

**MINUTES
FOR THE REGULAR MEETING
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD
Docket No. 5580**

1. Opening of Meeting:

The Appeals Board convened at 10:30 a.m., August 12, 2014, in Sacramento with Chair Robert Dresser presiding.

2. Roll Call: <u>Members</u>	<u>Present</u>	<u>Absent</u>
Robert Dresser, Chair	x	
Michael Allen, Vice Chair	x	
Roy Ashburn	x	
John Adkisson	x	

3. Approval of the Minutes:

The July 8, 2014 and July 22, 2014 minutes were approved unanimously.

4. Chair's Report:

Chair Dresser reported that CUIAB continues to meet Department of Labor standards for time lapse and case aging despite the fact that a number of judges have been interviewing for other jobs and given layoff notices. This is a great tribute to the judges and staff as well as the presiding judges who are tasked with insuring that hearings are conducted and decisions issued in a timely manner. He thanked everyone.

Chair Dresser reported that CUIAB judges continue to meet Department of Labor Quality Review Standards. He gave a special thanks to Chief Administrative Law Judge/Executive Director Elena Gonzales for her leadership in this collaborative effort to get the people's work done despite a very difficult several months given the fact of surplus and layoffs.

Chair Dresser reported that the Bureau of State Audits (BSA) circulated a draft report on its audit of the reversal rates of EDD determinations by CUIAB. He gave a special thank you to Chief Counsel Kim Steinhardt who worked tirelessly and effectively with BSA to demonstrate that CUIAB's reversal rate of EDD

determinations is based on the record and law not on some arbitrary or capricious mood. The BSA report should issue soon and CUIAB will implement whatever recommendations are made.

Chair Dresser reported that a preliminary ruling is anticipated on the CASE petition for writ of mandate to halt the layoff scheduled for September 1. He made it clear that the Board implemented the layoff plan as a necessary part of the mandated budget reduction and that any delay in the layoffs might result in more layoffs given CUIAB's declining workload.

Chair Dresser reported that in the Brady case, they expect the superior court decision to come out in final form this week.

Lastly, he thanked Chief Rose for her wonderful editing and for her work with committees of board authors which he feels is very important. He thinks it is important for the board authors to be intimately involved with the work and appreciates the work the committees are doing. He thanked Cathy Vandeleur for her dedication and hard work.

5. Board Member Reports:

Vice Chair Allen reiterated his appreciation to all the staff at CUIAB, for helping the board do their job in being able to serve the public. He thinks there has been an absolute commitment to try to do the very best for the agency and for the employees. It is a difficult situation for everyone. He does know that they are looking for the best outcome for everyone and he is optimistic things will go well for everyone in the agency.

Vice Chair Allen reported he has been working with Chief Rose to put the finishing touches on the precedent process. One thing they did make clear is the procedure for providing input at the very beginning of the process because they want to encourage initiative within the organization and allow people to provide input on what they consider to be significant issues for the agency and the public.

Vice Chair Allen commented that he would like to ask permission of his fellow board members that when they adjourn to go into private session that they do so in memory of Robin Williams who passed away yesterday. He asks for this because not only was he a great artist but he was an incredible humanitarian. He did a lot for the homeless and a lot for people who were in very dire straits. He thinks that one of the roles of this agency is humanitarian in nature.

Member Ashburn reported that given the circumstances of the workload, the changes that are taking place in personnel, it is appropriate, and he wants to join in recognition and thanks. To Chief Counsel Steinhardt, whose work has been extraordinary and much appreciated, to Executive Director/Chief ALJ Gonzales for her great work in very difficult circumstances he appreciates it, to Chief Rose he thanked her and Cathy Vandeleur. He commented that throughout the entire appeals process, the services being rendered to the public, the CUIAB judges do a very fine job. In those cases where our judges could improve, we make strides to improve our services to the public. He commented that that is a difficult standard to maintain in tough times and he does think especially today that they acknowledge the work of the support staff, the judges in the field, appellate judges, and the entire organization for doing a good job and keeping upper most the public that we serve, those constituents, those clients, those cases that come before us.

Member Adkisson joined in with all the comments that were made before and reiterated what he said last meeting about the Chief Counsel, that the work he has done as Chief Counsel is as good as or better than any that he's seen in government. He also especially thanked Chief Rose who has been working with him on a difficult project, one that he thinks creates a little bureaucracy just by raising it, and that is what he has raised before and that is his discovery upon coming to the board that many of the standard paragraphs that are used for the decisions are out of date in his view and without Chief Rose he doesn't think he'd be able to get anything done. She's been working with him and he thinks that in the next month or so they will be able to show some real success in correcting some errors that we've been providing to the judges and could have led to the some of the very small number of mistakes.

Chair Dresser thanked Member Adkisson for his work on the standard paragraphs.

6. Public Comment:

No public comment.

7. Chief ALJ/Executive Director Report:

Chief ALJ/Executive Director Gonzales reported that the open balance of cases right now is a little over 35,600 and that the UI balance is 25,000 which is consistent with the projections that the caseload is dropping. The intake of extension cases for July was only 2,460 which is 55% fewer than three months ago and 73% fewer than July 2013, so the extension cases are dropping off dramatically which is consistent with the projections they made.

8. Chief ALJ of Appellate Operations, Elise Rose Report:

Chief ALJ of Appellate Operations Rose reported that the numbers for the month of July in terms of AO's DOL standards are mostly good. The case aging is continuing to rise a little bit each month and is up to 35 days but it is still well below the 40. In the time lapse categories, for the first time in many months, AO fell below the 45-day time lapse standard of 50%, it was 42% last month. However, at the end of last week, the first two weeks of August, AO was back to 84% in the 45-day time lapse, so AO is good and they are watching it very carefully to try to minimize the impact of the loss of some of the judges and several retirements that they are seeing in AO. AO had a recent AO ALJ meeting which is held every two to three months. They are always very substantive meetings. They also have some training this month. The training was on some unusual or unique issues that do arise in disability cases from time to time and a presentation was given by ALJ Cindy Parker, who is retiring the first week of September so they wanted to be able to pass on some of her considerable knowledge in this area. They also had a presentation from the IT Unit regarding E-File and the PAFs. They are working on having a discussion page which will allow the board members to share all of their thoughts with everyone involved with the case rather than having to go through email. So if somebody is out or a third member is added then everyone will see everything that had previously been discussed on this discussion page. They are very excited about that and think that it will help a lot, both the board members and the AO ALJs and log-in desk people. They sought ALJ input on that at the meeting and she thinks everyone is pretty excited. It probably is not going to happen for six months though. The other thing they talked about was implementing some of the suggestions of Board Member Adkisson. They identified some of the areas in the standard paragraphs that need attention, require new paragraphs, some may require new precedents and some may require training. What was decided would be helpful would be to add to the standing committees, they have the Precedent Decision Committee which has both AO and FO ALJs on it and it works very well. It serves a purpose of not only looking at the precedents and suggesting new precedents and such but also having AO and FO work collaboratively. Looking at that model they are going to establish a Training Committee and they are going to identify issues. In addition, they also have a standing Standard Paragraph Committee which also has AO and FO ALJs on it. There is a lot of overlap between the Precedent Decision and the Standard Paragraph Committees but they are talking about resurrecting that committee so that they can consider new ideas, new changes to the standard paragraphs, get input from both FO and AO ALJs, and then of course work with the board to bring recommendations to the board. She thinks that all is going to be really good and as the case load has gone down it

should be a great opportunity for AO to be focusing on improving quality by making these changes in areas that have not had the most attention while the case loads were so high. Lastly, the other thing that is going to be happening soon is the board is going to be seeing a new list of AO ALJs with their different areas of expertise because while people leave they need to move areas of expertise around and they'll be getting people ready for training new board members next year and it's good for them to be able to share knowledge with someone who has done in-depth research in different areas.

9. Chief Information Officer, Rafael Placencia Report:

Chief ALJ/Executive Director Gonzales gave the IT report on behalf of CIO Placencia. She reported that the staff will complete the IT equipment inventories in the field offices this week and finalize the data, and work on amending our maintenance agreements so that we will generate savings. Our regular maintenance agreements were software and so on. The staff is working on setting up protocols and procedures for IT. The HelpDesk protocols are 75% complete. The other projects are proceeding as scheduled.

10. Chief Administrative Services, Robert Silva Report:

No report.

11. Chief Counsel's Report:

Chief Counsel Steinhardt reported that there were four writ cases closed and the board was affirmed in all those cases. Secondly, he reported next month the board will be getting for consideration a revised Reasonable Accommodation Policy and EEO Policy, two different policies that Member Adkisson has been involved in reviewing. He stated that when he started as Chief Counsel one of his hopes was to go through all 22 of the board's policies and revise and update them. Things did not work out but at least they will get launched for the board's consideration for the next board meeting. The remainder of the policies can still be reviewed; they are already under review in various stages.

12. Unfinished and New Business:

No unfinished or new business.

13. Closed Session:

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The Board went into closed session. No votes were reported.

Adjournment