

**State of California  
Office of Administrative Law**

**In re:**  
Employment Development Department

**Regulatory Action:**

Title 22, California Code of Regulations

Amend sections: 3303.1 (c)-1

**NOTICE OF APPROVAL OF CHANGES  
WITHOUT REGULATORY EFFECT**

California Code of Regulations, Title 1,  
Section 100

OAL Matter Number: 2025-1119-01

OAL Matter Type: Nonsubstantive (N)

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In this action without regulatory effect, the Employment Development Department proposes to add an effective end date to Title 22, section 3303.1(c)-1 to reflect the end date in Unemployment Insurance Code section 3303.1.

OAL approves this change without regulatory effect as meeting the requirements of California Code of Regulations, title 1, section 100.

Date: December 23, 2025



Ashita Mohandas  
Attorney

For: Kenneth J. Pogue  
Director

Original: Nancy Faris, Director

Copy: Victor Lao

## NOTICE PUBLICATION REGULATORY ACTION SUBMISSION

S.D. 400 (REV. 10/2019)

## NONSUBSTANTIVE

For use by Secretary of State only

|   |                                     |   |                  |
|---|-------------------------------------|---|------------------|
| OAL FILE NUMBERS<br>Z-  | NOTICE FILE NUMBER<br>2025-1119-01N | REGULATORY ACTION NUMBER<br>2025-1119-01N | EMERGENCY NUMBER |
| For use by Office of Administrative Law (OAL) only                    |                                     |   |                  |
| NOTICE  |                                     | REGULATIONS                               |                  |
| AGENCY WITH RULEMAKING AUTHORITY<br>Employment Development Department |                                     | AGENCY FILE NUMBER (If any)               |                  |

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

DEC 23 2025

2:06 PM  
CJS

## 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<br><input type="checkbox"/> Notice re Proposed<br><input type="checkbox"/> Regulatory Action | 4. AGENCY CONTACT PERSON<br><input type="checkbox"/> Other | TELEPHONE NUMBER                                 | FAX NUMBER (Optional)                             |
| OAL USE ONLY<br><input type="checkbox"/> ACTION ON PROPOSED NOTICE  | Approved as Submitted<br><input type="checkbox"/>          | Approved as Modified<br><input type="checkbox"/> | Disapproved/Withdrawn<br><input type="checkbox"/> |
|   |  | NOTICE REGISTER NUMBER                           | PUBLICATION DATE                                  |

## B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

|   |  |  |   |
|---|--|--|---|
| 1a. SUBJECT OF REGULATION(S)<br>Changes to Conform Regulations to UIC 3303.1  | 1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)   |  |   |
| 2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)<br>SECTION(S) AFFECTED<br>(List all section number(s)<br>individually. Attach<br>additional sheet if needed.)<br>TITLE(S)<br>22                                 | ADOPT<br>AMEND<br>3303.1(c)-1<br>REPEAL  |  |   |
| 3. TYPE OF FILING<br><input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)<br><input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)<br><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.<br><input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) | <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))<br><input type="checkbox"/> File & Print<br><input type="checkbox"/> Other (Specify) | <input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)<br><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)

|   |   |  |
|---|---|--|
| 5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)<br><input 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<br><input checked="" type="checkbox"/> \$100 Changes Without Regulatory Effect | <input type="checkbox"/> Effective other (Specify) |
|---|---|--|

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|--|--|---|
| 6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY<br><input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)<br><input type="checkbox"/> Other (Specify) | <input type="checkbox"/> Fair Political Practices Commission | <input type="checkbox"/> State Fire Marshal |
|--|--|---|

|                                 |                                    |                       |  |
|---------------------------------|------------------------------------|-----------------------|--|
| 7. CONTACT PERSON<br>Victor Lao | TELEPHONE NUMBER<br>(916) 654-8410 | FAX NUMBER (Optional) | E-MAIL ADDRESS (Optional)<br>victor.lao@edd.ca.gov |
|---------------------------------|------------------------------------|-----------------------|--|

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<br>Nancy Farias | DATE<br>11/18/25 | For use by Office of Administrative Law (OAL) only<br><b>ENDORSED APPROVED</b><br>DEC 23 2025<br>Office of Administrative Law |
|--|------------------|---|

Digitally signed by Nancy Farias  
Date: 2025.11.18 14:30:38 -08'00'

TYPED NAME AND TITLE OF SIGNATORY  
Nancy Farias, Director

**EMPLOYMENT DEVELOPMENT DEPARTMENT  
PROPOSED REGULATION TEXT**

**REGULATORY CHANGE TO CONFORM TO  
UNEMPLOYMENT INSURANCE CODE, § 3303.1**

Amendment of Section 3303.1(c)-1  
Title 22, California Code of Regulations

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

**AMEND SECTION 3303.1(c)-1 TO READ AS FOLLOWS:**

An individual eligible to receive Family Temporary Disability Insurance benefits who receives full or partial vacation leave pursuant to section 3303.1(c) of the code shall not be paid benefits during the same period. This section remains effective for any period of disability commencing on or before December 31, 2024, whereafter the corresponding provisions of this section shall be deemed to be repealed and shall not apply to any period of disability commencing on or after January 1, 2025.

EXAMPLE 1. One Week Vacation Leave. Claimant A establishes a claim for Family Temporary Disability Insurance benefits commencing July 1, 2024. Claimant A's employer requires the use of up to two weeks of earned but unused vacation leave prior to receipt of Family Temporary Disability Insurance benefits. Claimant A has one week of vacation leave available.

Claimant A is not eligible for Family Temporary Disability Insurance benefits for the period of July 1 through July 7, 2024 pursuant to section 3303.1(c) of the code. Claimant A may receive full Family Temporary Disability Insurance benefits beginning on July 8, 2024, if otherwise eligible.

EXAMPLE 2. Two Weeks Vacation Leave. Claimant B establishes a claim for Family Temporary Disability Insurance benefits commencing July 1, 2024. Claimant B's employer requires the use of up to two weeks of earned but unused vacation leave prior to receipt of Family Temporary Disability Insurance benefits. Claimant B has two weeks of vacation leave available.

Claimant B is not eligible for Family Temporary Disability Insurance benefits for the period of July 1 through July 14, 2024 pursuant to section 3303.1(c) of the code. Claimant B may receive full Family Temporary Disability Insurance benefits beginning July 15, 2024, if otherwise eligible.

EXAMPLE 3. Three Weeks Vacation Leave. Claimant C establishes a claim for Family Temporary Disability Insurance benefits commencing July 1, 2024. Claimant C's employer requires the use of up to two weeks of earned but unused vacation leave

prior to the receipt of Family Temporary Disability Insurance benefits. Claimant C has three weeks of vacation leave available.

Claimant C is not eligible for Family Temporary Disability Insurance benefits for the period July 1 through July 14, 2024 pursuant to section 3303.1(c) of the code. Claimant C may receive full Family Temporary Disability Insurance benefits beginning July 15, 2024, if otherwise eligible, since the third week of vacation leave is not in conflict.

**EXAMPLE 4. Vacation Leave Not Required.** Claimant D establishes a claim for Family Temporary Disability Insurance benefits commencing July 1. Claimant D's employer does not require the use of up to two weeks of earned but unused vacation leave prior to the receipt of Family Temporary Disability Insurance benefits. Claimant D chooses to use three weeks of vacation leave available.

Claimant D may receive full Family Temporary Disability Insurance benefits, if otherwise eligible, beginning July 1. Claimant D's vacation leave does not conflict with the receipt of Family Temporary Disability Insurance benefits since the employer did not require Claimant D to use the vacation leave.

**EXAMPLE 5. Partial Week Vacation Leave.** Claimant E establishes a claim for Family Temporary Disability Insurance benefits commencing Thursday, July 1, 2004. Claimant E's employer requires the use of up to two weeks of earned but unused vacation leave prior to the receipt of Family Temporary Disability Insurance benefits. Claimant E normally works four ten-hour shifts, Monday through Thursday, and has 60 hours of vacation leave available.

Claimant E is not eligible for Family Temporary Disability Insurance benefits for the period July 1 through July 12, 2004, due to the receipt of vacation leave pursuant to section 3303.1(c) of the code. Claimant E may receive full Family Temporary Disability Insurance benefits beginning July 13, 2004, if otherwise eligible, because this is the first day for which he suffers a wage loss.

**EXAMPLE 6. Paid Time Off.** Claimant F establishes a claim for Family Temporary Disability Insurance benefits commencing July 18, 2024. Claimant F's employer grants paid leave, which is paid to the employee as wages pursuant to Labor Code section 227.3.

Claimant F's employer requires the use of up to two weeks of this earned but unused leave prior to the receipt of Family Temporary Disability Insurance benefits. Claimant F, a part-time worker, normally works three eight-hour shifts per week and has 48 hours of this leave available.

Claimant F is not eligible for benefits July 18 through July 31, 2024 due to the receipt of leave pursuant to section 3303.1(c) of the code. Claimant F may receive full Family Temporary Disability Insurance benefits beginning August 1, 2024, if otherwise eligible, because this is the first day for which he suffers a wage loss.

EXAMPLE 7. Vacation Leave During Intermittent Family Care. Claimant G establishes a claim for Family Temporary Disability Insurance benefits commencing September 1, 2006. Claimant G plans to take every Friday off beginning September 1 to provide care for his seriously ill spouse. He also plans to provide care on Saturdays and Sundays. Claimant G normally works five eight-hour days, Monday through Friday. Claimant G's employer requires the use of up to two weeks of earned but unused vacation leave prior to the receipt of Family Temporary Disability Insurance benefits. Claimant G's employer reports that it paid him two weeks (80 hours) of vacation leave for ten successive Fridays falling on September 1, 8, 15, 22, 29, October 6, 13, 20, 27, and November 3.

Vacation leave may only be allocated toward regularly scheduled work days. The required vacation leave is allocated to September 1, 8, 15, 22, 29, October 6, 13, 20, 27, and November 3. Vacation leave may not be allocated to September 2, 3, 9, and 10, as those days are not regularly scheduled workdays. Claimant G may receive Family Temporary Disability Insurance benefits beginning November 4, 2006, or the first day thereafter for which he suffers a wage loss, if otherwise eligible.

EXAMPLE 8. Vacation Leave During Middle of Claim. Claimant H establishes a claim for Family Temporary Disability Insurance benefits commencing September 13, 2006, to provide care for her seriously ill mother. Claimant H normally works five eight-hour days, Monday through Friday. Claimant H received benefits from September 13 through October 24, 2006. The employer paid the claimant two weeks of vacation leave from October 9 through October 21.

The vacation leave under this circumstance would not be in conflict with the receipt of Family Temporary Disability Insurance benefits, as Claimant H suffered a full wage loss beginning September 13, and the vacation leave was paid after the commencement of the claim.

EXAMPLE 9. Vacation Leave On A Re-Established Claim. Claimant I establishes an initial claim for Family Temporary Disability Insurance benefits commencing June 5, 2006 in order to provide care for her seriously ill father. Claimant I normally works five eight-hour days, Monday through Friday. Claimant I's employer requires the use of up to two weeks (ten days) of earned but unused vacation leave prior to the receipt of Family Temporary Disability Insurance benefits.

The claimant returned to work on June 14, 2006. Seven out of the ten days of required vacation leave are allocated to the period from June 5 through June 13. No benefits are paid since the claimant returned to work on June 14.

Claimant I submits a new claim to re-establish her initial claim with an effective date of October 2, 2006, to continue caring for her father. Since the employer requires the claimant to use ten days of earned but unused vacation leave, the three remaining days of the required vacation leave from the initial claim are allocated to October 2, 3 and 4. Claimant I may receive Family Temporary Disability Insurance

benefits beginning October 5, if otherwise eligible.

**EXAMPLE 10. Partial Conflicting Vacation Leave After Claim Effective Date.** Claimant J establishes a claim for Family Temporary Disability Insurance benefits commencing on July 10, 2006, to provide care for his seriously ill mother. Claimant J normally works five eight-hour days, Monday through Friday.

Claimant J's employer paid him two weeks (ten days) of required vacation leave from July 12 through July 25. The first eight days of required vacation leave are allocated to the period from July 10 through July 23. The remaining two days of the required vacation leave fall into the third week of the benefit period and are not in conflict with the receipt of Family Temporary Disability Insurance benefits. Claimant J may receive Family Temporary Disability Insurance benefits beginning July 24, if otherwise eligible.

Note: Authority cited: Sections 305 and 306, Unemployment Insurance Code.

Reference: Sections 2656 and 3303.1, Unemployment Insurance Code.