

**State of California
Office of Administrative Law**

In re:
Employment Development Department

Regulatory Action:

Title 22, California Code of Regulations

Adopt sections:

Amend sections: 3271-1

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2026-0202-02

OAL Matter Type: Regular (S)

This Employment Development Department Rulemaking action adopts timing and other requirements for notice and submission of plan changes for an employer operating under a disability compensation voluntary plan.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 7/1/2026.

Date: March 16, 2026



Digitally signed by Mark Storm

Date: 2026.03.16 14:33:05
-07'00'

**Mark Storm
Senior Attorney**

**For: Kenneth J. Pogue
Director**

Original: Nancy Faris, Director

Copy: Susana Naranjo

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR

For use by Secretary of State only

STD. 400 (REV. 10/2019)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2025-0213-02	REGULATORY ACTION NUMBER 2026-0202-025	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

MAR 16 2026
1:57 pm NG

OFFICE OF ADMIN. LAW
2026 FEB 2 @ 4:59pm

AGENCY WITH RULEMAKING AUTHORITY Employment Development Department	AGENCY FILE NUMBER (If any)
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A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2025, 10-2	PUBLICATION DATE 3/7/25

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Adjustments in Provisions of VP Due Date	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.) 22	ADOPT AMEND 3271-1 REPEAL

3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify)	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)
10/10 - 25, 2025

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)
<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY ANOTHER AGENCY OR ENTITY
<input checked="" type="checkbox"/> Department of Finance (Form STD 199, for §6680) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify)

7. CONTACT PERSON Susana Naranjo	TELEPHONE NUMBER (916) 654-8410	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) susana.naranjo@edd.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE Nancy Farias <small>Digitally signed by Nancy Farias Date: 2026.02.02 11:50:53 -0800</small>	DATE 1/30/2026
TYPED NAME AND TITLE OF SIGNATORY Nancy Farias, Director	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAR 16 2026

Office of Administrative Law

EMPLOYMENT DEVELOPMENT DEPARTMENT

**Amendment of Section 3271-1
Title 22, California Code of Regulations**

**DISABILITY COMPENSATION VOLUNTARY PLANS
ADJUSTMENT IN PROVISIONS OF VOLUNTARY PLAN**

Text of Proposed Amendments

NOTE: Language to be repealed is shown in ~~strikeout~~-format; language to be added is shown in underline format.

AMEND SECTION 3271-1 TO READ AS FOLLOWS:

§ 3271-1. Adjustments in Provisions of Voluntary Plans.

(a) As set forth in Section 3271 of the code, approval of the department shall be requested and such approval shall be given only if the department finds that a majority of the employees covered by the plan, or all of the employees covered by the plan who are adversely affected by the amendment, have consented in writing to the modification and that the plan after such modification will continue to meet the requirements of the code. If the procedure set forth in Section 3271 of the code is followed, approval of the department shall be obtained and such approval shall be given only if the plan after such modification will continue to meet the requirements of the code and of these regulations.

(b) When the plan is amended pursuant to any subdivision of Section 3271 of the code, the notice of amendment distributed to the covered employees must include notification of their right to withdraw from the plan as of the effective date of such amendment. Such withdrawal shall be effected by written notice to the employer not later than 10 days after the effective date.

(c) When the plan is amended pursuant to any changes in contribution rates, benefit amounts, or provisions required by regulation or statute as set forth in Sections 984, 2653, 2655, 3254, 3254.1, 3254.5, and 3255 of the code, the employer is required to submit the amended plan on a form prescribed by the department or in an alternative format, as long as the requirements set forth in Sections 3254 and 3271 of the code and this subdivision are followed, no less than 30 days prior to the effective date of any change in contribution rates or benefit amounts or operative date of any new provisions required by statute or regulation. However, if a statute or regulation requiring such a change becomes effective less than 30 days after its enactment or filing with the Secretary of State, as applicable, the submission due date will be 30 days from the

effective date of the statute or regulation. For purposes of this subdivision:

(1) The department may extend the submission due date by the department for a period not to exceed an additional 30 days upon a showing of good cause, as demonstrated in a written request received on or before the submission due date. The written request must include the plan number, employer name, and reason for the request. The department will respond in the same manner in which the request was received. The request must be either be e-mailed to DIBVPNewPlans@edd.ca.gov or mailed to:

Employment Development Department
Disability Insurance Branch Voluntary Plan Group, MIC 29VP
PO Box 826880
Sacramento, CA 94280-0001

(2) The notice of amendment must be distributed to all adversely affected employees and include notification of their right to withdraw from the plan as of the effective date of such amendment. Employee withdrawal requests must be made in writing to the employer no later than 10 days after the effective date. Consent is not required for amendments made pursuant to this subdivision.

(3) The department will issue a written notice of approval or disapproval to the employer no later than 21 days after receipt of the amended plan. If the amended plan is not approved, the department will notify the employer in writing of the deficiencies and request that the plan be revised accordingly. The employer must submit a corrected plan to the department within 30 days of the date on the notice. The department will be available by email, as listed above, to work with the employer to resolve deficiencies. If subsequent modifications are made by the employer during the review period, the amended plan must be immediately submitted to the department for review, and the employer must provide notice to employees in accordance with subdivision (c)(2) of this regulation.

(4) Failure to comply with the requirements of subdivision (c) may result in the termination of the voluntary plan in accordance with Section 3262-1 of these regulations.

Note: Authority cited: Sections 305, 306 and 2602, Unemployment Insurance Code. Reference: Sections 984, 2653, 2655, 3254, 3254.1, 3254.5, 3254, 3255 and 3271, Unemployment Insurance Code. Section 3251-1 and 3262-1 California Code of Regulations.