

GERALDINE A. REILLY
CHAIRMAN
MICHAEL T. GREASON
GEORGE FRIEDMAN
JAMES S. ALES
RANDALL T. DOUGLAS
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 Board Meeting of Wednesday, September 14, 2016

Present (in-person and by videoconference): In Troy: Geraldine A. Reilly, Chair; James S. Alesi, Randall T. Douglas, Board Members; Jayson Myers, Chief Administrative Law Judge (ALJ), Christopher Tate, Principal Administrative Law Judge. In Brooklyn: Michael T. Greason, Board Member; Susan Borenstein, Executive Director.

Members of the Public: (In Troy) JoLyn Haresign and Mary Fields, DeGroot Management Services; (In Brooklyn) Nour Saudi, Nicole Acevedo, Brett Dahlberg and Lidia Hernandez, NYC News Service (CUNY).

Absent: George Friedman, Board Member.

Agenda:

- Welcome and Call to Order
 - Reading and adoption of agenda
 - Adoption of Minutes – June 15, 2016 meeting
 - Director's report
 - Chief ALJ report
 - Court Decision Update – Principal ALJ for Appeals
 - Other
 - Adjourn
1. Welcome and Call to Order
 - At 11:05 am Chair Reilly presiding from Troy, New York at 49th Fourth Street called the meeting to order and noted that a quorum of Board Members were present. She acknowledged Board Members and staff who were present as well as members of the public in attendance. She reported that the public had received notice of the meeting.
 - Chair Reilly thanked Governor Cuomo and his staff for their support and assistance for the work of the Board. She further noted that the meeting was the fourth quarterly meeting of the year and that the Board was committed to transparency in its work.
 - She thanked Board Members for their collegiality and for their work in rendering decisions. She also thanked Executive Director Susan Borenstein for her work in assisting Board Members and in organizing Board meetings, as well as Chief Administrative Law Judge Jayson Myers for his advice and wisdom. Finally, Chair Reilly thanked Principal Law Judge Christopher Tate for his contributions to the Board and for his reports of Court decisions.
 - Board Members and Staff introduced themselves

2. Reading and adoption of the agenda
 - Member Randall Douglas moved to adopt the agenda
 - Member Michael Greason seconded the motion
 - Motion to adopt agenda adopted unanimously
3. Reading and Adoption of the meetings, June 14, 2016 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 Director Susan Borenstein
 - Director Borenstein acknowledged the presence of four CUNY graduate students from the new CUNY School of Journalism
 - The Director reported on USDOL timeliness markers and average case age. She noted that for the Third Quarter 2016, the average case age at the Higher Authority for all intents and purposes was in compliance with the 40 days acceptable level of performance. With regard to Lower Authority appeals, the average case age was 33.6 days slightly higher than the regulation 30 days. In addition, timeliness markers for 45 days have been met, but the 30 day timeliness is at 57% rather than the regulation 60% in part because of a large influx of NYC Department of Education cases and the noticing of hearings 14 days in advance of the hearing date.
 - The Department of Labor has received 1500 hearing requests. In a departure from previous years, the DOL has determined that substitute teachers who have filed claims have not received reasonable assurance for the 2016-17 school year so the DOE appealed. The sheer volume of cases can affect the case age and timeliness markers. Cycling through these cases will be challenging.
 - Lastly, the Director announced that the UIAB now has its own domain name for staff emails as well as a unique website address name which will lessen any confusion that parties may have as to the independence of the Board and its ALJs.
5. Report of Chief Administrative Law Judge (ALJ) Jayson Myers
 - Chief ALJ reported on the high scores achieved by hearing ALJs in the Second Quarter Federal Quality Review. The average score was 96.2%. Of the 40 cases reviewed 15 ALJs received a perfect score of 100%. The overall score of 97.5%, based on 39 of the 40 scored cases achieving grades of 85% or higher represents the 9th straight quarter in which the UIAB received such a high overall score, confirmation of the talent of the UIAB's judges.
 - The high Federal Quality Review scores point to the efforts of UIAB Senior ALJs to support ALJs by fostering professional development and improvement. Teams of ALJs composed of judges with differing experience levels allows the less experienced to learn not only from the Senior ALJs but also from the more experienced ALJs.
 - Chief ALJ Myers reported on a training initiative on language access and use of interpreters in conjunction with the Executive Chamber based on the Unified Court System Training. This may become a model adapted to all hearings in NYS.
 - Involvement of more of the UIAB judicial staff across the state in training and research initiatives to match skills and experience of judges with particular training topics has begun. This is in addition to, and intended to complement, the initiatives of the Senior ALJ Training Coordinator Deborah Esrick. Chief ALJ

Myers noted that such efforts in involving more ALJs in training can lead to a greater sense of unity of purpose. ALJs Tracie Covey in Syracuse and Justin Denton, Michelle Burrowes and Alison Ferrara in Brooklyn have thus far generously contributed in this effort.

6. Report of Principal Administrative Law Judge Christopher Tate
 - Principal ALJ Tate discussed four cases affirmed by the Court
 1. *Matter of N. Valvo*, 140 AD3d 1520, was decided on June 23, 2016.
 2. *Matter of Yuan*, 140 AD3d 1550, was decided on June 30, 2016.
 3. *Matter of Pasinski*, 141 AD3d 989, was decided on July 21, 2016.
 4. *Matter of Schwartz*, 2016 N.Y. App Div Lexis 5527, was decided on July 28, 2016.
7. Other: Chair Reilly hearing no discussion of the reports and no new business once again expressed her gratitude and to the staff and members of the Board for their work. She announced that the next Board Meeting would be on January 11, 2017. She entertained a Motion to Adjourn.
8. Adjourn:
 - Board Member James Alesi moved to adjourn
 - Board Member Michael Greason seconded the motion.
 - The meeting was adjourned at 11:48 am.

Submitted by: Susan Borenstein