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Title 22@ Social Security

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Division 1@ Employment Development Department

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Subdivision 1@ Director of Employment Development

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Division 1@ Unemployment and Disability Compensation

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Part 1@ Unemployment Compensation

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Chapter 5@ UNEMPLOYMENT COMPENSATION BENEFITS

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Article 1@ ELIGIBILITY AND DISQUALIFICATIONS

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Section 1256.4@ Purge of Disqualification for Irresistible Compulsion to Use or Inability to Abstain from Using Intoxicants

1256.4-1 Purge of Disqualification for Irresistible Compulsion to Use or Inability to Abstain from Using Intoxicants

(a)

An individual who has been disqualified for unemployment benefits because of a discharge from work or a leaving of employment resulting from an irresistible compulsion to use or consume intoxicants may purge the disqualification under Section 1256.4 of the code by participation in a treatment program which satisfies the conditions of subdivision (b) and by submitting to the department a written certification from a physician or authorized treatment program administrator that the individual is in or has completed the treatment program and is able to work.

(b)

Participation in a treatment program, public or private, will permit the purging of a disqualification if the treatment program meets one of the following conditions: (1) The treatment program is officially licensed or certified by the State Department of Alcohol and Drug Programs (ADP) or the State Department of Health Services (DHS) or is licensed by or satisfies a program review by the state in which the program is located. (2) The treatment program is an established self-help program as determined by the department as having a recognized record in the community for success in treating individuals addicted to alcohol or drugs. This includes programs such as Alcoholics Anonymous (AA) and Narcotics

Anonymous (NA), even though they do not meet the minimum standards for ADP licensure or certification.

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The treatment program is officially licensed or certified by the State Department of Alcohol and Drug Programs (ADP) or the State Department of Health Services (DHS) or is licensed by or satisfies a program review by the state in which the program is located.

(2)

The treatment program is an established self-help program as determined by the department as having a recognized record in the community for success in treating individuals addicted to alcohol or drugs. This includes programs such as Alcoholics Anonymous (AA) and Narcotics Anonymous (NA), even though they do not meet the minimum standards for ADP licensure or certification.

(c)

The written certification shall contain a statement that the individual has entered into and is continuing in, or has completed a treatment program for his or her condition, and is able to work. The statement shall be completed by one of the following: (1) A physician (2) An authorized treatment program administrator from a program which satisfies either subdivision (b)(1) or (b)(2). If there is no authorized treatment program administrator to certify to an individual's participation in an established self-help program and his or her ability to work, the individual shall provide to the department a physician's statement certifying that the individual has entered into and is continuing in, or has completed the program for his or her condition, and is able to work.

(1)

A physician

(2)

An authorized treatment program administrator from a program which satisfies either subdivision (b)(1) or (b)(2). If there is no authorized treatment program administrator to certify to an individual's participation in an established self-help program and his or her ability to work, the individual shall provide to the department a physician's statement certifying that the individual has entered into and is continuing in, or has completed the program for his or her condition, and is able to work.

(d)

Upon receipt by the department of the written certification, the department shall determine whether the written certification and the treatment program in which the individual is participating or has participated meets the requirements of this regulation. If the department determines that the requirements of this regulation are met, the department shall purge the disqualification.