adjournment