

**MINUTES  
FOR THE REGULAR MEETING  
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD  
Docket No. 5675**

**Open Session**

The Appeals Board meeting convened at 1:00 p.m., March 16, 2022, 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 February 16, 2022, 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. During the past month, the Board resolved approximately 500 second-level appeals, and Field Office Administrative Law Judges (ALJ) resolved thousands of first-level appeals.

Chair Block reported that he and Executive Director Cutri met with Labor Workforce Development Agency's Secretary, Natalie Palugyai.

**4. Board Member Reports:**

Vice-Chair Reeves offered comments on CUIAB's experience conducting hearings remotely and thanked CIO Willoughby and his team for their addressing technical difficulties regarding the audio recording of the hearings.

Member Allen expressed his gratitude and support to the CUIAB staff for their work during the pandemic.

Member Kent-Monning thanked Vice-Chair Reeves for his attention on CUIAB's audio recording issues and Director Cutri for his updates to the Board Members.

## **5. Public Comment**

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

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

During January, daily appeal transmittals from the Employment Development Department (EDD) increased to approximately 129% above pre-pandemic levels.

CUIAB's executive staff continues to meet monthly with EDD to evaluate workload trends.

In February, the field offices issued nearly 25,000 decisions. CUIAB closed 2.5% of cases within 30 days and 3.9% of cases within 45 days. CUIAB continues to prioritize resolving the oldest cases and the average case age is approximately 97.7 days, compared to a national average case age of 155 days.

Since the Board's last meeting, there were no office closures. There was one positive COVID-19 test result, however, that did not result in an office closure.

The statewide indoor mask mandate has been lifted for all CUIAB jurisdictions, however, caution in the workplace is encouraged. The State's weekly testing requirements for unvaccinated state employees are ongoing.

CUIAB continues to recruit ALJs and support staff. The next cohort of ALJs will begin on March 18, 2022, and will be trained by PALJ Bach.

As a result of efforts taken to address the technical issues resulting in audio recording failures, the number of cases requiring an additional hearing has returned to baseline levels. Executive Director Cutri thanked IT for their work to resolve the issue and the Board Members for their immediate attention to the matter.

There were no security incidents to report.

Executive Director Cutri stated the June Board Meeting has been rescheduled to June 7. Formal notice will reflect the change.

Vice-Chair Reeves asked for clarification on the processes for distributing workload throughout the field offices. Director Cutri explained that CUIAB evaluates field office workload each week and determines the extent to which cases should be moved in order to equalize appellants' waiting times throughout the state. CUIAB currently utilizes paper files that must be transmitted between the field offices in order for ALJs to conduct hearings.

Member Eng asked for clarification on EDD's processes regarding determinations for eligibility for pandemic unemployment assistance. Director Cutri explained that EDD has an automated process in which, if a claimant is found ineligible for unemployment benefits, EDD attempts to determine eligibility for PUA benefits. CUIAB has asked EDD to review recent CUIAB decisions to ensure that EDD's processes are being applied as intended. Member Eng inquired about processes for ensuring claimants whose cases were affected by the audio deficiency issue receive notices of the need for rehearing. Director Cutri advised that these cases are tracked and the parties notified to ensure they are made aware of the need for rehearing.

Member Allen inquired about the number of newly commencing ALJs. Director Cutri stated there are eight new ALJs who will begin training on March 18.

Member Kent-Monning asked about the Appeals Modernization Program and its ability to transfer files electronically. Chief Cutri advised that the new program will provide CUIAB the ability to move files electronically to any field office throughout the state.

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

Presiding Administrative Law Judge for Appellate Operations, Jodi Remke, reported that during February, AO resolved 88.8% of its cases within 45 days and 94.2% within 75 days.

Vice-Chair Reeves inquired about the DOL timeline period. PJ Remke confirmed the end of the DOL evaluation year is March.

Member Eng inquired about the percentage of PUA appeals comprising AO workload. PJ Remke advised that PUA appeals have declined in the past several months and anticipates they will continue to decline as a percentage of AO workload.

Member Allen thanked PJ Remke for her work and inquired about DOL's processes

following the completion of the DOL evaluation year. Director Cutri described the submission and review process.

Member Kent-Monning thanked PJ Remke and the AO staff for their work.

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

Chief Willoughby reported that the subject-matter expert and test groups have been working on the Appeals Modernization System. Efforts are underway to prepare training materials, data migration scenarios, knowledge transfer, and technical training for the IT staff who will support the program. Chief Willoughby reported that CUIAB and EDD will begin piloting the transmission of unemployment insurance documents between the agencies next week. Should this prove successful, its use will be expanded. Chief Willoughby thanked ISO Teamer for presenting at the February 16 Board Meeting and Vice-Chair Reeves for his attention on resolving the audio recording issues.

Vice-Chair Reeves asked about the precautions CUIAB has taken regarding potential IT risks that may result from sanctions on Russian acts. Chief Willoughby advised that IT has systems in place to help identify unusual activity as well as a security operations center at the Department of Technology that filters vectors of attack.

Member Eng expressed his gratitude to Vice-Chair Reeves regarding his work on resolving the audio recording deficiencies. Member Eng inquired about training on the appeals modernization system for the Board Members. Chief Willoughby advised that the training for the Board Members will be scheduled when ready.

Member Allen also thanked Vice-Chair Reeves and the IT team for their work.

Member Kent-Monning thanked Chief Willoughby and the IT team for their work on the appeals modernization program.

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

Chief Silva provided an update on budget planning for the state fiscal year 2022-2023 and personnel hiring.

Due to the lifting of local mask mandates, as of March 4, all CUIAB employees are no longer required to wear masks in indoor workplaces. Since the last Board

meeting, there was one positive COVID-19 case.

On March 7, Administrative Services announced the availability of supplemental paid sick leave regarding COVID.

Vice-Chair Reeves inquired about the field office locations of the incoming nine ALJs. Chief Silva will provide this information.

Member Eng requested clarification on the number of positive COVID-19 cases. Chief Silva confirmed there was one positive case reported within CUIAB during the past month.

Member Allen asked about CUIAB's attrition rate. Chief Silva will provide this information.

Member Kent-Monning thanked Chief Silva for his ongoing 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**