

Date of Hearing: May 5, 2021

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair

AB 401 (Chiu) – As Amended April 8, 2021

Policy Committee: Insurance Vote: 13 - 0

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill requires the Employment Development Department to enhance translations and linguistic access to documents and services. Specifically, this bill:

- 1) Requires all standard information employee pamphlets concerning unemployment and disability insurance programs be printed in English and the top 30 written languages.
- 2) Requires all online interface and paper applications for all benefits programs administered by EDD, all documents and all written communications be translated into 30 languages and translated on demand into other languages.
- 3) Requires, upon a claimant's request, EDD to read a document aloud and orally explain the document to the claimant in their preferred language.
- 4) Requires a community review process to ensure plain language, readability, and cultural appropriateness.
- 5) Requires proactive collection of an individual's language preference and requires all communication with EDD be in the individual's preferred language.
- 6) Requires EDD to report on the preferred written and spoken languages of applicants and claimants and how applications have been resolved, including processing times, denial rates and the basis for denials.

FISCAL EFFECT:

The specific requirements of this bill are expansive and still being reviewed. EDD's initial cost estimates are between \$10 million and \$20 million one-time and annually ongoing for higher vendor costs for translation and interpretation services, staff costs to process additional language access requests and information technology changes (Unemployment Administration Fund).

COMMENTS:

- 1) **Purpose.** According to the author, navigating EDD programs is challenging for English-speaking claimants, but next to impossible for those who are not proficient in English. This bill is intended to ensure all Californians seeking services provided by EDD have the language support required to access the services they are entitled to.
- 2) **Background.** The Dymally-Alatorre Bilingual Services Act (the Act) directs state agencies "directly involved in the furnishing of information or rendering of services to the public" to

have a sufficient number of qualified bilingual persons in public contact positions. It also requires biennial language surveys in each statewide and local office of every department to assess language needs. The Act requires each department to provide the same information and the same service level available in English in the non-English languages of the public the department serves, when the language survey indicates non-English-speaking persons comprise 5% or more of the department's contacts. According to CalHR, if an agency is found to have deficiencies in compliance with the Act, the agency must submit an implementation plan to CalHR by October 1 of the following odd numbered year.

According to the EDD 2018-2021 Language Access Plan, EDD provided services in 2016 to Californians in 56 languages. About 2.5 million EDD customers were serviced in languages other than English. The following is a brief summary of EDD's existing language access services:

- a) **Interpreter Services** – EDD maintains a bilingual services directory containing more than 2,000 employees speaking more than 60 languages. Telephone-based interpretive services are also available in more than 100 languages to assist Limited English Proficient (LEP) customers. EDD employs and certifies bilingual staff to assist customers in the following languages: Spanish, Mandarin, Cantonese, Tagalog, Vietnamese, and Armenian.
 - b) **Translated Notices and Forms** – Around 500 forms are translated on the EDD website in the top seven languages spoken in California.
 - c) **Translated Applications** – The EDD's unemployment insurance, disability insurance, and paid family leave on-line applications are available in English and Spanish, and sample paper applications to assist UI claimants are available on the website in Armenian, Traditional Chinese, Simplified Chinese, Hmong, Korean, Laotian, Punjabi, Russian, Tagalog and Vietnamese.
- 3) **UI Benefits in the COVID-19 Pandemic.** A dramatic increase in unemployment as a result of pandemic-related closures led to rapid growth in unemployment claims, beginning in March 2020. Supplemental benefits authorized by the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act, including Pandemic Unemployment Assistance (PUA) and Pandemic Emergency Unemployment Compensation (PEUC), have further increased the volume and dollar amount of payments. PUA has allowed individuals normally ineligible for unemployment benefits to access benefits, while PEUC has added lump-sum benefit payments of varying amounts on top of normal claims.

EDD has struggled to service an unprecedented volume of claims throughout the COVID-19 pandemic. On September 16, 2020, the EDD Strike Team's Detailed Assessment and Recommendations found that individuals who are not fluent in English face unsurmountable barriers to receiving assistance.

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