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**Unemployment Insurance**  
**Appeal Board**

PO Box 15126  
Albany, NY 12212-5126  
TEL: (518) 402-0205  
FAX: (518) 402-6208  
[www.uiappeals.ny.gov](http://www.uiappeals.ny.gov)

**LEIGHANN Y. BROWN**  
EXECUTIVE DIRECTOR

**TRACIE L. COVEY**  
CHIEF ADMINISTRATIVE LAW JUDGE

**JUSTIN DENTON**  
**MARK R. SOKOLOWSKI**  
**CHRISTOPHER M. TATE**  
PRINCIPAL ADMINISTRATIVE LAW JUDGES

## **Board Meeting**

### **Minutes**

Date: Wednesday, April 17, 2024

Location: Menands, NY

Present: Geraldine A. Reilly, Chair  
Randall T. Douglas, Member  
Marilyn P. O'Mara, Member  
Michael T. Greason, Member (via videoconference from Brooklyn, NY)  
June F. O'Neill, Member (via videoconference from Ogdensburgh, NY)  
Tracie Covey, Chief Administrative Law Judge  
Leighann Brown, Executive Director  
Christopher M. Tate, Principal Administrative Law Judge

Agenda:

1. Welcome
2. Call to Order
3. Roll Call
4. Reading and adoption of agenda
5. Reading and adoption of minutes – January 17, 2024, meeting
6. Executive Director's Report
7. Chief Administrative Law Judge's report
8. Principal ALJ for Appeals' Report
9. Other
10. Adjourn

- **Call to Order/Welcome**

- Board Chair Geraldine Reilly began her remarks by welcoming all attending and those watching remotely to this meeting of the New York State Unemployment Insurance Appeal Board. She added that this was the second meeting of 2024, and she was located at the Board's headquarters in Menands, New York.
- Chair Reilly thanked all those attending and watching the meeting for their interest in the operations and management of the UIAB. She added that the UIAB is an adjudicative body with jurisdiction over disputes regarding eligibility and payments concerning New York State Unemployment Insurance. She thanked everyone for their continued interest in this consequential work.
- Chair Reilly introduced herself as the Chair of the New York State Unemployment Insurance Appeal Board.
- The meeting has been noticed, the draft agenda has been published, the minutes from the previous meeting, January 17, 2024, have been circulated to the members, and the public has been invited to observe in real-time. This meeting was recorded and will be made available, along with the minutes, on the UIAB website, <https://uiappeals.ny.gov>.
- Chair Reilly expressed her thanks to all of those who have supported the work of the Board in addressing the many challenges that the UIAB face. In addition, she thanked the staff and leadership in all of the UIAB offices, and she thanked primarily her colleagues on the Board for their work, encouragement, and support.
- Chair Reilly acknowledged the myriad of technological innovations which this year has brought. She added that since the previous Board meeting, the UIAB has accomplished, through the leadership of our Chief Administrative Law Judge (CALJ), all of our Principals Administrative Law Judges (PALJs), and our Director, a virtual hearing environment, the convenience of our public and staff.
- She continued by saying that you will hear more about this exciting project during the executive presentations but be assured that 2024 will continue to be a year of technological advancement which will change many aspects of how work is done at the UIAB, all in the interest of serving our customers and employees in a smarter and in a better way. Virtual Hearings have been implemented, and UISIM and other innovations are on the horizon.
- Chair Reilly added that she hopes that this consistent schedule of Board meetings presents a Board that is proactive and accessible; and a Board which aggressively addresses the 21<sup>st</sup>-century challenges that we face and that we anticipate. The UIAB addresses those tasks with optimism and confidence in the skill and effort of the UIAB's many talented employees.
- Chair Reilly went on to say that each Board Member and each staff member is serious, interested, industrious and engaged in their approach to the important work done at the UIAB. She sincerely thanked them for that.
- Chair Reilly also thanked Chief Administrative Law Judge Tracie Covey, who is based in Syracuse, and is here today in Menands, and who has worked tirelessly to advance the Board and its Mission. Tracie assumed this role in the time of a pandemic and has been a judicious leader ever since.

- Chair Reilly acknowledged Leigh Brown, the UIAB’s hard-working, very skilled and dedicated Executive Director, who attended the meeting in Menands. Leigh is a beacon here for demonstrating leadership, fairness and dedication, qualities which we all so highly value; thank you, Leigh!
- Chair Reilly also thanked Principal Administrative Law Judge for Appeals Christopher Tate, who was present in Menands, for his work in these very challenging times.
- Board Chair Reilly continued by thanking Heidi Kelly for taking minutes and Amy Higby, Nastassia Tripp, and Paul Homin who assisted with technology for this meeting. A short training session for Board members on new aspects of the Labor Law was planned to be delivered by Senior ALJ Ned Maines after the formal meeting. He will be retiring shortly, after so many years of dedicated service. Thank you for your service to the Board and to our State, Ned.
- Chair Reilly reminded members, staff, and the public that the next public meeting of the Board will be held on Wednesday, July 17, 2024.
- The meeting was called to order at 11:03 a.m.
- **Roll Call**
  - Attendance was taken by Executive Director Leigh Brown. A quorum was present.
- **Reading and adoption of the agenda**
  - Member June O’Neill moved to accept the agenda.
  - Member Michael Greason seconded the motion.
  - Motion to accept agenda adopted unanimously.
- **Reading and Adoption of the minutes from the January 17, 2023, Board Meeting**
  - Member Michael Greason moved to waive the reading and to adopt the minutes.
  - Member June O’Neill seconded the motion.
  - Motion to suspend reading and adoption of the minutes unanimously approved.
- **Executive Director Report – Leighann Brown**
  - Introduction:
    - Executive Director Brown began her report by wishing everyone a good morning.
  - Technology:
    - UIAB virtual hearings launched statewide on March 4<sup>th</sup>. Director Brown could not speak highly enough of the BSA team and their time and commitment to this project. UIAB suffered a big loss to the team at the hardest and busiest part of the project. The team was resilient and excelled in their ability to pull their strengths together. That team, as Geri mentioned before, was Paul Homin, Amy Higby, and Nastassia Tripp. Director Brown

stated that it was very uplifting to be a part of that and to lead the team. In approaching virtual hearings this year, the BSA team was thoughtful and strategic in creating training and ample practice in advance of the system rollout. Chief Administrative Law Judge Tracie Covey will share more details on how the BSA team prepared the judges. The administrative staff also had training in practice. The practice for the admin was to play the role of the hearing attendees to help them to also learn the system with the judges so admin can help receive phone calls from stakeholders and/or hearing participants as need be, with the daily hearings.

- As a recap, the virtual hearings allows parties to attend their hearings by video or on the phone with a call-in feature for parties who do not have internet access, which they've been doing for years. This system records all hearings and will be the official recording of hearings. There's a phase two for virtual hearings, which includes language access enhancements and long-term recording storage optimization.
- Director Brown, Chair Reilly, and UIAB Manager Janet Beaudoin are working on customer service metrics. They have been studying the IVR system, which is the UIAB Web phone system. They've been using the system reports to align the information available with the UIAB's core mission. Learning that the average wait time on calls does not exceed one minute is rewarding and is great feedback to the administrative team. This is a work in progress, and the team is looking forward to setting up Key Performance Indicators (KPIs) in this area so that the focus is on the customer service side of things.
- The Unemployment Insurance System Improvement Modernization (UISIM) project is on track. UIAB's "Train the Trainer" training started in the fall and more will be picked up in May. There were a couple of classes in April. The majority of that will be in May. Our end-user training is slated for the end of the summer. User Acceptance Testing (UAT) and System Integration Testing (SIT) continue to progress as expected.
- Director Brown continued, noting that she and Chief Administrative Law Judge Tracie Covey have been working closely to move to a statewide model where and when possible, with Chair Reilly's support. UISIM will be key and will tie everything together that we've been working towards. Working with a forward-thinking team to focus on a fair distribution of work statewide and compensate for workforce shortages makes all this possible. It's imperative we create access to hire the best candidate available with fewer geographic restrictions.
- In staffing news, our judicial and administrative staffing level is presently at 105 employees. There are nothing but good reports regarding the February new hire ALJs, Iuliia Belyshkina in Brooklyn and Stephen DiLorenzo in Buffalo, and of our first team of legal interns from January, Lucas Smith in Menands, and Karim Morsey in Brooklyn. Lucas will be leaving us this summer, and Karim will be staying and working with PALJ Chris Tate and the Higher Authority. While the new-hire ALJs are doing great, the UIAB will welcome a four member new-hire ALJ class on April 25<sup>th</sup>. We welcome Thomas Kubinieć in Buffalo, Katrina Taylor in Brooklyn, John Appelbaum in Brooklyn, and Alexis Gordon in Hauppauge. On May 9<sup>th</sup>, we will add Sarah Bierley in Rochester to the new hire roster.
- On Wednesday, April 23, as Chair Reilly mentioned, the UIAB bids farewell to the esteemed Senior Administrative Law Judge Ned Mains, who is entering retirement. His retirement is well deserved and he will be missed. Also in the 23<sup>rd</sup> UIAB's BSA2, Paul Homin, is returning to ITS for an opportunity, and BSA intern Sulaimon Zia is taking an internship at ITS. The UIAB will miss them both but of course we wish them well in their career growth and opportunities.

- Thirty-percent of the UIAB is retirement eligible. So, attrition is expected to continue. CALJ Covey has more personnel details to share in her report.
- The administrative team is working on a statewide training program to strengthen the UIAB statewide model. Studies show that training and development programs lead to retention, work-life balance, increased performance, enhanced engagement and motivation, and workplace innovation. Investing in our employees continues to be our priority. Director Brown states that she appreciates that everyone present embodies this vision, and that the Board's ongoing support is invaluable to this work. She thanked everyone for that and concluded her Executive Director's Report.
- Chair Reilly asks for questions or comments.
- Board Chair Reilly acknowledged Executive Director Brown has been transformative in the workforce and her leadership has been imperative to structuring a workplace that is answerable to the values and qualities that we want to establish. The customer service metric is crucial to serving our state, serving the people in our state and our customers. Knowing we have certainty that our phones will be answered, that our customers will have to wait less than a minute to have a phone answered, to have an issue resolved in a certain amount of reasonable time is very, very integral to who we want to be as an agency. To serve the public in a way that recognizes their time is precious. And what we can do to establish that and confirm that, Chair Reilly appreciates Director Brown's leadership.
- Member Randall Douglas moved to accept the report into the record. Member Marilyn O'Mara, seconded. The report was unanimously accepted into the record.
- **Chief Administrative Law Judge's Report - Tracie Covey**
  - Introduction:
    - CALJ Covey began by stating that she is pleased to have the opportunity to provide everyone with updates on the judicial side of UIAB operations that have happened since the last Board meeting. The UIAB has been busy.
  - Technology:
    - Chief Administrative Law Judge Tracie Covey reports exciting news about the UIAB's switch to virtual hearings. She states that, as Executive Director Leigh Brown mentioned, the UIAB began holding hearings by video on March 4th of this year. The BSA Team put together multiple great training sessions for the judges, allowing the judges the opportunity to practice with the system every Friday for a month before UIAB virtual hearings went live. The administrative staff assisted by filling in the roles as the attendees, and with judges being on their teams. This gave the judges the opportunity to become comfortable navigating the system and made for a smooth roll out with no major technology issues. Attesting to the fact that that was a big deal, CALJ Covey stated that's because with any kind of system conversion when you can roll it out and it rolls out smoothly then that is a win.
    - Virtual hearings started out slowly with a reduced calendar the first two weeks and then increased to full calendar on week three. Monitoring the system has shown that the switch in technology has not negatively impacted our hearings. UIAB stakeholders have been very impressed with it since the system has rolled out, especially because hearings start

on time and the interaction that can be had on video. Our judges have reported that the system is easy to use and that they enjoy being able to see the parties again.

- Since the higher authority's inventory remains low, the appeal judges are holding hearings at the lower authority during the month of April to help reduce the overall inventory before we start UISIM training in May. They have also quickly transitioned to using the virtual hearing system.
- Judicial Staffing:
  - CALJ Covey reported two retirements. First, Principal ALJ Mark Sokolowski retired at the end of February after more than 27 years with the Board. Although it was sad to say goodbye to a dear colleague and friend, there was a cheerful get-together to wish him well in Buffalo last month. Senior ALJ Lauren Chatterton in the Menands office has been named Acting PALJ and has been filling Mark's role since his departure.
  - UIAB will say goodbye to Senior ALJ Ned Mains next week after approximately 30 years of service to the Board. Ned has made quite an impact on the Board over the years, and he will definitely be missed. CALJ Covey said that she knows all present will join in wishing Ned a long, happy, and healthy retirement.
  - CALJ Covey reports on UIAB recruitment. Civil Service has expanded the HELP Program (or the "Hiring for Emergency Limited Placement Program") to UIAB judicial positions. This program is supposed to streamline the appointment process by allowing State agencies to hire diverse, qualified, permanent employees quickly and without having the examinations. Although this program is just starting, UIAB has already seen the applicant pool grow and the UIAB is hopeful this will continue throughout the year as additional judicial positions are posted.
  - UIAB also continues to engage in outreach to NY law schools, most recently University of Buffalo and Syracuse University, and is continuing to look for other opportunities to get the word out about available jobs.
  - Two new hires started in February, Iuliia Belyshkina in Brooklyn, and Stephen DiLorenzo in Buffalo. They have completed Phase 1 of their training and are now calendared for daily hearings. Tracie was very pleased to report that UIAB was able to offer continuing legal education credit for a significant portion of this round of new hire training.
  - CALJ Covey continued by acknowledging that this important step forward could not have been completed without Training Coordinator Alison Ferrara, Principal ALJs Chris Tate and Justin Denton, as well as Senior ALJs Will Friedman, and Alex Slichko who helped draft all the necessary materials.
  - CALJ Covey acknowledges that the UIAB is very lucky to have experienced staff work as trainers for the new hires including: PALJs Tate and Denton, Acting PALJ Lauren Chatterton, Training Coordinator Alison Ferrara, Senior ALJs Allison Schwier, Carol Procopio, June Egeland, Will Friedman, Alex Slichko, and Toyin Akinrolabu. ALJs

Krzysztof Wendland, and Dawa Jung-Acosta also participated in that training, and SLSRs Amy Higby and Heather Malmberg also participate and teach the judicial staff about technology and how to use the various systems. All of these individuals put in a lot of time and effort into training our new staff and their work is extremely appreciated.

- Regarding the continuing legal education credit, this is the first time that UIAB has been able to offer that amount of credit at one time. It allows the UIAB to continue to maintain our CLE accreditation.
- CALJ Covey added that the UIAB has wrapped up interviews for this round of hiring and will have five new people start in April and May, as Executive Director Leigh has said.
- QA/FQR:
  - CALJ Covey was proud to report that the UIAB Federal Quality Review for the Fourth Quarter of 2023, had an average score of 98-point-9-4. This was based on twenty randomly selected cases that were scored according to the thirty-one federal quality criteria. All of the cases achieved the U.S. Department of Labor's passing grade of 85 or better and 15 of the 20 hearings scored perfectly at 100-percent. CALJ Covey will attend the National Appeals Review in Washington, D.C. next week. That is when all of the States get together and re-review all of the Federal Quality Review results in a random sampling. **The 20 randomly selected cases had an average score of 99.08%. – 16 of the 20 hearings had perfect scores of 100. All the judges and auditors continue to do exceptional work and remain dedicated to the UIAB mission. UIAB judicial staff are currently conducting federal audits for the Fourth Quarter of 2023, which she will report on at the next meeting.**
  - CALJ Covey credited the continued trend in the UIAB's exceptional performance to UIAB judges across the state who produced these very high scores, and the supervisory and training teams who consistently reinforced the federal quality criteria and our best practices with the judicial staff. UIAB is currently conducting audits for the First Quarter of 2024, which she will report at the next meeting.
  - CALJ Covey reported that while UIAB quality remains high, and despite the UIAB's best recruitment efforts, low judicial staffing levels continue to negatively impact the UIAB's ability to meet USDOL acceptable level of performance markers at the Lower Authority. The validated data for February of 2024 shows that the Lower Authority average case age was 46-point-9 days. This continues to rise above the acceptable 30-day level. UIAB is also not meeting compliance standards for 30 and 45-day time lapse markers for issuance of their decisions, as staff are diligently focusing on scheduling the oldest cases first.
  - The UIAB recently implemented a statewide calendaring system and supervisory plan to strategically utilize the current UIAB workforce. This will hopefully help to mitigate timeliness issues regarding decision issuance.
- Bench Manual:

- The UIAB has published a revised Bench Manual chapter on voluntary quit, which is now on the UIAB website, and a newly revised misconduct chapter should be on the website within the next month or so. The UIAB hopes to continue moving forward with this important project even as a significant portion of staff will be involved in new computer system training and testing over the next few months. The UIAB continues to move forward with various different projects. It's been a busy and exciting First Quarter of 2024.
  
- Chair Reilly asked for questions or comments.
  - Member Michael Greason wanted to know more about recruitment efforts and whether the UIAB is part of the same Civil Service exam system as other agencies, including Workers' Compensation or the State Liquor Authority.
  - CALJ Covey answered yes and explained that there is one applicant pool and a lot of different legal positions open right now across the state in various agencies. It does feel a bit like the UIAB is competing with other agencies to get staff. There was a discussion about the \$90,808.00 starting salary for an ALJ, the location pay differential for NY City, and the issue about the starting Grades for different State agencies.
  - Board Chair Reilly congratulated CALJ Covey's ability to recruit a very good class of current new hires and having five new ALJs. Chair Reilly noted that the UIAB has been consistent, and has had to be creative, for example by going to the law schools. UIAB has had a lot of luck with Albany Law School and Chair Reilly hopes to establish that relationship with law schools in Syracuse, Buffalo, as well as CUNY Law, and New York Law School. She adds that CALJ Covey and the staff are proactively working on it as well.
  - CALJ Covey stated that the people who come on board with UIAB say that they feel more supported at the UIAB because of the in-depth training program that they go through for the first seven weeks. She adds that the UIAB really does take care of the new hire folks as well.
  - Member Douglas asked to clarify how the civil service exam and the NY HELP Program works as far as new hires becoming permanent with the UIAB. Executive Director Brown answered that those who are appointed via the program will become permanent. CALJ Covey adds that the UIAB is still hiring people from the exam lists as well, so the HELP Program doesn't completely replace the list, it supplements it so it expands our applicant pool.
  - Board Chair Reilly thanked CALJ Covey, and stated that she is proud of everything that CALJ Covey has been able to accomplish. Chair Reilly cites the UIAB's average Federal Quality Review score of 98 and having 15 of the 20 criteria there being perfect is a testament to the good work that CALJ Covey and her team do, thank you!
  - Member Greason agreed that with a limited staff the quality of work is there, it's just that the amount of work that can be put out but without having the people to put it out. He gives kudos.
  - Member Randall Douglas moved to accept the report into the record. Member Michael Greason, seconded. The report was unanimously accepted into the record.



- **Principal ALJ Report - Christopher Tate**
- Principal ALJ Tate discussed four cases affirmed by the Court in the First Quarter of this year:
  - *Matter of Pope*, 224 AD3d 1039
  - *Matter of Moquette*, 224 AD3d 1074
  - *Matter of Mena*, 224 AD3d 1069
  - *Matter of Eihannon Wholesale Nursery*, 2024 N.Y.App.Div. LEXIS 1237
- Chair Reilly asked for any comments on the report issued by Principal ALJ Christopher Tate
  - Chair Reilly thanked PALJ Tate for, as usual, presenting his broad overview of some of the types of issues that we face that are so important to us. Whether it's vaccine issues, citizenship issues or the H2A, this really demonstrates the breadth of the scholarship that goes into the work here. She commended, with many thanks, PALJ Tate for sharing that with us today and establishing that standard.
  - Motion to adopt the report and incorporate into the record was made by Member Randall Douglas. Member June O'Neill seconded the motion, which was unanimously adopted.
- **Other**
  - Chair Reilly asked for new business and hearing none asked for a motion to adjourn.
- **Adjourn**
  - Member Randall Douglas moved to adjourn the meeting, and Member Marilyn O'Mara seconded the motion. The motion to adjourn was unanimously adopted. The meeting was adjourned at 11:36 a.m.

Submitted by Leighann Brown with the assistance of Heidi Kelly