

ASSEMBLY THIRD READING
AB 401 (Chiu, et al.)
As Amended May 24, 2021
2/3 vote

SUMMARY

Expands access to language translations in the Employment Development Department (EDD).

Major Provisions

- 1) Requires all standard information employee pamphlets concerning unemployment and disability insurance programs be printed in any written language that is or becomes a Medi-Cal threshold language in any county.
- 2) Requires all online interface and paper applications for all benefits programs administered by EDD, all documents and all written communications be translated in any written language that is or becomes a Medi-Cal threshold language in any county.
- 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.

COMMENTS

The COVID-19 pandemic elevated the struggles of EDD in relation to providing information to Californians who are Limited English Proficient (LEP). The measure requires EDD to: identify a claimant's language needs; expand translation of EDD applications, vital documents and notices, which are sent directly to the claimant; communicate with claimants in their preferred language in a timely manner, including increasing multilingual phone lines; establish a community review process of EDD's translation efforts to ensure accessibility; and, require EDD to report annual data on applications and benefits administered by language.

According to the 2010 National Census data, over 200 languages are spoken in California and 7 million Californians are LEP meaning an individual whose primary language for communication is not English. As noted in the EDD, 2018-2021 Language Access Plan, other facts include: in 2016, EDD provided services to Californians in 56 languages; and in 2016, 2,496,130 EDD customers were serviced in languages other than English from an estimated total of 16,644,798 annual contacts. A Dymally-Alatorre survey found in 2016, the top six languages spoken in California were: English, Spanish, Vietnamese, Cantonese/Yue, Mandarin, and Armenian.

On September 16, 2020, the EDD Strike Team Detailed Assessment and Recommendations found that individuals who are not fluent in English face unsurmountable barriers to receiving assistance. The report highlighted an August 21, 2021 letter to Governor Newsom from former Senator Holly Mitchell that stated:

EDD is potentially in violation of the Dymally-Alatorre Bilingual Services Act, which requires every state agency "directly involved in the furnishing of information or the rendering of services to the public whereby contact is made with a substantial number of non-English speaking people, shall employ a sufficient number of qualified bilingual persons in public contact positions to ensure provision of information and services to the public, in the language of the non-English-speaking person." Californians for who English is not their first language face tremendous barriers in the EDD process, and call center staff and applications for programs offered by EDD are not available in enough language. EDD should work with other agencies to leverage existing language resources and prioritize language accessibility.

According to the Author

California has the nation's largest LEP population; seven million Californians primarily speak a language aside from English. While a majority of that is Spanish speakers, 2.4 million of those people speak a language other than Spanish.

It is well documented that navigating EDD is unnecessarily challenging for English-speaking claimants, but it is next to impossible for those who are not proficient in English. As the Governor's EDD Strike Team reported: "individuals who are not fluent in English face insurmountable barriers to receiving assistance."

People of color and immigrants have been hit especially hard by the COVID-19 pandemic, and are more likely to work in sectors that have been shuttered by this pandemic - they desperately need EDD to be accessible. Yet 7 million LEP Californians find themselves effectively shut out from receiving the unemployment benefits they are entitled to during a pandemic and recession. We are failing to meet the needs of California's LEP community, depriving them of their civil rights and, for many, their sole source of financial support to meet basic needs.

AB 401 takes the necessary steps to right these wrongs, and ensures that all Californians seeking services provided by EDD have the language support required to access the services that they are entitled to.

Arguments in Support

This measure will ensure that Californians with limited English proficiency can access the critical benefits administered by the EDD, including unemployment, insurance, state disability insurance, paid family leave, and pandemic unemployment assistance, which are currently lifelines for millions of Californians.

Arguments in Opposition

No opposition on file.

FISCAL COMMENTS

According to the Assembly Appropriations Committee, this bill may have costs exceeding \$10 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). .

VOTES

ASM INSURANCE: 13-0-0

YES: Daly, Mayes, Berman, Bigelow, Chen, Cooley, Cooper, Frazier, Gipson, Grayson, Rodriguez, Voepel, Wood

ASM APPROPRIATIONS: 16-0-0

YES: Lorena Gonzalez, Bigelow, Calderon, Carrillo, Chau, Megan Dahle, Davies, Fong, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, Akilah Weber, Holden, Luz Rivas

UPDATED

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CONSULTANT: Kathleen O'Malley / INS. / (916) 319-2086

FN: 0000733