

**MINUTES
FOR THE REGULAR MEETING
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD
Docket No. 5669**

Open Session

The Appeals Board meeting convened at 1:00 p.m., September 22, 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 August 18, 2021, Meeting Minutes were approved unanimously.

3. Chair's Report:

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

Chair Block thanked ALJ Andrea Miles and Aida Zavala of the Executive office for leading CUIAB's "Our Promise" charity campaign. The event will take place on September 29, 2021, and CUIAB employees will receive information this week regarding the event.

Chair Block has been selected as President of the National Association of Unemployment Insurance Appeals Professionals (NAUIAP). He has begun service as President-Elect and will begin tenure as President on July 1, 2022. NAUIAP conducts an annual conference and develops webinars and other information throughout the year.

4. Board Member Reports:

Vice-Chair Reeves congratulated Chair Block on his appointment as NAUIAP President.

Member Eng congratulated Chair Block on his NAUIAP appointment and commended Executive Director Cutri and the leadership team for developing training and reference materials to aid in implementing the new federal pandemic relief programs.

Member Allen thanked CUIAB's staff for their work and dedication. Member Allen requested that CUIAB conduct a moment of silence before adjournment in recognition of the tragedies and lives lost due to COVID-19.

Member Kent-Monning congratulated Chair Block on his appointment. Member Kent-Monning also thanked Executive Director Cutri for his assistance and work reaching out to Legal Aid at Work, regarding language access issues.

5. Public Comment

Richard Miller commented on his efforts to obtain employment with CUIAB.

6. Chief ALJ/Executive Director Report:

Executive Director Cutri congratulated Chair Block on his appointment as President of NAUIAP and thanked Member Allen for reminding of the hardships and losses experienced due to the pandemic.

During August, daily appeal transmittals from the Employment Development Department fell to within 13% above pre-pandemic periods.

In August, CUIAB closed 4.5% of cases within 30 days and 6.1% of cases within 45 days. CUIAB prioritizes resolving oldest cases and its average case age is approximately 99 days, compared to a national average case of 128 days.

CUIAB continues to recruit and train new staff. The newest cohort of 11 ALJ's will commence work conducting hearings in the field offices this week. Training for the next cohort of ALJ's will begin the first week of October.

In August, the field offices closed nearly 28,000 cases, achieved through increased case assignments, team calendars, volunteer efforts and pop-up events for identity cases. CUIAB's pop-up identity verification project has been successful in resolving

approximately 1500 appeals. Director Cutri thanked the San Diego Office of Appeals for their assistance in expanding the pilot project. However, due to the increasing infection rates of the COVID-19 Delta variant, CUIAB proceeds cautiously with expansions.

CUIAB's Fresno field office closed one day due to a positive COVID-19 case. The office was cleaned and re-opened shortly thereafter.

On July 27, CalHR announced new vaccine verification and testing protocols for all State employees. As of September 22, CUIAB verified an 80% vaccination rate among staff. Employees who have not verified their vaccination status will be required to test for COVID-19 weekly. CUIAB has received supplies to begin testing and is awaiting further information regarding the implementation of this requirement.

CUIAB has been operating under an Executive Order suspending the right to in-person participation in CUIAB's hearings. The order will expire on September 30, 2021. CUIAB is awaiting further direction regarding the issue and has contacted employee organizations regarding the potential impacts of resuming in-person hearings where required.

Executive Director Cutri spoke with George Warner, Legal Aid at Work, and confirmed that CUIAB had provided the requested language assistance in a matter Mr. Warner had previously identified and thanked Mr. Warner for providing input on suggested process improvements.

Member Kent-Monning and Director Cutri reviewed compliance issues regarding California's language assistance requirements. For the year 2020, CUIAB was found in compliance with language assistance and the next biennial survey will be conducted in 2022. Chief Cutri provided an overview of CUIAB's language assistance services and resources.

The Pasadena field office experienced an individual trying to force entry into the building. Law enforcement was consulted on the incident and no further action was required. CUIAB has begun receiving emails containing threats towards EDD. Law Enforcement has been contacted and is coordinating with EDD.

Vice-Chair Reeves thanked Director Cutri for his dedication in conducting identity pop-up events and for coordinating with Member Kent-Monning on language accessibility issues. He also thanked Judge Bach for her ongoing training efforts with the newly hired administrative law judges. Vice-Chair Reeves inquired about

the process of conducting in-person hearings following the expiration of the Executive Order suspending in-person hearing requirements. Chief Cutri advised that due to public health concerns, returning to in-person would proceed deliberately. CUIAB is developing hearing safety protocols and gathering all resources necessary including filtration and personal protective equipment.

Member Eng thanked Member Kent-Monning for her attention to language access and Chief Cutri for ongoing work. Member Eng inquired about processes and protocols for reviewing the quality of translations. Director Cutri advised that there is a language access team that reviews all complaints regarding language access continuously. CUIAB also conducts periodic reviews of language issues. Should a language issue arise in a specific hearing, a complaint may be referred to Chief Cutri.

Member Eng inquired about the status of CUIAB's proposed regulatory changes. Director Cutri confirmed that the regulatory changes are under review and Chair Block advised that the approval process for the proposed regulatory change has commenced; however, the process for CUIAB receiving appeals directly has not commenced.

Member Allen inquired about the extent to which legislative changes involving EDD are evaluated for impact on CUIAB. Chief Cutri confirmed that CUIAB analyzes the potential impact of legislative changes on CUIAB. Member Allen asked about discussions between EDD and CUIAB involving workload and projections. Chief Cutri advised we meet monthly to discuss these issues. Last, Member Allen thanked Members Eng and Kent-Monning for their continued efforts involving language access.

Member Kent-Monning thanked Director Cutri for his continued work on issues of language accessibility.

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

Presiding Administrative Law Judge for Appellate Operations, Jodi Remke, reported that during August, AO resolved 79.8% of its cases within 45 days and 94.1% within 75 days. To date, AO resolved 72.4% of its cases within 45 days.

Members Eng, Allen and Kent-Monning thanked PJ Remke for her ongoing assistance.

8. Chief Information Officer, Jeff Willoughby Report:

CIO Willoughby advised that CUIAB has completed Sprint 8 of the appeals modernization project. Sprint 9 will commence soon.

IT continues to work with field offices and Presiding Judges to implement the online hearing “check-in” process. The “check-in” option has been utilized over 1,000 times and CUIAB is hopeful utilization of this will continue to increase.

CIO Willoughby reminded that October is National Cybersecurity Month.

Vice-Chair Reeves thanked CIO Willoughby for his cyber security work.

Members Eng and Allen thanked IT for their continued work.

Member Kent-Monning thanked IT for assistance configuring her new laptop.

9. Chief Administrative Services, Robert Silva Report:

Chief Silva reported on the status of hiring. Six new ALJs are currently in the hiring process and since the last Board meeting, CUIAB hired nine new support staff with nineteen new hires pending.

Chief Silva reported on implementation of the State’s COVID-19 testing program, procurement, facilities upgrades to field offices, and open enrollment for health benefits.

Vice-Chair Reeves inquired about processes for employees administering COVID self-testing. Chief Silva described the process for testing at home and uploading results through an online portal to a California Department of Public Health-partnered company. Should an employee refuse to undertake the COVID-19 test, the employee may be subject to discipline.

Member Eng requested further clarification regarding COVID-19 testing requirements. Chief Silva advised that only employees who have not provided proof of vaccination status are required to submit to a COVID-19 test before reporting to the office. Member Eng asked if the test results of the non-vaccinated individuals are made available to their respective colleagues. Chief Silva explained the test results are only made available to the CDPH staff and are not to be shared with employee co-workers. Lastly, Member Eng inquired about the status of workplace

mask mandates. Chief Silva will confirm the current mask mandates and will provide the information to the Board.

Member Allen asked about negotiations with employee organizations over testing requirements. Chief Counsel Mark Woo-Sam advised that CalHR provided notice to all employee organizations regarding the State's COVID-19 testing requirements. Grievances have been filed by various employee organizations, some of which are still pending. Separately, CUIAB provided notice to the employee organizations of its implementation of COVID-testing requirements to facilitate meeting and conferring on the impacts of these requirements. Member Allen identified the possibility of wage and hour implications and health and safety concerns relating to testing protocols and encouraged robust proactive communication with the employee organizations on the range of issues.

Member Kent-Monning asked if CUIAB has faced challenges obtaining the quantity of COVID-19 tests needed. Chief Silva advised that at this point, CUIAB has distributed sufficient numbers of tests to its site leads.

The Board observed a moment of silence for the lives lost due to COVID-19.

Closed Session:

There was no Closed Session.

Adjournment