

Chair Dresser reported that it appears that there will be no imminent changes in policies regarding any mandated increase in the number of phone hearings and that the current statutory good cause standard will remain in effect. He thanked Elena Gonzales, Kim Steinhardt, Angela Bullard and others who have worked on getting data together to analyze this issue and work with the Department of Finance and others to resolve this question

Chair Dresser reported that CUIAB has loaned 10 judges to the Department of Social Services as of November 4, and through June 30, to hold appeal hearings under the Affordable Care Act.

Lastly, Chair Dresser reported that he does anticipate a new board member from the Senate but not until the first week of January. In any event, he wanted to thank his two colleagues for continuing to do all the work that they are doing.

5. Board Member Reports:

Member Ashburn stated that he appreciated the Chair's comments and would second them particularly with respect to Secretary Morgenstern and our being released from the Corrective Action Plan. It is the fulfillment of a commitment that both he and the Chair made to the Senate when they were in their Senate confirmation proceedings. They assured the Senate President Steinberg that they would pursue with vigor relief from the Corrective Action Plan and that they would improve performance of the agency and it's been done.

Member Allen made a motion that we send a letter of appreciation to Marty Morgenstern for his years of service. For as long as he can remember, Marty has been active in helping the people of California. Secondly, he'd like to have lunch with the new Secretary of Labor once there is a new member.

Member Allen thanked the staff for their good work. He also thanked his other board members for their good work. He commented that when boards and governing bodies work well together it also helps the entire organization.

6. Public Comment:

No public comment.

7. Chief ALJ/Executive Director Report:

Chief ALJ/Executive Director Gonzales stated that the D.O.L. news regarding our status is very good news that we're off of the Corrective Action Plan and the "at-risk."

Chair Dresser thanked Chief ALJ/Executive Director Gonzales because he knows there was a meeting about a year or a year and a half ago at senior staff when he'd indicated that this was our goal, the board's goal, to get out of Corrective Action and he left the room for some reason and he'd heard from someone else that some doubts were being raise about the possibility of doing that but he also heard that Elena had stood up and said, "We have to do it. It's what the board wants and we're going to do it." He thanked her for that.

Chief ALJ/Executive Director Gonzales reported that the ALJ NAUIAP training in the field has been completed. The benefit audit decisions that Angela Bullard created helped standardize the procedures on long benefit audits has been rolled out to everyone.

Chief ALJ/Executive Director Gonzales reported that the DSS judge loan program training has begun.

Chief ALJ/Executive Director Gonzales reported that the other thing they have been working on is the excess leave balances because there were so many and they were concerned about retirements all at once and the budgetary impact of these balances. Each of the cost center managers are working with their staff to come up with a plan to use leave especially since we haven't as many cases and to now start to use their leave with some regularity so that the balances will go lower.

Chief ALJ/Executive Director Gonzales reported that the open inventory of cases continues to decline. The UI cases open inventory is 22,445; 20% smaller than the average level in 2013 and in DI cases they only have 986 cases. The tax and ruling cases are smaller than the average and the dispositions are higher because we have been sending those out to the field. As Chair Dresser mentioned, the case aging and time lapse numbers were great. October was the ninth consecutive month in which the 30-day time lapse percentage exceeded DOL requirements. The average case age is only 18.8 days which is an all time low.

8. Project Manager, Lori Kurosaka Report:

Project Manager Kurosaka reported that our last Corrective Action Plan status report is due to DOL on November 27. Secondly, there has been no resolution on

the 2014 Federal Budget. With reports from last week she doesn't think they anticipate an appropriation for Labor, Health and Education in the coming year.

Special Assistant Kurosaka reported for the state outlook the Department of Finance study is winding down and they are awaiting draft budget, UI budget proposals to review. She is working on the transition binder, an executive transition binder for the new Labor Secretary. Members Allen and Ashburn requested an electronic copy of the binder being sent over to Agency.

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

Chief ALJ AO Rose reported that AO registrations are at 2,377 which is up a bit from last month but still below the calendar average by about two or three cases. AO dispositions were down at 1,853. They had several ALJs this month working on precedent decisions so she thinks that is probably part of it. Balance of open cases is up to 2,575 and the case aging is up a little bit to 31.1 days. Time lapse in October continues to be very good. They had 74% of the cases being decided within 45 days of the appeal date which is well above the 50% requirement and then they are also well within the 75 and 150 day standards since they have 97% of the cases being decided within 75 days and 100% within 150 days.

Chief ALJ AO Rose reported that they are working on a number of precedent decisions. The board should receive two of them in their case assignments, designated as precedents.

In other news, they have one of their ALJs is out on leave until February and another ALJ is out on loan to DSS but they are excited to have Angela Bullard joining the staff at Appellate Operations next week. She also commented that they will be having another retirement at the end of the year. So AO is down seven judges and two additional on temporary reduction so the staff has really fallen considerably.

Chief ALJ AO Rose reported that the pilot issued with the union for the administrative law judges that has the ALJs receiving case credit for listening to longer hearings rather than having a transcript prepared is supposed to end this month so they are in the process of setting up meetings with the union to see if they want to extend the pilot, or change it.

Chief ALJ AO Rose reported that they received the outline for the proposed precedent process and they will be putting it before the Precedent Committee to get their feedback and then they will propose something final. She commented that

if the board members have not responded and would like to do so to send her their notes by email.

Chair Dresser asked if the caseload was reduced from what it was and how are they coping.

Chief ALJ AO Rose responded that it is reduced over time and that they are doing okay.

Member Allen asked if that was kind of in accord with the budgetary projects about where we were going to be with staffing.

Chief ALJ AO Rose commented that it was probably more than they would have expected but she thinks they are still in the range of the number of judges that they need for the average cases when they look at over a ten year period. She stated that they did staff up a lot during the recession so it is coming down although it has not fallen precipitantly.

Chair Dresser took the opportunity to thank Angela Bullard for her excellent work over the years. In the Field Operations she did great work training, she did great work doing the review of cases for the Department of Labor, and she always had a lot of good ideas some of which have been implemented. He wanted to thank her for her good work.

10. Chief Information Officer, Rafael Placencia Report:

CIO Placencia reported that eCATS is in production, last report they were to go live on October 21. So they have successfully implemented eCATS, it is in front of the users and it is working very well. He took the time to personally thank the IT development team for their outstanding work; Application Development Manager Faye Saunders, Team Members Luan Pham, Anna Chen, Roxana Islam, Kevin Bell, Mike Phan, Umer Shaikh, Mary Mitchell, Co Nguyen, Phyllis Ortiz, Anthony Thai, Janet Upton, William Lee and Mike Mendez. There are several others in IT that have actually helped with getting the application out there and to usability and countless people in the field. This was a good example of excellent IT project that was successful and he truly believes that it was because they had dedicated staff that was developing this in-house. Their next step in the development of the application is to add enhancements.

Chair Dresser thanked Rafael Placencia, Faye Saunders and all the others mentioned for their success.

CIO Placencia reported that as the board knows Ca.Mail has been a challenging service to bring out, it's our state managed system over at the Department of Technology. To date they are about 30% complete on this project. They've continued to have issues related to the technology and the stability of the service. The next scheduled date is set for November 18, which is next week. So going forward the plan is to continue with bring that service up and doing the best that they can to make sure that all the issues are addressed.

Chair Dresser questioned that at some point in the recent past they discussed the possibility of getting a delay, going to Labor Agency and seeking a delay and he guesses that we did get a delay of a week or two.

CIO Placencia replied that we did and that is why they rescheduled to November. During that time of the delay they have been monitoring the system to see how well it is performing. So far they haven't had any real issues that they couldn't overcome. They do have some issues related to being in a mixed environment, mainly distribution lists.

Chair Dresser asked if CIO Placencia thought they issues could be resolved by next week.

CIO Placencia responded no, not that particular problem that he described with the distribution lists. It is being described as an issue because of being in a mixed mode, meaning 30% of us are on the new service and the rest are here at CUIAB. So those problems should go away once everybody is fully migrated over to Ca.Mail.

Chair Dresser asked if they could let him know if there is any need to bring these problems to the attention of the Labor Agency

Member Allen commented that he used to meet a lot with the Office of Technology when he was in the Legislature and he's curious if all the technology offices for the various agencies, do they meet with those folks on a regular basis to talk about these things.

CIO Placencia stated that those types of issues basically he communicates through our agency IO, Carlos Quant. He talks on our behalf and he is aware of the problems that we have been having with Ca.Mail. One of the major areas that they are trying to address is the Service Level Agreement, a Service Level Agreement in writing. OTech has not been able to produce that document so they

really don't know what to expect once we are fully over at Ca.Mail. Those things are being worked on now but it is a difficult area because of the size of OTech and the amount of work that they are doing.

11. Chief Administrative Services, Robert Silva Report:

Chief ALJ/Executive Director Gonzales reported on behalf of Rob Silva who was on jury duty that the overtime usage is down in all categories and that he's projecting a budget surplus in the category of overtime for 2013/14. Also, that we are under spending in what was allocated for lump sum payouts because there have been few retirements so far this fiscal year and the projection is that there won't be significant ALJ retirements until after June 2014.

12. Chief Counsel's Report:

Chief Counsel Steinhardt reported that ten new writ cases were opened and six closed during the last month. The Board was affirmed in all six.

Chief Counsel Steinhardt reported that on the DSS loan program, ten judges began a three-week training program. The two judges that he has the most contact with both have reported that the training is going well.

13. Unfinished and New Business:

No unfinished or new business.

14. Closed Session:

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

Adjournment