

Withholds from Certifications

Engaging Departments in the Process
Defining Your Department's New Role
Providing the Necessary Information and Guidance

What is a withhold?

The Department may refuse to examine or, after examination, may refuse to declare as an eligible or may withhold or withdraw from certification, prior to appointment, anyone who comes under one of 15 subsections.

There are two basic reasons for a withhold action:

- Failure to meet minimum qualifications
- For cause

There are three types of withhold actions:

- Permanent Withholds
- Temporary Withholds
- Department-Specific Withholds

Legal authority:

Government Code Section 18935 (a) through (o):

- Lacks any of the requirements established by the Board for the examination or position for which he or she applies.
- At the time of examination has permanent status in a position of equal or higher class than the examination or position for which he or she applies.
- Is physically or mentally so disabled as to be rendered unfit to perform the duties of the position to which he or she seeks appointment.
- Is addicted to the use of intoxicating beverages to excess.
- Is addicted to the use of controlled substances.

Legal authority:

Government Code Section 18935 (a) through (o): continued

- f) Has been convicted of a felony, convicted of a misdemeanor involving moral turpitude.
- g) Has been guilty of infamous or notoriously disgraceful conduct.
- h) Has been dismissed from any position for any cause which would be a cause for dismissal from the State service.
- i) Has resigned from any position not in good standing or in order to avoid dismissal.
- j) Has intentionally attempted to practice any deception or fraud in his or her application, in his or her examination or in securing his or her eligibility.
- k) Has waived appointment three times after certification from the same employment list.

Legal authority:

Government Code Section 18935 (a) through (o): continued...

- l) Has failed to reply within a reasonable time, as specified by the Board, to communications concerning his or her availability for employment.
- m) Has made himself or herself unavailable for employment by requesting that his or her name be withheld from certification.
- n) Is, in accordance with Board rule, found to be unsuited or not qualified for employment.
- o) Has engaged in unlawful reprisal or retaliation in violation of Article 3 (commencing with Section 8547) of Chapter 6.5 of Division 1, as determined by the Board or the court.

Delegated withhold authority to enhance efficiency and streamline processes

- Departments currently have delegated authority to process minimum qualification withholds for their own department-specific classifications.
- With some limited exceptions for certain peace officer classifications, the SPB processed the remainder of the withhold actions.
- The SPB has depended on departments to notify the SPB when a withhold is needed to remove an eligible from a list.
- The SPB processed over 1,500 withholds in 2011.
- CalHR's delegation target is August 2012.
- CalHR wants to provide guidance and resources as we move forward with delegation.

How to Process a Withhold From Certification: A Training Manual

Our goals:

- Ensure uniformity, and enhance and update current department withhold procedures
- Ensure departments receive the support they need as they assume delegated authority

What's in the Training Manual?

- Step-by-Step Guides
- Processing Permanent Withholds
- Processing Temporary Withhold
- Processing Department-Specific Withholds
- Outlines and Sample Withhold Letters
- Mini-manual Providing Instructions Related to the OSS System
- Worksheets
- Information Related to the Withhold Appeals Process

Upcoming Training Sessions

- Introduction to the Withhold Training Manual
- Obtain A Copy of the Training Manual
- Question and Answer Sessions

Questions

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