

AMENDED IN ASSEMBLY AUGUST 22, 2024

AMENDED IN ASSEMBLY AUGUST 19, 2024

AMENDED IN SENATE APRIL 20, 2023

SENATE BILL

No. 227

Introduced by Senator Durazo

(Principal coauthor: Assembly Member Santiago)

(Coauthor: Assembly Member Wendy Carrillo)

January 19, 2023

An act to add Chapter 2 (commencing with Section 2020) to Part 8 of Division 2 of the Labor Code, relating to unemployment.

LEGISLATIVE COUNSEL'S DIGEST

SB 227, as amended, Durazo. Unemployment: Excluded Workers Program.

Existing law authorizes the payment of unemployment compensation benefits and requires that they be made in accordance with regulations of the Director of Employment Development. Existing law generally requires the Employment Development Department (department) to promptly pay benefits if claimants are eligible or to promptly deny benefits if they are ineligible. Existing law prohibits payment of unemployment compensation benefits for services performed by a person who is not a citizen or national of the United States, unless that person is an individual who was lawfully admitted for permanent residence at the time the services were performed, was lawfully present for purposes of performing the services, or was permanently residing in the United States under color of law at the time the services were performed, as specified.

This bill would require, on or before ~~January 1, 2026~~, *March 31, 2025*, the department to develop a detailed plan to establish a permanent Excluded Workers Program to provide cash assistance that resembles unemployment insurance benefits to unemployed workers who are ineligible for unemployment insurance due to their immigration status, as specified, and submit the plan to the appropriate fiscal and policy committees of each house of the Legislature, the Department of Finance, and the Legislative Analyst's Office. The bill would require the Legislative Analyst's Office to review the plan and report any findings or recommendations to the appropriate fiscal and policy committees of each house of the Legislature and the Department of Finance, no later than 3 months after the department submits the plan.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 2 (commencing with Section 2020) is
2 added to Part 8 of Division 2 of the Labor Code, to read:

3
4 CHAPTER 2. EXCLUDED WORKERS PROGRAM
5

6 2020. (a) On or before ~~January 1, 2026~~, *March 31, 2025*, the
7 Employment Development Department shall take both of the
8 following actions:

9 (1) Develop a detailed plan to establish a permanent Excluded
10 Workers Program to provide cash assistance that resembles
11 unemployment insurance benefits to unemployed workers who
12 are ineligible for unemployment insurance due to their immigration
13 status. The plan shall include all of the following:

14 (A) An itemized cost estimate to establish an Excluded Workers
15 Program.

16 (B) A summary of technological infrastructure and other updates
17 needed to process Excluded Workers Program applications and
18 provide timely and accurate payment of benefits.

19 (C) A summary of technological infrastructure and other
20 program elements that can be incorporated into EDDNext
21 modernization efforts, including utilizing any technology or other
22 resources developed to improve access to the State Disability

1 Insurance and Paid Family Leave programs for undocumented
2 workers.

3 (2) Submit the plan described in paragraph (1) to the appropriate
4 fiscal and policy committees of each house of the Legislature, the
5 Department of Finance, and the Legislative Analyst's Office,
6 notwithstanding Section 9795 of the Government Code.

7 (b) No later than three months after the Employment
8 Development Department submits the plan described in paragraph
9 (1) of subdivision (a), the Legislative Analyst's Office shall review
10 the plan and report any findings or recommendations to the
11 appropriate fiscal and policy committees of each house of the
12 Legislature and the Department of Finance. The report required
13 by this subdivision shall be submitted in compliance with Section
14 9795 of the Government Code.

15 (c) For purposes of this section, "EDDNext modernization
16 efforts" has the same meaning as described in Provision 2 of Item
17 7100-001-0588 of the Budget Act of 2022 and subsequent budget
18 acts.