NEW YORK STATE OF OPPORTUNITY. Unemployment Insurance Appeal Board

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Board Meeting

Date: Wednesday, April 16, 2025

Location: Menands, NY

Present:

Geraldine A. Reilly, Chair

Randall T. Douglas, Member

Kimberly Jean-Pierre, Member

Marilyn P. O'Mara, Member

June F. O'Neill, Member (via videoconference from Ogdensburg, 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 – October 16, 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, which was the first meeting of 2025. She added that 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 continuing interest in this consequential work.

- The meeting was noticed, the draft agenda was published, the minutes from the previous meeting, October 16, 2024, were circulated to the members, and the public was 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 gratitude to all of those who have supported the work of the Board in addressing the many challenges they have faced. In addition, she thanked former Board Member Michael Greason for his many years of service. The Board is now comprised of Reilly, Board Member June O'Neill, Board Member Randall Douglas, Board Member Marilyn O'Mara and the newest Board Member Kimberly Jean-Pierre.

- Chair Reilly welcomed Member Kimberly Jean Pierre, who was present in Menands, to this new and challenging role. Reilly stated that she is confident that Kimberly will devote all her energies to ensuring the continued success of this Board and the important work that is done for the people of New York State, and Chair Reilly expressed her gratitude for Kimberly having joined the Board.

- Chair Reilly thanked the staff and leadership in all the UIAB offices, and she thanked her colleagues on the Board for their work, encouragement, and support.

- Board Chair Reilly acknowledged the myriad technological innovations which this year has brought. The UIAB has accomplished through the expertise and innovations of its leadership team, a workplace that is a better and more efficient one, ensuring a continuing excellent product in a customer friendly environment.

- She continued by saying that you will hear more about these exciting projects during the executive presentations but be assured that 2025 is a year of technological advancement—which will change many aspects of how work is done at the UIAB, all in the interest of serving customers and employees in a smarter and better way. Virtual Hearings, UISIM and other innovations have been accomplished or 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; a Board which aggressively addresses 21st-century challenges; and that the UIAB addresses those tasks with optimism and confidence in the skill and effort of its 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.

- Reilly also wanted to acknowledge and thank Chief Administrative Law Judge Tracie Covey, who is based in Syracuse, but attended this meeting in Menands; and has worked tirelessly to advance the Board and its Mission. Tracie assumed this role in a time of pandemic crisis and has led the Board judiciously, with empathy, wisdom, and compassion, and so well ever since. And Chair Reilly acknowledged and congratulated, with thanks, Tracie's recent 15th Anniversary of State Service.

- Chair Reilly acknowledged with gratitude Leigh Brown, the UIAB's talented and tireless Executive Director, who attended the meeting in Menands. Leigh is a beacon for demonstrating leadership, fairness and innovation, qualities which are highly valued.

- Reilly also thanked Principal Administrative Law Judge for Appeals Christopher Tate, who was present in Menands, particularly for his work at the Higher Authority, and for his many years of dedication in these ever changing times.

- Reilly continued by thanking Heidi Kelly for taking minutes, and the talented UIAB BSA team, Amy Higby, Nastassia Tripp, and Gerrad Bohl, who assisted with technology for this meeting.

- Chair Reilly took a moment before she called the meeting to order to remind members, staff, and the public that the next public meeting of the Board will be held on Wednesday, July 16, 2025.

- The meeting was called to order at 11:04 a.m.

Roll Call

- Attendance was taken by Executive Director Leighann Brown. A quorum was present.

Reading and adoption of the agenda

- Member Randall Douglas moved to accept the agenda.

- Member Marilyn O'Mara seconded the motion.

- Motion to accept agenda adopted unanimously.

Reading and Adoption of the minutes from the October 16, 2024, Board Meeting

- Member Randall Douglas moved to waive the reading and to adopt the minutes

- Member Marilyn O'Mara seconded the motion

- The Motion to suspend reading and adoption of the minutes was unanimously approved, and the minutes were incorporated into the record.

Executive Director Report – Leighann Brown

- Introduction:

- Executive Director Brown began by wishing everyone a good morning.

- Executive Director Brown started her report with a recap of 2024, a productive year during which the UIAB accomplished a great deal with customer service as a priority. The entire UIAB staff demonstrated resilience in the face of numerous changes.

- The UIAB successfully conducted virtual hearings, initiated the Continuing Legal Education (CLE) library project, launched the Electronic Case Filing (ECF) project, began cross-training select hearing judges to handle appeal work, started cross-training select hearing administrative staff on appeal administrative tasks, and enhanced the robocall hearing reminders to provide an option to directly connect to the UIAB administration for support. Tracie Covey ("CALJ Covey") will report on some of those items in more detail during her report.

- Technology:

- The IVR system is a great tool for administrative staff to be able to answer calls while working remotely and statewide from and for any UIAB office. It also provides great reports to help ensure high customer service standards. In 2024, the UIAB team handled a significant volume of calls and routinely made return calls as necessary.

- Our research found that an IVR system's average customer service score was between 80-85%. Due to the nature of the calls, a baseline of 95% has been set. The admin team is skilled at assisting New Yorkers during high-stress times. The Board is proud of the UIAB team's ability to maintain high standards. Each admin team member is trained on how to utilize the IVR, and if needed, they're able to obtain help from their colleagues or supervisors while on a call. Due to the "all-hands-on-deck" approach, the baseline is set to have callers wait in the call queue for five minutes or less.
- In 2024, we received 59,588 incoming calls, made 21,222 outbound calls, had an average wait for a caller of 26 seconds, and scored a 95.67% in overall customer service based on metrics from the system. In 2023 and 2024 there was high turnover on the admin team, which exceeded all expectations.

- Upon entering 2025, the robocalls were enhanced further to provide SMS text notifications. Today, when Hearing participants receive the robocall, they have the option to connect to UIAB administration for support or to receive an SMS text notification with the date and time of their hearing, the hearing ID, and a link to the hearing so they can connect through their phone if they prefer. This offers the hearing participants more information and a better connection to the UIAB at their fingertips.

- On April 11th the UIAB SharePoint Communication Intranet ("UIAB SharePoint") was launched. As work evolves, so does the need to enhance our internal communication. We also looked at the best way to keep the tools and resources staff uses daily at their fingertips, organized, and most current. Our talented BSA Team of Gerrad Bohl - Menands, Amy Higby - Menands, and Nastassia Tripp – Brooklyn, led by Gerrad, built a platform to make this vision a reality. The collaboration and creativity used in the development of this platform has impressed professionals outside of UIAB as well. Leigh praised the UIAB BSA Team as the best BSA Team she has ever had the pleasure to work with. The new UIAB SharePoint will provide staff with all email updates in one location. Director Brown will send email notifications to staff on a regular basis and they

now have one hub where they're all collected, so they don't have to search through their email. There's a Kudos corner to acknowledge exceptional work or achievement for people. There's also a judicial hub and an administrative hub which supports each of their scopes of work. There are UIAB production metrics, training announcements, scheduled lunchtime monthly tech tips, contribution of Gerrad who came up with that to help the team modernize, and many more resources and links that can be used all in one place now.

- In December, the UIAB started looking at an employee ticketing system to provide a better source of assistance for employees and allow the tracking and organization of issues to collect longitudinal data and recurrent issues. The BSA team is currently exploring options with ITS. Once the product is found that meets the UIAB's needs, all important ticketing and support information will be linked to the UIAB SharePoint.

- More admin and judges are being dedicated to the Unemployment Insurance System Improvement Modernization (UISIM) Project for User Acceptance Testing (UAT), for user acceptance testing, which is application testing, and to learning how to train staff before go-live. Training will be scheduled two months ahead of go-live, and all staff will have approximately a few weeks to practice after training before the official go-live. The go-live date has not yet been announced. So the UIAB ended 2024 achieving every goal set, and started 2025 continuing in the same fashion.

- Director Brown concluded her report.

- Chair Reilly thanked Executive Director Brown, commenting that there is so much information and so much accomplishment reflected in this report. It's hard to put into words because when she hears that the UIAB is answering calls in 20 seconds, that's an accomplishment for the customers we treat at a very stressful time in their lives. So, anything we can do about that, obviously, is a priority. You managed to marry the technology with the Board's goal of universal fairness and appreciation for the stress of the moment. The BSA team has really distinguished itself in so many ways. They've also been lauded by ITS, which has determined that the BSA team offers the best, most efficient, and most meaningful web experience for customers compared to other state agencies for three consecutive months. The UIAB came out 1st. So, the UIAB is constantly working to serve its customers and employees. Chair Reilly commented that it's fabulous to see it's working, and she thanked Executive Director Brown and her team.

- Chair Reilly asked for questions or comments.

- Member June O'Neal moved to accept the report into the record. Member Marilyn O'Mara seconded. The report was unanimously accepted and incorporated into the record.

Chief Administrative Law Judge's Report - Tracie Covey

- Introduction:

- CALJ Covey began with a brief overview of the UIAB's accomplishments in 2024, stating that it was a year of technological advancements and of streamlining processes for the Board.
- First, as the Board is aware, more Board Hearings were held. Historically, cases were sent back to the lower authority when it was determined, on appeal, that a hearing record needed to be further developed. But due to the increased inventory at the lower authority, it became increasingly more difficult to schedule these cases in a manner to allow them to be quickly resolved. To streamline and shorten the process, the type of hearing held at the board level have been expanded so that a higher authority ALJ can quickly develop any additional information needed for the record and come to a decision without remanding the case back to the lower authority.

- Thanks to the hard work of UIAB Principal Administrative Law Judge Christopher Tate, the UIAB was able to formalize the procedure for cross-training lower and higher authority judges so that staff can more easily pivot between the hearings and the appeals. This is necessary because of inventory demands and to ensure the judges remain highly skilled in both hearings and appeal practices. In early 2025, several judges rotated to the higher authority where they will be working appeals for approximately six months. The plan is to continue with these rotations as inventory demands. Additionally, in 2024, Principal ALJ Justin Denton helped train the higher authority judges on how to use the Virtual Hearing system and the electronic case file. This allowed higher authority ALJs to rotate to hearings for approximately 6 weeks in April and November 2024.

- CALJ Covey was proud to report the expansion of the UIAB internal Continuing Legal Education program. Principal ALJ Alison Ferrara led the conversion of a significant portion of new hire training to offer CLE credit for training in areas of voluntary quit, misconduct, capability, availability, and work search. Live CLE courses are also offered to our agenda statewide on the topic of status and contributions as well as provoke discharge. Then in January of this year, the on-demand CLE was launched through the hard work of the BSA, judicial, and administrative teams. Several judges created and recorded training videos, ranging in length from 30 minutes to 2 hours, for CLE credit that are accessible to attorneys across the Department of Labor. There are currently six trainings available in the library, and approximately 20 programs are in development and will be added throughout 2025.

- The year has also the UIAB transition to a paperless workplace. Judges have had the opportunity to use an electronic case file for a little over a year now. This was optional for them until January of this year because the paper case file was still maintained as the "file of record" throughout last year. Beginning on January 21st, the use of the paper case files was discontinued, and the lower authority now solely uses electronic case files. The full transition to paperless is still in progress at the higher authority since cases that started in paper will remain in paper until they are fully completed. But we're working through the paper inventory quickly and are now beginning to assign appeals that are solely in electronic format.

- Judicial Staffing:

- Eighteen Administrative Law Judges were hired last year; four were hired in April, five in September, and another nine in March of this year. There are currently another 15 positions posted with an expected start date of July 3rd, 2025. The April class form last year has been on full calendar since the summer of 2024, and will complete their probationary period later this month. They've been a fantastic addition to the Board, and are already heavily involved with several ongoing projects such as the UIAB computer modernization project and the development of CLEs for our new library. The September class went on full calendar in December. They recently completed their first six months and they continue to progress. And the March class is in their initial training phase holding hearings intermittently while they learn substantive law and UIAB procedures.

- QA/FQR:

- The UIAB Federal Quality Review scores remain remarkably high. For the fourth quarter of 2024, we had an average score of 99.09%. This was based on the 20 randomly selected cases that were scored according to the 31 federal quality criteria. All these cases achieved the U.S. Department of Labor's passing grade of 85% or better, and 14 of the 20 hearings had perfect scores of 100. FQR audits are currently underway for the 1st Quarter of 2025, which CALJ Covey will report on at the next Board meeting.

- While quality remains high, there is still a struggle to meet USDOL acceptable level of performance markers at the lower authority. An average case age of 61 days was reported to the USDOL in February of 2025. For customer service purposes, the focus is on scheduling the oldest cases first, so that number is slowly coming down. It is hoped that with the last round of hiring combined with current recruitment efforts we'll be better staffed and able to decrease not only our average case age, but also the requirements that we complete 60% of cases within 30 days and 80% of cases within 45 days.

- Principal ALJ Tate will report on the Higher Authority numbers and some other items of note that have occurred since the last Board meeting.

- CALJ Covey concluded her report by thanking those in attendance.

- Chair Reilly commended CALJ Covey on the excellent quality she and her team have been able to achieve, stating that it is really remarkable to have a quality assurance score and average score of 99.09. Reilly stated that this validates all the work that CALJ Covey has put into the training and the excellence of the UIAB staff. Chair Reilly also acknowledged the value of the CLE library, stating that it will be foundational for the UIAB for years to come. She said it will become a resource for all employees, the admin employees will be taking some of the classes to become familiar with the work the Board does. Chair Reilly thanked CALJ Covey for all that she has accomplished.

- Chair Reilly asked for questions or comments.

- Member Randall Douglas moved to accept the report into the record. Member June O'Neill, seconded. The report was unanimously accepted into the record.

Principal ALJ Report - Christopher Tate

- Principal ALJ for Appeals Christopher Tate began his report with an update on the Higher Authority.

- PALJ Tate reported that the Higher Authority isn't quite in compliance with overall case age requirements. New York's last reported data to the U.S. Department of Labor ("USDOL") for February 2025, shows the average case age was 45 days. We're also not meeting the appeals time-lapse requirements. USDOL date for February shows that we completed 256 appeals that month with 17.2% of those cases completed within 45 days and 42.6% were completed within 75 days. Part of the reason for the decrease in the Higher Authority production has been due to low staffing and the need to shift Higher Authority ALJs to hearings to assist with the hearing backlog.

- Additional Board meetings continue to be held in many appealed cases requiring a further hearing, rather than remand the case to the hearing section for a new hearing and new decision. While this may have contributed to case age, parties benefitted as they were able to obtain quicker resolution on their cases. Appeals ALJs also gained experience using electronic case files (ECF) while they conducted these hearings which will help them to easily navigate through the upcoming fully paperless appeals.

- Appeal and hearing judges continue to cross-train. In January 2025, two hearing judges rotated to appeals. In February 2025, two additional hearing judges rotated to appeals. And in the beginning of April 2025, another judge rotated to appeals. Three of these judges are also assigned to the computer modernization project and are performing testing of the new system for approximately 50% of their work week. The rotation assists the work at the Higher Authority while further enhancing the judges' legal knowledge and skills. Appeal production has increased with their addition.
    - PALJ Tate discussed three recently decided Court cases:

    - *Matter of Ficora*, 233 AD3d 1215

    - *Matter of Mammone*, 234 AD3d 1096

    - *Matter of Ito*, 234 AD3d 1215

    - Chair Reilly thanked PALJ Tate for his dedication in achieving a deep understanding of the very complicated issues that the UIAB must adjudicate. Reilly thanked PALJ Tate for being so influential on the work which the UIAB does, and for embodying the Higher Authority.

    - Chair Reilly asked for questions or comments.

- Member Douglas asked about a decline in reasonable assurance cases compared to recent years. PALJ Tate replied that a lot of the reason is pandemic related.

- Member O'Mara said that as the UIAB fills existing ALJ vacancies, which can be attributed to numerous retirements, the issue will resolve itself.

- Chair Reilly agreed, stating that the Board is actively making efforts to ensure that there is sufficient staff to meet the demands of the work, and she thanked everyone for their contribution to that effort.

- Motion to adopt the report and incorporate into the record was made by Member Randall Douglas. Member O'Mara seconded the motion, which was unanimously adopted.

Other/New Business

- Chair Reilly asked for questions or comments.

- Member Randall Douglas welcomed new Board Member Kimberly Jean-Pierre, and congratulated and thanked Chair Reilly, Executive Director Brown, CALJ Covey, and PALJ Tate for doing an incredible job of ensuring that the UIAB operates smoothly.

- Member O'Mara expressed appreciation and thanked everyone present for their hard work and assistance, without which the work would not be possible.

- Chair Reilly thanked Member Douglas, secondly welcomed Member Jean-Pierre, and asked for any other new business. Hearing none, Chair Reilly asked for a motion to adjourn.

Adjourn

- Member Randall Douglas moved to adjourn the meeting, and Member O'Mara seconded the motion. The motion to adjourn was unanimously adopted. The meeting was adjourned at 11:33 a.m.

Submitted by Leighann Brown with the assistance of Heidi Kelly