

**EMPLOYMENT DEVELOPMENT DEPARTMENT
2022 RULEMAKING CALENDAR**

**SCHEDULE A: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED
DURING THE YEAR 2021**

Subject: Alien: Change of Terms

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: Unemployment Insurance,

Contact Person and Phone Number: Denise M. Cardoso, 916-224-2878

Projected Notice Publication Date: N/A

Projected Public Hearing Date: N/A

Projected Adoption by Your Agency Date: July 1, 2022

Projected To OAL for Review Date: May 1, 2022

This is a change without regulatory effect pursuant to Title 1, California Code of Regulations, Section 100, and amends Sections 1264-1, 1326-13, 4309-1, 4309-2, 2051-1, 1326-6, 4305-1, 1326-1 to conform to the statutory changes. The proposed rulemaking is necessary to make such regulations consistent with amended UI Code, sections 1264 and 13009.

**EMPLOYMENT DEVELOPMENT DEPARTMENT
2022 RULEMAKING CALENDAR**

**SCHEDULE A: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED
DURING THE YEAR 2021**

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 period 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: Unemployment Insurance, Legal Unit

Contact Person and Phone Number: Denise M. Cardoso, 916-224-2878

Projected Notice Publication Date: N/A

Projected Public Hearing Date: N/A

Projected Adoption by Your Agency Date: July 1, 2022

Projected To OAL for Review Date: May 1, 2022

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).

**EMPLOYMENT DEVELOPMENT DEPARTMENT
2022 RULEMAKING CALENDAR**

**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR
TO THE YEAR 2021**

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: April 2022

Projected Public Hearing Date: May 2022

Projected Adoption by Your Agency Date: July 2022

Projected To OAL for Review Date: July 2022

Report on the Status of all Uncompleted Rulemaking Described on Previous Calendars: This rulemaking item was reported on the Department's 2021 calendar. This regulation has been drafted and is currently under review.

**EMPLOYMENT DEVELOPMENT DEPARTMENT
2022 RULEMAKING CALENDAR**

**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR
TO THE YEAR 2021**

Subject: Taxable Value of Meals and Lodging – 2012-2023

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 2022

Projected Public Hearing Date: September 2022

Projected Adoption by Your Agency Date: November 2022

Projected To OAL for Review Date: November 2022

**Report on the Status of all Uncompleted Rulemaking Described on Previous
Calendars:** This rulemaking item was reported in the Department's 2021
calendar. This regulation has been drafted and is currently under review.

**EMPLOYMENT DEVELOPMENT DEPARTMENT
2022 RULEMAKING CALENDAR**

**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR
TO THE YEAR 2021**

Subject: Filing of Returns and Payment of Taxes

927-1. Tips as Wages

929-1. Allowance for Traveling, Automobile, and Other Business Expenses

931.5-1. Third Party Sick Pay

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

1088-3. Reports Covering Wages Due and Unpaid

1114-1. Wage Item Penalty

3267-1. Reports from Voluntary Plans

California Code of Regulations Title and Sections Affected: Title 22, CCR, Sections 927-1, 929-1, 931.5-1, 1088-1, 1088-2, 1088-3, 1114-1 and 3267-1

Statute(s) Being Implemented: Unemployment Insurance Code, Sections 927, 929, 931.5, 1088, 1114 and 3267

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 2022

Projected Public Hearing Date: September 2022

Projected Adoption by Your Agency Date: November 2022

Projected To OAL for Review Date: November 2022

Report on the Status of all Uncompleted Rulemaking Described on Previous Calendars: This rulemaking item was reported in the Department's 2021 calendar. This regulation has been drafted and is currently under review.

**EMPLOYMENT DEVELOPMENT DEPARTMENT
2022 RULEMAKING CALENDAR**

**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR
TO THE YEAR 2021**

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 2022

Projected Public Hearing Date: October 2022

Projected Adoption by Your Agency Date: December 2022

Projected To OAL for Review Date: December 2022

Report on the Status of all Uncompleted Rulemaking Described on Previous Calendars: This rulemaking item was reported on the Department's 2021 calendar. This regulation has been drafted and is currently under review.

**EMPLOYMENT DEVELOPMENT DEPARTMENT
2022 RULEMAKING CALENDAR**

**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR
TO THE YEAR 2021**

Subject: Employee Defined

4304-1. Employee Defined, Rules Generally Applicable to Determinations of Employment.

4304-2. Specific Application of Rules for Determination of Employment Status to Circumstances in the Real Estate Industry.

4304-3. Specific Application of Rules for Determination of Employment Status to Circumstances in the Home Health Care Industry.

4304-4. Specific Application of Rules for Determination of Employment Status to Circumstances in the Computer Services Industry.

4304-5. Specific Application of Rules for Determination of Employment Status of Artists.

4304-6. Application to Newspaper Distribution Industry.

4304-7. Specific Application of Rules for Determination of Employment Status to Circumstances in the Product Demonstrator Industry.

4304-8. Specific Application of Rules for Determination of Employment Status to Circumstances in the Security Dealer's Industry.

4304-9. Specific Application of Rules for Determination of Employment Status to Circumstances in the Language Interpreter's Industry.

4304-10. Specific Application of Rules for Determination of Employment Status of Amateur Athletic Officials.

4304-11. Specific Application of Rules for Determination of Employment Status to Circumstances in the Process Server's Industry.

4304-12. Specific Application of Rules for Determination of Employment Status to Circumstances in the Barbering and Cosmetology Industry.

California Code of Regulations Title and Sections Affected: Title 22, CCR, Sections 4304-1 through 4304-12

Statute(s) Being Implemented: Unemployment Insurance Code, Section 621(b)

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

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

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 2021 calendar, but is being withdrawn by the Department. The Department may submit this item in the future.

**EMPLOYMENT DEVELOPMENT DEPARTMENT
2022 RULEMAKING CALENDAR**

**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR
TO THE YEAR 2021**

Subject: Employee Defined

621(b)-1. Employer-Employee Relationship

4304-13. Employee Defined, Test Generally Applicable to Determinations of Employment effective January 1, 2020.

California Code of Regulations Title and Sections Affected: Title 22, California Code of Regulations, Sections 621(b)-1 and 4304-13

Statute(s) Being Implemented: Unemployment Insurance Code, Section 621(b)

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

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

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 2021 calendar, but is being withdrawn by the Department. The Department may submit this item in the future.

**EMPLOYMENT DEVELOPMENT DEPARTMENT
2022 RULEMAKING CALENDAR**

**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR
TO THE YEAR 2021**

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: N/A

Projected Public Hearing Date: N/A

Projected Adoption by Your Agency Date: October 2022

Projected To OAL for Review Date: August 2022

Report on the Status of all Uncompleted Rulemaking Described on Previous Calendars: This rulemaking item was reported on the Department's 2021 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
2022 RULEMAKING CALENDAR**

**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR
TO THE YEAR 2021**

Subject: State Disability Insurance-Establish criteria for determining timeliness of a SDI benefit payment pending an 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: Rachel Mendoza 916-654-7990

Projected Notice Publication Date: July 2022

Projected Public Hearing Date: August 2022

Projected Adoption by Your Agency Date: October 2022

Projected To OAL for Review Date: October 2022

Report on the Status of all Uncompleted Rulemaking Described on Previous Calendars: This rulemaking item was reported in the Department's 2021 Rulemaking calendar. This regulation has been drafted and is currently under review.

**EMPLOYMENT DEVELOPMENT DEPARTMENT
2022 RULEMAKING CALENDAR**

**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR
TO THE YEAR 2021**

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: Rachel Mendoza 916-654-7990

Projected Notice Publication Date: July 2022

Projected Public Hearing Date: August 2022

Projected Adoption by Your Agency Date: October 2022

Projected To OAL for Review Date: October 2022

Report on the Status of all Uncompleted Rulemaking Described on Previous Calendars: This rulemaking item was reported in the Department's 2021 calendar. This regulation has been drafted and is currently under review.

**EMPLOYMENT DEVELOPMENT DEPARTMENT
2022 RULEMAKING CALENDAR**

**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR
TO THE YEAR 2021**

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, Amend Sections 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: Rachel Mendoza 916-654-7990

Projected Notice Publication Date: April 2022

Projected Public Hearing Date: May 2022

Projected Adoption by Your Agency Date: October 2022

Projected To OAL for Review Date: October 2022

Report on the Status of all Uncompleted Rulemaking Described on Previous Calendars: This rulemaking item was reported in the Department’s 2021 calendar. This rulemaking item is currently with the Department of Finance for review.

**EMPLOYMENT DEVELOPMENT DEPARTMENT
2022 RULEMAKING CALENDAR**

**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR
TO THE YEAR 2021**

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, Amend Section 3258-1 (a)

Statute(s) Being Implemented: Unemployment Insurance Code Section 3258

Responsible Agency Unit: Disability Insurance Branch

Contact Person and Phone Number: Rachel Mendoza 916-654-7990

Projected Notice Publication Date: July 2022

Projected Public Hearing Date: August 2022

Projected Adoption by Your Agency Date: October 2022

Projected To OAL for Review Date: October 2022

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

**EMPLOYMENT DEVELOPMENT DEPARTMENT
2022 RULEMAKING CALENDAR**

**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR
TO THE YEAR 2021**

Subject: Filing a First Claim for Disability Benefits—Department may require verification as to whether a physician or practitioner is duly licensed or certified.

California Code of Regulations Title and Sections Affected: Title 22, CCR, Amend Section 2706-1 (f)

Statute(s) Being Implemented: Unemployment Insurance Code Section 305, 306, 2602, 2608, 2626, 2701.5, and 2706

Responsible Agency Unit: Disability Insurance Branch

Contact Person and Phone Number: Rachel Mendoza 916-654-7990

Projected Notice Publication Date: N/A

Projected Public Hearing Date: N/A

Projected Adoption by Your Agency Date: October 2022

Projected To OAL for Review Date: August 2022

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, and amends subdivision (f) of Section 2706-1.

**EMPLOYMENT DEVELOPMENT DEPARTMENT
2022 RULEMAKING CALENDAR**

**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR
TO THE YEAR 2021**

Subject: Claim for Family Temporary Disability Insurance Benefits—Department may require verification as to whether a physician or practitioner is duly licensed or certified.

California Code of Regulations Title and Sections Affected: Title 22, CCR, Amend Section 2706-2(f)(2)

Statute(s) Being Implemented: Unemployment Insurance Code Section 305, 306, 2601, 2608, 2708, 2701.5, 2706, and 2708

Responsible Agency Unit: Disability Insurance Branch

Contact Person and Phone Number: Rachel Mendoza 916-654-7990

Projected Notice Publication Date: N/A

Projected Public Hearing Date: N/A

Projected Adoption by Your Agency Date: October 2022

Projected To OAL for Review Date: August 2022

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, and amends subdivision (f)(2) of Section 2706-2.

**EMPLOYMENT DEVELOPMENT DEPARTMENT
2022 RULEMAKING CALENDAR**

**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR
TO THE YEAR 2021**

Subject: Update regulations to gender neutral language.

California Code of Regulations Title and Sections Affected: To be determined in the Title 22 CCR

Statute(s) Being Implemented: UI Code sections to be determined

Responsible Agency Unit: Unemployment Insurance, Legal Unit

Contact Person and Phone Number: Denise M. Cardoso, 916-224-2878

Projected Notice Publication Date: N/A

Projected Public Hearing Date: N/A

Projected Adoption by Your Agency Date: July 1, 2022

Projected To OAL for Review Date: May 1, 2022

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.