

**MINUTES
FOR THE REGULAR MEETING
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD
Docket No. 5665**

Open Session

The Appeals Board meeting convened at 1:00 p.m., May 19, 2021, via Zoom conferencing 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	
Laura Kent-Monning	x	

2. Approval of the Minutes:

The April 21, 2021, Meeting Minutes were approved unanimously.

3. Chair's Report:

Chair Block reminded viewers that most of the Board's work is not done during the meetings, but in-between meetings. The Board resolved approximately 500 2nd level appeals in the past month.

Chair Block attended a staff meeting while visiting the Sacramento Headquarters and met new CUIAB staff. During the meeting, Chair Block and senior staff discussed strategies to address the workload created by the onslaught of new appeals.

Chair Block attended a virtual meeting of the Labor Workforce Development Agency and discussed Governor Newsom's May revise budget proposal.

As the COVID-based restrictions ease and Board members consider vacation schedules, Chair Block will coordinate Member schedules to ensure that the Board has sufficient Members available to decide appeals without delay.

4. Board Member Reports:

Member Eng welcomed Pasadena Office of Appeals Presiding Administrative Law Judge Jenny Wayland to her new role in the agency.

Member Allen reminded the staff that the last day to submit their articles for the CUIAB Newsletter is May 31, 2021. Member Allen and Chair Block complimented and thanked the Board's staff for the quality of work on the Board's minutes as a part of its historical records.

Member Kent-Monning recognized Mariluz Worden, Mirella Gomez and Greg Crettol for their work on CUIAB's Newsletter. She also expressed her appreciation for the work of CUIAB's staff in responding to significantly elevated workloads, and in particular those employees who continue to perform work needed in CUIAB's offices.

5. Public Comment

Richard Miller spoke regarding his efforts to obtain re-employment with CUIAB.

Kathleen Devlin offered comments regarding her experiences as a claimant before the Employment Development Department and Board.

6. Chief ALJ/Executive Director Report:

Since December 2020, EDD has denied over 900,000 claims solely based on suspected fraud.

During April, appeal transmittals from the Employment Development Department were more than 276% higher than the last pre-pandemic month, March 2020, and CUIAB is receiving approximately 60,000 appeals per month from EDD.

In April, CUIAB closed 19.8% of cases within 30 days and 23.8% of cases within 45 days. CUIAB's average case age was 54.7 days. Appeal timeliness remains a nationwide problem with the national average case age of 113 days.

To address workload, CUIAB has increased its workforce capacity, ALJs have closed record numbers of cases. PJs perform substantial numbers of dispositions, ALJ caseloads have been increased and many have volunteered to perform additional work beyond those required amounts.

CUIAB had no COVID-19 related office closures in the past month.

Executive Director Cutri reported a field office and neighboring businesses were vandalized. CUIAB has also received several harassing calls and experienced one attempted entry at its Headquarters during the past month. Law Enforcement was consulted on each and no further actions were required.

CUIAB is currently working with EDD and Labor Workforce Agency to address ongoing and evolving workload issues to promote efficient public service while adhering to all health and safety regulations.

Executive Director Cutri welcomed Pasadena Office of Appeals Presiding Administrative Law Judge Jenny Wayland.

Vice-Chair Reeves asked for clarification on the increased caseload percentage since the last pre-pandemic month and the number of ALJs hired since January 2021. Executive Director Cutri stated there is an ongoing effort to hire ALJs to assist with the growing caseload. Vice-Chair Reeves inquired about the process of coordinating vacation schedules for CUIAB's staff. Executive Director Cutri advised that these leave requests are approved based on operational needs taking into account the personal needs for leave in light of the significantly elevated workloads over the past year. Vice-Chair Reeves also inquired about the percentage of appeals received at the field office that are based on suspected fraud. Executive Director Cutri advised that EDD has not supplied this information.

Member Eng thanked Director Cutri for visiting the various CUIAB field offices. Member Eng inquired about the progress on CUIAB's ability to receive appeals directly from claimants. Director Cutri stated this is contained in the Board's proposed regulatory changes, however, that proposed change is not currently in effect. Member Eng inquired about the current backlog in the number of appeals filed with EDD. Executive Director Cutri advised this information is not available from EDD. Member Eng inquired about two closed cases referenced in the Monthly Litigation Report and asked whether summaries of the decisions had been transmitted to the Board. Chair Block requested that Chief Counsel Woo-Sam communicate with Member Eng following the meeting to provide the requested information.

Member Allen inquired about potential discussions between the federal Department of Labor and the states regarding their ability to meet federal timeliness standards in light of the unusual challenges created by the pandemic. Member Allen suggested

that the states approach DOL collectively rather than individually. Chair Block will speak with the Chair of the National Association of Unemployment Insurance Appeals Professionals regarding this.

Member Kent-Monning expressed her support for the continuing efforts on identifying ways CUIAB can address increasing workloads.

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

Presiding Administrative Law Judge for Appellate Operations, Jodi Remke, reported that during April, the Board's Appellate Operations met and exceeded DOL's time-lapse standards. AO resolved 70.3% of its cases within 45 days and 89.7% within 75 days.

Vice-Chair Reeves clarified that the term "RAs" refers to retired annuitants. He inquired about the possibility of temporarily assigning AO ALJs to conduct hearings at the first level of appeal to address the first level backlog. PJ Remke advised that she and Executive Director Cutri have discussed this, but at this time the diversion of AO ALJs would negatively impact the Board's AO performance while not significantly improving CUIAB's first-level appeals timeliness.

Member Eng commended PJ Remke for her assistance and response time in addressing issues on cases. He also inquired about the total number of ALJs assigned to AO. PJ Remke stated there are five full-time, one part-time and three RA ALJs.

Member Allen asked for clarification on the new hire in AO. PJ Remke advised that the new hire is an AO ALJ.

Member Kent-Monning thanked PJ Remke for her ongoing availability and assistance when needed.

8. Chief Information Officer, Jeff Willoughby Report:

Chief Information Officer, Jeff Willoughby, thanked the IT staff for their work assisting the newly hired ALJs and support staff, as well as their continuous technical support throughout the organization.

CIO Willoughby advised that the Appeals Modernization Program continues to progress with work on the hearing and scheduling components. Much of the Field

Operations work is complete. Tax hearings, court cases and Appellate Operations are currently underway. The project team also reviewed and updated forms that CUIAB uses to maintain usability when transferred to the new system.

In response to a recent survey, the Change Management Team has identified necessary tools and training. CUIAB employees will receive training information in the "What's the Buzz" email.

CIO Willoughby thanked the subject-matter expert group and Judge Harrison for their time and effort with the Appeals Modernization Project. Chair Block also acknowledged and expressed appreciation for Judge Harrison's work.

Vice-Chair Reeves thanked CIO Willoughby and Judge Harrison for their work.

Member Eng thanked the IT staff for their ongoing assistance. He also thanked CIO Willoughby for providing the summary from the Appeals Modernization Project employee survey. As raised in the survey summary, Member Eng inquired about plans for in-person trainings. Director Cutri advised that CUIAB intends to provide in-person training when feasible, but the State has not yet finalized its reopening plans.

Member Allen inquired about the improvements to download speeds at the various field offices. CIO Willoughby advised due to the increasing use of cloud-based programs and services, CUIAB will require additional bandwidth to ensure that it does not experience bottlenecks in utilizing these services. Member Allen advised that the Newsletter committee recently experienced difficulty utilizing Microsoft Teams. CIO Willoughby will investigate.

Member Kent-Monning thanked CIO Willoughby and the IT staff for their recent assistance.

9. Chief Administrative Services, Robert Silva Report:

Chief Silva reported on staffing. Since April 1, 2020, 42 permanent and limited-term ALJs have been hired, and 13 Retired Annuitant ALJs. CUIAB is also in the process of hiring one additional ALJ from its most recent recruitment. Another recruitment has also opened, with a final filing date of June 13, 2021. CUIAB anticipates hiring ten ALJs from that recruitment. Since the last Board Meeting, there have been nine support staff recruitment advertisements.

In response to the Public Language Survey, the Sacramento Office of Appeals showed a need for 1.2 persons certified in Spanish. The Sacramento Office has met this standard but has recruited for additional staff certified in Spanish. Two field offices are also being monitored for two specific certified languages and will address through hiring as the needs arise.

During May, CUIAB participates in the Bi-Annual Language Audit. Certified language speakers complete a time ladder to ensure the employees that receive additional bilingual pay are meeting the threshold of 10% or above use. 43 employees are participating in the audit.

Chief Silva explained the details of the procurement process and the CalCard purchase processes. EDD's business operations will process emergency pandemic-related orders through June 14.

In the May 20/21 Budget Revise, CUIAB and EDD projected a 4% workload increase. EDD also identified deferred workloads of an additional 10%. EDD's fiscal programs division recently began work on the documentation associated with this 10% workload increase.

Vice-Chair Reeves thanked Chief Silva for his report. He also thanked Chief Silva, Members Eng and Kent-Monning for their attention to CUIAB's language capacities. Vice-Chair Reeves clarified that the total projected workload increase for the 21/22 fiscal year is 14%. He also inquired about the ability to post positions before the passage of a final budget, and how soon are positions for recruitment could be posted. Chief Silva advised that CUIAB cannot post the position until positions are authorized; however, once the budget is signed, CUIAB can post the positions for recruitment.

Member Eng asked if CUIAB is currently recruiting both ALJ I and ALJ II positions. Chief Silva advised that CUIAB is currently recruiting for ALJ Is, and explained the process to promote to an ALJ II position. Member Eng also inquired about the use of Alta Language Services. Chief Silva stated CUIAB has not yet needed to utilize this service.

Member Allen thanked Chief Silva for his work on CUIAB's budget. Member Allen asked whether CUIAB would receive additional funds in connection with the federal American Rescue Plan legislation. Chief Silva advised the additional funds for CUIAB will come from the unemployment insurance workload projections rather than that federal act.

Member Kent-Monning thanked Chief Silva and his staff for their work and information. Member Kent-Monning also acknowledged and thanked CUIAB's bilingual staff for their important translation work.

10. Information Item – Proposed changes to 2021 Board Meeting Schedule:

Due to a scheduling conflict, the Board's July meeting will be moved to July 13, and it is intended to take place in person. Chair Block inquired about potential scheduling conflicts for the remainder of the Board's scheduled meetings in 2021.

Closed Session:

There was no Closed Session.

Adjournment