

GERALDINE A. REILLY
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RANDALL T. DOUGLAS
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TERESA A. DeMEO
CHRISTOPHER M. TATE
MATTHEW J. TIERNEY
PRINCIPAL ADMINISTRATIVE LAW JUDGES

Draft Minutes of Board Meeting of Wednesday, October 18, 2017

Present in Troy: Geraldine A. Reilly, Chair; Randall T. Douglas, June F. O'Neil, Board Members; Jayson Myers, Chief Administrative Law Judge, Christopher Tate, Principal Administrative Law Judge, Susan Borenstein, Executive Secretary, and Janet Beaudoin, UIAB Manager;

Present in Brooklyn: Michael T. Greason, Board Member, and Alison Ferrara, Administrative Law Judge; Excused Absence: Marilyn P. O'Mara, Board Member

Agenda:

- Welcome and Call to Order
 - Reading and adoption of agenda
 - Adoption of Minutes – June 21, 2017 meeting
 - Director's report
 - Chief ALJ report
 - Court Decision Update – Principal ALJ for Appeals
 - Report on UIAB Customer Service Training
 - Executive Session
 - Return to Public Session
 - Other
 - Adjourn
1. Welcome and Call to Order
 - Chair Reilly presiding from Troy, New York at 49th Fourth Street opened the meeting. She reported that the public had been noticed and invited and that the draft agenda had been published.
 - Chair Reilly stated that the required quorum was met. Board Member O'Mara is excused. Chair Reilly noted that with two new Board Members, there is now a full Board complement. She acknowledged Board Members and staff who were present and asked each to introduce her/himself including Board Members Douglas and O'Neill, Executive Secretary Susan Borenstein, Chief Administrative Law Judge Jayson Myers, Principal Law Judge Christopher Tate and UIAB Manager Janet Beaudoin, all present in Troy and Board Member Greason and ALJ Alison Ferrara, present in Brooklyn.
 - She thanked all who have supported the work of the Board – staff and leadership and her Board colleagues. She thanked Executive Secretary Susan Borenstein and Chief Administrative Law Judge Jayson Myers for their work and wisdom. She recognized the work of Principal Law Judge Christopher Tate for his contributions to the Board and thanked ALJ Alison Ferrara and UIAB Manager Janet Beaudoin for attending the Board meeting to give a report on customer service training.

- Finally, Chair Reilly noted that this was the fourth Board meeting of the year and said it was a personal goal to have consistent and informative Board meetings during the course of the year. She called the meeting to order at 11:05AM.
2. Reading and adoption of the agenda
 - Member Greason moved to adopt the agenda
 - Member Douglas seconded the motion
 - Motion to adopt agenda adopted unanimously
 3. Reading and Adoption of the minutes, June 21, 2017 Board Meeting
 - Member Michael Greason moved to dispense with the reading and to adopt the minutes
 - Member Randall Douglas seconded the motion
 - Motion to suspend reading and adoption of the minutes unanimously approved
 4. Report of Executive Secretary Susan Borenstein
 - Executive Secretary noted that on September 21, 2017, Judge Loretta Preska signed an Order modifying a November 1997 Order obligating the Board to re-review tens of thousands of cases. Compliance with the terms of the Order will mark the end of the Barcia MLC litigation.
 - Director Borenstein reported on the deleterious impact of factors on average case age and timeliness markers including Department of Education cases, the influx of 104 cases deriving from a Long Island strike, and the receipt of very old cases from the UI Division. The validated case age for September 2017 was 31 days in Lower Authority appeals and the validated case age in Higher Authority appeals was 56.5 days, higher than the 40-day regulation but a decrease of 16.5 days from the previous month.
 - The UIAB staff complement now hovers around 138.
 - Director Borenstein also noted that the UIAB had received 13 licenses for staff to enroll in specialized online courses from the Empire Knowledge Bank. Each license expires in three months. She also mentioned that the upgrade of the Board's case management system will take place over the next 10 months.
 - Finally, the recipients of the first ever UIAB Employee Recognition Awards were reviewed.
 - Chair Reilly asked for questions and, hearing none, asked for a motion to accept the report. Member O'Neill so moved, and Member Greason seconded the motion. The report was adopted unanimously.
 5. Report of Chief Administrative Law Judge (ALJ) Jayson Myers
 - Chief ALJ Myers also welcomed new Board Members O'Neill and O'Mara
 - He noted that the UIAB score for the Second Quarter 2017 Federal Quality Review was 97.09% based on 40 randomly selected cases which were scored on a 31-point quality criteria. All 40 of cases scored passed with a score of 85% or better and 15 received a perfect score of 100%.
 - Chief ALJ Myers reported that Senior ALJ Nicole Beason has been assigned to be the judicial liaison with the calendar unit in Brooklyn to allow Principal ALJ DeMeo to spend time with her managerial responsibilities.
 - He announced the promotion of two judges to Senior ALJ: Justin Denton in Brooklyn and Tracie Covey in Syracuse and noted their work on numerous committees and assignments in addition to their excellent performance as ALJs.
 - With regard to judicial trainings, Chief Myers reported on the September training regarding employee protection laws and thanked Senior ALJ Training Coordinator Deborah Esrick and the Senior ALJs who facilitated the trainings for their work. He also noted that beginning in November a new round of trainings on

writing decisions in plain language would begin. ALJs will receive Continuing Legal Education (CLE) credits.

- Deborah Esrick will attend the CLE Accredited Provider Conference on November 19 on behalf of the UIAB. Myers also reported that he, along with Deborah Esrick and Susan Borenstein, were working on a training plan for 2018.
 - Finally, Chief ALJ Myers noted that ALJ Alison Ferrara who is working on a customer service training for the staff, was chosen by her alma mater New York Law School to participate on a panel on “Building a Legal Career in Government”.
 - Chair Reilly thanked the Chief Judge for his leadership and modeling of judicial excellence. She asked for questions and, hearing none, asked for a motion to accept the report. Member Douglas moved to adopt the report. Member O’Neill seconded the motion and it was unanimously adopted.
6. Report of Principal Administrative Law Judge Christopher Tate
- Principal ALJ Tate discussed four cases affirmed by the Court.
 - *Matter of Sheldon*, 2017 N.Y. App. Div. LEXIS 6482, decided September 14, 2017
 - *Matter of DeStefano*, 153 AD3rd 1020 decided August 3, 2017
 - *Matter of Link*, 2017 N.Y. App. Div. LEXIS 6073 decided August 10, 2017
 - *Matter of Cushman & Wakefield*, (no official site) decided, October 5, 2017.
 - Chair Reilly asked for questions and, hearing none, asked for a motion to adopt the report. Member Douglas moved to adopt the report. Member O’Neill seconded the motion which was unanimously adopted.
7. Report on Customer Service, ALJ Alison Ferrara
- ALJ Ferrara thanked the Board for the opportunity to discuss the pending customer service training
 - She reiterated the mission of the Board to serve the public with a full and fair opportunity to be heard and discussed some of the challenges facing both the judicial and administrative staffs
 - She noted that at the request of the Chief Judge and Director, she was meeting with UIAB Manager Janet Beaudoin to develop a customer service training for the staff in order help the staff avoid the pitfalls of poor customer service. The curriculum will provide “techniques for communication and interacting with the public” and include “how both verbal and non-verbal cues could be perceived and understanding of cultural and linguistic barriers.”
 - Finally, ALJ Ferrara emphasized the importance of understanding the impact that the UIAB has on the lives of the customers served and of her hope that the training will “provide a heightened awareness ... of the need for quality customer service.”
 - Chair Reilly thanked both ALJ Ferrara and UIAB Manager Beaudoin for reporting about their important work to the Board and asked for questions. Hearing none, Chair Reilly asked for a motion to accept the report. Member O’Neill moved to accept the report. Member Douglas seconded the motion was unanimously adopted.

8. Chair Reilly asked for a motion to commence an Executive Session regarding pending litigation. Member Douglas so moved and Member Greason seconded. The motion was unanimously adopted. The Board went into Executive Session at 11:35AM.
9. The Board exited the Executive Session at Noon.
10. New Business: Chair Reilly asked for new business and replied to a question from Member Douglas that the tentative date of the next Board meeting was Wednesday, January 17, 2018.
 - The Chair asked for a motion to adjourn. Member Douglas so moved and Member O'Neill seconded and the motion to adjourn was unanimously adopted.

Submitted by: Susan Borenstein

Adopted: October 18, 2017