

IWD UI Appeals Bureau Timeline

Dévon M. Lewis

This document was created in response to ongoing hostility from ALJ coworkers beginning in April 2014. TW authorizes release on August 26, 2014, but had no input. I am aghast at the number and scope of inaccuracies on August 26, 2014. They deserve to be addressed.

- August 2000 full-time work-from-home plan approved by then IWD Director Richard Running (appointed by Governor Tom Vilsack – D), Deputy Director Jane Barto and CALJ Dan Anderson for IWD Appeals Bureau ALJs (TH and I were at work comp). I return to UI in 2001. TH joins as an ALJ after that but before 2003.
- Permission from Running/Barto per Anderson to move from Clive to Ames and work from home there for family reasons. Move completed November 2003.
- November 2006 Chet Culver (D) elected as governor and appoints Elisabeth Buck as IWD Director effective January 2007. Buck hired Joseph Walsh as Deputy Director.
- 2008 unemployment numbers increase and appeals follow proportionately.
- November 2010 governor's office changes from Culver (D) to Terry Branstad (R).
- January 2011 Walsh appointed/hired/placed as CALJ per outgoing Director Buck.
- January 2011 Buck resigns as IWD Director because of change in governors.
- Early 2011 Branstad appoints Teresa Wahlert as IWD Director, confirmed.
- No performance reviews, no EAB or DCt decisions distributed for more than 2 years (late 2010 most recent by former CALJ Dan Anderson), no staff meetings. Lack of training specific to UI, internal or external for years. Only general administrative law CLEs. My enthusiasm about Walsh becoming CALJ faded. Status quo laissez faire leadership style. Joe's Suggestion Box topics doc April 6, 2011, not addressed, including what later learned were DOL requirements, such as communication with Claims, ALJs, and EAB about internal and external consistency, reversal tracking. Most of this list and more accomplished after July 2013. Some requests became obsolete after languishing.
- JW made no mention of pressure from TW, nor did any colleagues. A few times asked for general response about how we would decide a general issue, making allowance for distinct fact patterns. Tip sheets started – general information about consistent interpretation of the law, not pointed towards any perspective. Tip sheet assignments per recent topical case because of imputed expertise or by request or volunteer basis. This could be done in pairs or small group. I helped Vicki Seeck with her topics (including absenteeism) and proof-read and edited Bonny Hendricksmeier's tip sheet (at her request) she claimed TW "demanded" she do. I wrote one on work refusals. This information sheet helps both parties – not as advice about "how to" receive or prevent benefit payments but to clarify the process about what might be considered from a UI perspective and what action or information is expected from both parties in that situation.
- Mid-September 2011, Wahlert announces plan to end ALJ work-from-home arrangement. Hit me hard so I was determined to actively do what I could to stop or minimize this plan. Approached with usual general suspicions of new political appointee director.
- October 2011 meeting between Walsh, and three ALJs (Stephenson, Lewis, Wise) and Wahlert about work-from-home options and ALJ arguments for retention. TW wants customer complaints about demeanor, inconsistency and timeliness to stop. Also mentions lack of intra-agency communication and unshared wealth of ALJ knowledge. Wants more ALJ involvement in projects and committees. Tried multiple times to get colleagues to cooperate with reasonable requests to save work-from-home. Passed information back and forth between the ALJs and TW. JW deliberately delayed resolution and initiation of 1000 work from January to March 2012. Signed agreements given to JW who lost these, among many other docs, including years-of-service certificates, in his office.
- Informal agreement implemented effective March 2012 for one-fourth time (three ALJs per week) rotation at 1000 office.
- June 3, 2013, Walsh adds two hearing slots to total 30 hours of hearings per week to work on the backlog. Five point plan e-mail to catch up with the backlog of cases. More than year after DOL CAP.
- June 2013, Appeals-Claims committee formed with Lewis and Walsh as Appeals Bureau representatives. This communication improvement was suggested in March 2012, DOL CAP. I

volunteered for projects and worked at 1000 more frequently in an attempt to address concerns and hopefully ease up on work-from-home limits or increases.

- June 2013, Walsh and I disagree on a rule interpretation/change issue in the Appeals-Claims meeting. Walsh accuses me of “shenanigans” and meeting with TW behind his back. Later he asks if he has lost my “confidence” in him. I was concerned about his time with Joe Bervid away from the office and work needs to get done. He said their extended coffee breaks were spent discussing work. Lead workers have never needed meetings with Bervid out-of-office.
- July 12, 2013, Wahlert separately asks Hillary and Lewis to be lead workers in workflow and policy, respectively. Lewis’ first meeting alone with Wahlert. No mention of Walsh’s status.
- July 15, 2013, Walsh is laid off due to federal sequester funding issues and job of CALJ/ALJ III eliminated.
- Wahlert asks Steve Wise to be lead worker in IT/Technology.
- Begin review and distribution of higher authority (EAB) decisions (reverse, modify, remand) to ALJs after multiple years without them or DOL reviews (or performance evaluations). Found internal inconsistency (errors of law) on PT-Q, forced quits and medical separations. No knowledge of March 2012, DOL monitoring visit details or resulting corrective action plan (CAP) until after JW’s sequester separation on July 15, 2013. Shocked at large amount of information JW and DA never shared with ALJs. No CALJ manual or guide in place and negligible cross-training over many years. Cross-training issues since resolved with three lead workers.
- August 15, 2013, Wahlert announces bi-weekly staff meetings on Friday afternoons, and 50 percent 1000 work schedule to be implemented after Labor Day.
- August 16, 2013, push-back against Wahlert, Hillary and Lewis begins re: flex time on Fridays and additional 1000 time. (Donner, Hendricksmeier, Stephenson, Scheetz. Ackerman alleges “hostile work environment”)
- September 5, 2013, Wahlert assigns ALJ Desk Manual topics by drawing after no volunteers. More resentment and hostility from Deb Wise, Ackerman, Stephenson, Scheetz. Makes communication with co-lead worker Steve Wise difficult given spouse Deb Wise’s attitude.
- After became lead worker, I was the only ALJ other than TH to work in office more than half-time, in spite of commute. I progressively learned much information past CALJs did not share with ALJs about DOL expectations, current status, CAP, monthly reports about progress or lack thereof, etc. Meeting coworkers for the first time though had heard the names for years, opened lines of communication to resolve issues without prejudice to any party. Demeanor in hearings improved from reviewing own feedback and sorting through others’ decisions returned from EAB.
- Gradually, I found myself disappointed in some colleagues by a lack of self-reflection, -governance, -improvement efforts, -acknowledgement, -responsibility; shortage of cooperation, participation, collegiality; general whining and accusations of lead workers not holding enough hearings in spite of many extra duties and an attempt to catch up from years of neglect from laissez faire leadership. Three lead workers holding full hearing schedules before JW’s separation did not improve the timeliness metrics like the change of process after his separation. Some ALJs made active attempts to cause more work for lead workers DL and TH (but not SW), repetitive issues resolved under DA, bogus or petty issues, asking for information already sent at least once, etc.
- Some waffled and changed documented interpretation of forced-quit issue after it is raised to ALJs for discussion after EAB remands of two ALJs’ decisions on the issue for further evidence. This is what MM refers to as being pressured on a whole series of cases. This was an error of law, not an error of fact.
- October 31, 2013, Wahlert brings up four of ten cases’ “attitude” deficiency in Annual Review of States’ Quarterly Self-Evals and constituency complaints about demeanor. Mentions upcoming training session on customer service/attitude. Reminds of Desk Manual topics due by end of calendar year.
- December 2, 2013, Lewis notice to Wahlert about Ackerman 83% (85% is passing) DOL review from July 11, 2013, prior to Walsh layoff (S Wise independent review results in the same percentage) and three higher authority (EAB) remands for new hearings because of questioning that creates concerns about her impartiality and advocacy for employers. Wahlert pulls Ackerman into the office full-time temporarily for training with me about “style and giving all

parties opportunity to develop the record.” (Met with SA, HR mgr Jon Nelson, and Steve Wise on January 10, 2014, surface receptive but defensive, excuses). Gave her positive feedback about report of unfounded complaint on February 5, 2014.

- December 2, 2013, similar notice about Timberland from DOL review of July 9, 2013, hearing and concerns about attitude, bias/prejudice. Wahlert tells Timberland to meet with me about suggestions about condensing hearing timeframe so can meet timeliness standards. Also met with Nelson and S Wise. Very receptive to feedback. (Timberland had earlier admitted to Hillary at a training session he needed to reevaluate how he works.)
- January 17, 2014, customer service training session from outside consultant about demeanor. A few ALJs rude to trainer.
- January 21, 2014, new schedule for 1000 rotation 50% time per Wahlert effective February 3, 2014. Ackerman back on home rotation by February 17.
- February 12, 2014, notified Wahlert about party complaint re Scheetz within two days of DOL review deficiency on similar issue – condescension; later referred to by Ackerman as “whispery teacher voice.”
- Scheduling varies per project and lead worker duty needs. No training plan or manual had ever been established for ALJs, so developed draft with input from other states. Work on rewriting and editing many poorly written/supported Desk Manual submissions so could use that for training. Editing and updating is ongoing. 300 pages plus.
- March 2014, DOL three-day monitoring visit with three lead workers. Already had made significant progress towards addressing CAP issues; even before aware of the CAP. General common sense issues: timeliness, communication, reversal feedback.
- March 19, 2014, Iowa State Senator Bill Dotzler letter to Gay Gilbert at DOL.
- March 27, 2014, Scheetz alleges criminal violation of fee charging established policy per statute. Wahlert instructs me to review. Done. Wahlert instructs me to present it for discussion at staff meeting but she leaves during unrelated claims training. After trainers leave, we discuss a couple of other items and then I ask Scheetz what her policy proposal is and why – what is her legislative intent analysis. Scheetz cries, Timberland stands up over me from behind/side, shakes his arm, fist, finger at me yelling. Hillary tells him not to yell at me. Scheetz leaves, Timberland leaves. (Iowa Ass’t AG finds long existing policy is consistent with statute.)
- April 3, 2014, Walsh files suit against IWD and Wahlert.
- April 11, 2014, new ALJs’ first day. Tour of building, introduce to Ackerman and Walsh who were talking in hall. Walsh friendly, Ackerman curt. At staff meeting Mormann berates me for postponement decision I made for him while he was on vacation. Leans across large conference table to urge new ALJs to observe his hearings next Monday. They are clearly uncomfortable with the confrontation. I tell Mormann they have claims training scheduled on Monday but thank him for the offer. Very abbreviated self-introductions prompt questions from new colleagues about whether the other ALJs resent them. Later same day during business hours, saw Ackerman talking with WC Deputy Jim Elliott yet complains she has too many hearings and does not have time to get her work done.
- Ackerman declines to help train new ALJs in spite of reduction of case load to do so. Resentful about length of training period, which is shorter than other states consulted. I have most experience training ALJs so am assigned to that and development of ALJ training program and manual.
- June 2014, removed from March 2012, DOL CAP.
- Substance of arguments comes down to not wanting to lose work-from-home privileges, resentment at being held accountable after so many years without, and misinterpretation because of isolation and lack of communication.
- Concern about security of files at 1000, but no mention of security issues when removed from building to go to ALJs’ homes. One ALJ lost ten files while working from home. Another two were very slow to find and return them.
- CALJs have said they will not return to 40/20 hearings from the early 1990’s but said nothing about 30 hearings per week. We had been told to have 30 hearing slots per week in 2009 but that was not enforced for those who did not comply voluntarily.

- Impugn character and work ethic. More hours and work now than with a full hrg schedule. If we had more help with projects and meetings we could hold more hrgs. SW has a far different scope of duties as lead worker than do we. After C2t more sporadic. Fill in for absent ALJs.
- Saddens, disappoints and angers me that some coworkers have chosen deliberate hostility and roadblocks than working together for the good of the agency and its customers.
- JW brought more politics into the office with his appointment by Lis Buck, and with the subsequent taking-sides approach to dealing with former subordinates.
- DA had a law degree but no license, Walsh has both but obviously what the group has needed is a manager, a supervisor - not another lawyer as MM argues.
- TW has provided that needed guidance and direction. More accomplished; more guidance, internal and external education and training specific to UI in 13 months than in 22 years. When I meet with her I have been mentored and educated, not intimidated. She knows what needs to be accomplished and how to do that with the added burden of dealing with antagonism.
- State employees are often maligned for being underworked and overpaid. That does not apply to any person in the Appeals Bureau, professional or clerical. However, Appeals clerks and other IWD employees do not complain about not being able to work from home. Work-from-home takes a rare combination of self-motivation and self-governance that many in our office simply do not possess. We have had a rough nine years and it has been stressful, but the tension over the past year is related to receiving feedback about ways to improve job performance, and arguments about why ALJs should be able to work from home are contrived and self-oriented. The job is about being a public servant, fulfilling the duties as an ALJ and not about how it is more or less convenient for the individual. The over-extended experiment has failed. Work-from-home obviously and unfortunately is not suitable for this group. It became an undeserved privilege a long time ago. TW has provided that reality check.