

Status of Multilingual Access Services

Disability Insurance and Paid Family Leave

July 1, 2022

A Report to the Legislature

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Purpose

Effective July 16, 2021, Assembly Bill (AB) 138 (Chapter 78, Statutes of 2021) added Section 316 to the California Unemployment Insurance Code (CUIC) requiring the Employment Development Department (EDD) to report on the status of multilingual access services delivered to individuals participating in the Disability Insurance (DI) and Paid Family Leave (PFL) programs by July 1, 2022. This report provides an overview of the EDD's plans to improve multilingual accessibility for Limited English Proficient (LEP) individuals filing DI or PFL claims.

Program Background

The State Disability Insurance (SDI) program, funded by workers, contributes to the economic security of California by providing partial-wage-replacement benefits to eligible workers. The SDI program is administered by the EDD and is comprised of two components: DI and PFL. The SDI program was added to the CUIC in 1946 to provide DI benefits to workers who experience a wage loss due to a non-work-related illness or injury, or due to pregnancy or childbirth. On September 23, 2002, Governor Davis signed Senate Bill (SB) 1661 (Chapter 901, Statutes of 2002), which provides PFL benefits for California workers covered by the SDI program. PFL provides partial-wage-replacement benefits to workers who take time off work to care for a seriously ill child, spouse, parent, or registered domestic partner, or to bond with a new minor child. Workers are eligible for PFL bonding benefits within a year of the birth or adoption of a new child. Employee contributions began on January 1, 2004, with benefit payments beginning on July 1, 2004. On July 1, 2014, SB 770 (Chapter 350, Statutes of 2013) expanded PFL eligibility to include caring for parents-in-law, grandparents, grandchildren, and siblings. On September 27, 2018, Governor Brown signed SB 1123 (Chapter 849, Statutes of 2018), which expanded the scope of the PFL program to include eligibility for employees who take time off work due to a "qualifying military event" arising from their family member's deployment to a foreign country. SB 1123 took effect on January 1, 2021.

SDI benefits are payable to eligible workers who are attached to the labor market prior to their disability or family leave period, have a loss of wages as a result of the disability or family leave, and have sufficient prior earnings in a 12-month period called the "base period" (5 to 18 months before the claim begins). SDI provides benefits that are approximately 60 percent of an employee's salary for higher-income earners and 70 percent for lower-income earners. There are a few exclusions as to who contributes to the program, which may include: some domestic workers, some governmental employees, employees of the interstate railroads, employees of some non-profit agencies, and individuals claiming a religious exemption.

Key Provisions of DI:

- Provides up to 52 weeks of partial-wage-replacement benefits per disability period.
- Requires workers to have earned at least \$300 in wages that are subject to SDI deductions during the 12-month base period.
- Requires individuals to file a timely claim (no later than the 49th day after the disability began).
- Requires a licensed health professional certification to verify the disability.
- Requires a seven-day, non-payable waiting period.

Key Provisions of PFL:

- Provides up to eight weeks of partial-wage-replacement benefits over a 12-month period.
- Requires workers to have earned at least \$300 in wages that are subject to SDI deductions during the 12-month base period.

- Requires individuals to file a timely claim (no later than the 41st day after the family leave began).
- Requires supplemental paperwork based on claim type, including:
 - Care Claim – Medical certification by the care recipient’s licensed health professional to verify the disability and need for care.
 - Bonding Claim – Proof of relationship documentation.
 - Military Assist Claim – Proof of the deployment and qualifying event.
- No required waiting period.

Current Language Access Efforts

Multilingual Access Phone Lines

The SDI program offers multiple toll-free language phone lines. For DI, Spanish is available and staffed with EDD bilingual Spanish representatives. Additionally, the PFL program offers toll-free language phone lines staffed with multilingual EDD representatives in Spanish, Cantonese, Vietnamese, Tagalog, Armenian, and Punjabi. Both DI and PFL programs use a statewide EDD Bilingual Services Directory to locate other designated EDD bilingual certified staff that can be used as interpreters. Both programs have access to telephone-based interpreting services for languages not available in the EDD Bilingual Services Directory. The DI and PFL programs also accept calls via Teletypewriter and California Relay Service for language access by individuals who are deaf, hard of hearing, and/or individuals with speech impairment.

Real-time Interpretive Services

Contracted interpretive services are available to assist in over 100 languages. DI and PFL representatives can directly engage with a professional interpreter to assist individuals in real-time. The DI and PFL programs also have access to American Sign Language (ASL) interpretation services in Southern California. Northern California has access to ASL interpretation service providers that are typically reimbursed through the Purchasing Service Authority process.

Soliciting of Language Preference

Currently, the Claim for Disability Insurance (DI) Benefits (DE 2501) allows claimants to select or write in their preferred language (English, Spanish, Cantonese, Vietnamese, Armenian, Punjabi, Tagalog, and “other”). The Claim for Paid Family Leave (PFL) Benefits (DE 2501F) also allows claimants to select or write in their preferred language (English, Spanish, and “other”). The DIB uses this information to determine how to contact the claimant and to generate reports.

Document Translation

The DI and PFL programs have access to an external vendor for translation services for Armenian, Chinese, Korean, Punjabi, Russian, Spanish, Tagalog, and Vietnamese. Spanish translation is provided by the EDD’s Public Affairs Branch Spanish Translation Services. Most of the EDD website has been translated into Spanish. The SDI program is working to translate 24 publications for employees in the primary languages (the top seven languages) including Armenian, Korean, Simplified Chinese, Traditional Chinese, Spanish, Tagalog, and Vietnamese. The SDI program currently provides six DI and PFL publications in seven languages. Current translated language resources (forms, publications, contact information to get language help) can be viewed at the [EDD Language Resources](#) webpage, which is continuously updated with new translated resources as they become available.

Community Engagement

The SDI program has ongoing partnerships where emerging issues can be presented/shared within the DI/PFL Stakeholder Group. The SDI program engages and meets with trusted community partners every

quarter to present and share important matters that will assist our customers and underserved communities with their SDI program needs, which includes language access improvements.

Marketing/Communication Efforts

Expanded multilingual marketing efforts to reach LEP communities directly are being developed. SDI program webinars are now available in Spanish upon request. SDI program marketing efforts target specific PFL program audiences through Mother’s Day and Father’s Day campaigns, which are available in English and Spanish. The EDD website now offers basic SDI program information in nine languages including Armenian, Korean, Punjabi, Russian, Simplified Chinese, Spanish, Tagalog, Traditional Chinese, and Vietnamese. The PFL Marketing Plan and Outreach Campaign runs through December 2022. The campaign efforts included creating television commercials in non-English languages. There were four commercials in Spanish, one in Vietnamese, and one in Cantonese. Six Spanish radio ads were also created and published.

Plans for Expanded Multilingual Accessibility

Item	Language Accessibility Exploration	Project Name	Timeframe – for follow-up later
1.	Track preferred language of applicants/claimants to enable automatic service provision in-language throughout the lifecycle of the claim. The SDI program currently tracks and provides all services, including publications and forms, in Spanish. Tracking the preferred language of claimants outside of Spanish will be incorporated into the EDDNext project. The EDDNext project implements new customer centric processes, leverages new technologies, and focuses on the customer experience.	EDDNext	2025
2.	Evaluation Stage – The EDD conducts the Dymally-Alatorre Language Survey every two years to measure contacts with English and non-English speaking individuals and to determine if the EDD has a sufficient number of qualified bilingual employees in public contact positions to service the non-English speaking population. This may result in an increase in translated non-personalized documents.	Language Access Plan	2023
3.	Generate personalized notification documents in the primary languages—the top seven non-English languages.	EDDNext	2025
4.	The SDI program is working with the Nor-Cal Services for Deaf and Hard of Hearing to provide ASL interpreted SDI program webinars.	Language Access Plan	2025

Measuring Success

The EDD will use department data to measure the overall effectiveness of the multilingual expansion efforts. Primary measurements will be interpretive and translation services usage, call volumes for in-language phone lines, web-based multilingual content hits, as well as anecdotal feedback from customers and stakeholders via surveys and other customer and stakeholder engagement opportunities.

Appendix A: Assembly Bill 138

Assembly Bill 138, SEC. 6

Section 316 of the Unemployment Insurance Code is amended to read:

316. (a) For purposes of this section, the following definitions shall apply:

(1) “Additional languages” means the top 8 to 15 non-English and nonprimary languages used by limited English proficient adults in California according to the most recent American Community Survey by the United States Census Bureau.

(A) Whether referring to written or spoken languages, the eight additional languages in 2021 are Arabic, Farsi, Punjabi, Russian, Japanese, Hindi, Mon-Khmer (Cambodian), and Thai.

(B) The department shall thereafter review, evaluate, and update the list of additional languages at least every three years. In determining how many languages to include in the definition of “additional languages,” the department may consider various data sources, including, but not limited to, the United States Census Bureau, including the American Community Survey, other state and local government agencies, feedback from community-based organizations, and the department’s own data tracking measures.

(2) “Limited English proficient” means individuals who do not speak English as their primary language and who have a limited ability to read, write, understand, or speak English.

(3) “Linguistic variant” means a distinct form of a language used by people from a specific country or region.

(4) “Multilingual access portal” means the section of the department’s website that synthesizes critical website content and features all translated vital unemployment insurance documents.

(5) “Primary languages” means the top seven non-English languages used by limited English proficient adults in California according to the 2019 American Community Survey by the United States Census Bureau.

(A) When referring to written languages, the top seven languages are Spanish, traditional Chinese, simplified Chinese, Vietnamese, Tagalog, Korean, and Armenian.

(B) When referring to spoken languages, the top seven languages are Spanish, Cantonese, Mandarin, Vietnamese, Tagalog, Korean, and Armenian.

(6) “Vital information” means information, whether written, oral, or electronic, that is necessary for an individual to understand how to obtain any aid, benefit, service, or training or is required by law.

(b) There shall be maintained within an appropriate division of the department, a bureau, section, or unit relating to education and public instruction for the purpose of informing employers and workers of their rights and responsibilities under this code, and of instructing the public generally concerning its basic purposes, provisions, and operations. All standard information employee pamphlets concerning unemployment and disability insurance programs shall be printed in English and the primary languages.

(c) Commencing no later than June 1, 2022, each application for unemployment insurance shall contain a section asking the individual to identify their preferred written and spoken or signed languages to be kept in the individual’s claims record.

(d) Commencing no later than January 1, 2022, the department shall provide oral and signed language unemployment insurance services in real time by qualified interpreters or qualified bilingual staff.

(1) If the department staff cannot obtain interpretation in the individual's language and linguistic variant in real time after good faith efforts to acquire language services, the department shall provide the individual with a return telephone or relay call in the individual's language within a reasonable timeframe.

(2) Upon the individual's request, a qualified interpreter shall read the department's documents and notices aloud in the individual's preferred language within a reasonable timeframe.

(e) (1) Commencing no later than December 1, 2022, the department shall do all of the following:

(A) Provide dedicated phone lines for unemployment insurance claims in the primary languages in an effort to provide consistent wait times across all phone lines and collect and review data on phone usage by limited English proficient individuals.

(B) Translate static, nonpersonalized documents containing unemployment insurance vital information into the primary and additional languages.

(C) If the individual's language is not among the primary or additional languages, then upon the individual's request, provide the individual with translation or oral or signed interpretation of documents in their preferred language.

(2) All vital documents described in this subdivision shall be available on the department website.

(f) The department shall translate the UI Online interface in the primary languages. The department shall make the translated UI Online interface available upon completion of the translation of each primary language, ending no later than April 1, 2024.

(g) The department shall establish and host a primary language multilingual access portal for unemployment insurance. The department shall make the content available upon completion of the translation of each primary language, ending no later than February 1, 2024.

(h) Before the completion of the multilingual access portal described in subdivision (g), the department shall display both of the following on its internet website organized and translated by language:

(1) Available translated notices and other vital documents.

(2) The appropriate department phone number or phone numbers for individuals to contact when seeking multilingual unemployment insurance services in their preferred written or spoken language.

(i) Commencing no later than March 1, 2022, the department shall do all of the following:

(1) Engage linguistically marginalized communities to assist in expanding access to available unemployment insurance programs and services, including, but not limited to, all of the following activities:

(A) Conduct targeted outreach to limited English proficient communities to solicit advice on policies and practices affecting individuals who are eligible for the department's services and benefits.

(B) Market and promote its programs and services in the primary languages to the general public and limited English proficient communities.

(C) Establish a grant program lasting at least two years to provide funding for community-based organizations to provide outreach and education to limited English proficient communities.

(2) Employ a multilingual access coordinator and multilingual access unit to coordinate the department's multilingual access services, provide technical assistance to department staff, and monitor the provision of multilingual access services.

(j) The department shall engage in regular data collection, monitoring, and oversight of multilingual access unemployment insurance services. The department shall annually report this data to the legislative budget committees.

(k) The provision of unemployment insurance language services shall not cause an undue delay in receipt of services or benefits. If the department's provision of language services unduly delays an individual's receipt of services or benefits, the individual's time to meet the department's deadlines shall be extended for the period of time necessary to receive the language services.

(l) No later than July 1, 2022, the department shall report to the legislative budget and policy committees on the status of multilingual access services to be delivered to individuals participating in the State Disability Insurance and Paid Family Leave programs.

(m) A report to be submitted pursuant to this section shall be submitted in compliance with Section 9795 of the Government Code.