# EMPLOYMENT DEVELOPMENT DEPARTMENT

**2024 RULEMAKING CALENDAR**

## SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2023

### **Subject:** Alien: Change of Terms; Update regulations to gender neutral language.

Due to Assembly Bill 1096 (Chapter 296, Statutes of 2021), amend current regulation section to replace the term “alien” with “a person who is not a citizen or national of the United States.”

**California Code of Regulations Title and Sections Affected:** Title 22, CCR, Sections 1264-1, 1326-13, 4309-1, 4309-2, 2051-1, 1326-6, 4305-1, 1326-1

**Statute(s) Being Implemented:** Unemployment Insurance Code, Sections 13009

**Responsible Agency Unit:** Legal Unit

**Contact Person and Phone Number:**  Michael Duong, 916-654-8410

**Projected Notice Publication Date:** N/A

**Projected Public Hearing Date:** N/A

**Projected Adoption by Your Agency Date:** July 1, 2024

**Projected To OAL for Review Date:** May 1, 2024

### **Report on the Status of all Uncompleted Rulemaking Described on Previous Calendars:**

**This is a change without regulatory effect pursuant to Title 1, California Code of Regulations, Section 100. This rulemaking item was reported on the Department’s 2023 calendar. This regulation has been drafted and is currently under review.**

# EMPLOYMENT DEVELOPMENT DEPARTMENT

**2024 RULEMAKING CALENDAR**

## SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2023

### **Subject:** Committee on Budget. Employment: health care benefits: unemployment insurance: policies and practices.

Due to Assembly Bill 138 (Chapter 78, Statutes of 2021), amend current regulations to automatically extend the amount of time claimants have to meet department’s deadlines when the department’s provision of language services unduly delays an individual’s receipt of services or benefits.

**California Code of Regulations Title and Sections Affected:** Title 22, CCR, Sections 1326-2 and 1326-3

**Statute(s) Being Implemented:** Unemployment Insurance Code, Section 316(k)

**Responsible Agency Unit:** Legal Unit

**Contact Person and Phone Number:** Kim Nguyen, Michael Duong, or Taran Kaler, 916-654-8410

**Projected Notice Publication Date:** N/A

**Projected Public Hearing Date:** N/A

**Projected Adoption by Your Agency Date:** July 1, 2024

**Projected To OAL for Review Date:** May 1, 2024

### **Report on the Status of all Uncompleted Rulemaking Described on Previous Calendars:**

**This is a change without regulatory effect pursuant to Title 1, California Code of Regulations, Section 100(a)(6), and amends Sections 1326-2 and 1326-3. The proposed rulemaking is necessary to make such regulations consistent with amended UI Code, section 316, subdivision (k). This rulemaking item was reported on the Department’s 2023 calendar. This regulation has been drafted and is currently under review.**

# EMPLOYMENT DEVELOPMENT DEPARTMENT

**2024 RULEMAKING CALENDAR**

## SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2023

### **Subject:** Specific Application of Rules for Determinations of Individuals Excluded from Employment – Elected Officials

634.5(c)(1)-1. Elected Official

**California Code of Regulations Title and Sections Affected:** Title 22, CCR, Section 634.5(c)(1)-1

**Statute(s) Being Implemented:** Unemployment Insurance Code, Section 634.5

**Responsible Agency Unit:** Tax Branch, Field Audit and Compliance Division

**Contact Person and Phone Number:** James Mendoza, (209) 726-5451

**Projected Notice Publication Date:** March 2024

**Projected Public Hearing Date:** April 2024

**Projected Adoption by Your Agency Date:** June 2024

**Projected To OAL for Review Date:** June 2024

### **Report on the Status of all Uncompleted Rulemaking Described on Previous Calendars:**

**This rulemaking item was reported on the Department’s 2023 calendar. This regulation has been drafted and is currently under review.**

# EMPLOYMENT DEVELOPMENT DEPARTMENT

**2024 RULEMAKING CALENDAR**

## SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2023

### **Subject:** Taxable Value of Meals and Lodging – 2012-2025

926-3. Taxable Value of Board and Lodging

926-4. Taxable Value of Meals and Quarters Furnished

Officers and Crewmen Aboard Vessels

926-5. Taxable Value of Meals and Quarters Received by

Fishermen Aboard Fishing Vessels

**California Code of Regulations Title and Sections Affected:** Title 22, California Code of Regulations, Sections 926-3, 926-4 and 926-5

**Statute(s) Being Implemented:** Unemployment Insurance Code, Section 926

**Responsible Agency Unit:** Tax Branch, Field Audit and Compliance Division

**Contact Person and Phone Number:** James Mendoza, (209) 726-5451

**Projected Notice Publication Date:** August 2024

**Projected Public Hearing Date:** September 2024

**Projected Adoption by Your Agency Date:** November 2024

**Projected To OAL for Review Date:** November 2024

### **Report on the Status of all Uncompleted Rulemaking Described on Previous Calendars:**

**This rulemaking item was reported in the Department’s 2023 calendar. This regulation has been drafted and is currently under review.**

# EMPLOYMENT DEVELOPMENT DEPARTMENT

**2024 RULEMAKING CALENDAR**

## SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2023

### **Subject:** Filing of Returns and Payment of Taxes

927-1. Tips as Wages

1088-1. Filing of Reports, Returns, and Payroll Tax Deposits with Payment of Taxes—General

1088-2. Reports and Returns Covering Seamen Employed Under Shipping Articles

**California Code of Regulations Title and Sections Affected:** Title 22, CCR, Sections 927-1, 1088-1 and 1088-2

**Statute(s) Being Implemented:** Unemployment Insurance Code, Sections 927 and 1088

**Responsible Agency Unit:** Tax Branch, Field Audit and Compliance Division

**Contact Person and Phone Number:** James Mendoza, (209) 726-5451

**Projected Notice Publication Date:** August 2024

**Projected Public Hearing Date:** September 2024

**Projected Adoption by Your Agency Date:** November 2024

**Projected To OAL for Review Date:** November 2024

### **Report on the Status of all Uncompleted Rulemaking Described on Previous Calendars:**

**This rulemaking item was reported on the Department’s 2023 calendar. This is a change without regulatory effect pursuant to Title 1, California Code of Regulations, Section 100, and amends subdivision (b)(3) of Section 927-1; most subdivisions of Section 1088-1; and subdivision (b) of Section 1088-2.**

# EMPLOYMENT DEVELOPMENT DEPARTMENT

**2024 RULEMAKING CALENDAR**

## SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2023

### **Subject:** Reporting a Newly Hired Employee

Amend current regulation section relating to the Federal Trade Adjustment Assistance Extension Act of 2011 (Public Law 112-40).

**California Code of Regulations Title and Sections Affected:** Title 22, CCR, Section 1088.5-1

**Statute(s) Being Implemented:** Unemployment Insurance Code, Section 1088.5

**Responsible Agency Unit:** Tax Branch, Field Audit and Compliance Division

**Contact Person and Phone Number:** James Mendoza, (209) 726-5451

**Projected Notice Publication Date:** September 2024

**Projected Public Hearing Date:** October 2024

**Projected Adoption by Your Agency Date:** December 2024

**Projected To OAL for Review Date:** December 2024

### **Report on the Status of all Uncompleted Rulemaking Described on Previous Calendars:**

**This rulemaking item was reported on the Department’s 2023 calendar. This regulation has been drafted and is currently under review.**

# EMPLOYMENT DEVELOPMENT DEPARTMENT

**2024 RULEMAKING CALENDAR**

## SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2023

### **Subject:** Withholding Exemption Certificates

Amend current regulation section due to an incorrect cross-referenced Title 26, Code of Federal Regulations section and to change the Employment Development Department Form Reference Number.

**California Code of Regulations Title and Sections Affected:** Title 22, CCR, Section 4340-1

**Statute(s) Being Implemented:** Unemployment Insurance Code, Section 13040

**Responsible Agency Unit:** Tax Branch, Field Audit and Compliance Division

**Contact Person and Phone Number:** James Mendoza, (209) 726-5451

**Projected Notice Publication Date:** August 2024

**Projected Public Hearing Date:** September 2024

**Projected Adoption by Your Agency Date:** November 2024

**Projected To OAL for Review Date:** November 2024

### **Report on the Status of all Uncompleted Rulemaking Described on Previous Calendars:**

**This rulemaking item was reported on the Department’s 2023 calendar. This is a change without regulatory effect pursuant to Title 1, California Code of Regulations, Section 100, and amends subdivisions (b) and (c) of Section 4340-1.**

# EMPLOYMENT DEVELOPMENT DEPARTMENT

**2024 RULEMAKING CALENDAR**

## SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2023

### **Subject:** Certification for Benefits.

Amend sections to include Unemployment Insurance benefit certification by telephone and Internet, and all related procedures, including the use of “digital” signatures.

**California Code of Regulations Title and Sections Affected:** Title 22, CCR, Sections 1251-1; 1279.5-1; 1279.5-2; 1279.5-5; 1279.5-6; 1326-1; 1326-4; 1326-5; 1326-6; 1326-7; 1326-8; and 1341-1

**Statute(s) Being Implemented:** Unemployment Insurance Code, Section 1326

**Responsible Agency Unit:** Unemployment Insurance Branch

**Contact Person and Phone Number:** Alexandra Simien, (916) 654-7401

**Projected Notice Publication Date:** July 2024

**Projected Public Hearing Date:** September 2024

**Projected Adoption by Your Agency Date:** March 2025

**Projected To OAL for Review Date:** November 2024

### **Report on the Status of all Uncompleted Rulemaking Described on Previous Calendars:**

**This rulemaking item is being reintroduced in the 2024 calendar. It was reported in the Department’s 2020 calendar and withdrawn in 2021. No rulemaking was commenced on this item due to the onset of the pandemic and other Unemployment Insurance Branch priorities, and insufficient staff resources.**

# EMPLOYMENT DEVELOPMENT DEPARTMENT

**2024 RULEMAKING CALENDAR**

## SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2023

### **Subject:** Section 1326, Electronic Benefit and Direct Deposit Payments.

Amend these sections to: (1) change the definitions of “benefits,” “received,” and “payment,” (2) change the references from mailing a benefit check to the claimant or being paid a benefit to authorizing payment to the claimant, and (3) add a new section to prescribe how benefits will be paid. These changes allow for the electronic benefit payments whereby: (1) claimants may receive benefits via benefit check, debit card deposits, or direct deposit payments and (2) the payment authorization constitutes payment or receipt of benefits for the purposes of establishing an overpayment or meeting claim cancellation criteria.

**California Code of Regulations Title and Sections Affected:** Title 22, CCR, Sections 1251-1, 1326 – 1(b)(2), 1326-1(b)(3), 1326-6(b), and 1339 (new), 1375-1(a), 1375-1(a)(2), 1375-1(c), 1375-1(c)(3), 1375-1(c)(3) Example 1, 4 & 5

**Statute(s) Being Implemented:** Unemployment Insurance Code, Section 1339

**Responsible Agency Unit:** Unemployment Insurance Branch

**Contact Person and Phone Number:** Alexandra Simien, (916) 654-7401

**Projected Notice Publication Date:** July 2024

**Projected Public Hearing Date:** September 2024

**Projected Adoption by Your Agency Date:** March 2025

**Projected To OAL for Review Date:** November 2024

### **Report on the Status of all Uncompleted Rulemaking Described on Previous Calendars:**

**This rulemaking item is being reintroduced in the 2024 calendar. It was reported in the Department’s 2020 calendar and withdrawn in 2021. No rulemaking was commenced on this item due to the onset of the pandemic and other Unemployment Insurance Branch priorities, and insufficient staff resources.**

# EMPLOYMENT DEVELOPMENT DEPARTMENT

**2024 RULEMAKING CALENDAR**

## SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2023

### **Subject:** Benefit Year.

Add a new section to clarify the definition of a benefit year and to specify that individuals are allowed only one valid claim per 52-week period (i.e., one benefit year).

**California Code of Regulations Title and Sections Affected:** Title 22, CCR, Section 1276 (new)

**Statute(s) Being Implemented:** Unemployment Insurance Code, Section 1276

**Responsible Agency Unit:** Unemployment Insurance Branch

**Contact Person and Phone Number:** Alexandra Simien, (916) 654-7401

**Projected Notice Publication Date:** July 2024

**Projected Public Hearing Date:** September 2024

**Projected Adoption by Your Agency Date:** March 2025

**Projected To OAL for Review Date:** November 2024

### **Report on the Status of all Uncompleted Rulemaking Described on Previous Calendars:**

**This rulemaking item is being reintroduced in the 2024 calendar. It was reported in the Department’s 2020 calendar and withdrawn in 2021. No rulemaking was commenced on this item due to the onset of the pandemic and other Unemployment Insurance Branch priorities, and insufficient staff resources.**

# EMPLOYMENT DEVELOPMENT DEPARTMENT

**2024 RULEMAKING CALENDAR**

## SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2023

### **Subject:** State Disability Insurance-Establish criteria for determining timeliness of an SDI benefit payment pending appeal when the envelope with a postmark date is not retained. Clarify that the postmark date is established by counting back five business days from the receipt date.

**California Code of Regulations Title and Sections Affected:**

Title 22, CCR, Amend Sections 2706-5 and 2706-7.

**Statute(s) Being Implemented:** Unemployment Insurance Code, Section 2706

**Responsible Agency Unit:** Disability Insurance Branch

**Contact Person and Phone Number:** Chelsea Lunsford, 916-595-2136, Kim Van Nguyen, 916-654-8410

**Projected Notice Publication Date:** July 2024

**Projected Public Hearing Date:** August 2024

**Projected Adoption by Your Agency Date:** October 2024

**Projected To OAL for Review Date:** October 2024

### **Report on the Status of all Uncompleted Rulemaking Described on Previous Calendars:**

**This rulemaking item is currently under review with the Department.**

# EMPLOYMENT DEVELOPMENT DEPARTMENT

**2024 RULEMAKING CALENDAR**

## SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2023

### **Subject:** State Disability Insurance - Establish definitions for the terms “Date Disability Began” and “Claim Effective Date.” These definitions will eliminate ambiguity and clarify the use of each date when determining a claimant’s base period and benefit award.

**California Code of Regulations Title and Sections Affected:** Title 22, CCR, Adopt Section 2655(d)-1

**Statute(s) Being Implemented:** Unemployment Insurance Code, Section 2655

**Responsible Agency Unit:** Disability Insurance Branch

**Contact Person and Phone Number:** Chelsea Lunsford, 916-595-2136, Sandy Mendes, 916-654-8410

**Projected Notice Publication Date:** N/A

**Projected Public Hearing Date:** N/A

**Projected Adoption by Your Agency Date:** N/A

**Projected To OAL for Review Date:** N/A

### **Report on the Status of all Uncompleted Rulemaking Described on Previous Calendars:**

**This rulemaking item was reported in the Department’s 2023 calendar but is being withdrawn by the Department. The Department may submit this item in the future.**

# EMPLOYMENT DEVELOPMENT DEPARTMENT

**2024 RULEMAKING CALENDAR**

## SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2023

### **Subject:** Family Temporary Disability Insurance Qualifying Exigency – Establish eligibility requirements and definitions of new terms related to the new Paid Family Leave component for “qualifying exigency” pursuant to Senate Bill 1123 (Chapter 849, Statutes of 2018).

**California Code of Regulations Title and Sections Affected:** Title 22,CCR, AmendSections 2706-2, 3302-1, and 3303.1(a)-1

**Statute(s) Being Implemented:** Unemployment Insurance Code Sections 3301, 3302.1, 3303, 3303.1, 3302.2, and 3307

**Responsible Agency Unit:** Disability Insurance Branch

**Contact Person and Phone Number:** Chelsea Lunsford, 916-595-2136, Taran Kaler, 916-654-8410

**Projected Notice Publication Date:** March 2024

**Projected Public Hearing Date:** April 2024

**Projected Adoption by Your Agency Date:** July 2024

**Projected To OAL for Review Date:** June 2024

### **Report on Status of all Uncompleted Rulemaking Described on Previous Calendars:**

**This rulemaking item was reported on the Department’s 2023 calendar. It has been drafted and is currently under Department review for OAL submission.**

# EMPLOYMENT DEVELOPMENT DEPARTMENT

**2024 RULEMAKING CALENDAR**

## SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2023

### **Subject:** Voluntary Plan- Bearer Bonds- removes bearer bonds as an option to secure a Voluntary Plan.

**California Code of Regulations Title and Sections Affected:** Title 22,CCR, AmendSection 3258-1(a)

**Statute(s) Being Implemented:** N/A

**Responsible Agency Unit:** Disability Insurance Branch

**Contact Person and Phone Number:** Chelsea Lunsford, 916-595-2136, Michael Duong, 916-654-8410

**Projected Notice Publication Date:** September 2024

**Projected Public Hearing Date:** October 2024

**Projected Adoption by Your Agency Date:** December 2024

**Projected To OAL for Review Date:** December 2024

### **Report on the Status of all Uncompleted Rulemaking Described on Previous Calendars:**

**This rulemaking item is pending submission to Office of Administrative Law.**

# EMPLOYMENT DEVELOPMENT DEPARTMENT

**2024 RULEMAKING CALENDAR**

## SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2023

### **Subject:** Disability Compensation Voluntary Plans Adjustments in Provisions of Voluntary Plan Due Date.

**California Code of Regulations Title and Sections Affected:** Title 22,CCR, AmendSection 3271-1

**Statute(s) Being Implemented:** N/A

**Responsible Agency Unit:** Disability Insurance Branch

**Contact Person and Phone Number:** Chelsea Lunsford, 916-595-2136, Nami Pascual, 916-654-8410

**Projected Notice Publication Date:** March 2024

**Projected Public Hearing Date:** April 2024

**Projected Adoption by Your Agency Date:** October 2024

**Projected To OAL for Review Date:** July 2024

### **Report on the Status of all Uncompleted Rulemaking Described on Previous Calendars:**

**This rulemaking item has been updated and under review with the Department.**

# EMPLOYMENT DEVELOPMENT DEPARTMENT

**2024 RULEMAKING CALENDAR**

## SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2023

### **Subject:** Physician and Practitioner Verification

**California Code of Regulations Title and Sections Affected:** Title 22,CCR, Amend Sections 2706-1 and 2706-2

**Statute(s) Being Implemented:** N/A

**Responsible Agency Unit:** Disability Insurance Branch

**Contact Person and Phone Number:** Chelsea Lunsford, 916-595-2136, Sandy Mendes, 916-654-8410

**Projected Notice Publication Date:** N/A

**Projected Public Hearing Date:** N/A

**Projected Adoption by Your Agency Date:** \_\_\_\_\_\_\_\_\_

**Projected To OAL for Review Date:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

### **Report on the Status of all Uncompleted Rulemaking Described on Previous Calendars:**

**This rulemaking item was converted to a Section 100 and is under review with the Department.**

# EMPLOYMENT DEVELOPMENT DEPARTMENT

**2024 RULEMAKING CALENDAR**

## SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2023

### **Subject:** Electronic Filing of Documents by Physicians, Practitioners and Registrars of County Hospitals

**California Code of Regulations Title and Sections Affected:** Title 22,CCR, Amend Sections 2706-4

**Statute(s) Being Implemented:** N/A

**Responsible Agency Unit:** Disability Insurance Branch

**Contact Person and Phone Number:** Chelsea Lunsford, 916-595-2136, Kim Van Nguyen, 916-654-8410

**Projected Notice Publication Date:** May 2023

**Projected Public Hearing Date:** N/A

**Projected Adoption by Your Agency Date:**  July 1, 2024

**Projected To OAL for Review Date:** March 2024

### **Report on the Status of all Uncompleted Rulemaking Described on Previous Calendars:**

**The 15-day notice of availability of information added to the rulemaking file and modifications to text of proposed rulemaking was noticed on January 11, 2024.**