

**EMPLOYMENT DEVELOPMENT DEPARTMENT  
2023 RULEMAKING CALENDAR**

**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR  
TO THE YEAR 2022**

**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:** Unemployment Insurance, 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, 2023

**Projected To OAL for Review Date:** May 1, 2023

**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 2022 calendar. This regulation has been drafted and is currently under review.

**EMPLOYMENT DEVELOPMENT DEPARTMENT  
2023 RULEMAKING CALENDAR**

**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR  
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**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:** Unemployment Insurance, 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, 2023

**Projected To OAL for Review Date:** May 1, 2023

**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 2022 calendar. This regulation has been drafted and is currently under review.

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**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR  
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**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 2023

**Projected Public Hearing Date:** April 2023

**Projected Adoption by Your Agency Date:** June 2023

**Projected To OAL for Review Date:** June 2023

**Report on the Status of all Uncompleted Rulemaking Described on Previous Calendars:** This rulemaking item was reported on the Department's 2022 calendar. This regulation has been drafted and is currently under review.

**EMPLOYMENT DEVELOPMENT DEPARTMENT  
2023 RULEMAKING CALENDAR**

**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR  
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**Subject:** Taxable Value of Meals and Lodging – 2012-2024

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 2023

**Projected Public Hearing Date:** September 2023

**Projected Adoption by Your Agency Date:** November 2023

**Projected To OAL for Review Date:** November 2023

**Report on the Status of all Uncompleted Rulemaking Described on Previous  
Calendars:** This rulemaking item was reported in the Department's 2022  
calendar. This regulation has been drafted and is currently under review.

**EMPLOYMENT DEVELOPMENT DEPARTMENT  
2023 RULEMAKING CALENDAR**

**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR  
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**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 2023

**Projected Public Hearing Date:** September 2023

**Projected Adoption by Your Agency Date:** November 2023

**Projected To OAL for Review Date:** November 2023

**Report on the Status of all Uncompleted Rulemaking Described on Previous Calendars:** The rulemaking items were reported in the Department's 2022 calendar. Sections 929-1, 931.5, 1088-3, 1114-1 and 3267-1 are being withdrawn by the Department. The Department may submit these items in the future. The changes to Sections 927-1, 1088-1 and 1088-2 are made without regulatory effect pursuant to Title 1, California Code of Regulations, Section 100.

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**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR  
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**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 2023

**Projected Public Hearing Date:** October 2023

**Projected Adoption by Your Agency Date:** December 2023

**Projected To OAL for Review Date:** December 2023

**Report on the Status of all Uncompleted Rulemaking Described on Previous Calendars:** This rulemaking item was reported on the Department's 2022 calendar. This regulation has been drafted and is currently under review.

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**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR  
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**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 2023

**Projected Public Hearing Date:** September 2023

**Projected Adoption by Your Agency Date:** November 2023

**Projected To OAL for Review Date:** November 2023

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

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**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR  
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**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 2023

**Projected Public Hearing Date:** September 2023

**Projected Adoption by Your Agency Date:** November 2023

**Projected To OAL for Review Date:** November 2023

**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 (b)(3) of  
Section 927-1; most subdivisions of Section 1088-1; and subdivision (b) of Section  
1088-2.



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**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR  
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**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:** Rachel Mendoza 916-654-7990

**Projected Notice Publication Date:** July 2023

**Projected Public Hearing Date:** August 2023

**Projected Adoption by Your Agency Date:** October 2023

**Projected To OAL for Review Date:** October 2023

**Report on the Status of all Uncompleted Rulemaking Described on Previous Calendars:** This rulemaking item is currently under review.

**EMPLOYMENT DEVELOPMENT DEPARTMENT  
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**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR  
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**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 2023

**Projected Public Hearing Date:** August 2023

**Projected Adoption by Your Agency Date:** October 2023

**Projected To OAL for Review Date:** October 2023

**Report on the Status of all Uncompleted Rulemaking Described on Previous Calendars:** This rulemaking item was reported in the Department’s 2019 calendar and is currently under review.

**EMPLOYMENT DEVELOPMENT DEPARTMENT  
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**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR  
TO THE YEAR 2022**

**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:** September 2023

**Projected Public Hearing Date:** October 2023

**Projected Adoption by Your Agency Date:** December 2023

**Projected To OAL for Review Date:** December 2023

**Report on the Status of all Uncompleted Rulemaking Described on Previous Calendars:** This rulemaking item was withdrawn from OAL; during the review process, OAL determined the proposed regulations were inconsistent with the military exigency form EDD is currently using. EDD will resubmit new proposed regulation text to OAL for approval.

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**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED  
DURING THE YEAR 2022**

**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:** N/A

**Responsible Agency Unit:** Disability Insurance Branch

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

**Projected Notice Publication Date:** September 2023

**Projected Public Hearing Date:** October 2023

**Projected Adoption by Your Agency Date:** December 2023

**Projected To OAL for Review Date:** December 2023

**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  
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**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED  
DURING THE YEAR 2022**

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

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

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

**Responsible Agency Unit:** Disability Insurance Branch

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

**Projected Notice Publication Date:** September 2023

**Projected Public Hearing Date:** October 2023

**Projected Adoption by Your Agency Date:** December 2023

**Projected To OAL for Review Date:** December 2023

**Report on the Status of all Uncompleted Rulemaking Described on Previous Calendars:** This rulemaking item has been updated and under review.

**EMPLOYMENT DEVELOPMENT DEPARTMENT  
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**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED  
DURING THE YEAR 2022**

**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:** Rachel Mendoza 916-654-7990

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

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

**Projected Adoption by Your Agency Date:** October 2023

**Projected To OAL for Review Date:** August 2023

**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.

**EMPLOYMENT DEVELOPMENT DEPARTMENT  
2023 RULEMAKING CALENDAR**

**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED  
DURING THE YEAR 2022**

**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:** Rachel Mendoza 916-654-7990

**Projected Notice Publication Date:** July 2023

**Projected Public Hearing Date:** August 2023

**Projected Adoption by Your Agency Date:** October 2023

**Projected To OAL for Review Date:** October 2023

**Report on the Status of all Uncompleted Rulemaking Described on Previous Calendars:** This rulemaking item is being drafted.