REPORT TO LEGISLATURE

REVIEW OF UNEMPLOYMENT INSURANCE (UI) PROGRAM POLICIES AND PRACTICES USED TO DETERMINE ELIGIBILITY AND THE AMOUNT OF UI BENEFITS
(Mandated by Assembly Bill 1556)

Prepared by
California Employment Development Department
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EXECUTIVE SUMMARY

In accordance with Section 320.3, Division 1, Part 1, Chapter 2, Article 1 of the California Unemployment Insurance Code (CUIC) as amended by Assembly Bill (AB) 1556 (Chapter 377, Statutes of 2014), the Employment Development Department (EDD) is pleased to provide the report to the Legislature regarding the results of the review of the Unemployment Insurance (UI) program policies and practices that may:

- Result in delayed eligibility determinations or benefit payments
- Increase workload for the department
- Provide little or no value in identifying or preventing fraud or abuse in the UI program.

The EDD followed established strategic goals and objectives to review the following four core UI workload functions that the EDD’s UI program performs to ensure benefit payments are promptly paid or denied to individuals as required by federal and state law:

1. Claim filing
2. Eligibility Determinations
3. Certification processing
4. Appeals

The following are highlights of process improvements made as a result of the review:

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INTRODUCTION

The EDD administers the UI program based on the federal Social Security Act of 1935, which established a national unemployment program intended to provide temporary financial assistance to unemployed workers who meet the requirements of federal and state law. The UI program is subject to ongoing federal oversight and is financed by employers through state and federal unemployment taxes. To be eligible for unemployment benefits in California, an unemployed worker must be totally or partially unemployed through no fault of their own, meet all other state and federal requirements, and earn enough wages during the base period to establish a claim.

The federal law requires, as a condition of eligibility for regular compensation for any week, a claimant must be able to work, available to work, and actively seeking work. California law conforms to this federal requirement by claimants answering eligibility questions at the initial and reopening claim points and by submitting bi-weekly certification of eligibility. If an eligibility issue is detected, the claimant is scheduled for a telephone interview to determine eligibility for UI benefits.

The EDD continues to handle record levels of workload that are significantly higher than pre-recessionary years.

For calendar year (CY) 2014, the workload levels\(^1\) were:
- 3.5 million unemployment insurance claims processed
- 1.3 million eligibility determination interviews
- 24.4 million weeks of certifications processed
- 160 thousand appeals transmitted

The EDD paid $6.3 billion in benefits to unemployed workers during the CY 2014 and processed 80 percent of these benefits on the same day the certifications were received.

The EDD paid $2.5 billion in benefits to unemployed workers from January 2015 through May 2015 and processed 80 percent of these benefits on the same day and 91 percent within the same week the certifications were received.

\(^1\) Data retrieved from the EDD UI Program Monthly UI Workload report for CY 2007 and 2014 and YTD 2015
REVIEW OF UI PROGRAM POLICIES AND PRACTICES

The EDD reviewed the following four core UI workload functions that the EDD’s UI program performs to ensure benefit payments are promptly paid to eligible individuals:

- Claim filing
- Eligibility Determinations
- Certification processing
- Appeals

The following flowchart displays a high-level overview of the interactions between the four core UI workload functions within the UI Program.

*Figure 1: California Unemployment Insurance Process Overview*
I. Claim Filing
The EDD offers three methods for filing or reopening UI claims. Unemployed workers can file applications online with eApply4UI and UI Online℠, by telephone with a customer service representative, or by a mailed (or faxed) paper application. If eligibility cannot be determined during claim filing, the EDD is required to schedule the claimant for a determination of eligibility.

There are instances where the EDD does not have any record of work and wage information to establish a monetarily valid UI claim. When this occurs, the EDD must investigate the reason work and wages weren’t reported by the claimants’ former employer(s). Reasons for not having work and wage information include:

- The claimant did not work during the standard 12-month base period but may have worked in the most recent quarter at the time of filing a claim. This may qualify the claimant for establishing an alternate base period claim. This type of claim requires the EDD to request the work and wages history information from the claimant and the employer(s) to determine if the individual meets monetary eligibility requirements.

- The individual worked for the federal government or was a member of the military service. The EDD must request the work and wage history from the federal agencies in order to determine if the individual meets monetary eligibility.

II. Eligibility Determinations
The EDD will conduct a determination when a potential eligibility issue arises during claim filing and/or during the certification processing (weekly eligibility review). Some of the most common scenarios that require determinations include:

- **Determining Identity of the Claimant**
  The EDD has developed screening procedures to ensure the Department properly verifies the identity of individuals through questioning of confidential information with automated identity cross match tools. Potentially compromised Social Security Numbers (SSN) prompt the Department to request additional identifying documentation from the claimant, the last employer, and base period employers to determine the claimant’s identity and to ensure that the claimant is legitimately entitled to receive the benefits.

- **Determining Non-Monetary Eligibility to Collect UI Benefits**
  If the claimant and/or employer provide the EDD information that conflicts with the UI eligibility requirements, the EDD will request information from the claimant and employer by mail or by telephone to determine if UI benefits should be awarded or denied. The most common non-monetary eligibility determinations are separation issues (i.e., discharge and voluntary quit).
III. Certification Processing

Federal law requires, as a condition of eligibility for regular compensation for any week, a claimant must be able to work, available to work, and actively seeking work. California law conforms to this federal requirement by requiring claimants to submit bi-weekly certifications of eligibility. The certification process allows the claimant to attest (or certify) that they are meeting the weekly requirements to collect UI benefits. The EDD offers three methods for claimants to provide their certification. They can certify online through UI OnlineSM, by telephone through EDD Tele-CertSM, or by mailing the paper certification (continued claim) form.

The EDD processes all three certification methods through an automated system. When the automated system identifies that the claimant did not meet the eligibility requirements, the EDD is required to conduct further review to determine continued eligibility for UI benefits. To help maintain the integrity of the UI program, the EDD will place a hold on paying benefits on the claim to prevent improper payments while reviewing the potential eligibility issue.

IV. Appeals

Both the claimant and employer(s) can submit an appeal if they do not agree with the EDD’s eligibility decision. The EDD reviews the appeal for new information that was not available during the initial telephone eligibility interview. If the claimant or employer provides new information that provides the legal basis and justification to reverse the Department’s original eligibility decision, the EDD will conduct a redetermination. If the claimant or employer did not provide new information or the new information does not meet the legal basis and justification to reverse the original eligibility decision, the appeal request and case information is sent to the California Unemployment Insurance Appeals Board (CUIAB). The CUIAB is an independent administrative agency for workers and employers seeking to challenge decisions made by the EDD.

There are two levels of appeal. The first or lower level is the appeal to an Administrative Law Judge (ALJ). The ALJ can overturn, agree with, or modify the EDD's decision. The ALJ's decision may be further appealed to the Board. The Board's decision is the CUIAB's final decision. However, claimants and employers who disagree with the CUIAB's final decision may appeal to the California Superior Court.
RESULTS OF UI PROGRAM POLICIES AND PRACTICES REVIEW

The EDD’s mission is to enhance California’s economic growth and prosperity by collaboratively delivering valuable and innovative services to meet the evolving needs of employers, workers, and job seekers.

In keeping with the EDD’s mission, the EDD utilizes strategic goals and objectives to identify obsolete processes and bottlenecks and seek business solutions that take less time to deploy and gain a more comprehensive return on investment. Several efforts, including a dedicated UI Business Process Innovation team, have continued to systematically analyze processes. As a result of these efforts, the EDD identified the following four areas to improve the core UI workload functions:

- Targeted Training
- Revised Policies
- Innovative Technology Solutions
- Enhanced Communication with Customers

Through implementation of several solutions within these four areas, the EDD has successfully enhanced customer service and access to UI services.

The following are the results of the EDD’s review of the core UI workload functions, defined in the Review of UI Program Policies and Practices section of this report:

I. Targeted Training

- **Increased refresher training for claim filers.**
  Starting in October 2014, the EDD provided refresher training on utilizing existing tools for processing the incoming online eApply4UI applications. The training provided best practices and tips to improve quality and prevent claimants from incorrectly being scheduled for a telephone eligibility interview.

  Starting in the Fall 2015, the EDD will conduct a quarterly review of California’s benefit accuracy and determination measurement data to monitor and identify common errors in claim filing.

  The goal is to strategically develop claim filing refresher training based on data-driven priorities to quickly resolve and facilitate ongoing improvement in claim filing quality to ensure a skilled workforce and prompt payment of benefits.

*Meets EDD Strategic Goal: Skilled Workforce*

*Build a highly-skilled and responsive workforce with clear roles and responsibilities.*
• **Increased refresher training for determination interviewers** to ensure quality eligibility decisions and prompt payment of benefits. The EDD currently provides a quarterly training to all determination interviewers. However starting in September 2014, the EDD has provided the following trainings, in addition to regularly scheduled quarterly training:
  - In early-September 2014, the EDD delivered training to highlight the importance of identifying and quickly resolving eligibility decisions that are impacting the prompt payment of benefits.
  - In mid-September 2014, the EDD delivered training on the importance of adequate fact finding and better documentation of findings, including best practices for properly summarizing facts in support of legal decisions.
  - In December 2014, the EDD delivered training specifically related to the CUIC Section 1257(a) pertaining to when false statement penalties should and should not be assessed. A false statement penalty against a claimant is a penalty that is assessed after the Department has determined the claimant willfully and intentionally made a false statement or withheld a material fact in order to collect unemployment insurance benefits. A false statement penalty is a “weeks based” penalty, (i.e., the claimant is disqualified for a certain number of weeks of future unemployment benefits, rather than a period of time).

The goal is to strategically develop determination interviewer refresher training based on data-driven priorities to quickly resolve and facilitate ongoing improvement in determination quality to ensure a skilled workforce, thereby reducing ALJ reversals and increasing prompt payment of benefits.

• **Reduced deductible earnings eligibility issues scheduled by 27 percent.**

  From October through December 2014, the EDD released updated guides, procedures, and webinar training on how to properly identify a deductible earnings eligibility issue and to clarify when benefit payments should be suspended pending an eligibility interview. Deductible earnings are monies received by the claimant after separation from employment (i.e., severance pay, holiday pay, vacation pay, sick pay, etc). Depending on whether the claimant has a definite return to work date, these earnings may be considered deductible income.

  Prior to additional training, 2.98 percent of initial claims in February 2014 (9,249) were pending benefit payment for an eligibility interview regarding deductible earnings; since implementation of the additional training, 2.17 percent of initial claims in February 2015 (5,223) were pending benefit payment for an eligibility interview.

  The result is a 27 percent decrease in the number of initial claims scheduled for an eligibility interview regarding deductible earnings, thereby increasing the prompt payment of benefits.
The EDD continues to see a decrease in the number of initial claims scheduled for an eligibility interview regarding deductible earnings with a six percent decrease in April 2015, and an eight percent decrease in May 2015, when compared to April and May 2014.

- **Reduced pension eligibility issues scheduled by 31 percent.** In January 2015, the EDD released updated guides and procedures on how to properly identify a pension eligibility issue and to clarify when benefit payments should be suspended pending an eligibility interview.

Prior to additional training, 0.41 percent of initial claims in February 2014 (1,272) were pending benefit payment for an eligibility interview regarding pension; since implementation of the additional training, 0.28 percent of initial claims in February 2015 (678) were pending benefit payment for an eligibility interview.

The result is a 31 percent decrease in the number of initial claims scheduled for an eligibility interview regarding pension, thereby increasing the prompt payment of benefits.

The EDD continues to see a decrease in the number of initial claims scheduled for an eligibility interview regarding pension with an eight percent decrease in April 2015, and a 17 percent decrease in May 2015, when compared to April and May 2014.
II. Revised Policies

- **Increased the prompt payment of benefits on transitional claims by 21 percent.** An established UI claim is valid for one benefit year (52 weeks). To qualify for a new UI claim, the claimant must submit an application after the prior UI claim ends and qualify for the new benefit year. Many seasonal or intermittent workers qualify for back-to-back benefit year claims. In March 2015, the EDD revised existing policy to allow the filing of UI claims in the last two weeks of a prior claim when the claimant is already in continued certification status.

  The result is the timely filing of UI claims, thereby increasing the percentage of first payments paid promptly on the new claim.

- **Reduced identity cases by 53 percent.** The Identity Alert process is designed to protect the worker and employer from fraud and ensure proper payment of UI benefits. In September 2013, a thorough review of cases initiated into the ID Alert process concluded that 73 percent were initiated as a result of the claimant not identifying a sufficient number of base period employers when multiple base period employers existed. Further review determined that only a very small number of these cases were ultimately determined to be fraudulent.

  The EDD revised policies effective February 21, 2014. Claimants are now required to identify only one base period employer regardless of the number of base period employers on the claim. All other ID Alert processes continue to be utilized, including the Social Security Administration (SSA) and the Department of Motor Vehicles (DMV) verifications. Prior to the policy changes, 5.5 percent of initial claims in CY 2014 (208,000) were placed into the ID Alert process; since implementation of the changes, 2.6 percent of initial claims (90,000) were placed into the ID Alert process.

  The result is a decrease in the number of initial claims being placed into the ID Alert process, thereby reducing workload and increasing the prompt payment of benefits.

- **Decreased the number of school/training eligibility issues scheduled by 36 percent.** In December 2013, the EDD implemented a significant change to its eligibility policy for claimants who reported they began attending school or training. This change in policy significantly reduced the number of California Training Benefit (CTB) determinations the EDD conducts, as eligibility for the CTB program is only necessary when claimants certify they are unavailable for work or not seeking work due to school or training attendance.
Prior to the policy changes, 2.92 percent of regular claims in CY 2013 (110,385) were pending benefit payment for an eligibility interview regarding availability for work while attending school; since implementation of the additional training, 1.88 percent of regular claims in CY 2014 (65,099) were pending benefit payment for an eligibility interview.

The result is the EDD reduced the number of benefit payments being stopped due to the claimant reporting school, thereby increasing the percentage of UI benefit payments continuing uninterrupted.

- **Created EDD team to target the pre-appeal process** starting in early 2015 to determine the situations where the EDD could improve policies relating to due diligence in contacting claimants, employers, and/or third parties. Contacting these parties is crucial to obtain clarifying information that could result in a redetermination, thereby eliminating the time-consuming appeal hearing process and increasing the prompt payment of benefits.

The goal is to increase the quality of eligibility decisions to minimize avoidable appeals, reduce the number of CUIAB decisions reversing the EDD’s eligibility decisions, and increase the timeliness of eligibility decisions and prompt payment of benefits.
III. Innovative Technology Solutions

- **Enhanced online claim management interface (UI Online℠) for EDD's customers** was released in a phased roll-out from April through June 2015. The UI Online℠ provides claimants with the ability to perform the following UI claim related activities 24 hours a day, seven days a week:
  - Certify for continued benefits and report work and wages.
  - View detailed payment information for all processed payments.
  - Update contact information and set personal preferences.
  - Reopen an existing claim without speaking to a representative.
  - View all scheduled appointments and reschedule a phone interview appointment.
  - Receive instant notifications and important messages from the EDD.

The UI Online℠ system prevents claimants from making common errors such as answering both “yes” and “no” to a question and not signing their certification or leaving questions unanswered. Historically, 20 to 30 percent of submitted continued claim paper forms had to be reissued due to these common errors. Additionally, the system validates claimant responses and asks more clarifying questions to determine if eligibility issues exist. This should result in a reduction in suspended benefit payments pending telephone eligibility interviews.

As more UI claimants opt to manage their claim through UI Online℠, the EDD expects to reduce telephone eligibility interviews, eliminate rework and the need to reissue forms, improve the prompt payment of benefits, and allow UI staff to be available to assist claimants with complex claims and issues.

- **Reduced time spent processing eligibility determinations by 11 percent** with the development of an automated tool for staff to use when entering eligibility decisions. The automated tool or Macro² enters standardized notes and assists in streamlining the eligibility determination process.

The Determination Entry Macro is being released in a phased approach. Phase I was released statewide, December 8, 2014. Phase II is anticipated to be released in late Fall 2015. To ensure effectiveness of Phase I, baseline testing was completed at two UI offices before and after implementation. The testing results showed an overall decrease of 11.25 percent in time spent entering eligibility determination decisions while utilizing the Macro application.

The result is increased consistency in entering eligibility decisions with decreased time spent in processing determinations, thereby improving quality and timeliness.

² Macros are developed by programmers to automate repetitive tasks. It is a series of commands and actions that are stored and run when the user initiates the task.
- **Increased availability of information for staff** to ensure consistent messaging and reduce processing time while completing eligibility determinations. In August 2015, the EDD will be releasing a “Determination Toolbox” that provides a simple and user-friendly format to quickly find all policy, procedures, guides, program notices, forms, helpful tips, and EDD news items relating to conducting eligibility determinations. The Determination Toolbox was designed in collaboration with experienced determination interviewers and subject matter experts to ensure a high-adoption rate and accuracy of information.

  The goal is to improve the quality and timeliness of eligibility decisions, thereby reducing ALJ reversals and increasing the prompt payments of benefits.

- **Planned enhancements to the Record of Claim Status Interview (DE 2403)** to improve quality and reduce processing time while conducting a telephone eligibility interview. In August 2015, the EDD will be releasing macro-enabled forms to enhance the eligibility interview process. The macro application-enabled forms are used by staff to gather accurate and consistent fact finding information and automate entries necessary when conducting a telephone eligibility interview. The macro application-enabled forms were designed in collaboration with experienced determination interviewers and subject matter experts to ensure a high-adoption rate and accuracy of information.

  The goal is to improve the quality and timeliness of eligibility decisions, thereby reducing ALJ reversals and increasing the prompt payments of benefits.

- **Reduced time spent processing appeals by 30 percent** with the development of an automated tool. To streamline the appeals process, the Department developed the California Unemployment Benefits Services (CUBS) Appeals Macro application. The CUBS Appeals Macro application assists staff by eliminating multiple entries, standardizing comments and automating the entries necessary to process appeals.

  The CUBS Appeals Macro application is being released in a phased approach. Phase I was released January 7, 2015. It is anticipated that Phase II will be released in 2016. To ensure effectiveness of Phase I, baseline testing was completed at two UI offices before and after implementation. The testing results showed an overall decrease of 30.2 percent in time spent processing appeals by utilizing the macro application.

  The result is increased consistency with decreased time spent in processing appeals, thereby improving quality and increasing service levels.
• **Increased timeliness of employer information for telephone eligibility interviews** by implementing the UI State Information Data Exchange System (SIDES). On June 17, 2015, the EDD, in collaboration with the National Association of State Workforce Agencies implemented the first phase of a nationally-standardized web-based system for California, multi-state employers, and third party administrators to access and complete requests for UI eligibility information. The UI SIDES is being released in a phased approach through November 2015, when the web-based system will be available for all participating employers. The UI SIDES should make it easier for employers to complete requests for eligibility information thus providing the EDD with more timely and comprehensive eligibility information.

The goal is to increase the availability of timely and comprehensive eligibility information to gather the necessary facts to support legal decisions and minimize avoidable appeals. The results should increase the timeliness and quality of eligibility decisions, thereby reducing improper payments, reducing the number of reversed eligibility decisions by the CUIAB, and increasing the prompt payment of benefits.

• **Increased availability of claimant information for telephone eligibility interviews** by implementing an outbound notification of upcoming telephone appointments. In the Summer 2015, the EDD will contact claimants with a reminder call for their upcoming eligibility appointment or notification of a cancelled appointment.

The goal is to increase the availability of claimant information for staff to gather the necessary facts to support legal decisions, thereby increasing the quality of eligibility decisions to minimize avoidable appeals, reduce the number of reversed eligibility decisions by the CUIAB, and increase the timeliness of eligibility decisions and prompt payment of benefits.
IV. Enhanced Communication with Customers

The EDD believes that clear and open communication to our customers of changes to technology and policies has played a valuable role in the improvements to the EDD’s overall UI program performance. The following are a few ways that EDD has reached out to customers.

- **Clarified questions on the public-facing eApply4UI and paper DE 1101I applications to reduce common errors** made by claimants when submitting a UI application. The EDD had reached out to customers in a local America’s Job Centers of California (AJCC) to gain a better understanding of our customers’ needs.

  Starting in February 2015, the EDD released over 15 different modifications to the public-facing eApply4UI and DE 1101I application. The goal is to improve the accuracy of claimants’ information at initial claim filing, thereby improving claim filing quality and increasing the prompt payment of benefits.

- **Updated the EDD Website (www.edd.ca.gov) to aid customers in understanding the certification questions** by creating two new web pages.

  - “Understanding the Continued Claim Certification Questions” - lists each certification question and provides examples of how to certify based on different scenarios related to each question.
  
  - “Understanding Messages Displayed on a Duplicate (Reissued) Continued Claim Form” – provides an explanation of what the messages on the claim forms or UI Online℠ inbox mean, what claimants need to do to correct the error, and how claimants can avoid making common errors in the future.

  The result is an increased understanding between the EDD and customer of the information required to retain weekly eligibility, thereby reducing the unnecessary clarifications and improving the prompt payment of benefits.

- **Created Self-Service Assistance Program to provide assistance to customers with UI self-service options.** Starting in February 2015, UI staff representatives were temporarily stationed in select America’s Job Centers of California (AJCC) lobbies and collaborated with Workforce Services staff to provide assistance to customers on utilizing the EDD’s online resources to file a claim, access claim information, certify for benefits, and utilize the new UI Online℠ system. Additionally, these staff encourage claimants to review Frequently Asked Questions (FAQs) and view informational YouTube videos. The EDD is in the process of expanding these services to other AJCCs statewide.
The goal is to reduce online messages and calls from claimants needing assistance or clarification, thereby increasing the number of UI representatives available to assist those customers with more complex needs. The result will be an increase in the prompt filing of UI claims and timely payment of UI benefits.

- **Translated 18 UI forms in 10 different languages** to provide better self-service assistance to customers. In addition to English and Spanish, all forms were made available in the following ten languages: Armenian, Chinese/Cantonese, Chinese/Mandarin, Hmong, Korean, Laotian, Punjabi, Russian, Tagalog, and Vietnamese.

The result is an increased understanding between the EDD and customer of the information required to retain weekly eligibility, thereby reducing the unnecessary clarifications and improving the prompt payment of benefits.

- **Created a pilot project to involve EDD representatives by phone at appeal hearings** expected to start in late 2015. During the appeals pilot project, the EDD will be exploring ways to apply information gained through the process to further enhance determination quality.

The goal is to increase the quality of eligibility decisions to minimize avoidable appeals, reduce the number of reversed eligibility decisions by the CUIAB, and increase the timeliness of eligibility decisions and prompt payment of benefits.

- **Implemented mailing of an instructional notice to claimants nearing the end of their benefit year and still collecting benefits.** In March 2015, the EDD started mailing instructions to claimants on actions to take for transitioning into a new benefit year when their current benefit year ends.

The result is an increased percentage of claimants contacting the Department timely to establish their next benefit year, thereby increasing the prompt payment of benefits when transitioning to a new claim.

- **Reduced the number of reissued certification (continued claim) forms by 40 percent.** In February 2015, the EDD started mailing a notice to claimants that certified for benefits with a paper certification (continued claim) form and provided incomplete or missing information. The notice provides instructions regarding how to fill out the certification (continued claim) form properly the first time to prevent delays in receiving benefits.

The result is the EDD received the same number of certifications in March 2014 and March 2015 (1.1M) but the EDD reissued 62K less in March 2015 resulting in a 40 percent reduction in reissued certification (continued claim) forms, thereby increasing the prompt payments of benefits.
CONCLUSION

The EDD is proud to demonstrate the significant process improvements and enhancements achieved over the past year due to continued business process review of policies and practices. The results of this review align with the EDD’s strategic goals and commitment to California’s unemployed workers.

### Improvement Strategies
- Enhanced Communication with Customers
- Innovative Technology Solutions
- Revised Policies
- Targeted Training

### EDD Strategic Goals
- Negotiate clear commitments with stakeholders and focus on priorities
- Invest in our future by supporting appropriate business and technology solutions
- Align system operations, administration, resources, and business processes with strategic priorities and budgetary parameters
- Build a highly-skilled and responsive workforce with clear roles and responsibilities

The EDD remains committed to continuously improving and enhancing its customer service and access to UI services that lead to timely processing and payment of UI benefits to eligible unemployed workers.
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EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Requests for services, aids, and/or alternate formats need to be made by calling (916) 654-7249 (voice) or TTY users, please call the California Relay Service at 711.