

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations)

§ 18746.4. Revolving Door; Permanently Left and Leave of Absence.

(a) For the purposes of Regulation 18741.1, the following apply:

(1) The date on which an official permanently leaves office or employment or takes a leave of absence is the date on which the official is no longer authorized to perform the duties of the office or employment, and the official stops performing those duties, even if the official continues to receive compensation for accrued leave credits.

(2) An official on a leave of absence is considered to have “permanently left” office or employment on the first day of the leave if that official does not return from the leave of absence. An official has not returned from a leave of absence unless the official is authorized to perform the duties of the office or employment and the official returns to performing those duties, even if the official continues to receive compensation for accrued leave credits.

(b) For the purposes of Regulations 18746.1 and 18746.3, the following apply:

(1) The date on which an official permanently leaves office or employment is the date on which the official is no longer authorized to perform the duties of the office or employment, and stops performing those duties, including making, participating in making, or attempting to use official position to influence any governmental decision.

(2) A person shall not be deemed to have left office permanently because the person is on a leave of absence or serves as an intermittent employee. However, a person shall be deemed to have left office permanently if the person merely receives compensation for accrued leave credits.

(3) Notwithstanding subdivision (b)(1) and (2), the date on which a member of the Legislature who resigns from office permanently leaves office is the effective date of the resignation.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87401, 87402, 87406 and 87406.3, Government Code.

HISTORY

1. New section filed 6-15-2009; operative 7-15-2009. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2009, No. 25).

2. Amendment of subsections (a) and (b) and new subsections (b)(1)-(3) filed 3-20-2018; operative 4-19-2018 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2018, No. 12).

3. Amendment of subsections (b)(1)-(2) filed 5-12-2021; operative 6-11-2021 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only

subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2021, No. 20).