

**MINUTES  
FOR THE REGULAR MEETING  
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD  
Docket No. 5623**

**Open Session**

The Appeals Board convened at 1:00 p.m., October 18, 2017, in Sacramento 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	
Michael Allen, Vice Chair	x	
Ellen Corbett	x	
Robert Dresser	x	

**2. Approval of the Minutes:**

The minutes of September 20, 2017, were approved unanimously.

**3. Chair's Report:**

Chair Block thanked staff, especially Aida Zavala, for their work putting together the "Our Promise" charitable donation event, which was very well attended. It was clear that a lot of thought had been put into making it a great presentation. He commented that the recent fires in Northern California make it clear how much all Californians depend on each other. State employees are the back bone of the state when it comes to working for the people of California and the "Our Promise" campaign allows people to go above and beyond in helping.

Chair Block acknowledged Vice Chair Allen was safe from the fires. He was happy Vice Chair Allen could join the Board meeting.

Chair Block reported he attended the Labor and Workforce Development Agency staff meeting and the theme of the meeting was the Northern California fires. He reported that many agency offices had been affected by the fires, such as the Agricultural Labor Relations Board which has been working out how to properly distribute protective masks to farmworkers who work out in the fields amongst the smoke of the fire.

Chair Block also reported on how CUIAB will be affected. “Disaster Unemployment Assistance” is a program to help people unable to work because of the fires. The website is accessed through EDD, and employees, as well as self-employed people, can apply for this special compensation. Chair Block explained that people can appeal an unfavorable determination from the EDD to CUIAB judges as per usual. However, those appeals do not get reviewed by the CUIAB Board, but rather by Department of Labor. Finally, Chair Block commented that many parties were also affected by the fires, noting that the Santa Rosa CUIAB office had to temporarily closed due to the fires.

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

Vice Chair Allen stated he was attending the October Board Meeting with “an attitude of gratitude”. He thanked everyone for the card given to him in celebration of National Bosses Day. He thanked his colleagues for reviewing the cases while he was without internet service due to the fires. Vice Chair Allen shared that the change in his normal routine made him realize how much our lives are made up of bits and pieces of our daily routines. He also shared that once he was able to return to some of his daily routines such as paying bills or reviewing cases it was calming because it was a part of his daily routine. Vice Chair Allen said he realized this is the first time he has ever been personally involved in a natural disaster. He has always believed in helping others when they have gone through natural disasters because of compassion for them. He commented that when you are involved in a natural disaster you realize you should never take the safety of yourself, your family, your friends, your loved ones for granted and that your loved ones are the things that really matter. Everything else can be replaced. Vice Chair Allen was truly happy to be at the Board meeting amongst friends, fellow colleagues and staff.

Member Corbett was so glad Vice Chair Allen was able to attend the Board meeting because of all the concerns they had for him since the moment the fires started heading towards Santa Rosa. She told Vice Chair Allen that they had all been relieved to hear from him and know that he was safely evacuated. Member Corbett also told Vice Chair Allen that she thought it was remarkable that he was able to work on his cases under the circumstances of his week.

Member Corbett reported she was encouraged to hear how the Labor and Workforce Development Agency had stepped up to the plate to help people in the affected areas of the fires. She commented it was important to not take things for

granted and with all the changes in the environment, it was important for everyone to plan ahead and always hope for the best when more disasters like this occur in the future.

Member Dresser commented he was happy to see Vice Chair Allen and to know that he and his wife, Helen, were well.

Member Dresser thanked ALJ Rebecca Bach for her work as Acting Chief ALJ and for making sure that Appellate Operations was doing well. He thanked ALJs for their work and thanked the staff for the National Bosses Day lunch. Lastly, Member Dresser thanked Aida Zavala and Danny Garcia for a job well done on the “Our Promise” campaign.

**5. Public Comment:**

No public comment.

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

Chief ALJ/Executive Director Gonzales stated she was happy to see Vice Chair Allen back especially with the hectic events of the past week. She reported the Northern California fires had an impact on the Santa Rosa field office, which had to be evacuated and closed. The San Francisco Office converted some in-person hearings to telephone hearings and re-calendared many other hearings when there were nonappearances. Chief ALJ/Executive Director Gonzales reported the Santa Rosa office had reopened, in-person hearings were taking place, and the office was being mindful of people’s situations. They were generous with re-calendaring nonappearance cases.

Chief ALJ/Executive Director Gonzales reported there was a special directive about employees who lost work due to the fire. The field has implemented the procedure and reached out to employees who are potentially eligible for special administrative time off.

Chief ALJ/Executive Director Gonzales reported on the Disaster Unemployment Assistance (DUA) program. The State has not had to use this program in many years but that the agency, with the assistance of Hugh Harrison, was preparing for the processing of such cases. CUIAB is required to get DUA cases out within

30 days of the appeal. The field offices are prioritizing these cases to ensure the decisions are sent out on time. Appealed ALJ decisions will be heard by the Department of Labor and not reviewed by the CUIAB Board.

Chief ALJ/Executive Director Gonzales reported that Field Operations made time-lapse and case-aging figures for the month but that the focus on the tax workload had taken some staff away from the unemployment cases. The field was doing a juggling act to make sure they were expediting tax cases but also remaining compliant with all of the Department of Labor's standards on timeliness and case-aging.

Chair Block asked Chief ALJ/Executive Director Gonzales if there was a priority regarding getting tax work out versus meeting the Department of Labor's timeline standards.

Chief ALJ/Executive Director Gonzales stated the field offices have been managing to meet both goals and she did not think it would become an issue. She stated they had authorized the return of retired annuitants to help process cases to ensure the agency would not fall behind.

Chair Block remarked that if making both goals became a conflict in the future, he preferred the Board decide which would be the priority, tax work or timeline standards. Chief ALJ/Executive Director Gonzales stated she anticipated by next month they would have a better feel for where there was more work and they could adopt changes to continue to make both goals.

Member Dresser asked if the agency had hired more judges to do tax work. Chief ALJ/Executive Director Gonzales replied they are being compliant with CalHR re-employment rules. The field is waiting for authorization from CalHR on some issues and this contributed to the delay to advertise for some positions. They are working through the challenges with CalHR and EDD, and continue to move forward.

## **7. Chief ALJ of Appellate Operations Report:**

Acting PALJ/AO Bach commented it was very nice to see Vice Chair Allen. She reported that in October Appellate Operations (AO) closed 81.8% of their cases within 45 days and 96.7% of their cases in 75 days. AO opened 852 cases for the month and closed 867 cases, leaving an open balance of 1,052 cases of which 922 cases were UI cases. Acting PALJ/AO Bach stated they are seeing an

increase in the number of tax cases coming their way. She reported retired annuitant, Jorge Carrillo, resumed working and was assisting with tax cases. She also reported ALJ Marti Geiger officially retired on October 15.

Acting PALJ/AO Bach addressed concerns brought up at the last Board meeting by Member Corbett. The first concern was the number of Remands due to bad audio. Acting PALJ/AO Bach reported that between January 2017 and August 2017 there were approximately 29 Remands due to bad audio and she noted a third of the 29 were in August. She commented this might be the reason that Member Corbett noticed the increase. She also stated that they had discovered that the audio systems, which the ALJs currently use, are not optimal, so they have ordered new speakers for the ALJs. She received her new speakers which work wonderfully. She thinks the new speakers will help lower the rate of Remands due to low audio hearings. Until all the ALJs receive new speakers, AO will send the low audio hearings to her for review on the new speakers to possibly avoid remanding cases unnecessarily. Acting PALJ/AO Bach commented that with the implementation of Winscribe and the replacement of microphones in the field, she thinks the audio problem will be addressed in a very positive fashion and that the new system would be very helpful.

Member Corbett stated that it was very good news to hear.

Acting PALJ/AO Bach addressed the second concern of Member Corbett which was why a transcript request by a Board Member would interrupt the case flow process. She stated that the typing unit is backed up because of the number of tax cases coming in. However, in the future they would be sure to prioritize the Board Members' requests.

Member Corbett expressed her appreciation that the problem had been addressed. She did not want the agency glitch to cause more angst to the employers and claimants who are trying to appeal cases. She was also happy to hear about the new equipment. She asked if the ALJs would receive new speakers at home as well as at the office. Acting PALJ/AO Bach responded that she believed that was the plan.

Vice Chair Allen commented that the transcript produced was very helpful. He requested an update on the current status of the Precedent Committee, for which he acts as liaison. He inquired if there were any scheduled Precedent Committee meetings and if there were any precedent decisions pending which would be brought to the Board.

Acting PALJ/AO Bach responded she was not on the committee but did not think the committee had been meeting. She understood there had been some discussion over a possible precedent decision but it had been resolved with no need for a precedent decision. Vice Chair Allen requested she could look into the status, talk to Hugh Harrison and other members of the committee, and see if there were any pending items.

Chair Block asked Vice Chair Allen if he would take the lead on behalf of the Board and continue to shepherd the committee. Chair Block noted that Vice Chair Allen had played an important role to the committee in the past. Chair Block wanted to make sure a Precedent Committee continued to function, as precedent decisions are an important part of the Board's duties.

#### **8. Chief Information Officer, Nick Dressler Report:**

CIO Dressler echoed the sentiments in welcoming Vice Chair Allen. Vice Chair Allen thanked CIO Dressler and brought up the fact that he was not the only staff affected. Vice Chair Allen noted that Chief Administrative Services, Robert Silva was also evacuated, and other employees living in Napa and Santa Rosa were affected.

CIO Dressler reported that the Information Technology (IT) Department successfully implemented Winscribe the week of September 25. He reported Field Operations Assistant Chief Harrison and PALJ Swenson have both tried Winscribe and were very happy with it. CIO Dressler anticipates a very smooth transition from the old system to the new system. The Winscribe project has been turned over to the trainers so that they can develop training materials and begin training statewide.

CIO Dressler reported that the IT Department can sometimes enhance bad audio recordings. Thus, if Acting PALJ/AO Bach cannot hear a recording very well, the recording should be sent to IT to enhance and avoid another remand.

Chair Block asked CIO Dressler if Winscribe itself would be involved in the training procedure. CIO Dressler responded that training would be handled in-house but that Winscribe had provided some training materials which the trainers were using to become familiar with the system and to create cheat sheets for the ALJs. CIO Dressler did not expect any problems as the ALJs currently use a digital system and Winscribe is an enhanced digital system that is easier to use. He stated that all

the ALJs have to do is put a case number into Winscribe and all the information for the case is prepopulated. The ALJs will also be trained on how to do their decisions using Winscribe as that procedure has had a minor change.

Chair Block asked CIO Dressler if the sound quality of Winscribe was enhanced compared to the old system.

CIO Dressler stated it was excellent quality. He said that when they reviewed recordings done on Winscribe they discovered they actually had to turn down the pre-amps in the hearing rooms because Winscribe was so good at recording there was no need to set the power so high.

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

Chief Silva reported his department has been consolidating the attendance, timekeeping and benefits administration functions of CUIAB into the Administrative Services department. Admin has hired some new employees and over the next two months will move some administrative office duties out of AO and FO.

Chief Silva reported they were prepared for the Disaster Unemployment Assistance (DUA) cases which could come in due to the fires. They have already started to populate time sheets with the new project activity code. When the DUA cases do come in Administrative Services would be ready to properly charge the time for those cases.

#### **Closed Session:**

There was no closed session. Chair Block adjourned open session at 1:30 p.m.