

**MINUTES  
FOR THE REGULAR MEETING  
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD  
Docket No. 5666**

**Open Session**

The Appeals Board meeting convened at 1:00 p.m., June 16, 2021, via Zoom conferencing 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	
Dan Reeves, Vice-Chair	x	
Mike Eng	x	
Michael Allen	x	
Laura Kent-Monning	x	

**2. Approval of the Minutes:**

The May 19, 2021, Meeting Minutes were approved unanimously.

**3. Chair's Report:**

Chair Block thanked Kristin Songcayauon for her work on CUIAB's minutes and reminded viewers that most of the Board's work is not done during the meetings, but in-between meetings. The Board resolved approximately 693 second-level appeals in the past month.

Chair Block attended a meeting of CUIAB's senior leadership staff and reported on recent undertakings, including a special identity verification event, a webinar prepared for legislative representatives to provide information about CUIAB's and EDD's administrative processes, and CUIAB's upcoming newsletter. Chair Block also attended a meeting of the Board of Governors for the National Association of Unemployment Insurance Appeals Professionals. NAUIAP's next general membership meeting will take place April 2022, in Denver, Colorado, and in 2023 on the East coast. Chair Block is working to have NAUIAP's 2024 meeting held in California, which will provide opportunities for staff to attend and participate in the development of its presentations. Additionally, NAUIAP's President and board members have confirmed that virtually all states are experiencing severe backlogs

in their efforts to resolve the increasing numbers of unemployment insurance appeals.

#### **4. Board Member Reports:**

Vice-Chair Reeves thanked Member Eng and CUIAB appeals staff member Gavin Powell for their efforts in ensuring copies of important identity verification documents were obtained and provided to the Board with the highest quality possible. Vice-Chair Reeves also thanked Director Cutri for his ongoing work on this issue, and Members Allen and Kent-Monning for their work on CUIAB's upcoming Newsletter.

Member Eng discussed the importance of the Newsletter to the organization and recognized Presiding Judges Morrison, Schissell, and Wayland for their ongoing work.

Member Allen thanked CUIAB's Board members and staff for their participation and work on the Newsletter. CUIAB continues to work hard to achieve success where possible in light of the pandemic workload and challenges.

Member Kent-Monning reported on CUIAB's identity verification pilot project and thanked the CUIAB staff for sharing their stories for the Newsletter.

#### **5. Public Comment**

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

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

Executive Director Cutri thanked Presiding Judge Remke and Gavin Powell for their work to ensure copies of identity documents are retained at the highest quality.

During May, appeal transmittals from the Employment Development Department slightly declined from April's record 276% increase in appeals over pre-pandemic time periods. EDD has advised that it has processed the majority of appeals arising from approximately 900,000 denial-of-benefits determinations it has issued since December 2020.

In May, CUIAB closed 24.8% of cases within 30 days and 33.5% of cases within 45 days. CUIAB has prioritized resolving the oldest cases and its average case age is approximately 61 days, compared to a national average case of 116 days.

To address workload, CUIAB has increased its workforce capacity, and in addition ALJs, including PJs, have resolved record numbers of cases. CUIAB also developed and implemented a “pop-up” pilot event designed to speed the resolution of appeals involving identity verification and prevent fraud. Another pop-up is planned and CUIAB will use the data obtained from these to develop plans to implement the program statewide.

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

During the past month, CUIAB recorded four events involving persistent and repeated harassing calls. Law enforcement was consulted on each and no further actions were required.

As a result of the large volume of inquiries legislative representatives receive regarding unemployment insurance issues, on June 18, Executive Director Cutri will host a webinar with EDD to provide an overview of the claim and appeal processes to the Democratic Caucus.

Vice-Chair Reeves thanked CUIAB’s staff for their work on the pop-up event and is hopeful it may be replicated throughout the state.

Member Eng thanked Director Cutri for his assistance between meetings and inquired about the status of CUIAB receiving appeals directly from claimants. Director Cutri advised that is contained in the Board’s proposed regulatory changes, but that change is not currently in effect. Executive Director Cutri described the current administrative processes and advised that this change is anticipated to speed the resolution of appeals.

Member Allen thanked Director Cutri for his communication with Board Members between meetings and for his attention to the safety and security of CUIAB’s staff.

Member Kent-Monning thanked Director Cutri for his hands-on work approach to leadership during the pop-up event.

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

Presiding Administrative Law Judge for Appellate Operations, Jodi Remke, reported that during May, AO resolved 47.4% of its cases within 45 days and 96.6% within 75 days. To date, AO resolved 81% of its cases within 45 days.

Vice-Chair Reeves asked how the increase in first-level appeals may impact second-level Board appeals during the next quarter. PJ Remke advised that AO has not experienced increases in appeals commensurate with the increased volume of first-level appeals likely due to the high volume of identity-related appeals that are resolved at the first level. Executive Director Cutri is in communication with EDD regarding the types of appeals and they are predominantly single-party identity cases. CUIAB will continue to monitor the workflow.

Member Eng commended PJ Remke for her assistance in addressing issues on cases and inquired about the total number of ALJs assigned to AO. PJ Remke advised there are five full-time and three retired annuitant ALJs. PJ Remke indicated that AO may benefit from one to two additional ALJs to prepare for potential attrition.

Member Allen thanked PJ Remke for her ongoing assistance.

Member Kent-Monning inquired about CUIAB's ability to meet the federal timeliness standards in consideration of summer vacation requests. PJ Remke advised that this has been planned for by staggering vacations and the use of retired annuitants as needed.

#### **8. Chief Information Officer, Jeff Willoughby Report:**

CIO Willoughby advised that the Appeals Modernization Program continues to progress with work on the hearing and scheduling components. Much of the work is complete for Field Operations, Tax hearings, court cases and Appellate Operations.

CIO Willoughby reported on CUIAB's work to ensure information security. CIO Willoughby advised that CUIAB staff will receive a communication regarding information security and changes in the coming weeks.

Member Eng inquired about CUIAB's efforts regarding the prevention of ransomware. CIO Willoughby advised that CUIAB's Information Security Office is available to consult regarding ransomware issues and evaluate suspicious emails.

Member Allen thanked and complemented CIO Willoughby and the IT staff for their work.

Member Kent-Monning thanked CIO Willoughby and the IT staff for their work configuring the technology equipment in her Sacramento office.

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

Since the last Board Meeting, CUIAB has hired six new support staff and one retired annuitant support staff. There are currently 24 support staff pending recruitments. CUIAB is anticipating hiring approximately 10 new ALJs.

In the May 21/22 Budget Revise, CUIAB and EDD projected 342,276 UI appeals, equating to approximately 142.2 positions. The positions will be filled with a combination of permanent-intermittent and retired annuitant employees. EDD's fiscal programs division is currently working on budgetary issues. Upon completion, Chief Silva will prepare and present a budget proposal to the Board.

CUIAB received the results from its bilingual use audit in May. Each employee that participated in the audit was above the 10% use threshold for eligibility to receive bilingual pay.

Vice-Chair Reeves inquired about the timeline of recruiting for a position to the start date for the newly hired employee. Chief Silva described the process and indicated that for support staff, it typically takes approximately five weeks from advertisement to start date. For ALJs, CUIAB requires approximately four weeks to complete the administrative work required to hire, and the start date depends on varying factors including the time an individual may require to conclude other work prior to commencing work for CUIAB.

Member Eng thanked Chief Silva for his continuing work regarding language resources. Member Eng inquired about the process of backfilling positions vacated by newly-appointed Presiding Administrative Law Judges. Chief Silva advised that the vacated positions are filled with Administrative Law Judge Is. Member Eng asked about intended recruitments for ALJ II positions. Chief Silva advised that CUIAB is in the process of preparing an examination for the ALJ II position and will proceed with this; however, the State has recently agreed with Bargaining Unit 2 to consolidate the ALJ I and ALJ II positions into a deep class in which a separate ALJ II examination would not be required. Member Eng asked about plans to return employees who have been working remotely to the offices. Executive Director Cutri advised that CUIAB is waiting for the Administration's policy guidance and anticipated updates to occupational safety and health standards impacting this.

Member Allen inquired about the use of permanent intermittent and temporary help positions and coordination with other state agencies involving staffing projections.

Chief Silva advised that once the permanent vacancies are filled, CUIAB will fill positions with temporary help hires. CUIAB will monitor staffing needs and maintain relationships with state agencies to facilitate personnel movements as needed.

Member Kent-Monning thanked Chief Silva and his staff for their work.

**Closed Session:**

The Board adjourned the open session to convene a closed session to discuss pending litigation.

**Open Session:**

The Board returned to open session and announced that no reportable action was taken during closed session.

**Adjournment**