

GERALDINE A. REILLY
CHAIRMAN

MICHAEL T. GREASON
RANDALL T. DOUGLAS
JUNE F. O'NEILL
MARILYN P. O'MARA
MEMBERS



**Unemployment Insurance
Appeal Board**

P.O Box 29002
Brooklyn, NY 11202-9002
TEL: (718) 613-3500
FAX: (718) 613-3566
www.uiab.ny.gov

SUSAN BORENSTEIN
EXECUTIVE SECRETARY

JAYSON S. MYERS
CHIEF ADMINISTRATIVE LAW JUDGE

TERESA A. DeMEO
CHRISTOPHER M. TATE
MATTHEW J. TIERNEY
PRINCIPAL ADMINISTRATIVE LAW JUDGES

Draft Minutes of UIAB Board Meeting, Wednesday, April 18, 2018

Present in Troy: Geraldine A. Reilly, Chair; June F. O'Neill, Marilyn P. O'Mara, Board Members; Jayson Myers, Chief Administrative Law Judge, Christopher Tate, Principal Administrative Law Judge.

Present in Plattsburgh by videoconference: Randall T. Douglas, Board Member.

Present in Brooklyn by videoconference: Michael T. Greason, Board Member; Susan Borenstein, Executive Secretary.

By Videoconference from Buffalo: June Egeland, Administrative Law Judge.

Agenda:

- Welcome and Call to Order
 - Reading and adoption of agenda
 - Adoption of Minutes – January 18, 2018 meeting
 - Director's report
 - Chief ALJ report
 - Court Decision Update – Principal ALJ C. Tate
 - Report on Language Access Training
 - New business
 - Adjourn
1. Welcome and Call to Order
 - Chair Reilly presiding from Troy, New York opened the meeting. She reported that the public had been noticed and invited and that the draft agenda had been published, minutes of the previous meeting circulated to members, the public invited, and that the meeting will be recorded and placed on the website.
 - Chair Reilly acknowledged Board Members O'Mara and O'Neill who were in attendance with her in Troy and Board Members Greason and Douglas who attended remotely. She noted that the required quorum was met. She thanked all those who have supported the work of the Board, the staff and leadership of all UIAB offices and primarily her colleagues on the Board for their work.
 - She noted that this was the second meeting of 2018 and hoped that the quarterly schedule of meetings accomplished her personal goal of a "UIAB that is accessible and fair, as well as timely." She continued that there is a full complement of five Board Members all of whom are engaged, interested and industrious
 - The Chair thanked Director Susan Borenstein and Chief Judge Jayson Myers for their work, as well as Principal Judge Tate. Finally, she thanked ALJ June Egeland who was attending the meeting to report on the Language Access

- training and Senior ALJ Deborah Esrick who distributed the UIAB judicial Style Manual to Board members at the end of the meeting.
- The meeting was called to order at 11:05 am.
2. Reading and adoption of the agenda
 - Member Douglas moved to adopt the agenda
 - Member Greason seconded the motion
 - Motion to adopt agenda adopted unanimously
 3. Reading and Adoption of the minutes, January 17, 2018 Board Meeting
 - Member Greason moved to dispense with the reading and to adopt the minutes
 - thick
 - Motion to suspend reading and adoption of the minutes unanimously approved
 4. Report of Executive Secretary Susan Borenstein
 - Secretary Borenstein noted that since the last Board meeting the UIAB is in the thick of many technological upgrades including the UI modernization project. She reported that she participated in the evaluation of Project Director candidates along with others from the Department of Labor.
 - Borenstein reported on the USDOL average case age and timeliness markers as follows: Lower Authority validated average case age for the month of February 2018 was 28.4 days, almost two days below the 30-day acceptable level of performance. For Higher Authority the average case age in February was 54 – higher than the 40-day acceptable level of performance. If we are unable to meet the regulation for acceptable level of performance, we will be obligated to continue to submit a corrective action plan to the USDOL. The percentage of hearing decisions mailed within 30 and 45 days has significantly improved to 60% and 82% respectively as of April 13, 2018. We look forward to maintaining that progress.
 - The number of UIAB staff is currently at 139 including current staff and permissions to backfill. Our allocation is 140. Two staff have notified us that they will leave the UIAB and we are still hoping to fill four ALJ positions in Brooklyn, where we have encountered some difficulty in filling the positions. We now have a full complement of Business Systems Analysts.
 - Secretary Borenstein reported that a LEAN project in Brooklyn which examined the calendaring process has not been completed. The LEAN team gave a thorough accounting of their findings to executive management on March 29th. The team identified as the foremost “pain point” the process of composing the decisions with multiple case numbers and entering the results in the computer. Fixes were already in the works for those processes where inefficiencies were identified – some beyond our control due to constraints of our antiquated case management system. The LEAN team composed of both judicial and administrative staff all learned the need to identify and embrace the need for change. The team will reassemble in April to assess improvements made. With this the report concluded.
 - Chair Reilly asked for questions. Hearing none Chair Reilly asked for a motion to accept the report into the record.
 - Member O’Mara so moved and Member O’Neill seconded. The report was unanimously accepted.
 5. Report of Chief Administrative Law Judge (ALJ) Jayson Myers
 - The Chief Judge reported on the latest Federal Quality Review, Fourth Quarter 2017 which involved 40 randomly selected cases scored according to a 31-point due process criteria. The average grade for the ALJs was 98.2%; all passing

with a score of 85% or better. Most gratifying was that out of the 40 cases scored 25 received a perfect score of 100. The Chief continued that over the last 15 years of 600 cases scored only four did not achieve passing grades.

- Myers thanked the hearing and appeal judges as well as their supervisors across the state for their diligence. He noted that the hearings are where our responsibility to the public is demonstrated directly and most often. He concluded this section of the report by saying that, “We will never take good performance for granted.”
 - The Chief announced that Senior ALJ Nicole Beason will be leaving the UIAB on May 3rd. She was selected by the Department of Labor as the new Assistant Director of the Adjudication Services Office in Brooklyn. This is a promotion and we will miss her but we will continue to work with her in her new role.
 - The appointment of Jean Bell to the position of Senior ALJ in Garden City was announced. Ms. Bell, a 25-year veteran at the UIAB, is replacing Lisa Schwartz who left to accept a salary grade promotion position as a Referee at the Workers Compensation Board.
 - With regard to training, Myers reported on the upcoming training on the Claimant Advocate Office. Daniel Lee, the Director, along with staff will participate on a panel discussion about the role of the office and the most common inquiries they receive.
 - While we wait for the deployment of the updated case management system, Senior ALJs Denton and Freeman gave an orientation to their colleagues on simpler and more efficient methods to complete hearings with multiple case numbers.
 - Finally, Myers announced the recruitment of three hourly ALJs to work on the Barcia re-review project.
 - Chair Reilly thanked the Chief Judge for his leadership and the quality of the judicial team. She asked for questions and, hearing none, asked for a motion to accept the report. Member Douglas moved to adopt the report. Member Greason 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 Simpson*, 2018 N.Y. App. Div. LEXIS 622, decided February 1, 2018.
 - *Matter of Jelic*, 2018 N.Y. App. Div. LEXIS 614, decided February 1, 2018.
 - *Matter of Stowits*, 2018. N.Y. App. Div. LEXIS 1479, decided March 8, 2018.
 - *Mater of Parron*, 2018. N.Y. App. Div. LEXIS 1661, decided March 15, 2018.
 - Chair Reilly asked for questions and, hearing none, asked for a motion to adopt the report. Member Greason moved to accept the report. Member O’Neill seconded the motion which was unanimously adopted.
7. Report on Language Access Training by Administrative Law Judge June Egeland
- ALJ Egeland thanked the Board for the opportunity to report on the Language Access training.
 - She reported that the training gave an opportunity for hearing judges to review existing practices regarding interpreters and identify new guidelines and tools to

ensure that every party before the UIAB has access to services and to prevent discrimination against those individuals with Limited English Proficiency (LEP) or communication disabilities.

- Egeland then gave a summary of court decisions and executive orders regarding the rights of those with limited English proficiency.
 - After giving a summary of the legal foundation ensuring LEP individuals' rights, Egeland described the best practices in the use of interpreters and the new tools provided to hearing judges. She also noted the requirement that all in-person interpreters should translate simultaneously and that a LEP individual's response in English should be considered.
 - Finally, Egeland described the inter-active exercises that were part of the training and noted that the requirements and new guidelines that were presented were done so in a clear and cohesive manner. Judges received three Continuing Education Legal credits for the course.
 - Chair Reilly asked for questions and, hearing none asked for a Motion to accept the report. Member O'Mara so moved, and Member Greason seconded the motion which was unanimously adopted.
8. New Business: Chair Reilly asked for new business and hearing none, asked for a motion to adjourn. She noted that the next Board meeting was an in-person meeting in Troy on June 27, 2018.
- Member O'Mara moved to adjourn the meeting and Member O'Neill seconded the motion. The motion to adjourn was unanimously adopted.
 - The meeting was adjourned at 11:40 am.

Submitted by: Susan Borenstein