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9 CA ADC § 9876.5

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

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Title 9. Rehabilitative and Developmental Services
Division 4. Department of Alcohol and Drug Programs
Chapter 3. Programs for Alcohol and Drug Impaired Drivers
Subchapter 4. Participant Standards

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§ 9876.5. Leave of Absence.

(a) The DUI program shall require the participant to request a leave of absence whenever the participant is unable to attend any scheduled program activities for 21 days or longer. Participants may request a leave of absence for less than 21 days.

(b) To request a leave of absence, the participant shall submit to the DUI program a written request for leave of absence, and any documentation substantiating the need for a leave of absence. The written request shall specify:

- (1) The name of the participant;
- (2) The reason for requesting the leave of absence; and
- (3) The dates of the requested leave of absence.

(c) The DUI program shall require the participant to request prior approval for all leaves of absence, unless unable to do so due to circumstances beyond the participant's control. If the participant requests retroactive approval for a leave of absence, in addition to the information listed in Subsection (b) of this section, the request for leave of absence shall explain the circumstances that prevented the participant from requesting prior approval.

(d) The DUI program administrator or designee shall review the request.

(e) The DUI program director/administrator or designee shall approve a leave of absence only for:

- (1) Military personnel whose orders or responsibilities require an extended absence;
- (2) Participants whose work requires travel for an extended period of time;
- (3) Participants who are absent due to their own extended illness or medical treatment or that of a family member;
- (4) Participants who are incarcerated or participating in a residential alcoholism or drug abuse recovery or treatment program;
- (5) Participants who cannot participate in program services due to an extreme personal hardship or family emergency. The DUI program shall document in the participant's record the nature of the personal hardship or family emergency; and
- (6) Participants who have requested a leave of absence for a vacation. A leave of absence shall be granted for a vacation only if the participant has made up all absences and paid all outstanding fees, assessed by the DUI program in accordance with the participant's ability to pay, pursuant to Section 9878 and 9879, prior to the leave of absence.

(f) Prior to program completion, the DUI program shall require the participant to make up all scheduled program activities missed while on a leave of absence.

(g) Time missed while on a leave of absence shall not be counted as participation time.

Note: Authority cited: Sections 11755 and 11836.15, Health and Safety Code. Reference: Sections 11836.15, 11837 and 11837.4, Health and Safety Code.

HISTORY

1. New section filed 6-7-93; operative 7-7-93 (Register 93, No. 24).
2. Change without regulatory effect amending subsection (c) filed 10-24-95 pursuant to section 100, title 1, California Code of

Regulations (Register 95, No. 43).

3. Amendment filed 3-22-2012; operative 4-21-2012 (Register 2012, No. 12).

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