

MINUTES
FOR THE REGULAR MEETING
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD
Docket No. 5559

1. Opening of Meeting:

The Appeals Board convened at 10:30 a.m., December 11, 2012, in Sacramento with Chair Robert Dresser presiding.

2. Roll Call: <u>Members</u>	<u>Present</u>	<u>Absent</u>
Robert Dresser, Chair	x	
Kathleen Howard, Vice Chair	x	
Alberto Torrico	x	
Roy Ashburn	x	

3. Approval of the Minutes:

The November 13, 2012 minutes were approved by all members.

4. Chair's Report:

Chair Dresser reported that the agency has recently made very good progress, issuing decisions in 58% of our cases within 30 days at the end of November, just 2% shy of the federally required 60%. The 45-day time lapse performance exceeded the federal requirement with 85% of our cases decided within that time frame, something we have been able to accomplish since April. The average case age is 27 days, three days better than the required 30 days. CUIAB is on course for more than 410,000 appeals at the field level for this fiscal year, only a little less than in 2011.

Chair Dresser reported that in Appellate Operations we are starting to bring the average case age down again, to 44 days, and hopefully we will be under the standard of 40 in the not distant future. It is a top priority. As part of our Best Practices effort, Sal Canella, Martha Silva, and Renee Erwin have been working recently with Appellate Operations to find any additional efficiencies to help achieve that goal.

Chair Dresser reported that most of the security monitors have been installed in the field offices. Chair Dresser has just finished visiting most of the field offices, most recently Fresno, San Diego, Inland and Orange, and he believes the camera system is being well received. Whether we add the sound component is another question that should be revisited in the future after we've gotten some experience under our belts.

Chair Dresser reported that training is on track, and he is hopeful that we can have, if the budget permits, a couple of conferences: Southern and Northern California for the support staff in 2013. CUIAB met yesterday with EDD regarding the budget and their forecasts indicate some significant reductions in appeals, which would of course impact our budget, but there are a lot of unknowns: for example, whether or not Congress will pass additional extensions. We are working with the Labor Agency on contingency plans in the event there is a drop in our budget, to ensure there are no layoffs.

Chair Dresser reported that they will be interviewing to fill vacant Presiding Judge positions in Orange County, Oakland and San Jose. The Orange County PALJ position must be filled by the end of December in order not to lose that position.

Chair Dresser reported that the Feasibility Study Report for the Enterprise Appeals Project (EAP) is now at EDD. The Chair, Vice Chair, Chief FO, Chief AO and Lori Kurosaka met last week with the IT staff to thank them for all the projects they are working on which make our lives easier and to thank them for working to get the kinks out of Filebound.

Chair Dresser reported in the area of tax cases that, as of the end of November, the CUIAB has heard appeals involving \$424.7 million in assessments.

5. Board Member Reports:

Vice Chair Howard also referenced the meeting with IT division last week, commenting that it was a very positive conversation. She really appreciated opening some communication channels in new ways and looks forward to doing the same in other parts of the organization.

Member Torrico advised he has been informed by Speaker Perez that as of January 1, 2013, he will be replaced on the board. He commented that he really enjoyed his time at CUIAB. He stated that before he got here, obviously from serving in the Legislature, he had some understanding of EDD and the board's role

and the workload but never imagined that he would be doing cases around the clock. But the workload of the board really pales in comparison to the workload of the staff, with everyone from the judges to the support staff being so instrumental in getting the cases done. The cases really give one a sense of what people are going through when they are unemployed. People who work for the government get a bad rap, but he would hold up this institution as an example of what is right about government. He would be remiss if he didn't mention Ms. Garcia, the former Chair.. He had the great honor of servicing with Bonnie in the Assembly and he was a great fan of hers when they served together and he became a bigger fan when he served with her here because she identified issues, problems and she went after those issues and problems. He also wanted to commend Chair Dresser for his willingness to travel around the state to places you can't even get to on an airplane or an airport, to take a look and get down into the field offices and try to figure out what can work better, what needs improvement. He thanked everyone for their great efforts and commented that they are a great testament to what works in government, and he will miss everyone.

Chair Dresser commented that Member Torrico has given excellent service to the people of California, not only as an assemblyman but also as a board member who was a real workhorse with high quality decisions. He thanked Member Torrico personally very much. Members Ashburn and Howard stated what a great pleasure it has been serving with Member Torrico, and that he would be sorely missed.

Each member of Senior Staff spoke about their work experience with Member Torrico, and how they valued his service and insight.

6. Public Comment:

There was no public comment.

7. Chief ALJ/Executive Director Report:

Chief ALJ/Executive Director Roldan reported that FO had a productive month, notwithstanding the holidays that usually inhibit production. Time lapse through for the month of November did end at about 58% , only two percentage points off of the standard, and they exceeded the 45-day standard by closing 85% of their cases. The 90-day guideline was met by closing 97% of the cases. Average case age was in good shape for the month at 27 days. FO registered 32,377 cases for the month and closed 34,450 cases, reducing the backlog from 48,515 cases to 46,318 cases at the end of November. A 10-judge traveling mass calendar in

Inland Empire, one of our more impacted high unemployment areas, certainly helped in that regard. The IT staff also deserves credit for their part in helping to set up the mass calendar, in particular Antonio Buenrostro and Aldo Garcia.

8. Special Assistant to the Board, Lori Kurosaka Report:

Special Assistant Kurosaka reported that DOL Region 6 is scheduled for a site visit tomorrow. They will be reviewing the status of the Corrective Action Plan and the potential impact of the federal budget.

Special Assistant Kurosaka reported that the final version of the Imaging Feasibility Study Report is at EDD for final review. In the interim they are also working with the judicial and staff advisory councils.

Special Assistant Kurosaka reported that with regard to the EDD Flat File Extension they have completed the first cut at business requirements here at CUIAB. EDD just recently designated a project lead for that effort and they are waiting to schedule the project launch meeting with EDD.

Lastly, we are looking at the feasibility of centralized mailing of appeal decisions, a project that has been on hold due to the other priorities in IT.

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

Chief ALJ AO Rose reported that AO registered 2,376 cases and disposed of 2,327 cases in November. The mass calendars have contributed to a huge uptick in the caseload for AO. To deal with this increase caseload, she has increased each ALJs caseload. However, there was a decrease in the appeal rate from 8.6% in October to 5.8% in November

Chief ALJ AO Rose reported that AO is now at 45 days for their case aging statistic, down from 49 days at the end of September. Chief ALJ AO Rose also reported on time lapse that they have exceeded their goal of 80% of the cases beginning decided within 75 days. They decided 83.21% of the cases, the best number they have posted since May, which was the pre-Filebound month. They are also at 100% of the cases being decided within 150 days, also in excess of the goal of 95%.

Chief ALJ AO Rose reported that the Precedent Decision Committee met and there are two decisions ready for consideration. One is on the agenda for

discussion later and the second one will be put on the January agenda.

10. Chief Information Officer, Rafael Placencia Report:

CIO Placencia reported that IT's projects are on task. Their ACSS phase II is in the refinements for the requirement stage. That is an important step for that project, making sure that they have all the requirements addressed so that we have a useable system going forward.

CIO Placencia reported that ECATS is in testing, which is another important phase for ECATS. They do have an issue with getting the training plans completed. It is an important phase as well once the project goes forward. Chair Dresser asked when they thought the new system that might be done. CIO Placencia replied that they are anticipating the end of Q1 2013 next year.

CIO Placencia reported on the AO Paperless Project that they are fine tuning the system and refining some of the existing business processes.

CIO Placencia reported that the IT Service Consolidation is basically on task. The CAMail Project will start in January. Chair Dresser asked if they anticipate savings with this project. CIO Placencia responded that no, it is actually going to cost more due to the cost of the service. We have in-house managed email system now. Moving over to OTech is going to be an increase.

CIO Placencia reported they are pretty much done with the Video Monitoring System for hearing rooms project. They are looking at making things a little bit easier on the support staff as well as the IT support.

CIO Placencia reported on two new pilots which he thinks can potentially save some money for the department. These are two pilots being conducted out of Fresno: paperless phone hearings and in-house scanning of closed case files.

11. Chief Administrative Services, Robert Silva Report:

Chief Silva reported that in November the bilingual audit of CUIAB employees has been completed.

Chief Silva also reported that BOPSD, which is the procurement section over at EDD, has informed us they will no longer process our office supply orders using

the means that we've traditionally used. Under the administration consolidation, we will now have to use Cal Cards for those purchases.

Chief Silva directed the board to the Monthly Overtime Report in the board packets and stated that we are on pace with the previous three months of the year. As reported in prior board meetings, we are still under spending in other facets of our personnel budget so this use of overtime is not in any way putting us over budget.

Lastly, he reported that one of the most difficult facets of the Administrative Services consolidation has been with Personnel Services. The former personnel specialists that were housed here in CUIAB were either reassigned or left to seek other positions. After the new EDD personnel specialists were assigned to CUIAB there has been tremendous number of issues and growing pains, but through communication and perseverance our agencies have tried to bridge the gap between the cultural differences and procedural differences, but things are definitely improving, based on what he's hearing from the field.

12. Chief Counsel's Report:

Chief Counsel Hilton reported that nine new cases were filed last month and five were closed; and all five of those closed cases affirmed the board decisions. The other notable item is the *Acosta* case, in which oral argument took place before the Court of Appeal in the middle of November and is now under submission.

13. Unfinished and New Business:

Consideration of Board Decision AO-270683, *Theodore D. Stinson v. Long Beach USD*, precedent for precedent designation, presented by Chief ALJ of Appellate Operations, Elise Rose.

This panel decision was issued on November 28, 2012. The issue was whether or not the statutorily-required notice provided to a nonprofessional school employee was sufficient notwithstanding the fact that it was not issued the stated 30 days in advance. The panel held that it is insufficient, that the board does not wish change the clear language of the statute with an interpretation that something less than 30 days was substantial compliance. The provisions of the statute were designed to provide protection to nonprofessional employees. The issue before the Board now is whether or not this decision should be designated as a precedent decision.

Member Howard stated that she has reviewed the decision and she personally agrees with it strongly. She thinks it is important to adhere to the legislative

requirement of 30-days notice. She asked about the process here, to which Chief Counsel Hilton responded that the board would vote, and if adopted as a precedent the decision would be binding on the ALJs.

Chair Dresser called for a vote. The board voted unanimously that the decision be designated as a precedent.

14. Closed Session:

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

Adjournment