

Lower-Authority Appeals Information Technology Assessment Study

Conducted by Mathematica Policy Research under a contract from the National Association of State Workforce Agencies' Center for Employment Security Education and Research, Information Technology Center. The contract is funded by a grant from the U.S. Department of Labor's Office of Unemployment Insurance

Persons are not required to respond to this collection of information unless this survey displays a currently valid OMB control number (OMB 1205-0436, expires 11/30/2013). Participation is voluntary; however, this is the single point of data for each state's Lower Authority Appeals assessment. Public reporting burden is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate to Stephanie Garcia, U.S. Department of Labor, Employment and Training Administration, Office Unemployment Insurance, 200 Constitution Avenue, NW, Washington, DC 20210

A. Methods, Processing, and Staffing in Lower-Authority Appeals Operations

1. States have varying structures for making decisions with respect to appealed determinations under state unemployment insurance (UI) law. This survey is interested in lower-authority, or first level, appeals. A state agency with only one appeals authority should consider that as the lower-appeals authority. A state with two levels, should consider the first level as the lower-authority appeal. Which of the following characterizes the lower-authority appeals system in your state?

MARK ONE ONLY

- 1 The lower or first level of appeal in a two-level administrative appeal system
- 2 The lower or first level of appeal in a panel appeal system
 - This would include:
 - states that use a separate, centralized office of administrative hearings for UI and other non-UI agency appeals
 - states where a state agency provides for an administrative appeal with the agency before providing an appeal to the appeal authority.)
- 3 A one-level appeal system
- 4 Other (*specify*) _____

2. What percentage of appeals to initial UI determinations is submitted in each of the following ways?

Total should sum to 100%.

	%
a. In person.....	_ _ _
b. Mail.....	_ _ _
c. Email.....	_ _ _
d. Fax.....	_ _ _
e. Internet.....	_ _ _
f. Telephone.....	_ _ _
g. Other (<i>specify</i>) _____	_ _ _

3. Has adding additional ways to file an appeal increased, decreased, or had no effect on the number of appeals filed in your state?

MARK ONE ONLY

- 1 Increased the number of appeals filed
- 2 Decreased the number of appeals filed
- 3 No appreciable effect on the number of appeals filed
- 0 We do not offer multiple methods of filing an appeal

4. When an appeal is received, is there a process to check the timeliness of a filing, that all required documents are present, that it is truly an appeal (rather than information for a wage redetermination, for example), etc.? If so, please describe the process and the staff who are involved.

1 Yes, describe

0 NO

5. How are lower-authority appeal cases scheduled in your state?

SELECT ALL THAT APPLY

1 First in, first out

2 Last in, first out

3 Most complex first

4 Least complex first

5 By issue type

6 Other (*specify*) _____

6. On average, how many appeals are scheduled for, and conducted by, each referee per week?

	Per Week
a. Number <u>scheduled</u> per referee per week.....	_ _
b. Number <u>conducted</u> per referee per week.....	_ _

7. What criteria influence the assignment of cases to hearing officers?

SELECT ALL THAT APPLY

1 Hearing officer experience

2 Complexity of issues

3 Expected length of hearing 4 Geographical area

5 Issues involved (for example, monetary, nonmonetary, employer charging, tax)

6 Assignment is random

7 Other (*specify*) _____

8. How long has your agency used an automated scheduling system for appeals hearings, if one is used?

MARK ONE ONLY

- 1 |__|__| NUMBER OF YEARS
- 2 Less than one year
- 0 Not in use

9. What education, training, or other qualifications do you require for your hearing officers?

SELECT ALL THAT APPLY

- 1 Bachelors degree
- 2 Law degree
- 3 A graduate degree other than a law degree
- 4 Active membership in the state bar association
- 5 Active or inactive membership in the state bar association
- 6 Continuing Legal Education (CLE)
- 7 A minimum number of years practicing law |__|__| NUMBER OF YEARS
- 8 A minimum number of years as a judge |__|__| NUMBER OF YEARS
- 9 Agency or state specific training
- 10 Other (*specify*) _____

10. What percentage of your appeal hearings are conducted by each of the following methods?

Total should sum to 100%.

	%
a. In person.....	_ _ _
b. Telephone.....	_ _ _
c. Video conference.....	_ _ _
d. Other (<i>specify</i>) _____	_ _ _

11. Does your state have a redetermination process to review or reconsider an existing nonmonetary determination and, if so, how does this impact scheduling or holding of hearings?

- 1 Yes, describe

- 0 No, we do not have a redetermination process

B. Information Technology Systems and Tools Used in Lower-Authority Appeals Operations

12. If your computer system for appeals is separate and distinct from your UI benefits and tax computer system and database, please describe how appeals data are shared with the benefits and/or tax system.

MARK ONE ONLY

1

2 The same system is used for appeals, UI benefits, and tax.

3 The systems are separate but automatically update each other.

13. How many years has the database currently used by your lower-authority appeals system been in use?

Please enter your response next to the type of database your system uses.

If it has been in use for less than a year, please indicate this with "<1"

YEARS IN USE

a. Microsoft SQL.....	_ _
b. Microsoft Access.....	_ _
c. Microsoft Excel.....	_ _
d. Oracle.....	_ _
e. DB2.....	_ _
f. Informix.....	_ _
g. MySQL.....	_ _
h. Other (specify)_____	_ _

14. Who maintains your lower-authority appeals software/system tools?

MARK ALL THAT APPLY

1 UI information technology (IT) staff

2 State workforce agency (SWA) IT staff

3 State appeals agency IT staff

4 Centralized state IT staff

5 Other state IT staff

6 Outside contractor

7 Other (specify)_____

15. For how long has your agency used its current electronic case management system for appeals, if one is in use?

Please enter your response next to the type of system in use. If it has been in use for less than a year, please indicate this with "<1"

YEARS IN USE

a. Commercial, off-the-shelf system.....	_ _
b. Customized third-party software.....	_ _
c. Software designed in house.....	_ _
d. Other (specify)_____	_ _

We do not currently use an electronic case management system for appeals.

16. For how long has your agency used its current electronic document retrieval system (DRS) for its UI system, which includes appeal documents, if one is in use?

Please enter your response next to the type of system in use. If it has been in use for less than a year, please indicate this with "<1"

YEARS IN USE

a. Commercial, off-the-shelf system.....	_ _
b. Customized third-party software.....	_ _
c. Software designed in house.....	_ _
d. Other (specify)_____	_ _

We do not currently use an electronic document retrieval system.

17. What system is used to record hearings?

MARK ONE ONLY

- 1 Clear2there
- 2 Dictaphone
- 3 Dragon Dictate or NaturallySpeaking
- 4 ForTheRecord
- 5 Handheld digital recorders
- 6 Non-digital (tape) recording
- 7 Other digital recording software, (specify)_____

18. In what format do you save and store your digital recordings?

MARK ONE ONLY

- 1 AAC - Advanced Audio Coding
- 2 ALAC - Apple Lossless
- 3 DSS or DS2 - Digital Speech Standard
- 4 FLAC - Free Lossless Audio Codec
- 5 MP3 - MPEG Audio Layer III
- 6 WAV - WAVEform
- 7 WMA - Windows Media Audio
- 8 Non-digital (tape) recording
- 9 Other (*specify*) _____

19. What kind of telephone system do you use for conducting appeal hearings?

MARK ALL THAT APPLY

- 1 VOIP (voice over Internet protocol)
- 2 T1 line
- 3 Standard landline
- 0 No appeals hearings are conducted by phone
- 4 Other (*specify*) _____

20. Who reviews the UI Required Reports (UIRRs) for lower-authority appeals (Employment and Training Administration [ETA] 5130, ETA 9054L, ETA 9055L, and ETA 9057) before they are submitted?

MARK ONE ONLY

- 1 Lower-authority appeal chief of appeals
- 2 Lower-authority appeal information technology staff
- 3 Lower-authority appeal hearing officer supervisor
- 4 Central UI staff other than lower-authority appeal staff
- 0 No formal review process
- 5 Other (*specify*) _____

21. To what extent are the following issues barriers to greater use of IT tools or systems in the processing and disposing of lower-authority appeals?

SELECT ONE RESPONSE PER ROW

	NOT AT ALL A BARRIER	MODERATE BARRIER	A SIGNIFICANT BARRIER
a. Cost of computer software.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
b. Lack of technical expertise.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
c. Cost of integrating and maintaining software/tools.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
d. Lack of perception of need for IT tools or systems.....	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
e. Other (<i>specify</i>)_____	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>

C. Laws, Regulations, and Policies Affecting the Lower-Authority Appeal Process

22. If caseloads unexpectedly increase, how do you prevent, reduce, or maintain a backlog?

SELECT ALL THAT APPLY

- 1 Assign more cases per day
- 2 Assign more cases per hearing officer
- 3 Schedule more days for hearings
- 4 Add additional hearing officers
- 5 Add additional staff of another type
- 6 Other (specify) _____

23. What policy is followed on the minimum number of days notice to be given prior to an appeal hearing being held?

MARK ONE ONLY

- 1 A notice of hearing must be sent at least |__|__| days prior to a hearing being held.
- 2 Other (specify) _____

24. What are your policy and processes for postponing hearings? Please describe acceptable reasons for postponement, who makes the decision, when hearings are rescheduled, any automated systems in use, and so on.

25. Please describe any types of hearings not related to UI benefits and tax appeals that your lower-authority appeals unit participates in, including the types of cases and the average number of cases handled per month.

MARK ONE ONLY

1

- 0 Our LAA unit does not participate in other types of appeal hearings.

D. Emerging Approaches and Promising Trends

26. **have for monitoring and tracking** **Please describe any methods, approaches, or best practices you performance throughout your LAA process.**

27. **Which, if any, quality control measures do you perform to ensure the completeness, quality, and timeliness of appeals?**

SELECT ALL THAT APPLY

- 1 Random sampling of appeals filed and decided
- 2 Internal process and procedures reviews
- 3 Performance reviews and corrective action plans
- 4 Internal reports for monitoring workload
- 5 Scheduled case reviews
- 6 Regular training
- 7 Other (*specify*) _____

28. **What changes has your agency recently made, or does it plan to make, to your appeal processes?**

SELECT ALL THAT APPLY

- 1 Increase number of hearing officers
- 2 Decrease number of hearing officers
- 3 Increase number of support staff
- 4 Decrease number of support staff
- 5 Review and redesign or standardize business processes
- 6 Update current information technology systems
- 7 Replace current information technology systems
- 8 Increase use of automated tools
- 9 Institute additional quality control methods
- 10 Provide additional training and technical assistance to staff
- 11 No specific plans at this time
- 12 Plans that were underway are on hold due to financial or staffing constraints
- 13 Other (*specify*) _____

29. In your opinion, what are the barriers to further improving timely resolution of appeals in your agency?

SELECT ALL THAT APPLY

- 1 Not enough hearing officers to manage the case workload
- 2 Not enough support staff to facilitate efficient processing of appeals
- 3 Processes that are outdated or ineffective in current environment
- 4 IT systems that are outdated, ineffective, or inflexible
- 5 High number of postponements
- 6 State laws and/or regulations
- 7 Lack of necessary automation tools and/or equipment
- 8 Complexity of issues
- 9 Too many appeals with legal representation
- 10 Need for additional training and/or technical assistance
- 11 Lack of required equipment
- 12 High number of continuances
- 13 Other (*specify*) _____

30. Please describe any particular procedures/methods/systems you think are critical for efficient and effective LAA operations.