



**KITUI COUNTY HUMAN RESOURCE  
POLICIES & PROCEDURES MANUAL FOR THE  
COUNTY PUBLIC SERVICE**

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## **PREAMBLE**

Human resource management plays a critical role in supporting not only the organization, but also workers, to navigate through both micro and macro level events that impact the political social, technological, economic, environmental and legal operating environment. We suggest a novel framework that situates and expands the role of the Human Resources (HR) function in contemporary organizations by proposing to raise this role to be externally facing, proactively monitoring the macro-environment for significant events, anticipating any significant changes for workers, and designing interventions to minimize any negative impact.

The current Human Resource Policies and Procedures Manual was last reviewed in 2018. Since then, fundamental changes, brought about by the Constitution of Kenya 2010 have been implemented both in the structure of the Public Service and the management of the Human Resource. This review has addressed and aligned new practices with the legislative changes and the dynamics of the future of work, post - Covid 19, especially in embracing technology in public service. It has reviewed and introduced better workplace tools and processes and governance structures to make it easier for county public servants to work effectively.

The Human Resource Policies and Procedures Manual provide guidelines in the management and development of human resource capacity towards the achievement of various national goals and objectives. The manual has been reviewed to provide guidelines for effective Human Resource Management practices such as training, career planning, compensation, performance management and rewards, job definition and employee participation in maintaining the productivity of employees. It has also addressed issues that are intended to enhance efficiency in the conduct of Human Resource Management practices to enable public officers continue to deliver world-class services and transform the way government operates, from front-end to back-office, in a modern and efficient way. Further, the guidelines herein shall impact in development of the right skills and culture among county public service employees and leaders, and puts together policy and delivery direction that shall enable services to be delivered in a learning and iterative environment, focused on outcomes for citizens.

The Manual incorporates provisions of the Constitution of Kenya 2010, County Governments Act, 2012, Labour Laws 2007 and other Legislations that govern various aspects of industrial relations in the County Public Service. The Manual is also anchored on other policies and guidelines governing the management of the Public Service. It provides the basis for human resource policies and regulations in the wider Public Service. It is important to note that these policies are not exhaustive of all the rules and regulations governing Public officers in their day to day activities. They should therefore, be read alongside any other relevant provisions of the Constitution, legislations and guidelines, as applicable, for better interpretation and application.

The policies will apply to the Kitui County Public Service and replicated in other County Government Agencies in the wider Kitui Public Service as a minimum norm and standard and will be updated from time to time to reflect policy changes affecting human resource management and development in the Service. By regularly reviewing and revising our policies, KCPSB aim to adapt to emerging challenges, integrate feedback from stakeholders, and reinforce our commitment to ethical and effective public service.

Where clarification on any of these regulations is required, it should be sought from the Board Secretary, Kitui County Public Service Board.

Dr. Florence M. Makindi (PhD),  
Chairperson,  
Kitui County Public Service Board

<b>DEFINITION OF TERMS</b>		
<b>No.</b>	<b>Term</b>	<b>Definition</b>
1.	Accounting Officer	A public officer appointed to take full responsibility on the finances, assets and liabilities of the respective County Department/Agency.
2.	Authorized Officer	A Public Officer to whom the Board has delegated the human resource management function in a ministry/state department or agency
3.	Basic Salary	An officer's salary excluding allowances.
4.	Bondee	An employee who is serving a training bond obligation
5.	County Executive Committee Member	A state officer responsible for policy direction, coordination and overall supervision of a County Ministry
6.	Children	The biological offspring or legally adopted children under the age of twenty-five (25) years who are unmarried and are wholly dependent on the officer. For purpose of records, the names of the children must be declared at the time of birth or adoption if it occurs during employment in the Civil Service. Copies of birth certificates or legal adoption papers will be required in either case.
7.	Public Officers	These are employees of the County Public Service.
8.	Board	Refers to the County Public Service Board
9.	County Government	A unit of devolved Government in Kenya
10.	County Governor	The Chief Executive Officer of a County in a County Government.
11.	Delegated Authority	The powers of the Board that have been assigned to any one or more of its members, County Secretary, County Chief officer, Sub-County or Ward Administrator, Village Administrator, Municipal Manager or Town Administrator to exercise on its behalf.

12.	Immediate Family	Includes the officer, spouse(s) and the children.
13.	Leave Year	Refers to the period commencing 1 <sup>st</sup> July to 30 <sup>th</sup> June of each financial year.
14.	Next-of-Kin	The name of the person provided by the officer for the purpose of contact during emergency and in case of death.
15.	Nuclear Family	Refers to officer, spouse and children.
16.	Assembly	Refers to the County Assembly of Kitui.
17.	Pro-rata	The Computation of benefits for the period served in relation to the full-term entitlement.
18.	Public Service	It incorporates the Civil Service, National Police Service, Teaching Service, Judiciary, Kenya Defence Forces, County Governments, Public Universities, Parliamentary Service, State Corporations and Statutory Bodies.
19.	Chief Officer	This is the Administrative head of County Department.
20.	Reimbursable Allowances	Refers to those allowances where an Officer gets reimbursement on the expenditure incurred in the course of duty.
21.	Remunerative Allowance	Refers to those allowances paid to an officer, in addition to salary as a form of Compensation for additional responsibilities.
22.	Spouse	Refers to the legal marriage partner of an officer specified
23.	Secretary to the Cabinet	Means the County Secretary
24.	Spouse	Refers to the legal marriage partner of an officer specified under the Marriage Act or in accordance with the relevant Customary Law.

25.	State Officer	Refers to a person holding a State Office.
26.	Surety	Refers to a person who formally accepts responsibility to locate a bondee and/or redeem the bond obligation of a bondee who defaults or appears in a court of law in respect of the same.
27.	Tour of Service	Refers to the period of employment contract in the Civil Service awarded to a foreign employee.
28.	Training Bond	Refers to formal agreement between the County Government of Kitui and its employees who are selected for approved training that oblige them to serve in the Public Service for a specific period of time on completion of training.
29.	Vesting Period	Refers to ownership of benefits built up in a Scheme for a member including what has been contributed by the employee and returns thereof.

This Human Resource Policies and Procedures Manual for the Public Service is formulated with due regard to gender; thus where reference is made either to 'he' or 'she' only, it shall be construed to mean and include reference to both 'he' and 'she' and where reference is made to spouse, it shall be construed to mean and include reference to both 'husband' and 'wife' where applicable and vice versa.

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DRAFT

## **PART I: GOVERNANCE STRUCTURE AND OFFICIAL COMMUNICATION**

This part comprises the Institutional Framework for Human Resource Management (HRM) in the County Public Service and official communication.

### **SECTION 1: INSTITUTIONAL FRAMEWORK**

This section Provides a summary of matters related to the administration and management of County Public Service. It shall be read alongside the Constitution of Kenya 2010, the County Governments Act, 2012 and other legal statutes.

#### **1.1: Values and Principles of Public Service**

1. The County Public Service shall be responsible for implementation of County Government policies and programmes as guided by the following values and principles of public service as stipulated in Article 232 of the Constitution:
  - i. high standards of professional ethics;
  - ii. efficient, effective and economic use of resources;
  - iii. responsive, prompt, effective, impartial and equitable provision of services;
  - iv. involvement of the people in the process of policy making;
  - v. accountability for administrative acts;
  - vi. transparency and provision to the public of timely, accurate information;
  - vii. fair competition and merit as the basis of appointments and promotions;
  - viii. representation of Kenya's diverse communities; and
  - ix. affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service, of:
    - (a) men and women;
    - (b) the members of all ethnic groups; and

- (c) Persons with disabilities.
2. The values and principles of public service apply to public service in: -
- (i) all State organs in both County and National government; and
  - (ii) all State corporations.

### **1.2: National Values and Principles of Governance**

County Public Service will also be bound by the National Values and Principles of Governance as stipulated in Article 10 of the Constitution of Kenya 2010. These include:

- 1. patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people;
- 2. human dignity, equity, social justice, inclusiveness, equality, human rights, non- discrimination and protection of the marginalized;
- 3. good governance, integrity, transparency and accountability; and
- 4. sustainable development.

The County Public Service Board (CPSB) will promote, evaluate and report on the state of compliance of the values at the County level.

### **1.3 Functions of the National and County Governments.**

#### **1.3.1 Functions of National Government:**

The functions of the National Government are set out in the in the Fourth Schedule of the Constitution of Kenya, 2010. The National Government is responsible for:

- 1. foreign affairs, foreign policy and international trade;
- 2. the use of international waters and water resources;
- 3. national defence and the use of the national defence services; and
- 4. police services amongst others.

#### **1.3.2 Functions of the County Governments:**

The functions of county governments are set out in fourth schedule of the Constitution of Kenya, 2010. They include:

- 1. Agriculture;



2. County health services;
3. Control of air pollution, noise pollution, other public nuisances and outdoor advertising; and
4. Cultural activities, public entertainment and public amenities amongst others.
5. Article 6(2) of the Constitution of Kenya, 2010 provides that the governments at the national and county levels are distinct and inter-dependent and shall conduct their mutual relations on the basis of consultation and cooperation.

#### **1.4 Organization of County Governments**

The county governments comprise of the Executive and Legislative arms of government. The Executive arm of county government comprise the Governor and the County Executive Committee Members (CECM) appointed by the Governor and approved by the County Assembly.

The County Public Service shall be headed by the County Secretary who shall also be secretary to the County Executive Committee.

The allocation of functions to County Departments shall be as set out in Executive Orders issued by the Governor from time to time.

#### **1.5 Role of the County Secretary (CS) and Head of County Public Service**

The county secretary shall:

- a) be the head of the county public service;

**be responsible for arranging the business and keeping the minutes, of the county executive committee subject to the directions of the executive committee;**

- b) convey the decisions of the county executive committee to the appropriate persons or authorities; and
- c) perform any other functions as directed by the county executive committee.

All County Chief Officers have a duty to keep the County Secretary and Head of County Public Service informed of staffing, operational and major policy issues in

their County Departments.

### **1.6 Role of County Executive Committee Members (CECM)**

1. A county executive committee shall:
  - a) implement county legislation;
  - b) implement, within the county, national legislation to the extent that the legislation so requires;
  - c) manage and coordinate the functions of the county administration and its departments; and
  - d) perform any other functions conferred on it by this Constitution or national legislation.
3. A county executive committee may prepare proposed legislation for consideration by the county assembly.
4. The county executive committee shall provide the county assembly with full and regular reports on matters relating to the county.
5. In addition to the functions provided under Article 183 of the Constitution, a county executive committee shall:
  - a) supervise the administration and delivery of services in the county and all decentralized units and agencies in the county;
  - b) perform any other functions conferred on it by the Constitution or national legislation; and
  - c) carry out any function incidental to any of the assigned functions.
5. In the performance of its functions, a county executive committee shall have power to determine its own programme of activities and every member of the committee shall observe integrity and disclosure of interest in any matter before the committee.

### **1.7 Communication by County Executive Committee Members**

1. The County Executive Committee Members shall communicate directly with the Governor by minutes, letters or verbally, as may be appropriate. They may consult with the governor when deemed necessary. Executive committee

members should inform the Governor at the earliest possible opportunity of any important event connected with the administration of functions of their respective County Ministries.

2. Executive Committee Members will communicate officially: -
  - i. with one another through letters, emails, telephone and files;
  - ii. with the County Secretary by minutes, emails, telephone or orally;
  - iii. with Chief Officers under their control directly through the official communication channels.
3. If an Executive Committee Member wishes to communicate with a Department not falling within his portfolio, he will do so through the appropriate County Executive Committee Member and not directly.
4. An Executive Committee Member will communicate with officials of Departments under his/her general control through the appropriate Chief Officer, as the case may be and not directly except in such matters of daily routine as may require direct communication, or when special circumstances so require.
5. In such cases, if any important decisions or directions are involved, the Executive Committee Member concerned should also confirm his instructions to the County Secretary /Head of Public Service.

### **1.8: Functions of County Departments**

The functions of County Departments shall be as set out in Governor's Executive Order which will be issued to the County Public Service from time to time.

### **1.9: Role of County Chief Officer**

1. The Chief Officer shall be responsible to the CECM for:
  - i. The day to day operations of the County Department;
  - ii. The administration and management of Human Resource functions in the department including skills and talent inventory;

- iii. Co-ordination of the department's performance management;
  - iv. Advising the CECM on Human Resource matters;
  - v. Overseeing implementation of programmes;
  - vi. Efficient utilization of funds and other County public resources placed at their disposal; and
  - vii. Performing any other Human Resource function as directed by the CECM.
2. A Chief Officer shall always seek advice, guidance and concurrence from their respective CECM on policy matters.
  3. A Chief Officer shall at all times seek guidance and concurrence from the CPSB on all matters relating to Human Resource Management in their dockets.

#### **1.10: Role of the County Attorney**

The County Attorney is the principal legal advisor to the County Government. His responsibilities include ensuring that County Ministries/Departments and CPSB are given appropriate legal advice as per the Office of the Attorney General Act, 2012.

#### **1.11: Functions and Powers of the County Public Service Board**

1. The functions of the County Public Service Board shall be, on behalf of the county government as provided for in Section 59 (1) of the CGA 2012, to—
  - a) establish and abolish offices in the county public service;
  - b) appoint persons to hold or act in offices of the county public service including in the Boards of cities and urban areas within the county and to confirm appointments;
  - c) exercise disciplinary control over, and remove, persons holding or acting in those offices;
  - d) prepare regular reports for submission to the county assembly on the execution of the functions of the Board;

- e) promote in the county public service the values and principles referred to in Articles 10 and 232;
  - f) evaluate and report to the county assembly on the extent to which the values and principles referred to in Articles 10 and 232 are complied with in the county public service;
  - g) facilitate the development of coherent, integrated human resource planning and budgeting for personnel emoluments in counties;
  - h) advise the county government on Human Resource Management and development;
  - i) advise county government on implementation and monitoring of the national performance management system in counties; and
  - j) make recommendations to the Salaries and Remuneration Board, on behalf of the county government, on the remuneration, pensions and gratuities for county public service employees.
2. The County Public Service Board shall also, whenever required by the Governor, advise the Governor and County Assembly on any matter affecting the County Public Service.
3. The Board may delegate in writing, with or without conditions, any of its functions to any one or more of its members or to any officer, body or authority in the County Public Service.
4. In appointing a person as a secretary to a board of a city or an urban area under subsection (1)(a), the County Public Service Board shall ensure that such person is a certified public secretary of good professional standing.
5. In the performance of its functions under subsection (1)(e), on promotion of the values and principles referred to in Articles 10 and 232 in the county public service; the County Public Service Board shall have powers to—
- a) inform and educate county public officers and the public about the values

and principles;

- b) recommend to the county government effective measures to promote the values and principles;
- c) assist county government in the formulation and implementation of programmes intended to inculcate in public officers the duty to uphold the values and principles;
- d) advise the county governments on their obligations under international treaties and conventions on good governance in the county public service;
- e) visit any county public office or body with a view to assessing and inspecting the status of compliance with the values and principles;
- f) investigate, on its own initiative or upon a complaint made by any person or group of persons, the violation of any values and principles;
- g) recommend to the relevant lawful authority, any necessary action in view of the violation of the values and principles by any person or public body;
- h) cooperate with other institutions working in the field of good governance in the public service; and
- i) perform any other functions as the Board considers necessary for the promotion of the values and principles.

5. The report by the County Public Service Board under subsection (1)(f) on Values and Principles referred to in Articles 10 and 232 shall:

- a) be delivered each December to the county assembly;
- b) include all the steps taken and decisions made by the board;
- c) include specific recommendations that require to be implemented in the promotion and protection of the values and principles;
- d) include specific decisions on particulars of persons or public body who have violated the values and principles, including action taken or recommended

against them;

- e) include any impediment in the promotion of the values and principles; and
  - f) include the programmes the board is undertaking or has planned to undertake in the medium term towards the promotion of the values and principles.
6. The Board shall publish a report required under this section in the county Gazette not later than seven days after the report has been delivered to the county assembly.

#### **1.12: Communication with the County Public Service Board**

All communication with the County Public Service Board (CPSB) shall be directed to the Chairperson. Serving officers may communicate with the Board only in exceptional cases and should channel their letters through their respective Authorized Officers with an advance copy to the Board.

#### **1.13 Role of the County Department Responsible for Public Service**

The Board may delegate some of its functions to the Authorized Officer in the County Department responsible for Public Service as may be determined and issued through a delegation instrument from time to time.

#### **1.14 Notification of the County Public Service Board and Public Service Commission's Decisions;**

- 1. The decisions of the Board to County Departments in respect of all cases will be communicated in writing to the respective Authorized Officers by the Chairperson, through the County Secretary.
- 2. The decisions of the Public Service Commission to the Board in respect of appeals will be communicated to the County Public Service Board in writing.

#### **1.15: Delegation by County Public Service Board**

- 1. The County Public Service Board may delegate, in writing, any of its functions to any one or more of its Members; County Secretary, County Chief Officer, Sub-County or Ward Administrator, Village Administrator, Municipal

Manager and Town Administrators.

2. The provisions of this Part shall apply to the person to whom the powers are delegated under this section (1.15).

**1.16: County Human Resource Management Advisory Committee (CHRMAC)**

1. To ensure effective Human Resource Management, the County Secretary shall constitute a CHRMAC.
2. The committee shall have a membership of thirteen (13) and the quorum shall be seven (7) members. The CHRMAC shall meet at least once in each month.
3. The decisions of the Committee shall be by consensus or majority vote of the members present.
4. The CHRMAC shall consist of the following members:
  - i. County Secretary –Chairperson;
  - ii. Head of County Human Resource Management and Development-Secretary;
  - iii. County Solicitor;
  - iv. Officers at Job Group 'Q' and above from each County Ministry appointed by the County Secretary;
  - v. An officer at Job Group 'R' and above may be appointed alternate Chairperson;
  - vi. The Committee may co-opt such members, in writing, as necessary from time to time with the approval of the County Secretary.
5. The functions of CHRMAC entail making recommendations to the Board regarding: -
  - i. Common cadre establishment promotions;
  - ii. Confirmation in appointment;
  - iii. Training and development;
  - iv. Secondment, leave of absence and unpaid leave;
  - v. Retirement under 50 years rule;



- vi. Retirement on medical grounds;
- vii. Re-designation; and
- viii. Discipline.

## **SECTION 2: COUNTY GOVERNMENT COMMUNICATION**

### **Introduction**

This Section sets out the basic rules for effective communication through correspondence and other means. It provides for expeditious treatment of communication within the prescribed rules and gives a brief guide for use of a variety of other communication media.

### **2.1: Forms of Correspondence**

1. Great importance is attached to the expeditious treatment of all communication received by the County Government.
2. Every communication requiring a response but which cannot be answered at once should be acknowledged promptly on receipt. The necessary consultations should then be finalized and appropriate reply dispatched within seven (7) days unless it can genuinely be established that such consultations require a longer period.
3. Correspondence within the County Public Service should be as concise as possible, indicating the general background to the issue and advice or decision sought on the issue.
4. Each correspondence should be specific under an appropriate and summarized heading. Invariably, the reference number and date of the last communication, if any, from the writer and from the person addressed on the same subject should be given.
5. Enclosures in foreign languages should be accompanied by a certified translation or in the case of documents of minor importance, by a summary of the contents.
6. Documents received in foreign languages should be referred to the State Department responsible for Foreign Affairs for official translation, if

necessary.

7. Any information relating to County Government business should not be communicated to the general public without the sanction of the County Secretary.
8. When decisions of the County Government have to be conveyed to non-governmental bodies or to members of the public, they should be communicated as the decisions of the County Government, and not as those of an individual officer or County Department.
9. The responsibility of ensuring that correspondence reaches its destination rests with the sender.

### **2.2: Communication by Public Officers**

1. A public officer shall communicate to the Authorized Officer through their respective supervisor.
2. All communication to the Board shall be through the County Secretary.
3. An officer is not allowed to take extracts or make copies of minutes or correspondence, unless such correspondence is expressly addressed to the officer personally.

### **2.3: Correspondence with other Governments or Administrations**

Any correspondence relating to relations between County Government of Kitui and other administration shall be governed by existing bilateral arrangements and other protocols and shall be referred to the County Secretary for guidance.

### **2.4: Classified Correspondence**

1. The Government of Kenya Security Manual contains instructions regarding classified correspondence.
2. The appropriate classification should be clearly marked at the top and bottom of every page of all classified documents.
3. Authorized Officers will be held responsible for ensuring that the most careful attention is paid to security matters in all offices under their control. The attention of all officers having access to classified information should be

particularly drawn to the Security Manual regularly.

### **2.5: Reports and Memoranda for the County Executive Committee**

1. A memorandum intended for consideration of the County Executive Committee must be signed by the County Executive Committee Member (CECM) concerned and submitted in original to reach the County Secretary at least seven (7) days before the meeting at which it is to be considered.
2. Cabinet memoranda shall be prepared in accordance with the guidelines issued by the Office of the County Secretary and Head of Public Service.

### **2.6: Publicity/Broadcasts**

1. CECMs shall liaise with the County Secretary for any information they wish to communicate to the public through the media.
2. The Directorate of Public Communications will assist in the preparation of the material for publicity in a form most suitable to the media. However, it will be the responsibility of the office of the County Secretary to ensure accuracy before any material is issued.
3. A public officer shall not issue statement (s) to the media on official matters without prior approval by the County Secretary.
4. The spokesperson to the CPSB shall be the Chairperson.

### **2.7: Use of modern means of communication**

1. For faster communication, County Ministries/Departments and CPSB shall adopt modern means of Communication such as use of official e-mail, telephones, organization websites, official twitter, official Facebook, Instagram, WhatsApp and other official social media platforms.
2. The County Secretary shall designate officers to handle social media and to ensure responsible use of the same. Relevant legislation on this shall apply.

### **2.8: Use of Password**

Where data is of a confidential nature and electronically stored, officers to whom passwords are entrusted shall take precautions to keep them confidential and

safeguarded. Unauthorized 'sharing' of passwords will be treated as an illegality. In the event there is leakage the officer responsible for the safe keeping of the password will held responsible.

## **2.9: Annual Reports**

Annual reports are intended to be a record of work done during the period under review and should be concerned with assessing whether County Government programmes, Performance Contracts, functions and activities have led to achievement of stated objectives or goals during the year in question. Annual reports should therefore, include the following information:

1. A descriptive statement giving background information about a programme, function or an activity which should include elements such as cost, time span, size and schedule.
2. A statement of intended objectives which were to be achieved after implementation;
3. Environmental influences/factors during implementation;
4. Outcomes/impacts in relation to the originally stated objectives;
5. An analysis on whether the activity in question has been managed efficiently and effectively as planned;
6. Recommendations and suggestions for future improvement of County Government policies and programmes;
7. Where feasible, County Ministries shall publish one report covering the Departments within the County Ministry;
8. The result of research or scientific investigations shall be published in scientific journals, or as separate monographs, and not in annual reports. The reports shall, however, include a reading list referring to these separate publications;
9. Annual reports shall be prepared on the basis of a financial year; and

10. Annual reports shall not be published without prior sanction of the Authorized Officer concerned.

### **2.10: Research Approvals**

An officer or a member of the public wishing to undertake research on any aspect of the County Public Service in a County Government establishment will be required to seek approval from the County Secretary and Head of Public Service.

### **2.11: Publications for Diplomatic and other Representatives Abroad**

1. All printed annual, statistical or other reports of general interest prepared in County Departments made for diplomatic/donor community shall be channeled through the County Secretary. To ensure that this is done, the addresses of diplomatic and other representatives abroad should be included in mailing lists.
2. It is of great importance that diplomatic and other representatives abroad should be provided with up- to-date information for purposes of publicity and response.

### **2.12: Kenya Gazette**

1. All communication for publication in the Kenya Gazette should reach the Government Printer not later than Friday of the week before publication is desired.
2. A County Department will be required to meet the cost of advertising in the Kenya Gazette.

### **2.13: Official Seals and Stamps**

1. The use of official seals and stamps in all County Government offices must be confined strictly to official requirements.
2. Applications by private persons for impressions of official seals shall not be allowed.
3. The official seals and stamps must be kept under the custody of a senior designated officer who shall be accountable for their custody and appropriate use.

#### **2.14: Disposal of Official Records**

Disposal of official records shall be done in accordance with the provisions of the *Official Secrets Act, 2022 which prohibits disclosure of sensitive information and other actions for the preservation of state secrets and state security*; the Public Archives and Documentation Services Act, 2022 *that guides on the procedure for disposal of public records*; and Personnel General Letter No.1 of 2008 *which guides on the disposal of personnel records by outlining the various categories of personnel records, their retention periods and disposal procedures.*

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## **PART II: RECRUITMENT, SELECTION, APPOINTMENT, PROMOTIONS AND TRANSFERS**

### **Introduction**

This part addresses recruitment, selection, appointment, promotions and transfer matters in the county public service. It provides rules governing recruitment, appointment, confirmation in appointment and promotion of public officers. It also provides guidelines on career progression, secondment and transfer of officers from one organization to another and other related matters.

### **SECTION 3: RECRUITMENT AND APPOINTMENT**

#### **3.1: Human Resource Plans**

1. Every County Department shall prepare Human Resource Plans to support achievement of goals and objectives in their strategic plans. The plans shall be based on comprehensive job analysis and shall be reviewed every year to address emerging issues and needs.
2. On the basis of these Human Resource plans, County Departments shall be required to develop annual recruitment plans which shall be forwarded to the County Public Service Board, as applicable, at the beginning of each Financial Year to enable it plan to fill the vacancies.

#### **3.2: Reporting of Vacancies**

Except as provided for in the Constitution or legislation, the County Public Service Board's power to make appointments including promotions as provided for under Section 63 CGA Act, 2012 shall be exercised:

- (a) at the request of the relevant county chief officer of the department to which the appointment is to be made; or
- (b) on the County Public Service Board's *own motion* on account of best interest of the county public service and parity of treatment of public officers taking into account the circumstances of each case;
- (c) Graduate entry grades for different cadres shall be CPSB 10/ 'J', CPSB 09/ 'K', CPSB 08/ 'L', CPSB 07/'M', in accordance with the entry grade for each cadre, as

prescribed in the Schemes of Service.

(d) Diploma entry grades for different cadres shall be CPSB 11/ 'H' or as prescribed in the Schemes of Service.

(e) Recommendations for filling vacancies in Job Group 'M' and above in an Acting capacity shall be submitted to the County Public Service Board. Such recommendations should be accompanied by a draft indent and a seniority list of officers including an account of their performance.

### **3.3: Advertisement of Vacant Posts**

1. The Board shall advertise all vacant posts in a manner that reaches the widest pool of potential applicants which may include:

- i. at least one daily Newspaper of Nationwide circulation;
- ii. the County Website;
- iii. local Administrative Units,
- iv. radio with wide coverage;
- v. any other mode of application; and
- vi. allow for a maximum of twenty-one (21) days before closing the advert.

2. The advertisement shall have the following details:

- i. the title and rank/Job Group of the post;
- ii. number of vacancies;
- iii. job description;
- iv. person specification (essential and desirable qualities, skills, experience and qualifications);
- v. proposed remuneration including salary;
- vi. allowances and other benefits;
- vii. terms of service; and
- viii. deadline of submitting/transmitting the application, any considerations that may occasion disqualification or affirmative action and an indication that only shortlisted and successful candidates will be contacted.



### **3.4: Recruitment**

Recruitment shall be undertaken on the basis of fair competition and merit; representation of Kenya's diverse communities; adequate and equal opportunities to all gender, youth, members of all ethnic groups, persons with disabilities and marginalized/minorities.

### **3.5: Application for Employment**

A candidate applying for employment shall do so online through the county Website or manually by completing the prescribed KCPSB form, as the case may be.

### **3.6: Offer of Appointment**

1. Before taking up duty, a person appointed to any office shall be issued with the appropriate letter of offer of appointment, as the case may be, by which he must signify acceptance of the offer, before he commences his/her duties.
2. An offer of appointment may be withdrawn if the candidate does not accept in writing and take up the appointment within thirty (30) days of the offer.

### **3.7: Categories of Appointment**

Appointments in the County Public Service shall fall into the following categories:

- i. Permanent and Pensionable;
- ii. Contract; and
- iii. Casual;

### **3.8: Appointment Procedures**

1. The procedures to be followed in filling vacancies within the scope of the County Public Service Board are set out in County Governments Act, 2012.
2. The County Public Service Board may delegate its powers to appoint persons to hold office in the County Public Service pursuant to Section 86 of the County Governments Act, 2012.
3. Appointments made under the powers delegated by the County Public Service Board to Authorized Officer shall be processed through the County Secretary.

### **3.9: Letters of Appointment**

1. An officer appointed to a position in the County Public Service shall be issued with a letter of appointment specifying the terms and conditions of service.
2. A letter of appointment shall state particulars of employment which should include; the name and address of the employee, job title, date of commencement of appointment, probation period, duration of employment, remuneration, terms of separation, terms & conditions of employment.

### **3.10: Date of Appointment**

The date of appointment shall be the date of assumption of duty.

### **3.11: Appointment documents**

A candidate on first appointment shall provide the following documents:

- i. National identity card/valid passport;
- ii. Birth certificate;
- iii. KRA tax PIN;
- iv. Original academic and professional certificates duly authenticated by the issuing Authority;
- v. Certificate of good conduct from the Directorate of Criminal Investigations;
- vi. Color passport size photograph;
- vii. Bank account details;
- viii. SHA Number; and
- ix. NSSF Number.

In addition, the CPSB shall ensure that all newly appointed officers' professional and academic certificates are authenticated by the issuing institutions within the probation period.

The newly appointed officers shall make an initial declaration of income, assets and liabilities by completing the prescribed form.

### **3.12: Next of Kin**

1. An officer will be required to complete a next-of-kin form on first appointment and to update his next-of-kin records and other family details in the Government Human Resource Information System (GHRIS) whenever necessary.

2. In addition, an officer appointed to the permanent and pensionable establishment with membership to a pension scheme shall complete the nomination of beneficiaries' form under the scheme.

### **3.13: Record of Previous Employment**

It is the duty of the CPSB, when making appointments to ensure that a candidate's record of previous employment is satisfactory in all respects.

### **3.14: Medical Examination**

All candidates on new appointment shall be required to undergo a medical examination by a Medical Officer who must complete the prescribed form. The purpose of the medical examination shall be to guide deployment of the employees.

### **3.15: Appointment on Probation to Pensionable Establishment**

1. Where vacancies exist in the pensionable establishment, candidates recruited to fill such vacancies shall be appointed on probation for a period of six (6) months.
2. An officer appointed on probation to the pensionable establishment shall be regarded as being on assessment with a view to learning his work and being tested as to his suitability for it. It is the duty of the supervisor(s) to ensure that every officer on probation is given adequate opportunities to qualify for confirmation in appointment.
3. At least one (1) month before the expiry of the probationary period, the Authorized Officer shall consider in the light of the report(s) on the officer's performance, conduct and capabilities whether or not the officer is suitable for confirmation.
4. Where an officer's performance is unsatisfactory, he shall be informed in writing and the probation period may be extended for a maximum period of three (3) months in consultation with the CPSB.
5. Should the officer's performance fail to improve on expiry of the extended probation period, his probationary appointment shall be terminated accordingly.
6. Where an officer has served on terms other than pensionable and is

subsequently appointed on a pensionable post, the terms of service may be translated to pensionable from the date the officer was placed on a pensionable post. The officer shall, however, not be required to serve the probationary period in accordance with this regulation.

### **3.16: Admission to Pensionable Establishment**

1. For the purposes of this manual and for the officer's subsequent retirement from the service, a birth certificate issued after the date of first appointment will not be accepted unless the date of birth shown in the birth certificate tallies with the date of birth on the identity card.
2. Where a variance in the date of birth of an officer, as contained in the officer's records, is detected or initiated by an officer for whatever reason, the same shall be forwarded to the Board, together with all available records or evidence for guidance.

### **3.17: Confirmation in Appointment and Admission to Pensionable Establishment**

1. An officer appointed to the service in a pensionable post will be confirmed in appointment and admitted into the permanent and pensionable establishment on completion of probationary period of six (6) Months satisfactory service.
2. Service on contract terms may be taken into account in full as probationary service, in the case of an officer who has been appointed on probation to pensionable establishment without a break in service.

### **3.18: Procedure for Confirmation in Appointment**

1. The powers of confirmation of all officers in their appointments are vested on the Board and will be exercised on the recommendation of the County Human Resource Management Advisory Committee. However, extension and termination of probationary appointments will be dealt with in accordance with the powers delegated by the County Public Service Board.
2. The Authorized Officer will make a report on the officer's suitability for confirmation or otherwise at least one (1) month before the end of the probationary period and inform the officer accordingly.

3. Where the Authorized Officer fails to submit a report during the probationary period, by operation of the law shall be deemed automatically confirmed in appointment.
4. Where an officer's performance is unsatisfactory, he shall be informed in writing and the probation period may be extended to a maximum period of three (3) months.
5. Should the officer's performance fail to improve on expiry of the extended probation period, his probationary appointment shall be terminated accordingly.

### **3.19: Appointment on Contract Terms**

#### **3.19.1 Long-term Contract**

Provides for a contractual engagement of more than twelve (12) months but **not** exceeding six (6) years.

1. Appointment on contract terms shall be made under the following circumstances:
  - (i) Where officers are appointed to serve on fixed-term projects.
  - (ii) Appointments at senior levels as determined by the County Public Service Board from time to time.
  - (iii) Where capacity in the public service is lacking or specific skills are required.
  - (iv) Personal staff of specified state officers as determined by the Board from time to time. Such staff shall serve during the tenure of the state officers.
2. Appointment of officers on contract and renewal of such contracts shall be made on authority of the County Public Service Board. Authorized Officers shall report to the Board all cases of appointment on contract terms which require renewal at least three (3) months before expiry of such contracts.
3. An officer serving on contract, and whose services are still required, shall be informed in writing at least three (3) months before the expiry of the

contract. On acceptance of the offer, the case will be referred to the Board for renewal.

4. Contract appointments shall be limited to a maximum period of three years, renewable for further period(s) subject to demonstrable performance and other terms of the contract.
5. Persons may be appointed on supernumerary contract terms under the following circumstances:
  - i. Personal staff of specified state officers in which case such staff shall serve for a period tied to the tenure of the specific state officers. In this case, where the tenure of a state officer lapses or where the state officer's service is terminated, the contract of such personal staff shall terminate automatically effective the date the state officer's service lapsed/was terminated.
  - ii. Where a County entity requires the services of a technical expert or a support service to enable deliver a particular mandate for a specified period.
  - iii. Where the position does not exist in the authorized establishment of a public entity and the appointment of such a person is viable in the interest of the public entity's service delivery, in the meantime.

### **3.19.2 Short-Term Contract**

Provides for an agreement, in writing, to employ or to serve as an employee for a fixed period **not** exceeding twelve (12) months. An employee engaged on a short-term contract shall be bound by code of conduct, rules and regulations applicable to county public officers. A short-term contract services shall not be a guarantee of permanent employment in the county public service.

### **3.20. Engagement and Management of Temporary Workers**

Engagement and management of temporary workers including casual workers, shall be regulated as per section 74 of County Governments Act, 2012, which provides that *the*

*CPSB shall regulate the engagement of persons on Contract, Volunteer, Casual Workers, Staff on Joint ventures, Interns and Industrial Attachees in its public bodies and offices.*

### **3.20.1 Engagement of Casuals**

A casual worker is a person whose engagement provide for his payment at the end of each day and who is not engaged for a longer period than three (3) Months.

1. No person shall be engaged on casual basis in the county as: -
  - i. a revenue collector;
  - ii. an officer involved in any aspect of procurement;
  - iii. storekeeper;
  - iv. pharmacy;
  - v. a cashier;
  - vi. a caretaker of any premises belonging to the county;
  - vii. a security officer
  - viii. Plant Operators
  - ix. Drivers
  - x. a holder of any strategic public office including any office established by written law or such other positions as may be determined by the CPSB.
2. A casual in county public service shall be engaged for a period not exceeding three (3) months.
3. A casual worker shall be bound by code of conduct, rules and regulations applicable to county public officers.
4. A casual should not hold any supervisory role over any public officer.
5. Casual services shall not be a guarantee of permanent employment in the county public service.

### **3.20.2 Industrial Attachment**

Industrial attachment is an important component of education and training;

1. Provides attachees with opportunities to acquire practical aspects of their respective areas of specialization in a real work place environment. The

County government shall support industrial attachment by providing opportunities to students in tertiary and higher education institutions.

2. Shall be undertaken during the course and the duration shall be for a maximum period of three (3) months.
3. Shall be in line with the values and principles of county public service and the existing labour laws.

### **3.20.3 Internship**

1. Trainees graduating from training institutions join the labour market with academic and theoretical approaches to work and hence require practical exposure in a real work environment.
2. The County Public Service uses internship programmes as part of on the job training for the purpose of molding interns to become responsible citizens who shall contribute effectively to the socio-economic development of the country.
3. Internship shall be for a non-renewable period not exceeding one year and shall not be a guarantee for employment in the county public service.
4. The engagement of interns in the county public service shall be through a competitive, transparent and accountable process and accord equal opportunity to all qualified applicants.

### **3.20.4 Volunteer**

The CPSB may appoint a qualified person to serve on voluntary basis.

1. A volunteer in county public service shall;
  - i. be issued with a letter of engagement not exceeding 12 months.
  - ii. be bound by code of conduct, rules and regulations applicable to public officers.
  - iii. not hold any supervisory role over any public officer.
  - iv. not be a guarantee of employment in county public service.
2. No person shall be engaged on voluntary basis in the county as: -
  - i. a revenue collector;



- ii. an officer involved in any aspect of procurement;
- iii. storekeeper;
- iv. pharmacy;
- v. a cashier;
- vi. A caretaker of any premises belonging to the county;
- vii. A security officer and
- viii. A holder of any strategic public office including any office established by written law or such other positions as may be determined by the CPSB.

### **3.21: Re-designation**

1. Re-designation of staff in the County public service shall remain the responsibility of the Public Service Board upon recommendation of CHRMAC, subject to suitability interview for those moving to non-related cadres.

a) Re-designation of officers shall be subject to the following conditions:

- i. An officer who wishes to re-designate shall apply, in writing, to the County Secretary through the respective authorized officer for re-designation.
- ii. Suitability interview for officers who are moving from one cadre to another;
- iii. Suitability interview shall not apply for posts which fall within the same job family;
- iv. Shall be limited to positions in the first two (2) entry levels in any cadre;
- v. Shall take effect from the date of the Board's decision;
- vi. Authorized Officers shall be required to promote qualified officers before processing the re-designation requests;
- vii. Re-designation with continuous service will be allowed only for technical cadres whose job specifications are similar for both

- graduate and non-graduate officers; and
- viii. Shall be subject to existence of vacancies.

b) The above notwithstanding, re-designations:

- i. Shall be based on an officers' demonstration of competence, merit and ability in performance.
- ii. Beyond the common establishment grades may be considered by the Board, under certain circumstances, on a case to case basis.

### **3.22: Non-Discrimination in Employment**

1. The County Government shall promote equality of opportunity in employment and will not discriminate directly or indirectly against an employee on any grounds including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth.
2. The County Government shall endeavour to have a gender balanced Civil Service by continuously implementing the Constitutional requirement that not more than 2/3 of positions in its establishment are filled by either gender.

### **3.23: Rights and Privileges of Persons with Disabilities**

1. Persons with disability shall be accorded equal opportunities for employment provided they have the necessary qualifications and are suitable for such employment.
2. The County government shall implement the Constitutional requirement that at least five (5) percent of all appointments shall be for persons with disabilities.
3. The County Government shall provide facilities and effect such modification, whether physical, administrative or otherwise, in the workplace as may be reasonably required to accommodate persons with disabilities.

### **3.24: Recruitment of Non-Citizens**

1. It is the policy of the County Government not to employ non-citizens where there are citizens with the required qualifications.

2. Appointment of non-citizens shall only be on contract terms not exceeding three (3) years, renewable once.
3. Recruitment from outside Kenya will also be subject to the following: -
  - (i) that the candidate is prepared to accept an appointment on contract terms;
  - (ii) that the Government of the country to which the candidate belongs raises no objection to his recruitment; and
  - (iii) the candidate complies with the requirements of the Immigration Act.
4. Non-citizen employees are also subject to the policies and regulations applicable in the County Public Service.

## **SECTION 4: PROMOTIONS**

### **Introduction**

1. Promotions in the County public service shall be based on qualifications and other requirements for appointment as stipulated in the career progression guidelines.
2. In selecting candidates for promotion, regard shall be given to affording adequate and equal opportunities to all gender, youth, members of all ethnic groups, persons with disabilities and minorities.

### **4.1: Promotions dependent on examinations**

1. Where an officer is to be promoted upon satisfying requirements which include the passing of PSC applicable examinations, the officer shall be promoted with effect from the date he or she passed the examination.
2. The date of passing the examination is the date of release of results by the PSC.

### **4.2: Promotion to posts in common establishment**

Promotion to posts within a common establishment shall cover the first two (2) grades at entry level or as provided in the respective Schemes of Service.

### **4.3: Dates of Promotion**

1. The effective date of an officer's promotion under competitive posts shall be

the date of the Public Service Board's decision.

2. Promotion within common establishment posts shall be effective from the date the officer qualifies.
3. If an officer has been appointed by the Public Service Board to act in a post and is subsequently promoted to it without any interval between the appointment in an acting capacity and the date of his substantive promotion, the effective date of promotion will be the date on which he commenced to act.

#### **4.4: Seniority**

Seniority of public officers shall be determined as follows:

1. As between public officers of the same Grade:
  - i. By reference to the dates on which they respectively entered the grade.
  - ii. If the public officers entered that grade on the same day, by reference to their seniority on the day immediately preceding that day.
  - iii. If any public officers who entered the same grade on the same day did so by appointment and not by promotion, then seniority relative to each other shall be determined by reference to their respective ages.
2. As between public officers of different grades on the same salary scale or the same flat rate of salary, by reference to the dates on which they respectively entered their grades.
3. As between public officers of different grades on different salary scales, by reference to the maximum point on their salary scale, a flat rate of salary being regarded for this purpose as a salary scale with a maximum point equivalent to the flat rate.

### **SECTION 5: TRANSFERS**

#### **5.0 Transfer from One County Department to another**

1. The County Secretary shall be responsible for transfer of staff across county departments in consultation with relevant chief officers and submit quarterly reports to the Public Service Board.

2. In exceptional circumstances, transfers of officers in Job Group 'Q' and above shall be approved by Public Service Board on the recommendation of the CHRMAC.

### **5.1: Transfer of Service**

1. Transfers to and from the County Public Service shall be approved by the County Public Service Board.
2. An officer shall be considered for transfer of service taking into account the existing guidelines, the terms of service specific to the officer and the provisions of applicable pension schemes as guided by the PSSS Act, RBA Act and specific trust deeds and rules of the pension scheme.
3. An officer seeking transfer of service to another administration shall submit his application through the County Secretary.
4. If an officer is offered appointment in another administration, requests for transfer of service shall be made through the County Secretary to the County Public Service Board for approval.
5. An officer who wishes to take up appointment in another administration other than in accordance with the procedures set out in this manual, shall be required to resign from his position in the County Public Service.

### **5.2: Secondment**

Secondment of officers from the Public Service to other organizations is applicable to pensionable officers, for a period not exceeding three (3) years and may be renewable once. The following shall apply:

- i. Secondment of officers to and from other public organisations shall be undertaken by the County Public Service Board;
- ii. Requests for secondment shall be forwarded by the County Secretary to the Board for approval before an officer takes up the secondment position;
- iii. Secondment of officers from County public service to other organizations shall be authorized only in cases where an officer is joining an institution on non-permanent terms;

- iv. Secondment for officers moving from the other public administrations to the Kitui public service shall be granted by the relevant body of such administrations;
- v. Secondment shall not apply to officers serving on contractual terms of service;
- vi. To maintain an officer's pensionable status, the officer or the organization to which the officer is seconded will be required to make pension contribution at the prevailing rate. Where the organization pays the pension contribution for the officer, such amount shall be deducted from the officer's service gratuity;
- vii. Officers on secondment will be paid their salaries and other allowances by the organizations in which they are deployed;
- viii. Secondment of officers in the County Public Service will be regulated in the context of the relevant pension legislation;
- ix. Officers on secondment to other organizations will be eligible for promotion in their parent organization during the period of secondment;
- x. Secondment shall be applicable to a public officer appointed on contract to a public body or an international public body to which Kenya is a State party or has an existing bilateral agreement; and
- xi. An officer on secondment shall not be seconded to another organization during the period of the secondment.

## **PART III: TERMS AND CONDITIONS OF SERVICE**

### **Introduction**

Terms and conditions of service are the rights and obligations of an employee and an employer in the employment contract. These include; salary, allowances, housing, transport, terminal benefits, leave, conducive work environment and employee welfare and wellness.

The County Government is committed to ensure that the terms and conditions of service in the county public service are competitive in order to attract, motivate and retain a skilled and productive workforce that ensures quality service delivery. The County Public Service Board shall review and make recommendations to the County Government in respect of conditions of service in the County public service.

### **SECTION 6: SALARY AND ALLOWANCES**

#### **6.0: Payment of Salary**

1. On appointment, an officer shall be paid full salary from the date of assumption of duty.
2. All officers shall be paid salary on monthly basis in Kenya currency through their respective bank accounts.
3. Public officers shall not over-commit their salaries beyond two thirds ( $\frac{2}{3}$ ) of their basic salaries and County Heads of Human Resource Unit should ensure compliance.

#### **6.1: Salary Structure**

1. The County Public Service salary structure will be based on the approved grading levels aligned to various career guidelines .
2. On first appointment, an officer will enter the salary structure at the minimum point of the respective salary scale. However, an officer maybe granted incremental credit for previous relevant experience at the rate of one increment for each complete year of approved experience provided the maximum salary of the Job Group assigned to the post is not exceeded. The

grant of increments for relevant experience shall be subject to the following conditions:

- i. Incremental credit will only be granted in respect of approved experience gained after acquiring the requisite minimum qualifications for the grade. In granting incremental credit, any period of service or experience stipulated as a basic requirement for appointment or promotion to a particular grade will be excluded;
- ii. Incremental credit will be granted only for previous approved experience in the type of work upon which an officer will be employed on his appointment to the particular grade;
- iii. Incremental credit may not be granted on appointment to promotional posts, i.e. posts to which an officer would not normally be appointed if he had joined the County Public Service immediately after completing education; and
- iv. Incremental credit may be granted for the number of years of aggregate approved experience, only complete years will be taken into account, with periods in excess of full years being ignored.

### **6.2: Annual Incremental Dates**

The first date of the month shall be an incremental date. An officer's annual incremental date shall be the first date of the month one is appointed.

### **6.3: Determination of Salary on Promotion/ Upgrading**

1. Where the salary of an officer who is promoted to a higher Job Group is lower than the minimum of the salary scale attached to the higher Job Group, he shall enter the scale of the higher Job Group at the minimum point of the scale on the effective date of his promotion/upgrading. His future incremental date shall be the following year on the first date of the month



- in which the officer was promoted.
2. Where the salary of an officer on the day preceding the effective date of his promotion is one point immediately below the minimum of the salary scale attached to his new Job Group and if that officer was earning an annual increment, he shall enter the scale at the minimum salary point attached to his new Job Group on the effective date of his promotion and retain his former incremental date.
  3. In the event that on the effective date of promotion or upgrading the officer was already within the higher salary scale but the officer had not attained the maximum point of his current salary scale, the officer shall enter the higher salary scale, at the point next above his current salary on the effective date of his promotion or upgrading and the officer shall retain his former incremental date, i.e. incremental date immediately prior to his promotion.
  4. If on the day preceding the effective date of his promotion he had attained the maximum point of the salary scale attached to his former Job Group and his service at that salary amounted to less than one year, he shall enter the salary scale attached to his new Job Group from the effective date of his promotion at the point next above his salary. His future incremental date shall be the 1<sup>st</sup> date of the month in which the officer was promoted.
  5. If on the effective day of the promotion an officer had served at the maximum salary point of his present salary scale for one (1) year but less than two (2) years the officer shall enter the next salary point above his salary and will retain his former incremental date prior to reaching his maximum salary point.
  6. If on the effective day of the promotion an officer had served at the maximum salary point of his present salary scale for two years but less than three years, the officer shall be granted two (2) years' salary increments at the point above his salary. His future incremental date shall be the first (1<sup>st</sup>) date of the month in which he was promoted.

7. If on the effective day of the promotion an officer had served at the maximum salary point of his present salary scale for three years and above, the officer shall be granted three (3) salary increments at the point above his salary. His future incremental date shall be the 1<sup>st</sup> date of the month in which he was promoted.

#### **6.4: Determination of Salary of an officer Transferred from Another Administration**

The salary of an officer who is transferred from another administration shall be determined by application of the provisions contained in this Manual.

- i. Any advertisement to fill vacancies in the County Public Service shall provide for remuneration which shall reflect the salary, allowances and other applicable benefits as the case may be.
- ii. Where an officer has been identified/head-hunted from other external Public Services, Private Sector, International/ Intergovernmental Organizations to enhance technical or professional support due to their skills and expertise in certain specific fields of competence which may not be readily available in the service, such persons shall serve on Fixed Term Contracts; and
- iii. Where positions have been filled competitively through an open competitive process, requests for retention of salary earned in the previous employment shall not be considered.

#### **6.5: Advance of Salary**

1. An advance of not more than one month's salary may be granted by an Accounting Officer to an officer on permanent and pensionable or contract establishment when the officer, owing to circumstances beyond his control, is placed in a difficult financial position requiring assistance from the County Government.
2. In applying for the advance, the officer shall explain in detail the circumstances leading to the situation which he could not have foreseen and

planned for.

3. Officers posted to designated hardship areas on new appointment may be granted salary advance by the Accounting Officer, each such case being considered on its own merit. An advance under this regulation may be granted only when an officer has no other outstanding salary advance.
4. In very exceptional circumstances, an Accounting Officer may grant an advance of not more than two (2) months' salary in situations similar to those in paragraph (1) above if he is satisfied that the officer needs assistance in excess of one month's salary advance.
5. The recovery period for salary advance will be limited to a period of not more than twelve (12) months. In respect of an officer who is due to leave the service before twelve (12) months, the advance must be fully recovered in equal installments within the remaining period of the officer's service in the County Government.

## **6.6: Allowances**

1. Additional payments are made in form of allowances, either to reimburse an officer for the expenses incurred directly or indirectly in the execution of his duties or to compensate him for services rendered over and above the normal job requirements.
2. The following are the allowances that are currently applicable in the County Public Service and the circumstances under which they are payable;

### **6.6.1: House Allowance**

1. All officers are eligible for house allowance applicable to their grades as stipulated in SRC Circulars issued from time to time.
2. Officers occupying institutional houses shall pay rent equivalent to the value as shall be determined by the Ministry responsible for Housing or surrender their house allowance whichever is lower.

### **6.6.2: Commuter Allowance**

1. All officers in Job Group 'T' and below shall be eligible for commuter allowance where they are not provided with County Government transport.
2. The rates of the allowances will be as determined by SRC from time to time.
3. It will be an offence for an officer in receipt of commuter allowance to use County Government vehicle from house to office and vice versa.

### **6.6.3: Hardship Allowance**

Officers deployed in designated hardship areas shall be eligible for the applicable hardship allowance as determined by the SRC from time to time.

### **6.6.4: Leave Allowance**

1. All officers shall be eligible for leave allowance payable once a year. The rate of leave allowance shall be determined by the SRC from time to time.
2. An officer stationed in any designated hardship area and who proceeds on leave twice a year and takes not less than half ( $\frac{1}{2}$ ) of his entitlement shall be eligible for full payment of leave allowance twice per year. If such an officer does not apply for leave he shall only draw leave allowance once a year.

### **6.6.5: Entertainment Allowance**

Public officers in Job Groups 'T', 'U' and 'V' are from time to time required by the nature of their duties to provide hospitality and entertainment to official guests. To enable them meet such expenses, a non-accountable monthly entertainment allowance shall be paid as may be determined by the SRC from time to time.

### **6.6.6: Extraneous Allowance**

Extraneous allowance shall be paid to officers who are called upon to undertake extra responsibilities in addition to their normal duties and therefore work over and above the official working hours on a continuous basis. The rates and eligibility for payment shall be determined by the SRC from time to time.

### **6.6.7: Acting Allowance**

1. When an officer is eligible for appointment to a higher post and is called upon to act in that post pending advertisement of the post, he is eligible for payment of acting allowance at the rate of twenty percent (20%) of his substantive basic salary. Acting allowance will not be payable to an officer for more than six (6) months.
2. Acting appointments shall not be approved to take effect from a date earlier than one (1) month prior to the date on which the recommendation is submitted to the the County Public Service Board as the case maybe.
3. The payment of acting allowance shall be subject to recommendation by the Authorized Officer through the County Secretary for approval by the County Public Service Board.
4. All recommendations for acting appointments in Job Group 'Q' and above shall be accompanied by a draft indent for advertisement of the vacancy and shall be forwarded to the County Public Service Board.
5. When a post falls temporarily vacant due to the absence of the substantive holder, an acting appointment shall not be made unless the period of such absence exceeds thirty (30) days.
6. A recommendation for an acting appointment for a period of thirty (30) days or less will be considered by the County Public Service Board for those cases where the law or regulations require that, in the absence of the substantive holder of a public office, the function of that public office can be exercised only if another officer is appointed in an acting capacity.
7. An officer who is appointed to act in a higher post shall be eligible for the duration of his acting appointment for the travelling privileges, accommodation allowance, subsistence allowance or an extraneous allowance and entertainment allowance applicable. However, the officer shall not qualify for house allowance or other remunerative allowances applicable to the higher post.

8. Acting Allowance shall not be paid against any post falling within the common establishment.
9. In all cases, an officer must be appointed to act in writing by the County Public Service Board.

#### **6.6.8: Special Duty Allowance**

1. When an officer is called upon to perform duties of a higher post but does not possess the necessary qualifications for appointment to that post, he shall be paid special duty allowance at the rate of fifteen per cent (15%) of the officer's basic salary.
2. The payment of special duty allowance shall be subject to recommendation by the Authorized Officer through the County Secretary for approval by the County Public Service Board.
3. When a post falls temporarily vacant due to the absence of the substantive holder, special duty allowance should not be paid to an officer performing duties of such a post unless the period of absence exceeds thirty (30) days.
4. Officers shall not be called upon to perform duties of a post that is more than two (2) grades higher than the officer's substantive grade.
5. Special Duty Allowance will not be payable to an Officer for more than six (6) months.
6. Officers performing duties of a higher post under this provision shall be eligible for travelling privileges, accommodation allowance, subsistence allowance or an extraneous allowance and entertainment allowance applicable. However, the officer shall not qualify for house allowance or other remunerative allowances applicable to the higher post.

#### **6.6.9: Daily Subsistence Allowance (Local Travel)**

1. When an officer is travelling on duty and stays overnight away from his duty station and makes his own arrangements for accommodation, accommodation allowance shall be paid to him at the rates determined by the SRC from time to time.

2. Accommodation allowance will be paid for a maximum continuous period of thirty (30) days. Notwithstanding the provisions of paragraph (1) of this provision, an officer who is required to be away from his duty station for more than thirty (30) days will be paid accommodation allowance for the subsequent additional days at half ( $\frac{1}{2}$ ) rate up to a maximum period of five (5) months. Beyond this period, if the officer continues to work in the same station, this will be treated as a posting and accommodation allowance will cease to be applicable.
3. On transfer from one station to another, an officer may claim accommodation allowance for self and spouse and up to a maximum of four (4) unmarried children under twenty five (25) years of age, who are living with and are in full time schooling and dependent on him should they be compelled to spend one or more nights on the journey. The rate of allowance for the spouse and children aged eighteen (18) years and above will be the same as that of the officer. The rate for the children below eighteen (18) years will be half that payable to the officer.

#### **6.6.10: Meal Allowance**

1. Meal allowance shall only be paid to officers travelling on duty within the country but who are not required to spend a night away from the permanent duty station. Meal allowance will not be paid alongside accommodation allowance.
2. Meal allowance shall be paid at the rate of 15% for breakfast, 20% for lunch and 20% for dinner of the daily subsistence rate applicable.
3. Meal allowance shall not be paid as a compensation for officers who are required to work beyond the official working hours.

#### **6.6.11: Daily Subsistence Allowance while Travelling on Duty outside Kenya**

1. A public officer who is required to travel on duty outside Kenya shall be granted subsistence allowance at the daily rates determined by the SRC from time to time.

2. The rates of subsistence allowance are designed to meet the cost of accommodation at good, but not luxury class hotels, meals, including service charges, local travelling (such as taxi, bus or train fare), incidental expenses including any taxes and an element in respect of essential entertainment.
3. Travelling expenses incurred from the airport to a hotel or other residential place and vice versa, airport charges, fees for vaccination, visas and passport charges will be refunded.
4. Where an officer's travelling and accommodation expenses are covered in full by the County Government or any other Organization, a residual allowance of up to one-quarter ( $\frac{1}{4}$ ) of the standard rate of subsistence allowance will be paid to cover incidental expenses.
5. In cases where the sponsor does not meet the expenses directly but pays an allowance and such allowance is less than the standard rate of subsistence allowance, the officer may claim the difference from the County Government.

#### **6.6.12: Overtime Allowance**

1. Where an officer in Job Group 'J' and below is required to work overtime, an allowance may be granted to him with approval of the departmental head for overtime worked in excess of forty (40) hours per week, at the rate of one and a half ( $1\frac{1}{2}$ ) times the officer's basic salary during working days and two (2) times the officers basic salary during other days including public holidays.
2. Overtime allowance shall be paid subject to a maximum of ten hours per week.
3. This provision shall not apply to certain categories of staff in County Departments who are required to work overtime regularly and an allowance has been authorized for their compensation.

#### **6.6.13: Transfer Allowance**

1. When an officer is transferred from one station to another, he shall be



eligible for transfer allowance amounting to one (1) month's basic salary provided the new station is not less than 40 kilometres from the former station. Transfer allowance shall be paid at least three (3) days prior to departure.

2. Transfer allowance shall not be paid to:-
  - i. Field officers such as Surveyors, Hydrologists, Engineers, Geologists and Inspectors of Works, when moving from one camp to another;
  - ii. Officers who are deployed on temporary basis (i.e. on relief duty) for a period not exceeding five (5) months; and
  - iii. Officers who are transferred at their own request.

#### **6.6.14: Field Allowance**

Field officers such as surveyors, road foremen, prospectors and officers in charge of land development units, whose duties entail continuous field work and who live in movable accommodation (i.e. portable huts, tents or caravans), may be granted a regular field allowance at the rate of 25% of the Daily Accommodation Allowance as provided from time to time.

#### **6.6.15: Baggage Allowance**

1. When travelling on first appointment, transfer or termination of appointment, an officer shall be provided with a County Government vehicle to transport his luggage.
2. In the absence of a vehicle, the officer shall be eligible for a baggage allowance at rates determined by the SRC from time to time.
3. The officer shall be expected to request for transport within three (3) months of appointment, transfer or termination of appointment failure to which, the privilege will be forfeited.
4. In case of the death of an employee, the next-of-kin shall be eligible for a baggage allowance at rates determined by the SRC from time to time.

### **6.6.16: Other Allowances**

The County Government may pay other allowances to different categories of County public officers in various circumstances. Such allowances shall be determined and communicated from time to time.

## **SECTION 7: BENEFITS**

### **Introduction**

This section deals with various benefits including housing, medical, transport and terminal benefits provided by the County Government.

### **7.1: Allocation of County Government Houses**

1. The County Government provides County government houses for employees who are required to pay rents at prevailing market rates as determined from time to time by the County Ministry responsible for Housing.
2. County Government institutional houses shall be allocated at the station where an officer is posted for duty. The guidelines for allocation shall be provided by the County Ministry responsible for Housing from time to time.
3. Applications for County Government housing should be submitted to the County Secretary through respective Authorized Officer.
4. The responsibility for the allocation of housing at the County Government and recovery of rent rests with the County Secretary.

### **7.2: Occupation of County Government Houses**

On occupation of a County Government quarter, the Authorized Officer responsible for housing shall notify the County Secretary for the purpose of rent recovery.

### **7.3: County Government Mortgage Scheme**

1. The County Government through the County Ministry responsible for Finance may establish a Mortgage Scheme for county public officers to facilitate the officers to purchase or construct residential houses.
2. The scheme shall be managed in accordance with the regulations developed by the Ministry responsible for Finance.

### **7.4: Medical Benefits**

1. The County Government has established a Medical Insurance Cover to

provide medical benefits for county public officers, their spouses and dependant children.

2. The Medical Insurance Cover shall be reviewed annually to ensure that the County Government and its employees get value for money invested in the Scheme.
3. The County Government agencies/institutions shall ensure employees have a medical scheme managed in accordance with applicable guidelines.
4. In addition, the County Government shall establish a contributory Public officers post-retirement medical scheme. The scheme guidelines shall be issued and reviewed in compliance with existing legal frameworks governing terms and conditions of service.

#### **7.5: Medical Treatment outside Kenya**

Employees and their dependants shall be eligible for medical treatment outside the country in cases where such treatment is not available locally, subject to prior authorization by the County Secretary and the Scheme administrator.

#### **7.6: Medical Ex-gratia Assistance**

1. The County Government may provide medical ex- gratia assistance to cover in-patient medical expenses incurred by an officer, spouse and dependent children 25 years and below, subject to prevailing limits, upon exhaustion of the medical cover entitlement within a financial year.
2. All cases for ex-gratia assistance should be referred to the County Secretary in consultation with the County Ministry Responsible for Finance for consideration and approval.

#### **7.7: Transport**

Transport in the County Public Service is regulated through the County Government Transport Policy. This Section addresses various aspects of the Transport Policy and includes the car loan scheme, transport of officers while on duty and use of County Government vehicles. It includes travelling privileges to members of the officer's family in certain circumstances and transportation of personal effects.

### **7.8: Car Loan Scheme**

1. The County Government through the County Ministry Responsible for Finance shall establish the public officers Car Loan scheme to enable county public officers purchase personal cars.
2. The loan shall be disbursed as per the regulations developed by the County Ministry responsible for Finance.

### **7.9: Eligibility for Transport**

1. The County Government will provide transport for an officer travelling on duty outside the duty station.
2. Transport shall be provided for an officer, spouse and unmarried children aged twenty five (25) years and below who are living with and are dependent on them, on occasions when they are travelling on transfer and on retirement. The age limit for children may be extended beyond twenty five (25) years for, children living with disability or for those still in school, with the approval of the Authorized Officer.

### **7.10: Travelling by Public Service Transport**

When travelling by road or railway on transfer or duty outside the duty station, an officer shall be eligible to claim applicable reimbursements of the amount of the fare paid on production of valid travel tickets.

### **7.11: Travelling by County Government Vehicles**

All officers in Job Group 'R' and below shall use pool transport when travelling on official duty. County Departments will provide officers travelling outside their duty stations with pool transport or imprests to facilitate use of public transport depending on the nature of work and cost implication. Where possible, officers should travel together in one vehicle.

### **7.12: Use of Personal Vehicle**

1. In the absence of County Government vehicle, an officer may with prior authority of the Authorized Officer use his personal vehicle for official duty.
2. Where such authority is granted, the employee shall claim reimbursement based on the prevailing Automobile Association (AA) of Kenya rates. The

vehicle capacity shall be limited to 2,000 c.c.

#### **7.13: Travelling by Air**

1. When travelling on duty to another country an officer may travel by air. Air travel on duty within Kenya will require the prior approval in writing of the Accounting Officer. Such approval may be given when other modes of transport are unavailable, air travel is economical or where the saving of time is paramount.
2. State and Public Officers will travel as Business or Economy based on existing government policy that categorizes such officers.
3. When it is necessary to travel by air within Kenya to places not served by any commercial airline, the services of other Government departments/agencies shall be utilized in accordance with the existing transport policy.

#### **7.14: Travelling for Interview**

An officer who is invited for an interview by the County Public Service Board or a County Department will be regarded as travelling on duty and his travelling expenses will be charged to the appropriate vote of his County Department.

#### **7.15: Travelling on Retirement**

On retirement, the County Government will meet the officer's transport cost to his retirement destination within Kenya. The cost of transport in this case will be limited to the cost of road and rail transport in respect of the officer, his nuclear family and baggage. The officer will be expected to request for transport within six months of retirement.

#### **7.16: Transport Facilities on Bereavement**

1. Transport facilities for a deceased officer and immediate family members shall be provided at County Government expense to the place of burial when an officer dies while in service and if the spouse or dependant unmarried children aged twenty five (25) years and below die while the officer is still in the service.
2. The County Government shall provide a token contribution of Ksh.100,000

to defray funeral expenses for a deceased officer, one spouse and up to four (4) children aged twenty five (25) years and below.

3. Where County Government transport is not available, a private hearse may be hired at the County Government expense not exceeding Ksh 50,000.
4. An officer who shall represent the County Government at the burial of the deceased shall be granted official transport.

### **7.17: Exit from the Service and Terminal Benefits**

The County Government has established various benefits payable to public officers who exit from the service. This Section provides guidelines on various forms of exit from the Service and the benefits payable.

The various forms of exit from County Public Service include:

- i. Resignation;
- ii. Termination in accordance with the letter of appointment;
- iii. Expiry of contract;
- iv. Retirement:
  - a. on attainment of mandatory retirement age
  - b. under '50 Year Rule'
  - c. on medical grounds
  - d. on abolition/re-organization of office
  - e. Retirement in public interest
  - f. Retirement in accordance with the provisions of the relevant contributory pension scheme.
- v. Dismissal; and
- vi. Death.

#### **7.17.1: Resignation**

1. An officer shall resign his appointment by giving one (1) month notice or by paying one month's gross salary in lieu of such notice.
2. An officer on contract shall resign his appointment in accordance with the terms of the contract.

3. On resignation, an officer is required to settle any outstanding liabilities to the County Government. Any amount due to an officer will be withheld and applied to settle any sum due from him. If any liabilities are outstanding, the matter will be referred to the County Attorney for legal redress.
4. An officer whose terminal benefits are determined under the Pensions Act shall be eligible for pension or gratuity on leaving the service except in the specific circumstances defined in the Pensions Act or letter of appointment.
5. An officer who resigns cannot, if subsequently re-employed after a break of service, count his previous service for pension.
6. An officer who is a member of a Pension Scheme, shall on resignation, be eligible for terminal benefits in accordance with the terms set out in the scheme.

#### **7.17.2: Termination of Appointment**

The employment of an officer serving on contract or probationary terms may be terminated by the CPSB in accordance with the provisions of the officer's agreement or by giving appropriate period of notice or gross salary in lieu of notice.

#### **7.17.3: Retirement**

##### **7.17.3.1: Mandatory Retirement Age**

All officers shall retire from the Service on attaining the mandatory retirement age of 60 years, 65 years for persons with disabilities and/or as may be prescribed by the government from time to time.

##### **7.17.3.2: Retirement under the '50 Year' Rule**

1. An officer on attaining the age of 50 years shall opt to retire any time thereafter.
2. An officer whose pension is determined under the Pensions Act and has completed ten (10) years' service, will be eligible for pension should he be retired or opt to retire under '50 year' rule. However, if he has less than ten years' service, he will be eligible for a gratuity in accordance with the Pensions Regulations.
3. An officer shall be required to give one (1) months' notice of his intention to

retire under the '50 year' rule.

4. An officer who is a member of the Public Service Superannuation Scheme and opts to retire under the '50 year' rule shall be eligible for benefits under the Scheme.
5. Applications from officers to retire under the '50 year' rule shall be approved by the County Public Service Board on recommendation of the CHRMAC.

#### **7.17.3.3: Retirement on Medical Grounds**

1. Where it appears to an Authorized Officer that an officer is unfit for continued service due to ill-health, the Chief Officer shall refer the case to the County Secretary to be considered for retirement on medical grounds.
2. The County Secretary shall refer the case to the Chief Officer responsible for Medical Services, who shall convene a Medical Board to determine the officer's fitness for further service or otherwise.
3. The Chief Officer responsible for Medical Services shall forward the report to the County Secretary within a period of one (1) month after appearance of the Officer before the medical board.
4. The retirement of an officer on medical grounds shall be recommended by CHRMAC for review and approval by the County Public Service Board.

#### **7.17.3.4: Retirement on Abolition/Re-organization of Office**

An officer shall be retired either on the abolition of the office he holds or upon the re-organization of the County Department in which he holds an office. Such retirement shall be approved by the County Public Service Board.

#### **7.17.4: Dismissal**

1. Dismissal refers to termination of appointment arising out of disciplinary proceedings.
2. An officer, who is dismissed from the Service, shall be eligible for pension benefits in accordance with the provisions of the relevant pensions scheme. He/She will also be entitled to pension contribution under N.S.S.F. Act and the Widows and Children's Pension Scheme as applicable.
3. An officer who is a member of a Pension Scheme shall on dismissal be eligible



to terminal benefits as provided for under the relevant act.

#### **7.17.5: Death**

Upon the death of a public officer, the legal beneficiary shall be paid death gratuity and dependants pension. In addition, in case of death of an officer who was contributing to Widows and Children's Pension Scheme, the legal beneficiary shall be paid the benefits thereof.

#### **7.18: National Social Security Fund (NSSF) Benefits**

An officer who is a member of the NSSF shall be eligible for terminal benefits under the NSSF Act.

#### **7.19: Widows' and Children Pensions Scheme**

1. The Widows' and Children's Pensions Scheme, established under the Widows' and Children's Pensions Act of 1965, makes provision for granting pensions to widows and children of deceased public officers with effect from 1<sup>st</sup> January, 1966. Entry into the Scheme was optional for all male Kenyan citizens who were serving with the Government on pensionable terms of service (confirmed or probationary) on or before 1<sup>st</sup> January, 1966 and compulsory for those who joined the service thereafter.
2. A female pensionable officer who is a Kenyan citizen may opt to join the Scheme if she can prove her husband is wholly or mainly dependent on her. If, however, in the event of her husband's death, she remarries, the subsequent marriage and the children thereof shall not be taken into account for the purposes of the Scheme unless she proves while she is still a public officer that her husband by that marriage is wholly or mainly dependent on her.
3. A monthly contribution of 2% of the officer's salary will be recovered towards the fund.
4. This Regulation will apply to officers whose pension is determined under the Pensions Act.

### **7.20: Refund of Contributions**

1. Where an officer who was a member of WCPS has no spouse or children of dependant age on the last day of his service, i.e. he remained unmarried or his spouse died during his service and all his children have ceased to be dependant and he leaves the service with eligibility for the grant of a pension, the total amount of his contributions shall be refunded to him with interest.
2. Where an officer leaves the service without the grant of a pension i.e. on resignation or dismissal, the total amount of his contributions shall be refunded to him with interest.
3. If an officer retires on any other ground, apart from medical, and he is entitled to receive a service gratuity only, he can opt to be refunded his contributions, instead of benefits under the Scheme.

### **7.21: Conditions Attached to Payment of Benefits**

1. The widow's pension is payable until her death, remarriage or cohabitation.
2. A widow's pension will not be granted (except in special circumstances) if the husband dies within twelve (12) months of the marriage and there are no children.
3. An officer's widow cannot benefit if the marriage took place after he left the service.
4. In the case of a polygamous officer, if he leaves more than one widow, benefits are divided equally between the widows, subject to the satisfaction of the other conditions.
5. A divorced wife shall not benefit.
6. A child's pension is payable in accordance with the Widows and Children's Pension Scheme (WCPS) Act.
7. Adopted child, or step-child only qualifies for payment of benefit if the child was wholly or mainly dependent on the officer at the time of his death.
8. An officer whose pension is determined under the Pensions Act becomes eligible for the grant of a pension only if he has completed a minimum period of ten (10) years' service. If however, he has completed less than ten (10)

years' service, he becomes eligible for the grant of a service gratuity.

### **7.22: Definitions of Terms used in Pensions**

1. Pensionable Office means an office to which an officer has been appointed whether on probation or otherwise on terms which include eligibility for the grant of a pension under the Pensions Act.
2. Pensionable Officer means an officer who is the holder of a pensionable office in which he has been confirmed.
3. Qualifying Service means service which may be taken into account in determining whether an officer is eligible, by length of service, for pension or gratuity.
4. Pensionable Service means service which may be taken into account in calculating a pension or gratuity under the Pensions Act Probationary service followed by service on permanent and pensionable terms is reckonable in full for the purposes of calculating a pension or gratuity;
5. Contract service is reckonable in full if an officer surrenders or refunds the gratuity earned under the contract provided that he was admitted without a break of service to the pensionable establishment;
6. Provident Fund service is reckonable in full if an officer surrenders his personal contributions to revenue provided that he was admitted without a break of service to the pensionable establishment;
7. Temporary service; normally counts at half ( $\frac{1}{2}$ ) rate in calculating a pension or gratuity; and
8. Unpaid leave is not pension earning.

### **7.23: Eligibility for Pension/Gratuity**

An officer is eligible for the grant of a pension or gratuity under the Pensions Act only when he retires from the service of the County Government in any of the following circumstances:-

- i. Abolition or re-organization of office;
- ii. Resignation;
- iii. Dismissal; and

iv. ill-health.

**7.24: Refunds on Termination of Appointment or Dismissal**

1. On leaving the Service on resignation or dismissal, an officer will be eligible for fund in accordance with the provisions of the National Social Security Fund Act.
2. Contributors of Widows' and Children Pensions Scheme will be eligible for refund in accordance with the provisions of the Widows' and Children Pensions Scheme Act.

**7.25: Reporting of Retirements to the Respective Pension Schemes**

1. In cases where the retiring officer is eligible for retirement benefits under GOK non-contributory Pensions Scheme, a claim for such benefits should be submitted to the Pensions Department, National Treasury on the appropriate Form G.P. 178 or 179 as the case may be, at least nine (9) months before the date of retirement. The retiring officer should submit all the documents stipulated in the retirement notice within the time frame.
2. The Head of the Human Resource Management or an officer duly authorized to sign notices of retirement will be held responsible for the availability of the relevant service records to facilitate the submission of an acceptable retirement benefits claim to the Director of Pensions, National Treasury within the time limit specified in the sub-section (1) of this regulation. The same officer will be held accountable for the accuracy and timely submission of information to the Director of Pensions, National Treasury.
3. The retiring officer should submit all the documents stipulated in the retirement notice within the time frame. In cases where the retiring officer is a member of any other Pension Scheme besides GOK non-contributory Pensions Scheme a claim for retirement benefits shall be submitted to the scheme management, at least nine (9) months before the date of retirement.

## **7.26: Retirement Benefits Payable under the Pensions Act**

1. The retirement benefits payable under the Act are:-
  - a. Pensions which include service pension (whether unreduced or reduced), injury pension, killed-on-duty pension and abolition additional pension;
  - b. Gratuities which include commuted pension gratuities, service gratuities, death gratuities, compassionate gratuities and marriage gratuities;
  - c. Other allowances which include annual allowance and maintenance allowance.
2. The rates and modes of calculation of these benefits are set out in the pensions regulations.

## **7.27: Transfers and Secondment of Pensionable Officers**

1. When a pensionable officer is transferred to another County Government or organisation, which is "scheduled" under the Pensions Act, the pension Form GP.178 and the statement of aggregate pensionable emoluments form GP.190 should be completed and forwarded to the County Government or organisation concerned.
2. Transfers of pensionable officers from the County Government to organizations which are not "scheduled" under the Pensions Act but which have been declared to be "public service" for the purposes of the Act, need not be notified to the Pensions Department of the Treasury until the eventual retirement from the organizations of such officers.
3. County Departments are required to ascertain from the County Department responsible for Public Service or the Pension Department of the National Treasury whether or not an organization to which their officers are seeking transfer has been declared a "public service".
4. An officer whose benefits are determined under a Provident Pension Scheme shall be able to transfer his terminal benefits to the new organization.
5. When pensionable officers are seconded from the civil service to another

public institution, the recipient institution or the officer shall pay pension contributions to the Director of Pensions at the prevailing rate of the officer's civil service basic salary for the period of secondment.

### **7.28: Certificate of Service**

1. An employer shall issue to an employee a certificate of service (G.P 31) upon his retirement, resignation, dismissal or termination of his employment, unless the employment has continued for a period of less than four consecutive weeks.
2. An Authorized officer, when completing the certificate should bear in mind that, its main purpose is for use as a reference covering the officer's period of the County Government service.
3. A certificate of service issued under subsection (1) shall contain—
  - a) the name of the employer and his postal address;
  - b) the name of the employee;
  - c) the date when employment of the employee commenced;
  - d) the nature and usual place of employment of the employee;
  - e) the date when the employment of the employee ceased; and
  - f) such other particulars as may be prescribed.
4. Subject to subsection (1), no employer is bound to give to an employee a testimonial, reference or certificate relating to the character or performance of that employee.
5. In the case of an officer who has not rendered satisfactory service during his employment, care should be taken to ensure that the certificate is carefully worded so as to give the officer credit for any good qualities which he may have shown.
6. An employer who willfully or by neglect fails to give an employee a certificate of service in accordance with subsection (1), or who in a certificate of service

includes a statement which he knows to be false, commits an offence and shall on conviction be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.

### **7.35: Testimonials and Letters of Commendation**

Testimonials and letters of commendation may be awarded to employees by supervisors as a motivation for exemplary service.

## **SECTION 8: LEAVE**

### **Introduction**

This section addresses the circumstances under which annual leave and other categories of leave are granted.

### **8.1: Categories of Leave**

The following are the categories of leave in the County public service:

- i. Annual Leave;
- ii. Maternity Leave;
- iii. Child Adoption Leave;
- iv. Paternity Leave;
- v. Unpaid Leave;
- vi. Compassionate Leave;
- vii. Leave for Sportsmen/women;
- viii. Sick Leave;
- ix. Terminal Leave; and
- x. Leave of Absence.

#### **8.1.1: Annual Leave**

1. Annual leave is a right to every County public officer and shall be granted for recuperative purposes to enable the officer renew his energies and improve on efficiency. Annual leave is granted by the Authorized Officer, subject to the exigencies of service.
2. An officer shall be eligible for annual leave at the commencement of a 'leave year' except in the case of a newly appointed officer who shall be required to serve for a minimum of three (3) months before being granted annual

leave.

3. 'Leave year' shall commence on 1<sup>st</sup> July and end on 30<sup>th</sup> June the following year.
4. All public officers shall be entitled to 30 days annual leave which excludes Saturdays, Sundays and Public Holidays.
5. Annual leave is not accumulable. However, an officer may, if he so wishes, carry forward from one leave year to another not more than one-half of his annual leave entitlement. This arrangement is intended to enable an officer to reserve a portion of his annual leave to be taken in case of an emergency.
6. Annual leave must be taken within the leave year it falls due. Deferment of annual leave from one leave year to another shall be permitted subject to the provisions of the Employment Act.
7. An officer stationed in a designated hardship area shall avail himself of his annual leave in two portions. Each portion should be taken once every period of six months, i.e. from 1<sup>st</sup> June to 30<sup>th</sup> December and from 1<sup>st</sup> January to 30<sup>th</sup> June.
8. An officer stationed in a hardship area who takes not less than half of his annual leave entitlement once every period of six months, shall be granted, in addition to his leave, travelling time of five (5) days each way and normal travelling privileges in terms of this Manual.
9. Annual leave for a newly appointed officer shall be calculated on a pro-rata basis only for the year of his appointment.
10. An officer who has not availed himself for the annual leave due for the year in which his employment ceases shall be entitled to annual leave on pro-rata basis. In addition, an officer may be granted the annual leave carried forward from the previous leave year.

#### **8.1.2: Commutation of Leave**

1. Except in exceptional circumstances, annual leave may not be commuted for cash nor will unutilized leave days be claimed by dependents to the estate



of a deceased officer.

2. Authorized Officers shall be responsible for authorizing commutation of leave for cash where leave is not taken due to exigencies of service.
3. Commutation of leave shall be based on an officer's basic salary for the relevant leave year.
4. The above notwithstanding, it is reiterated that officers should be allowed to utilize their leave in each year.
5. Officers with accumulated or unutilized leave days shall proceed on leave as per the Plan/Rota guided by the remits and exigencies of duty. The officer shall provide evidence of their application forms indicating the line supervisor, deferment decision due to exigencies of duty to justify accumulated days.

#### **8.1.3: Maternity Leave**

1. A female officer who is required to be absent from duty on account of confinement shall be granted maternity leave with full salary for a maximum period of ninety (90) calendar days exclusive of the annual leave due for the year.
2. An application for maternity leave should be submitted to the Authorized Officer. The application should be supported by a medical certificate indicating the date on which maternity leave should commence.
3. Should it be necessary to extend maternity leave beyond the prescribed period of ninety (90) calendar days on grounds of sickness of the mother, the officer will be granted sick leave subject to confirmation by a recognized medical practitioner.
4. Where the extension sought is on the account of the child's sickness the officer will be expected to utilize her annual leave entitlement.

#### **8.1.4: Child Adoption Leave**

1. An officer who has been granted adoption rights under the Children's Act and wishes to take leave for purposes of bonding and integrating the child into the family, shall be entitled to Child Adoption Leave in accordance with

the Employment Act, 2007 subject to production of an adoption order.

2. Where the adoption is by both the officer and spouse, and the spouse is also an employee in the service, child adoption leave shall only apply to the female officer.
3. Surrogacy - Surrogacy is an arrangement in which a woman (the surrogate) agrees to carry and give birth to a child on behalf of another person or couple. Such officer shall be entitled to maternity/paternity leave in the same manner provided for on maternity leave of this manual in order to undertake childcare. A surrogacy agreement administered by a Boarder of oaths shall be provided as proof.

#### **8.1.5: Paternity Leave**

1. A male officer shall be eligible for paternity leave for a maximum period of ten (10) working days during the period of the spouse's maternity leave or child adoption leave.
2. In this regard, it is clarified that in the case of a male officer with more than one wife, he shall be entitled to paternity leave only in respect of the wife registered under the SHA and such leave shall be taken not more than once per year.
3. To enjoy paternity or adoption leave, a male officer shall be required to present a notification of birth of the child or an adoption order.

#### **8.1.6: Unpaid Leave**

1. Unpaid leave shall be granted by the CPSB on recommendation of the County Human Resource Management Advisory Committee on the following grounds: -
  - i. Urgent private affairs of exceptional nature not exceeding sixty (60) calendar days;
  - ii. Officers whose spouses are posted to foreign missions during the tour of service;
  - iii. Officers who are appointed to international organizations where they cannot transfer their service or be on secondment

for a period not exceeding three (3) years;

iv. Spouses of officers appointed under (iii) above, will be granted unpaid leave for a maximum non-renewable period of one (1) year.

2. Unpaid leave will not be increment-earning.
3. During the period of unpaid leave, County Government shall not make a contribution of its portion towards an officer's pension under the Pension Scheme. The officer shall however, be free to contribute his portion towards the Scheme.
4. The period of unpaid leave shall not be pension-earning under the Pensions Act Cap.189.
5. There shall be no provision for unpaid study leave in the County Public Service.

**8.1.6: Compassionate Leave**

1. An officer, who has exhausted his annual leave entitlement, may be granted compassionate leave for up to ten (10) working days in a leave year.
2. An officer shall be eligible for compassionate leave in the event of death of a parent, spouse, child or sibling.

**8.1.7: Special Leave for Sportspersons**

1. An officer who is selected to represent the County in National, Regional or International fixtures shall be granted special leave with full salary for the necessary period of his training and subsequent participation in sports.
2. This special leave shall not be counted against annual leave entitlement and will be approved by the CPSB on recommendation of the County Human Resource Management Advisory Committee.

**8.1.8: Sick Leave**

1. Sick leave is the approved absence of an officer from duty on account of illness and includes weekends and public holidays.
2. A medical certificate signed by a medical officer must be produced in every case of absence on account of illness.
3. An officer may be granted sick leave subject to the maximum period

indicated below:

- i. All officers on pensionable or contract terms of service shall be granted up to three months leave on full pay followed by three months on half pay and thereafter the officer shall not be eligible for salary.
  - ii. An officer on sick leave as a result of an accident or occupational disease shall be entitled to full pay as per the Work Injury Benefits Act. The officer shall however, be subject to assessment by the Medical Board to determine his fitness for further service.
  - iii. If the officer is unable to resume duty within the first three months of sick leave, the County Secretary shall refer the case to the Chief Officer responsible for Medical Services, who shall convene a Medical Board to determine the officer's fitness for further service or otherwise.
  - iv. On the expiry of the six months, the officer shall not be reinstated in the payroll until his case is determined as provided in paragraph (i) above.
  - v. Where a public officer is found to be unfit for service by the Medical Board, the case shall be referred to the County Public Service Board for retirement on medical grounds.
4. Sick leave may be authorized by registered medical practitioners for up to a maximum of twenty-one (21) days. Should it be necessary to allow absence from duty in excess of this period, the medical practitioner shall provide reasons.
  5. Sick leave in excess of three (3) months will require confirmation of the Director of Medical Services who shall decide if the officer should be examined by a Medical Board with a view to determining whether or not there are reasonable prospects of eventual recovery and fitness for duty.

### **8.1.9: Terminal Leave**

An officer who is due for retirement shall be entitled in addition to his annual leave, thirty (30) calendar days leave pending retirement. This leave must be taken a month preceding retirement or be forfeited. It shall neither be commuted for cash nor shall the officer qualify for additional leave allowance.

### **8.2: Festival Holidays**

Leave of absence on the occasion of religious festivals may be granted without loss of pay for not more than two days in a leave year, subject to the exigencies of the service. An application for leave on such an occasion should be addressed to the Authorized Officer well in advance of the date on which any particular religious festival is celebrated.

### **8.3: Leave of Absence**

Leave of absence may be granted to a public officer who has been granted a contractual appointment within a public body for purposes of taking up contractual appointment within a public body, private, corporation or international organization to which the officer cannot be seconded or to which service cannot be transferred.

The following shall apply:

1. The Board may grant leave of absence to a public officer on recommendation by the authorized officer through County Human Resource Management Advisory Committee for a period not exceeding three years which may be extended only once for a period not exceeding three years;
2. Where an officer is appointed on contractual terms to a public body for a period exceeding three years, the Board may grant leave of absence for the duration of the contract;
3. Leave of absence may be granted to a public officer if:
  - a. the public officer is serving on permanent and pensionable terms;
  - b. the public officer has served for at least three years in the parent public body;

Provided that an officer may only be granted leave of absence to a private corporation where the Board determines that the experience and expertise that the officer shall gain from the private organization shall be of benefit to the public body.

- c. leave of absence shall not be increment-earning;
  - d. the public officer is a spouse of a public officer who has been posted outside Kenya during the tour of service of the public officer;
  - e. Proceeding on Leave of absence does not present a conflict of office with the public office held by the public officer or the core functions of the public body in which the public officer is employed;
  - f. the public officer will not be exposed to undesirable experience in view of the core functions of the organization to which the public officer is proceeding on leave of absence; and
  - g. the leave of absence will not bring the parent public body or the public officer into disrepute.
4. leave of absence shall not be granted for purposes of participating in political activities.
  5. unless there is an agreement to the contrary the public body or organization to which a public officer is on leave of absence shall bear all the cost, remuneration, allowances and other benefits due to the officer during the leave of absence.
  6. Upon completion of the period of leave of absence, a public officer shall revert to the terms and conditions of service appropriate to their substantive position in the public body and shall not be eligible for another leave of absence within a period of three years from the period of the last leave of absence.
  7. Officers on Leave of absence will be eligible for promotion.

8. During a leave of absence, a public service entity or public body will not make a contribution of its portion towards an officer's pension under contributory pension scheme.
9. Provided that a public officer on leave of absence may continue to contribute towards the public officer's pension during the period of leave of absence.
10. a public officer on leave of absence to whom the Pensions Act applies, may contribute towards his or her pension at the rate equivalent to 31% of the public officer's basic monthly salary applicable to the public body from which the officer has taken a leave of absence
11. Disciplinary action against a public officer on leave of absence in the public body shall be handled to a public body to which the officer is serving for leave of absence and the recommendations and decision thereof shall be forwarded to the parent public service entity or public body for additional action in accordance with applicable legislation

#### **8.4: Application for Leave**

Application for leave should be submitted in the prescribed form to the respective Authorized Officer.

## **SECTION 9: WORK ENVIRONMENT HEALTH AND SAFETY**

### **Introduction**

1. This Section provides guidelines and standards for the prevention and protection of officers against accidents and occupational hazards arising at the work place. It also provides for guidelines, procedures and modalities for the administration and payment of compensation for work related injuries and accidents contracted during and outside the course of work.
2. It further provides for guidance and Counseling and putting in place measures for the management of HIV/AIDS at the workplace and the rehabilitation of officers who may be facing challenges of drugs and substance abuse.

### **9.1: Guidelines to General Safety**

1. Authorized Officers shall maintain healthy and safe working environments for officers under their respective County Departments.
2. All officers have the responsibility to ensure safety to themselves and others when performing their duties.

### **9.2: Emergency Preparedness**

1. Every County Department shall put in place measures to prevent and mitigate against accidents, explosions, fire, floods, earthquakes, bomb threats and prepare procedures to be followed in such events.
2. Authorized Officers shall have a responsibility of ensuring that all officers and visitors are informed of and are fully conversant with the emergency procedures.

### **9.3: Fire Precautions**

1. Authorized Officers are responsible for ensuring that fire protection facilities are provided in the buildings used by County Departments under their control and are adequate and maintained as per the provisions of the Occupational Safety and Health Act, 2007.
2. Authorized Officers are responsible for enforcing all necessary fire precaution measures as directed by both the County Departments responsible for Public



Works.

3. General information on fire precautions and fire equipment is contained in publications which are obtainable from the Chief Officer responsible for Public Works.

#### **9.4: Fire Prevention**

1. The Chief Officer responsible for Public Works is responsible for providing advice on all matters concerning fire prevention, firefighting, fire protection and fire demonstrations in all County Government premises.
2. The County Department responsible for Public Works is responsible for ensuring that all buildings are fitted with firefighting equipment. Individual County Departments are responsible for the subsequent replacement of portable equipment and provision of refill for such equipment with advice from Fire Officers and the Occupational Safety and Health Officers.
3. Fire prevention and protection in buildings leased to the County Government is the responsibility of both the owner and occupier of the building. The Authorized Officer of the County Department responsible for Public Works and that occupying the premises shall be legally responsible to ensure compliance.
4. Alterations should not be carried out on buildings without prior consultation with the Chief Officer responsible for Public Works. Any means of escape from a building should be kept clear of any obstruction which would make it difficult for occupants of the building to escape in case of fire.
5. No hazardous or highly inflammable materials should be stored in buildings without the approval of the Chief Officer responsible for Public Works.
6. Positions of firefighting equipment must not be interfered with nor should firefighting equipment such as hose reels and extinguishers be used for purposes other than firefighting.
7. Each County Government building must have a Safety and Health Committee headed by a responsible officer and constituted in accordance with the Factories and Other Places of Work (Safety and Health Committee) Rules.

8. Fire Officers may recommend any measures which they deem necessary for purposes of safety. It is the responsibility of the officer to whom such recommendations are addressed to ensure that appropriate steps are taken to implement the measures with minimum delay. Any officer who fails to implement such recommendations will be held personally responsible for the consequences and in case of subsequent fire outbreak; he will be liable for disciplinary action and/or prosecution.
9. Fire Prevention Committees should be established at the County Department to liaise with County Government Fire Officers.
10. The Authorized Officers shall ensure that: -
  - (i) Health and Safety Committees are formed in all premises used by officers in their County Departments and/or agencies;
  - (ii) The Committee members and all officers are trained; and
  - (iii) Firefighting drills are conducted in all premises used by officers at least once in every twelve months in accordance with the requirement of the Factories and Other Places of Work (Fire Risk Reduction) Rules.

#### **9.5: Notification of Fires**

1. All fires, however small, must be reported to the Chief Officer responsible for Public Works or the Police immediately they are noticed. The building or premises so affected by fire must be guarded and no evidence should be interfered with until investigations are over.
2. It is the responsibility of whoever detects a fire to initiate alarm, inform the police and fire brigade, and try to control the fire during its initial stages.
3. All County Government buildings must be fitted with fire detectors, alarms, water storage tanks and pumps dedicated to firefighting only and separate from the normal water supply.

#### **9.6: Medical Examination**

The Authorized Officers shall ensure that all officers working in hazardous

occupations undergo periodic medical examination in accordance with the Occupational Safety and Health Act 2007.

#### **9.7: Provision of Protective Equipment and Clothing**

Authorized Officers shall ensure that all officers who are employed in any process involving exposure to wet or to any injurious or offensive substances are provided with adequate, effective and suitable protective clothing and appliances.

#### **9.8: Safe Use of Potentially Dangerous Equipment**

The Authorized Officers shall ensure that all plants including hoists and lifts, steam boilers, other equipment and pressure vessels are properly maintained and that they undergo the statutory examinations as per the Occupational Safety and Health Act requirements.

#### **9.9: Compensation to County Government Officers In case of Injury or Death**

The Work Injury Benefits Act (WIBA) provides for compensation for accidents and occupational diseases arising out of and in the course of an officer's employment. Only injury, diseases or death arising from occupational hazards are compensable. Besides the provisions of WIBA the County Government shall introduce the Group Personal Accident (GPA) Scheme which shall be administered by the County Treasury.

#### **9.10: Reporting of Accident**

1. Immediately a work place accident, an accident in a County Government vehicle or development of an occupational disease resulting in death or injury to an officer comes to the notice of the officer under whom he is directly deployed, the Supervisor should make a claim for compensation in accordance with the procedure set out below: -
  - i. In case of an accident resulting in the injury or death of an Officer Part I of the Directorate of Occupational Safety and Health Services, Accident Notification form (Form DOSH 1) should be completed in triplicate; the forms should then be dispatched to the Authorized Officer of the officer's County Department, the Occupational Safety and Health Officer of the region in which the accident occurred and

for nonfatal the Medical Practitioner who is attending to the injured officer;

- ii. The detailed procedures are contained in the relevant forms which are obtainable from the County Department responsible for Public Service.
2. Where the Director of Occupational Safety and Health Services finds anomalies or that the percentage given in the medical report is not in conformity with the provisions of the Work Injury Benefit Act (WIBA), he will decline to process the compensation. The Director will inform the Authorized Officer of the officer's County Department of that decision giving reasons as to why he has taken the decision and if the officer qualifies for compensation, he shall advise on the action that should be taken to enable the officer's compensation to be processed.
  3. Where the Director declines to process the compensation, the County Secretary shall refer the case to the Chief Officer responsible for Medical Services, who shall convene a Medical Board for reassessment of the County Government's liability to pay compensation or may request the Director of Occupational Safety and Health Services to appoint a medical panel for reassessment on the officer's diagnosis or injury.

#### **9.11: Approval and Distribution of Compensation**

1. If it is considered by the Director that the County Government is liable to pay compensation, he shall send a demand note to the County Secretary of the injured, sick or deceased officer indicating the amount of money to be paid to the injured/sick officer or the dependants of a deceased officer.
2. The payment of the money due for compensation to the injured or deceased officer shall be made within 90 days.
3. The injured officer or the dependant(s) of deceased officer shall sign a certificate of acknowledgement of payment and complete agreement form in triplicate.
4. Copies of such certificate and of the appropriate agreement form should

then be distributed as follows:

- (i) One copy to be handed to the officer or, in case of fatal accident, to the dependant (s);
- (ii) One copy to be returned to the County Secretary; and
- (iii) The other copy to be retained by the Director of Occupational Safety and Health Services.

### **9.12: Recourse to Court**

Where the officer or the County Department is not satisfied with the amount of compensation computed by the Director of Occupational Safety and Health Services, they may raise an objection to the said Director or appeal to the Industrial Court.

### **9.13: Compensation Payable during Sick Leave under WIBA**

An officer on sick leave as a result of an accident or occupational disease will be entitled to full pay.

### **9.14: Source of Compensation Funds**

1. Authorized Officers shall source for funds from the County Treasury to meet the compensation of officers who are injured, develop occupational diseases or die in the course of their employment.
2. The Accounting Officer in charge of Finance shall make appropriate arrangement to ensure that each County Department access adequate funds to pay Work Injury Benefits to injured officers.

### **9.15: Reporting Injury, Serious Illness or Death**

1. In case of an officer's injury, serious illness or death an immediate report by telephone, or special means including e-mail should be made to the relevant Authorized Officer, stating relevant particulars of the officer.
2. The next-of-kin must be informed immediately and be made aware of the circumstances under which the officer sustained injuries or met his death.
3. In addition to the report referred to in paragraph (1), a Death Certificate should be submitted to the relevant Authorized Officer as soon as possible to facilitate processing of final dues.

4. The accident should also be reported to the Director of Occupational Safety and Health Services within 24 hours in accordance with the requirement of the Occupational Safety and Health Act.

**9.16: Group Personal Accident (GPA) Policy**

1. The GPA covers permanent bodily injury or death arising from bodily injury caused solely by violent external visible means and provided such death occurs not later than six (6) calendar months after the accident.
2. The GPA provides a 24-hour cover to County Employees whether within or outside the country unlike WIBA which covers the hours the officer is at his place of work.
3. A claimant should not be compensated twice for the same loss under GPA and WIBA.
4. The GPA offers extended cover to all County Employees as follows: -
  - a. Accident to employees while riding on motor cycles including pillion passengers;
  - b. Accident to employees out of exposure to banditry and similar risks in the course of duty;
  - c. County Government drivers deployed to drive privately registered donor development partner vehicles. (*Details on condition For compensation and exclusions are found in the GPA Policy*).
5. Any claim submitted after one year will be time barred and will not be accepted as liability.
6. All claims under GPA should be reported by the insured, dependants or nominee in writing.
7. The benefits payable under the GPA and WIBA are: -

<b>Cover</b>	<b>Benefit</b>
Death under GPA	5 years Basic Salary
Death under WIBA	8 years Gross Salary (basic salary + regular allowances)
Permanent Total Disability under GPA	5 years basic salary x percentage awarded
Permanent Total Disability under WIBA	8 Years (basic salary + house allowance) x percentage awarded

**9.17: Guidance, Counseling and HIV/AIDS Management in the County Public Service**

1. The current challenges in the workplace and family environment affects the performance and wellbeing of an officer. To address these challenges, the County Government shall introduce guidance and counseling in the Service and develop a policy to regulate guidance and counseling.
2. Every County Department shall establish a unit for provision of guidance and counseling services in order to address the psychological needs of public servants during their entry, stay and exit from service.
3. Professional Counselors will be deployed to County Departments to provide guidance and counseling services to public officers.
4. Counseling Services in the public service shall be free of charge and shall be limited to Public Officers. However, consultation with family members or support system may be extended when deemed necessary.

**9.18: Counseling Services**

1. Officers may seek Guidance and Counseling when faced with psychological challenges.
2. A supervisor may refer an officer for Counseling when he notices signs of low productivity, when the officer is a danger to himself and others or in case of an indiscipline problem.
3. An officer shall have freedom to accept or reject counseling. This includes

freedom to remain in the counseling relationship after it has been initiated.

#### **9.19: HIV/AIDS Support Programme**

1. HIV and AIDS is a major challenge facing officers in and out of the office. It poses a big threat to the individual, the family and the County Public Service. It is in cognizance of this that the County Government has put in place care and support programmes for the infected and affected officers to enable them remain productive.
2. HIV/AIDS shall be treated like any other challenging issue at workplace. All officers shall have a role to play in the wider struggle to mitigate the effects of the pandemic.
3. Policy guidelines shall be developed to address HIV/AIDS challenges affecting Public Officers in the workplace.

#### **9.20: Fighting Stigma and Discrimination**

1. An officer shall not be discriminated or stigmatized on the basis of HIV status. It is an offence for any person to discriminate another on the ground of actual, perceived or suspected HIV status in the work place.
2. The Authorized Officers shall be expected to be at the forefront in providing a conducive working environment for the infected and affected officers. They shall be required to set up programmes that will instill positive behavior in the management of HIV/Aids.
3. It shall be the responsibility of the County Executive Committee Members to minimize the risk of HIV transmission by adopting First Aid/Universal infection control precautions at the workplace.

#### **9.21: Screening for Purposes of Employment/ Recruitment**

HIV screening shall not be a requirement for recruitment or for persons in employment. Screening shall be confidential, voluntary and shall be undertaken after counseling. There shall be no disclosure of HIV test results or of any related assessment results to any person without the written consent of the concerned officers.



### **9.22: Continuation of Employment**

Officers with HIV-related illnesses shall be allowed to work for as long as they are fit to work and HIV infection should therefore, not be a cause for termination of employment.

### **9.23: Drug and Substances Abuse**

1. Addiction to drugs or substance shall be treated like any other disease. An officer who is determined to deal with drug and substance abuse problem by engaging in rehabilitation services shall be referred by the immediate supervisor to the Authorized Officer for recommendation to a County Government doctor for evaluation.
2. The County Government shall provide both in-patient and out-patient rehabilitation services within the limits provided by the prevailing legislation.

### **9.24: Employee Welfare and Wellness**

Authorized Officers shall develop and implement employee welfare and wellness programmes in the work place.

- i. The working condition has changed with employees having to work off site. Performing telework can affect both physical and psychosocial health. The main hazards for the health of teleworkers are: the unavailability of ergonomic work equipment and a dedicated working area, the risk of overwork, and psychosocial implications of working from home.
- ii. Authorized officers are encouraged to adopt Flexibility and better work-life balance as long as they are able to keep a performance log and justify increased productivity.
- iii. The County Public Service Board shall review and make recommendation on conditions of service to address the new workplace

## **PART IV: PERFORMANCE MANAGEMENT, TRAINING AND DEVELOPMENT**

This part addresses matters pertaining to performance management, and training and development of employees in the county public service.

### **SECTION 10: PERFORMANCE MANAGEMENT**

#### **Introduction**

This Section provides guidelines for Performance Management in the County Public Service for enhancement of efficiency and effectiveness in service delivery.

1. A Performance Management System (PMS) is a systematic process for getting better results from an organization, teams and individuals by managing performance within an agreed framework of planned goals, objectives and standards. A PMS is a set of tools, processes and actions that allows for maximization of the performance of employees and institutions.
2. Performance Management System also provides employees with a clear understanding of job expectations, regular feedback about performance, advice and steps for improving performance, rewards for good performance, and sanctions for poor performance. The overall goal of a PMS is to measure employee performance and ultimately the achievement of intended results for the organization.

#### **10.1: Strategic Planning**

1. This is a process of planning for achievement of overall long-term goals of the Organization.
2. County Executive Committee Members shall coordinate development and review of strategic plans in their respective County Ministries. The plans shall be the basis for setting performance targets for the department which shall be cascaded to the individual level.

#### **10.2: Performance Contracting**

1. Performance Contracting is a negotiated process in which County Ministries set their performance targets based on their mandates, functions and

strategic objectives.

2. Performance contract should be anchored on County development goals. It should be cascaded to all departments, sections, levels and cadres of employees.

### **10.3: Staff Performance Appraisal System**

Staff Performance Appraisal system (SPAS) is predicated upon the principle of work planning, setting of agreed performance targets, feedback and reporting. It is linked to other human resource systems and processes including staff development, career progression, placement, rewards and sanctions.

### **10.4: Objectives of Performance Appraisal**

1. Staff Performance Appraisal is a critical component of the human resource management function in the County Public Service. The overall objective of the appraisal system is to manage and improve performance in the County Public Service by enabling a higher level of staff participation and involvement in planning, delivery and evaluation of work performance.
2. The specific objectives are to: -
  - i. Link individual performance targets with organizational strategic objectives and work plan;
  - ii. Promote communication between Appraisee and Supervisor with continuous feedback on work progress;
  - iii. Set the basis on which an officer's performance is monitored and evaluated as stipulated in the individual work plan;
  - iv. Align operational and financial performance targets with budgetary provisions;
  - v. Assess the learning and development needs of staff on a timely basis; and
  - vi. Provide information for decision making on administrative and Human Resource issues such as renewal of contracts, promotions, delegation of duties, training, deployment, succession planning, performance improvement plans, rewards and sanctions

### **10.5: Scope of Application**

1. Staff Performance Appraisal System (SPAS) shall apply to all categories of staff in the County Public Service.
2. The prescribed appraisal form shall be completed by all officers in the County Public Service in consultation with the supervisors.
3. All newly employed officers shall be inducted in their new roles for integration and required to agree on performance targets with the supervisor and complete the Staff Performance Appraisal Forms within three (3) months of employment.
4. All promoted/redeployed officers shall be required to agree on new performance targets with the supervisor and complete the Staff Performance Appraisal Forms within one (1) month of promotion/redeployment in order to assess adjustment and alignment to the new role.
5. The primary responsibility for implementing the SPAS rests with the Authorized Officer.

### **10.6: Work Planning and Setting of Performance Targets**

1. Prior to the beginning of the performance period, County Departments will prepare work plans based on their Performance Contracts. The County Departmental work plans should include the Departmental priority objectives from which individual performance targets will be derived. Departmental Heads will meet with staff under their direct supervision to discuss and ensure that the objectives and performance targets of the department are understood.
2. The individual work plans shall be derived from the County Departmental work plans and officer's job description. The work plan shall briefly describe the performance targets or expected results on specific assignments and activities for which the staff member is responsible during the performance year.
3. The Appraisee shall hold discussions with the immediate Supervisor to agree on the work plan. The performance targets shall thereafter be set as agreed

in the discussions by latest 31st July of each year. For each performance target to be assessed there shall be performance indicators.

### **10.7: Appraisal Period**

The appraisal period shall cover one (1) year starting from 1<sup>st</sup> July to 30<sup>th</sup> June of the following year. The Performance Appraisal reflects the summation of the year's performance including quarterly and mid-year reviews.

### **10.8: Staff Performance Appraisal Process**

#### **10.8.1 Strategic Objectives**

The strategic objectives shall be derived from the County Ministry's strategic plan and Performance Contract and cascaded to the department, division and individual employees.

#### **10.8.2: Continuous Performance Appraisal**

Performance appraisal is an on-going process throughout the performance period. Achievements and challenges met during the appraisal period over the review period should be documented and maintained in the Appraisee's personal file.

### **10.9: Performance Measurement**

Performance Measurement shall be undertaken in accordance with the Staff Performance Appraisal System guidelines issued by the County Department responsible for Performance Management.

### **10.10: Mid-Year Performance Review**

1. The main purpose of the mid-year Performance Review is to accord both the Supervisor and Appraisee the opportunity to jointly review the progress made by the Appraisee in accomplishing the assignments agreed on at the beginning of the Appraisal period.
2. The review which should be in the form of discussions, should be centred on what has been achieved, any constraints experienced and whether there is need to vary the initial assignments in order to accommodate any unforeseen circumstances.
3. Any changes, additions or removal of performance targets should only be made in the event that there have been significant changes in the nature of functions carried out by the Appraisee and which may necessitate revision

of performance targets.

4. The Supervisor should, after discussions with the Appraisee at the Mid-year Performance Review comment on the Appraisee's performance.
5. In the event that the Supervisor leaves the Department, he/she shall be required to appraise the performance of the appraisee(s) on pro-rata basis.

#### **10.11: End of Year Appraisal Process**

The End of Year Appraisal takes place at the end of the reporting period. The following s constitute the end of year evaluation process.

- i. The Supervisor and Appraisee are required to meet at the end of the year to discuss the overall performance for the whole appraisal period; and
- ii. Prior to the meeting the Appraisee should prepare a preliminary report on the extent to which set targets were achieved as agreed at the beginning of the Performance Year with clear performance indicators.

#### **10.12: Rewards and Sanctions**

1. The overall goal of the Rewards and Sanctions is to establish a basis for rewarding exemplary performance and administering sanctions for poor performance, motivate employees to have positive attitude to work and to enhance productivity in the county public service. This will also create linkages between institutional and individual performance.
2. The County Secretary will be responsible for the administration of the rewards and sanctions policy. The County Secretary will handle cases of appeals after employees have exhausted all review mechanisms.

#### **10.13: Types of Rewards and Sanctions**

The provision and types of rewards and sanctions shall be as set out in the Rewards and Sanctions Framework for the County Public Service.

#### **10.14: Composition of County Performance Management Committee (CPMC)**

The County Government shall establish a County Performance Management Committee (CPMC).

The CPMC shall consist of the following members:

1. County Executive Committee member in-charge of Performance Management – Chairperson;
2. All County Executive Members;
3. County Secretary;
4. Chairperson of the County Public Service Board;
5. County Solicitor; and
6. Chief Officer in- charge of Performance Management – Secretary.

#### **10.15 Functions of The County Performance Management Committee**

- i. Undertake annual implementation of performance contract through quarterly reviews
- ii. Ensure linkage between Institutional Strategic Plan, Performance Contract and Performance Appraisal System
- iii. Ensure that the overall assessment of employee performance is within the context of institutional performance as evaluated through staff Performance Appraisal System;
- iv. Ensure that the performance of all officers is evaluated and feedback on performance is relayed in writing at the end of the year
- v. Hold quarterly performance review meetings
- vi. Review performance reports from various departments within the Ministry and make recommendations for improvement
- vii. Review cases of appeals on appraisal ratings between supervisors and appraisees;
- viii. Make recommendations to the Authorized Officer on the application of Rewards or Sanctions;
- ix. Develop and implement the internal monitoring, evaluation and reporting system; and
- x. Ensure integrity and credibility of the overall process of rewards and sanction system is safeguarded and maintained at all times.

#### **10.16 Secretariat to the CPMC**

The membership of the County Performance Management Committee Secretariat

shall consist of the following members:

- i. Director in-charge of Human Resource Management;
- ii. Director in-charge of Performance Management
- iii. Director in –charge of Monitoring and Evaluation

**10.17: Function of Secretariat to the CPMC**

- i. Providing secretarial and administrative support to the committee;
- ii. Prepare meeting notices and agenda;
- iii. Ensuring that meetings are organized effectively and that minutes are taken; and
- iv. Handling communication and correspondences related to the Committee resolutions

**10.18: Appeals on Staff Performance Appraisal process**

Appeals on performance assessment shall be submitted to the County Secretary and Head of County Public Service for consideration

**SECTION 11: TRAINING AND DEVELOPMENT**

**Introduction**

1. The County Government policy on training is to ensure continuous upgrading of County Public Officers’ core competencies, knowledge, skills and attitudes including their ability to assimilate technology to enable them create and seize opportunities for social advancement, economic growth and individual fulfillment taking into account the following objectives in order to:
  - i. Continuously improve professional knowledge and skills needed for better performance of duties by County Public Officers and public bodies;
  - ii. Bring together the right attitudinal orientation of county public officers;
  - iii. Promote responsiveness to the prevailing socio-economic and political environment in which the public bodies operate and



- scientific and technological developments;
- iv. Enhance commitment to democratic values, partnership and participative decision making;
  - v. Achieve a factual and scientific approach to decision making;
  - vi. Achieve high performance in every public body or public office;
  - vii. Promote and protect human rights and freedoms as provided for in the Constitution; and
  - viii. Promote an ethical environment for public service delivery in accordance with the national values and principles of governance and principles and values of public service as provided for in the Constitution.
2. The mandate to develop human resources in the County Public Service is vested in the Public Service Board.
  3. Details on the administration and implementation of training in the County Public Service are contained in the Kitui County Human Resource Development Policy, 2024, Public Service Commission Regulations 2020 and Human Resource Development Policy and Training Guidelines & Regulations issued from time to time.
  4. County Public officers shall be eligible for at least five (5) days training in a year while newly recruited or transferred officers must be inducted within three (3) months of joining County Public Service.
  5. All training shall be based on identified training needs.

#### **11.1: Management and Co-ordination of Training**

1. The planning and co-ordination of training and capacity building in the County Public Service has been delegated to the department responsible for Public Service. Authorized officers shall be responsible for the training function in their respective departments.
2. Nomination and selection for individual and group training shall be based on prioritized training projections. The approved programmes should address

national, County and individual goals.

3. Selection of trainees shall be in accordance with the national values and principles of governance, values and principles of public service, leadership and integrity and the Bill of rights.
4. Authorized Officers shall discharge the function through County Human Resource Management Advisory Committee.
5. The County Human Resource Management Advisory Committee (CHRMAC), shall make recommendations on training and forward to the CPSB for approval.

#### **11.2: Training Needs Assessment**

1. Training Needs Assessment is a performance audit that generates and provides information to assess the inadequacy of knowledge and skills which inhibits an organization from attaining its objectives. Training in the County Public Service shall be based on Training Needs Assessment which shall be conducted after every three (3) years in each County Department.
2. County Departments are required to prepare training projections based on Training Needs Assessment to guide the County Human Resource Management Advisory Committee in nominating officers for training.
3. Selection of trainees for all training programmes shall be based on identified needs and shall emphasize on training for performance improvement that address individual, County and National goals.
4. Authorized Officers shall present to the Board through the County Secretary and Head of Public Service, the training projections for public officers in the County Public Service for approval and monitoring.

#### **11.3: Training Programmes**

1. Training programmes comprise both short- and long-term courses in specific professions that are intended to impart required knowledge, skills and attitudes to enhance staff performance.
2. County Departments may design specific in-house training programmes

which address the identified training needs. In addition, training can be provided under institutional training both locally and abroad.

3. In designing training programmes, County Departments should ascertain the availability of: -
  - a. Professionally qualified and experienced trainers;
  - b. Training programmes that are cost- effective; and
  - c. An effective evaluation and feedback system to assess the impact of training on performance.
4. The County Government shall continually develop its employee's professional knowledge and skills and encourage them to join relevant professional bodies. The County Government shall establish mechanisms for supporting employees where the career guidelines require them to be members of a professional body.

#### **11.4: Training Levy**

1. Officers undertaking courses lasting more than four (4) weeks and above in local training institutions shall be required to contribute to the cost of their training at the rate of ten percent (10%) of their basic salary per month for the duration of the course.
2. Officers attending courses lasting more than four (4) weeks in institutions outside the country shall contribute at the rate of twenty percent (20%) of their basic salary per month for the duration of the course. This is regardless of whether the courses are sponsored by the County Government or by Development Partners through bilateral or multilateral arrangements.
3. Officers undertaking part-time or full time self-sponsored courses are however, exempted from paying the training levy.

#### **11.5: Induction of Newly Appointed Officers**

1. Induction and orientation training are expected to help an employee familiarize with the work environment and requirements.
2. Authorized officers shall be expected in conjunction with the Board, to conduct induction training within three (3) months for newly recruited

officers and those who have joined the County Public Service on transfer, promotion and re-designation.

3. Newly appointed County public officers shall not be assigned any duties before they are issued with an induction handbook and undergo an induction.

**11.6: Eligibility for Training**

1. County Public Officers at all levels shall be eligible for at least five (5) days training in a fiscal year.
2. An officer who attends a long-term course lasting six (6) months and above shall be required to work for two (2) years before he/she can qualify for selection for another long course.

**11.7: Annual Training Policy Statement**

- i. The County Department responsible for public service shall consolidate and submit an annual report on the training status through the County Secretary to the Board at the end of each Financial Year (FY).
- ii. Authorized Officers shall abide by policies and guidelines issued by the Board for the development of human resource in County Public Service
- iii. The Board shall issue an Annual Training Statement to address training needs in the County Public Service for each financial year.

**11.8: Course Approval**

1. The Board shall grant course approval to officers proceeding on authorized training in accordance with service regulations. No Officer shall proceed for training without obtaining course approval.
2. Course approvals and management of foreign training will be undertaken by the County Public Service Board.
3. The County Department responsible for public service shall consolidate and submit quarterly report on all training undertaken in County Departments

through the County Secretary to the Board at the end of each quarter.

4. Where an officer is dissatisfied with a decision on award of training opportunities the officer may appeal to the Board for review after exhausting the internal appeals mechanisms at the Department.

#### **11.9: Undergraduate Training**

1. The County Government shall not sponsor serving officers for undergraduate programmes. Where there is need for skills at this level, the County Government shall procure the same from the labour market. However, employees who wish to sponsor their training shall be granted approval.
2. Notwithstanding (1) above and in a bid to ensure the marginalized and minority groups and persons with disabilities are represented at all levels of the public service, County Departments may recommend sponsorship of officers for relevant undergraduate degree programmes, based on identified training needs in line with affirmative action programmes.
3. Any recommendations made in (2) above shall be forwarded to the County Public Service Board for approval.
4. The affirmative action for under-graduate degree programmes shall remain in force until such time that a representative public service is achieved.

#### **11.10: Masters Programmes**

The County Government shall continue to support and approve training at Master's Level for officers requiring the skills at this level for performance and career progression as prescribed in the respective career progression guidelines. However, the County Government shall not support officers for second Master's Programmes.

##### **11.10.1 Authentication of academic and professional certificates**

The responsibility to ensure officers who are recruited to the public service are in possession of valid academic and professional certificates vests with the County Public Service Board.

CPSB shall:

- i. be required to validate academic and professional certificates

requisite for the award of appointment, confirmation, promotions or re-designation in the Public Service;

- ii. undertake an audit of academic and professional certificates of all newly appointed officers during the probation period and ensure that additional qualifications provided by serving officers are authenticated;
- iii. take disciplinary action against any officer found in possession of forged certificates including termination of service and summary dismissal in accordance with the provisions of the prevailing labour regulations and Public Service norms & standards; and
- iv. subject the officer implicated in obtaining appointment into the county public service using forged or fraudulently obtained academic and professional certificates to a criminal process in addition to initial action of dismissing the officer.

#### **11.10.2 E-Learning/Digital Training and Development**

- i. Emergence of the pandemics such as COVID-19 and resultant challenges in public service delivery calls for appropriate measures that respond to disasters and crises while maintaining service delivery standards to the citizenry.
- ii. Adoption of workplace measures such as remote or flexi working arrangements, virtual meetings and technology-based service delivery in this era of Information technology and budgetary constraints ensures effectiveness and consistency in public service delivery.
- iii. E-Learning/Digital training Mode support and ensure sustained training and development of staff while also ensuring uninterrupted delivery of service.
- iv. To facilitate continuity of training and capacity building initiatives, the County Government shall institutionalize e-learning platforms and put in place guidelines for virtual training and development and tele-counselling for

psycho-social support for those infected and/or affected.

- v. In addition to physical training mode, the County Government shall adopt online, digital and virtual training to facilitate continuity of training and capacity building initiatives from time to time.

#### **11.10.3 Subscription to Professional Bodies**

The County Government shall;

- i. support employees who are members of recognized professional bodies to remain in good standing through sponsorship of trainings geared towards Continuous Professional Development.
- ii. meet the subsequent subscriptions, practicing certificate and cost of continuing professional development training but this will be limited to not more than two professional bodies provided it is a professional requirement.

The employee shall meet the cost of registration and the initial subscription.

#### **11.11: PhD Programmes**

1. PhD training shall continue being sponsored and approved for officers in training and research institutions. However, officers wishing to pursue the PhD under the self-sponsorship arrangement shall be approved on condition that the area of study is relevant to their duties, have completed two (2) years' service since the last long course and the approval shall not provide for reimbursement of training expenses.
2. The County Government shall consider financial assistance or approve request for training at this level on a case by case basis provided that the area of study is a national priority focused towards an organization's strategic needs as outlined in its strategic plan and the course is relevant to the officer's current or potential future job.

#### **11.12: Training Revolving Fund**

1. The National Government has set up a Training Revolving Fund to assist public officers' access funds at subsidized interest rates for training in order to enhance knowledge and skills considered critical for performance

- improvement and achievement of National and County development goals.
2. Officers, who have been projected for training in critical areas and the County Departments have no funds to sponsor them within the fiscal year, may be advised to seek funds from the training revolving fund.
  3. The relevant National Government Ministry will vet candidates who have applied for the loan using the set guidelines.

**11.13: Training Bond**

1. The County Government shall bond serving officers proceeding on approved courses of training locally or abroad lasting six (6) months and above to enable the County Government to benefit adequately from its investment in training.
2. Where a County Department considers the value/cost of a course lasting less than six (6) months to be high and constraining the department’s training budget, the officers will be bonded for a minimum period of one year but not exceeding five (5) years.
3. The bond period will be determined by the duration of the course as follows:

<b>Training Period</b>	<b>Bond Period</b>
(i) Six months up to one Year	One year
(ii) More than one year up to Two years	Two years
(iii) Between two and three years	Three years
(iv) More than three years	as per the duration of the course but not exceeding five (5) yrs.

4. The bond amount shall be the total cost of the training.
5. In case of default, the bondee and/or surety shall be required to redeem the bond amount on pro rata basis.
6. Details on the administration and implementation of the training bond are contained in the Public Service Training Bond Guidelines.



7. Upon completion of the training, the trainee shall be required to report back to the CPSB and submit original certificate for the course and a training report.

**11.14: Skills Inventory**

1. Authorized Officers are expected to develop, update and maintain a skills inventory for all officers in their respective County Departments for purposes of identifying the available and the required skills. The inventory shall guide the training, recruitment and succession management decisions.
2. It shall be the responsibility of the officers to upload their certificates through the Government Human Resource Information System (GHRIS).

**11.15: Allowances Payable to County Government Sponsored Trainees**

1. Officers undertaking long courses abroad shall be paid respective countries' living allowance to cater for subsistence, accommodation, outfit and excess baggage.
2. Officers attending long courses on full time basis in local institutions and outside their duty stations shall be eligible for living allowance.
3. County Government sponsored officers attending, part-time, evening, sandwich and holiday module courses will not be entitled to a living allowance or stipend.
4. Officers sponsored by the County Government to undertake courses at Government Training institutions are not entitled to any living allowance or stipend.
5. Other Allowances paid to officers undertaking courses locally and abroad are: -
  - a. Research Allowance;
  - b. Dissertation/Thesis Allowance;
  - c. Project Allowance; and
  - d. Book Allowance.
6. The applicable rates are as stipulated in circulars issued by National Government.

**11.16: Incidental Expenses**

1. The County Government shall meet the cost of passport, pre-departure medical examination, visa, vaccination and inoculation expenses for foreign training.
2. The County Government shall meet the cost of transport and travelling to and from the institution at which the course is held. However, the trainee shall meet the cost of local travel.

**11.17: Eligibility for Annual Leave**

An officer who has been on training shall be eligible for his annual leave only for the year he resumes duty in addition to any leave days carried forward before proceeding on training.

**11.18: Donor Funded Courses**

1. Where a training award/scholarship for a course organized under bilateral/multilateral arrangements caters for only tuition and accommodation but does not include meals, out of pocket and stipend, the officer shall be eligible for 25% of the living allowance applicable to the designated country.
2. Where a medical insurance cover is not provided under a Technical Cooperation Training Award, the County Government shall meet the cost of the medical insurance cover for the officer.

**11.19: Workshops, Retreats and Conferences**

1. Public officers attending workshops, retreats and conferences may be paid allowances at rates determined by the SRC from time to time.
2. Workshops which are meant to review, develop and produce reports should be treated as retreats and should be for a maximum duration of ten (10) days.
3. The duration of workshops and conferences should not exceed three weeks. Any workshop and conference beyond three (3) weeks will be considered as a course and will be subjected to the stipulated provisions for courses.
4. No officer should be involved in more than one role in a seminar/workshop/conference at a given time.

### **11.20: Reimbursement of Tuition and Examination Fees**

1. An officer who on his own initiative and at his own time undertakes and passes a course relevant for his career growth and which is administered by a recognized training institution will be eligible for refund of 50% of the amount spent on tuition and examinations provided: -
  - i. Prior approval of the course had been granted by the CPSB;
  - ii. The officer has not been sponsored for the same course before; and
  - iii. The officer avails the original certificate for the course and a training report.
2. Candidates who sit for the examinations administered by PSC shall be required to pay a prescribed examination fee. The rates of fees and mode of payment for the examinations shall be notified when the dates for each examination is announced.
3. Candidates who pass examinations administered by the PSC shall be refunded the full amount of the prescribed examination fee by their respective Accounting Officers.

## **PART V: CODE OF CONDUCT, DISCIPLINARY CONTROL AND LABOUR RELATIONS**

### **Introduction**

This Part addresses the code of conduct, disciplinary control and labour relations in the County Public Service.

### **SECTION 12: CODE OF CONDUCT**

1. This Section contains general rules of conduct to be observed by a public officer so as to maintain integrity and uphold the dignity of the public office to which he has been appointed. Every public officer occupies a special position within the County Public Service and should ensure that his conduct both in public and in private life does not bring the service into disrepute.
2. Regulations governing discipline in the County Public Service and the procedure to be followed in cases of breach of discipline are contained in the Public Service Board Regulations. In addition, an employee is required to comply with the provisions of Chapter Six of the Constitution on Leadership and Integrity and Articles 10 and 232 of the Constitution; Leadership and Integrity Act, 2012; Public Officer Ethics Act, 2003; Anti-corruption and Economic Crimes Act, 2003; Labour Relations Act, 2007 and the Employment Act, 2007.
3. Officers are required to adhere to their respective professional codes of conduct. It is imperative that every public officer adheres to these rules of conduct and such other rules which may be introduced from time to time.

#### **12.1: Office Hours**

1. Public Officers are required to work 40 hours spread over 5 days in a week. Government office hours are as follows:

- i. **Nairobi and all other Regions**

Monday to Friday: 8.00 a.m. to 1.00p.m.

2.00 p.m. to 5.00 p.m.

- ii. **Mombasa and Northern Kenya**

Monday to Friday: 7.30 a.m. to 12.30 p.m.

2.30 p.m. to 5.30 p.m.

2. Though the general office hours will be as stated above, utilization of staff outside these hours when there is need for their services will not be restricted, provided the officer renders a minimum of 40 hours per week.

### 12.2: Public Holidays

1. The following days shall be observed as public holidays in accordance with the relevant parliamentary legislation and include:

New Year's Day .....	1 <sup>st</sup> January
Good Friday .....	*
Easter Monday .....	*
Labour Day .....	1 <sup>st</sup> May
Madaraka Day.....	1 <sup>st</sup> June
Idd-ul-Fitr.....	*
Mashujaa Day.....	20 <sup>th</sup> October
Jamhuri Day .....	12 <sup>th</sup> December
Christmas Day.....	25 <sup>th</sup> December
Boxing Day .....	26 <sup>th</sup> December

\* *In accordance with the relevant religious calendar.*

2. In addition to the above public holidays, Idd- ul-Haj and Diwali, will be observed as public holidays by officers professing these faiths.

### 12.3: Rule of law

A public officer shall carry out his/her duties in accordance with the law and shall not violate the rights and freedoms of any person enshrined under Chapter Four of the Constitution.

### 12.4: Public trust

A Public Office is a position of trust and the authority and responsibility vested in a

public officer shall be exercised in the best interest of the country.

#### **12.5: Performance of duties**

A public officer shall, to the best of his/her ability carry out the duties of the office efficiently and honestly, in a transparent and accountable manner, keep accurate records and documents and report truthfully on all matters of the organization/department which he/she represents.

#### **12.6: Professionalism**

1. A public officer shall carry out his duties professionally and treat fellow public officers with consideration and respect. He shall also act in a manner that maintains public confidence in the integrity of the office.
2. A public officer who is a member of a professional body shall observe the ethical and professional requirements of that body.

#### **12.7: Financial integrity**

1. A public officer shall not use the office to unlawfully or wrongfully enrich himself or any other person.
2. A public officer shall not maintain a bank account outside Kenya except in accordance with an Act of Parliament or seek or accept a personal loan or benefit in circumstances that compromise his integrity.

#### **12.8: Pecuniary Embarrassment**

A public officer shall live within his/her means and only incur financial obligations that he/she can satisfy without any form of financial hardship or embarrassment to himself/herself. Pecuniary embarrassment from whatever cause, shall be regarded as necessarily impairing the efficiency of an officer and rendering him liable to disciplinary proceedings.

#### **12.9: Moral and ethical requirements**

1. A public officer shall:
  - i. not engage in activities that amount to abuse of office;
  - ii. accurately and honestly represent information to the public; and
  - iii. not discriminate against any person.

### **12.10: Gifts or benefits in kind**

1. A public officer is prohibited from accepting or requesting for gifts whether in the form of money, goods, free passages or other personal benefits and from giving such gifts, unless:
  - i. the gift is non-monetary and does not exceed the value prescribed by regulation; or
  - ii. the gift is from or to a relative or friend given on a special occasion recognized by custom.
2. A gift or donation to a public officer on a public or official occasion shall be regarded as a gift or donation to the County and shall be delivered to the County Secretary unless exempted under an act of Parliament.
3. When presents are exchanged between public officers acting on behalf of the County Government in ceremonial occasions with other Governments or their representatives, the presents received will be handed over to the County Government and any present in return will be given at the County Government's expense.

### **12.11: Wrongful or unlawful acquisition of property**

A public officer shall not use his office to wrongfully or unlawfully influence the acquisition of property.

### **12.12: Conflict of interest**

1. A "conflict of interest" involves a conflict between the public duty and the private interests of a public officer in which the officer's private capacity interests would improperly influence the performance of their official duties and responsibilities.
2. A public officer:
  - (i) Shall use the best efforts to avoid being in a situation where personal interests conflict or appear to conflict with the public officer's official duties;
  - (ii) Shall not hold shares or have any other interest in a corporation, partnership or other body, directly or through another person,

if holding those shares or having that interest would result in the public officer's personal interests conflicting with his official duties;

- (iii) whose personal interest conflict with his official duties shall declare the personal interests to his supervisor or other appropriate body and refrain from participating in any deliberations with respect to the matter;
- (iv) shall not award a contract, or influence the award of a contract to: -
  - (a) Himself/herself,
  - (b) A spouse or relative,
  - (c) A business associate, or
  - (d) A corporation, partnership or other body in which the officer has an interest;
- (v) who is serving on a full-time basis shall not participate in any other gainful employment;
- (vi) shall not allow himself to be influenced in the performance of his duties by plans or expectations for or offer of future employment or benefits and shall disclose, in writing to the Board all offers of future employment or benefits that could place him in a situation of conflict of interest; and
- (vii) shall not be engaged by or act for a person or entity in a matter in which the officer was originally engaged in as a public officer, for at least two years after leaving the public office.

3. In this section "personal interest" includes the interest of a spouse, relative, or business associate.

### **12.13: Acting for foreigners**

No public officer shall, in any manner that may be detrimental to the security interests of Kenya, be an agent for, or further the interests of a foreign government, organization or individual.



**12.14: Care of property**

A public officer shall take all reasonable steps to ensure that property that is entrusted to his care is adequately protected and not misused or misappropriated.

**12.15: Misuse of official information**

A public officer shall ensure that confidential or secret information or documents entrusted to his care are adequately protected from improper or inadvertent disclosure.

**12.16: Falsification of records**

A public officer shall not falsify any records or misrepresent information to the public.

**12.17: Political neutrality**

A public officer shall not, in or in connection with the performance of his duties as such act as an agent for, or so as to further the interest of a political party or indicate support for or opposition to any political party or candidate in an election or engage in political activity that may compromise the political neutrality of his office.

**12.18: Impartiality**

A public officer shall at all times carry out the duties of the office with impartiality and objectivity in accordance with Articles 10, 27, 73(2)(b) and 232 of the Constitution.

**12.19: Collections and Harambees**

A public officer shall not use his office or place of work as a venue for soliciting, collecting harambees, either as a collector or promoter of public collection, obtain money or other property from a person using his official position.

**12.20: Conduct of private affairs**

A public officer shall conduct private affairs in a manner that maintains public integrity of the office; pay taxes due from him within the prescribed period and not neglect their financial or legal obligations.

**12.21: Bullying**

A public officer shall not bully any person. For the purpose of this section 'bullying' includes repeated offensive behavior which is vindictive, cruel, malicious or humiliating and is intended to undermine a person.

### **12.22: Sexual Harassment**

A public officer shall not sexually harass a member of the public or fellow public officer. "Sexually harass" includes doing any of the following, if the person doing it knows or ought to know that it is unwelcome:

- a) Making a request or exerting pressure for sexual activity or favours;
- b) Making intentional or careless physical contact that is sexual in nature; and
- c) Making gestures, noise, jokes or comments including innuendos, regarding another person's sexuality.

### **12.23: Nepotism**

A public officer shall not practice undue favouritism to their relations and close relatives at the expense of the service.

### **12.24: Acting through others**

1. A public officer contravenes the code if he causes anything to be done through another person that would constitute a contravention of the code if done by the public officer, or allows or directs a person under their supervision or control to do anything that is in contravention of the code.
2. Contravention shall not apply where anything is done without the public officer's knowledge or consent or if the public officer has taken reasonable steps to prevent it.
3. A public officer who acts under unlawful direction shall be responsible for his action.

### **12.25: Reporting improper orders**

A public officer shall report to the County Secretary or the Public Service Board, as the case may be, any order required of him that he shall consider improper or unethical.

### **12.26: Declaration of Income, Assets and Liabilities**

1. Every Public Officer shall on initial appointment and bi-annually thereafter submit declaration of income, assets and liabilities of himself, spouse (s) and dependent children under eighteen (18) years of age to the County Public Service Board. The officer shall also make a similar declaration on exit from the service.

2. An officer who fails to submit a declaration or clarification as required, or who submits information that he knows is false or misleading, shall be liable to disciplinary action.
3. If an investigation discloses that the public officer has contravened the Code of Conduct and Ethics, the appropriate disciplinary action shall be taken against the officer; or if the Board is of the view that civil or criminal proceedings ought to be considered, the matter may be referred to the Attorney General.

**12.27: Uniforms for Officers**

1. Officers offering common services such as Receptionists, Drivers, and Support Staff are required to wear uniforms and be issued with at least two (2) pairs of appropriate uniform.
2. Issues of uniforms and dates of their issue must be recorded in the Stores Ledger.
3. All officers who are provided with uniform will be required to maintain them in a clean and decent condition and to wear them at all times while on duty.
4. Disciplinary action shall be taken against any officer who fails to observe this Regulation.

**12.28: Dress Code**

1. All public officers are required to be well groomed and decently dressed to maintain an appropriate standard of dress and personal hygiene in public and private.
2. Employees may put on branded corporate attires for their respective Departments/agencies on Fridays or during County events.
3. Employees are however discouraged from wearing skintight attires and clothing which reveals parts of their body.

**12.29: Handling of firearms**

Officers who possess firearms by virtue of duty, should handle them with care and in line with National Government Policy on firearms handling. Any careless handling and/or misuse shall result to disciplinary/legal action.

## **SECTION 13: DISCIPLINARY CONTROL**

### **13.1 Objective**

The objective of disciplinary control is to create a motivated and dedicated County Public Service which upholds the rules of conduct and work ethics for optimal service delivery. It is expected that County Public Officers will maintain integrity and uphold the dignity of the office to which they are appointed. Further, discipline cases shall be dealt with expeditiously, efficiently, lawfully and in a procedurally fair manner.

### **13.2: Disciplinary Powers**

1. The power to exercise disciplinary control and removal of Public Officers are vested in the County Public Service Board as stipulated in the County Governments Act, 2012, Employment Act, 2007 and Kitui County Disciplinary Manual 2024 read together with this HR Policies & Procedures Manual among others.
2. The Public Service Board has delegated the following disciplinary powers to Authorized Officers as per the Kitui County Discipline Manual which may be revised from time to time.
  - (i) interdiction of officers in Job Group 'CPSB 3' and below;
  - (ii) suspension of officers in Job Group 'CPSB 3' and below
  - (iii) reprimand (including severe reprimand) of any officer;
  - (iv) recovery of the cost or part of the cost of any loss, breakage caused by default or negligence, provided no such cost has been recovered by surcharge action under the appropriate financial instructions or regulations;
  - (v) Withholding, deferment and stoppage of salary increment; and

### **13.3: Disciplinary Procedure**

#### **13.3.1: General Provisions**

The following shall be observed while processing discipline cases:

1. Disciplinary cases dealt with under delegated powers shall be processed through the County Human Resource Management Advisory Committee and

forwarded to the Board within seven days;

2. If criminal proceedings are instituted against an officer or where an officer has been acquitted of a criminal charge in a court of law, the Authorized Officer may institute a disciplinary action on any other charge arising out of his conduct in the matter and impose an appropriate penalty provided that the charge is not similar to the one in court;
3. Where an officer has been charged with desertion of duty, the letter shall be addressed to his/her last known address by registered mail and a copy through electronic mail where address is available;
4. The officer shall be notified in writing, be given the particulars of the misconduct as preferred and reasonable opportunity to respond to the allegations. Persons with disability shall be notified in accessible format depending on the nature of the disability;
5. Application of other interventions in resolving the discipline cases such as counseling, guidance, training and dispute resolution mechanisms shall be considered;
6. Communication of right of appeal and application for review of disciplinary related decisions; and
7. Except disciplinary cases that are subject to court proceedings, all other disciplinary cases should be dealt with promptly and finalized within a period of six (6) months. Where it is found impracticable to do so the Authorized Officer shall report individual cases to the County Public Service Board explaining the reason for the delay.

### **13.3.2 Specific Provisions**

1. In the event of initial instance (s) of minor offences committed by an officer, his/her supervisor will issue a verbal warning and inform him or her of what is likely to befall him/her in case the offence (s) is repeated in future. The verbal warning should be in form of structured discussion which may entail

counseling. A copy of the record for such a warning indicating that there was a meeting between the supervisor and the officer should be kept by the supervisor.

2. The procedures to be followed by Authorized Officers in dealing with discipline cases are as follows: -

In respect of officers in Job Groups 'L to R': -

- i. Carry out a preliminary investigation and consultation as to the circumstances surrounding the act of misconduct.
- ii. Issue the public officer with statement of the alleged offence ('show cause' letter) and the charges framed against him/her and invite him to state in writing the grounds, if any, on which he relies to exonerate himself/herself.
- iii. The officer shall respond to the charges within twenty-one (21) days from the date of the 'show cause' letter.
- iv. If the officer fails to respond within the specified period or if in the opinion of the Authorized Officer, the explanation given is not satisfactory he shall forward the case with copies of the charge and the officer's reply if any, with his comments to the County Human Resource Management Advisory Committee (CHRMAC) through the County Secretary for deliberation and recommendation.
- v. After conducting investigations and disciplinary hearing, the case shall be presented to County Public Service Board for review and decision making.
- vi. The Board may carry out further investigations if it deems necessary before making final decision.
- vii. The Board's decision shall be communicated to the officer through the Authorized Officer who shall inform the officer of the right to apply for review where applicable.
- viii. Where a public officer is found culpable of a disciplinary offence, the decision

will be communicated to the relevant professional body, where applicable.

3. In respect of officers in Job Group 'K' and below:

All the steps in (2) (i-iv) above will be observed and where the Authorized Officer is of the opinion that further investigation is not necessary, he will decide on the punishment to be inflicted on the accused officer.

- i. Where the Authorized Officer finds it necessary to carry out further investigation, the conditions specified in Section 13.4 below shall apply.
- ii. On receipt of the investigation report, the Authorized Officer shall on the recommendations of the County Human Resource Management Advisory Committee determine whether the accused officer is culpable and decide on the penalty to be imposed.

#### **13.4: Conducting investigations**

1. While carrying out investigations, the Authorized Officer shall observe the following conditions:

- i. Constitute a team of not less than three (3) officers to investigate the matter (where the team is more than three members, the team shall consist of an odd number).
- ii. The officers conducting the investigation shall be senior to the accused officer and should not have dealt with the case before or have interest in the case.

The report of the investigation shall be submitted to the CHRMAC and shall contain:

- i. evidence collected by the team, including any statements by witnesses;
- ii. analysis of the evidence and statements;
- iii. a statement on whether the charges against the officer have been proved; and
- iv. details on any matter that may affect the gravity of the case,

if any.

2. The report shall not contain any recommendation on the form of punishment to be inflicted on the accused officer.

### **13.5: Disciplinary Hearing**

The hearing shall be done by a sub-committee of the CHRMAC and shall be comprised of officer's senior to the accused officer who should not have dealt with the case before or have interest in the case.

1. The panel should comprise of not less than three (3) officers. Where the panel is more than three members, the panel shall consist of an odd number.
2. The panel shall give a notice of not less than seven (7) days to both parties prior to the hearing date.
3. Upon request in writing, the accused officer may be given information, materials and evidence in support of the case.
4. The parties have a right to request for adjournment.
5. A record of the proceedings of the hearing shall be submitted to the CHRMAC. The report shall contain:
  - i. a statement on whether the charges against the officer have been proved;
  - ii. evidence collected by the team, including any statements by witnesses;
  - iii. analysis of the evidence and statements; and
  - iv. details on any matter that may affect the gravity of the case if any.

6. The report shall be forwarded to the Board for deliberations and decision making

### **In respect to the Officers in "CPSB 2" (JG'S):**

1. upon receipt of the disciplinary case, the Board will review and issue the



public officer with statement of the alleged offence ('show cause' letter) and the charges framed against him/her and invite him to state in writing the grounds, if any, on which he relies to exonerate himself/herself.

2. The officer shall respond to the charges within twenty-one (21) days from the date of the 'show cause' letter. Upon receipt of the response to show cause, the Board shall constitute a disciplinary committee composed of impartial individuals within the County Government with required expertise and knowledge relevant to the presented case.
3. The committee shall review the response, the evidence provided and conduct investigations.
4. Analysis of the evidence collected including statements by witness against the officer to inform the hearing process.
5. The committee shall give a notice of not less than seven (7) days to both parties prior to the hearing date.
6. Upon request in writing, the accused officer may be given information, materials and evidence in support of the case.
7. The parties have a right to request for adjournment.
8. A record of the proceedings of the hearing shall contain the following:
  - i. a statement on whether the charges against the officer have been proved;
  - ii. evidence collected by the team, including any statements by witnesses;
  - iii. analysis of the evidence and statements; and
  - iv. details on any matter that may affect the gravity of the case if any
9. The committee shall compile a report and submit to the appointing authority.

### **13.6: Interdiction**

1. The powers of interdiction should be exercised as set out in Section 70 of

the Public Service Commission Act. An officer may be interdicted to allow investigations to be conducted in a case where proceedings may lead to his dismissal.

2. An officer who is interdicted shall be eligible for half ( $\frac{1}{2}$ ) of his/her basic salary with full house allowance and medical benefits.
3. An officer on interdiction should report to his supervisor at agreed intervals.
4. Where disciplinary or criminal proceedings have been taken or instituted against an officer under interdiction and such an officer is neither dismissed nor otherwise punished under these regulations, any salary withheld shall be restored to him upon the termination of such proceedings with effect from the date the salary was stopped.

### **13.7: Suspension**

1. The powers of suspension should be exercised as set out in section 71 of the Public Service Commission Act under the following circumstances:
  - i. when disciplinary proceedings have been instituted against the officer as a result of which, the Authorized Officer considers that the officer ought to be dismissed;
  - ii. when he has been charged of a serious criminal offence or is found culpable of a gross misconduct which can lead to dismissal.
  - iii. Where an officer is suspended from the exercise of the functions of his public office, he shall be entitled to full house allowance, medical benefits and no basic salary.
2. An officer on suspension will be required to report to his supervisor at agreed intervals, if necessary.
3. Where disciplinary or criminal proceedings have been taken or instituted against an officer under suspension and such an officer is neither dismissed nor otherwise punished the whole or any salary and

allowances withheld shall be restored to him upon the termination of such proceedings with effect from the date the salary was stopped.

**13.8: Absence from Duty without leave or reasonable or lawful cause**

1. Where a public officer is absent from duty without leave or reasonable or lawful cause for a period exceeding twenty-four (24) hours, and is not traced within a period of ten (10) days from the commencement of such absence, the officer's salary shall be stopped and action to dismiss the officer initiated.
2. The public officer shall be addressed a 'show cause' letter through his last known address by registered post or scanned send through electronic mail
3. If the officer does not resume duty or respond to the 'show cause' letter within a period of twenty-one (21) Days, from the date of the 'show cause' letter, the case shall be referred to the County Human Resource Management Advisory Committee to initiate the process of summary dismissal.
4. When an officer has been absent from duty without permission and subsequently resumes duty, he shall not be eligible for payment of salary for the period of absence and any amount erroneously paid to him shall be recovered from his salary.
5. In cases of delay of stoppage of salary and an officer is subsequently dismissed on account of desertion, the erroneous payment shall be recovered from the officer(s) who occasioned the payment.

**13.8: Absence from Duty on Grounds of Illness**

1. An officer who is absent from duty on grounds of illness shall produce proof of sickness/sick leave certified by a medical practitioner on resumption of duty. The officer shall also make every effort to notify the office of their sickness.
2. Should the officer fail to produce a medical certificate or to give satisfactory explanation for the absence, they shall be considered to have been absent without permission and the case shall be dealt with in accordance with the relevant disciplinary provisions.

### **13.9: Appeals**

1. An officer who is dissatisfied by a decision made by an Authorized Officer may appeal to the Board within a period of thirty (30) days from the date of the letter conveying such decision, provided that the Board may consider an appeal that is made out of time if, in the opinion of the Board, the circumstances warrant such consideration.
2. An officer who is dissatisfied by a decision made by the Board may appeal to PSC within a period of Ninety (90) days from the date of the letter conveying such decision, provided that the PSC may consider an appeal that is made out of time if, in the opinion of the PSC, the circumstances warrant such consideration.
3. The Board shall entertain only one appeal in each case.

### **13.10: Reviews**

An officer may apply for a review of his case within six (6) months after the decision of the Public Service Commission. The Commission may entertain an application for review out of time if, in the opinion of the Commission, the circumstances warrant it.

### **13.11: Handling Court Cases**

In the event that the County Government is taken to court in matters relating to the Board's disciplinary powers, including where the powers have been delegated, the following shall apply:

1. County Ministries/Departments shall promptly bring to the attention of the Board and the office of the County Attorney the filing of such court cases and forward all the relevant information as well as documents relating to the case.
2. County Ministries/Departments shall ensure that they cooperate with the Board and the office of the County Attorney in availing evidence and witnesses as may be required for successful handling of court cases.
3. Court decisions shall be complied with in consultation with the Board and

the office of the County Attorney unless an order of stay has been granted by the Court.

**13.12: Defense of Officers in Criminal and Civil Suits**

1. When criminal or civil proceedings are instituted against an officer as a result of an act of omission by him in the course of his official duties, he may apply to his Authorized Officer for assistance in his defense. If the latter is satisfied that the officer acted in good faith in the execution of his official duties and that it is in the public interest that the officer should be defended, he shall immediately report the matter to the County Attorney, who will decide whether or not the officer should be defended.
2. Officers who have applied for defense shall not themselves brief their private advocates and subsequently apply for County Government assistance. Unless the proper procedure is followed, the County Attorney may decline to provide support to the officer. It is further emphasized that speed is of essence in reporting such cases to the County Attorney.

**13.13: Civil Proceedings by Officers for Defamation**

Where an officer has been defamed in respect of matters arising out of his official position, e.g., in the press or at a political meeting, it may be that the County Government is also defamed by implication and may, therefore, agree to give legal aid to the officer. Where such a case occurs, the officer may apply for legal aid through the Authorized Officer to the County Attorney. Legal aid will not be granted unless:

1. The County Government has a substantial interest in seeing that the defamatory statement is repudiated;
2. There is, in the opinion of the County Attorney a good prospect of success in the action; and
3. The consent of the County Attorney shall be obtained before proceedings are commenced.

## **SECTION 14: LABOUR RELATIONS**

### **Introduction**

The County Government shall engage Trade Unions representing public officers in negotiating Collective Bargaining Agreements. The County Government and the Unions shall negotiate Collective Bargaining Agreements setting out the terms and conditions of service for the employees. The negotiations shall be guided by the provisions of the Constitution of Kenya, 2010, relevant legislations and the institutional framework for collective bargaining with public service unions.

### **14.1 Union Membership**

1. All employees may join any registered and recognized Union of their choice. However, eligibility for an employee to join shall depend on the recognition agreement between the County Government and the respective Union.
2. Employees shall not be victimized for being members or participating in trade Union activities;
3. Employees who are appointed as officials of any Union may be granted permission to carry out official Union duties;
4. Employees are not allowed to be officials of more than one Trade Union. However, an official of a Trade Union may also be an official of a Federation to which the Trade Union is affiliated;
5. Union meetings shall be convened to take place during the employees' free time.

### **14.2: Recovery of Union Dues**

1. The County Government may deduct trade Union dues from the salaries of union members and pay the monies so deducted into a specified account of the Trade Union;
2. Deductions from an employee who has resigned their Union membership and notified the employer in writing shall be stopped; and
3. A copy of an employee's notification shall be forwarded to the Union for information.

### **14.3: Dispute Resolution**

The County Government will endeavor at all times to have good working relations with the Unions in order to maintain industrial harmony. However, should a trade dispute arise concerning any aspect of the employer/employee relationship, the resolution of that dispute will be as provided for in the Labour Relations Act 2007.

### **14.4: Employee Participation in Strikes**

An employee may participate in a strike if:-

- i. The trade dispute that forms the subject of the strike concerns the terms and conditions of employment or recognition of a Trade Union to which an employee is a member;
- ii. The trade dispute is unresolved after conciliation; and
- iii. Seven (7) days written notice of strike has been given to the County Secretary and the head of Public Service by the representative of the union

### **14.5: Institutional Framework for negotiation**

An Institutional Framework for negotiation with Trade Unions has been developed whose objectives are to:

- i. Ensure that the collective bargaining process is compliant with the Constitution and the relevant legislations;
- ii. Identify the parties recognized by law to engage in collective bargaining;
- iii. Provide consistency and uniformity in the collective bargaining process;
- iv. Provide a platform for consultations with all stakeholders;
- v. Provide a standard period for collective bargaining across the public service;
- vi. Promote labour relations and industrial peace.

The Collective Bargaining in the County Public Service shall include salaries, allowances, benefits, and working conditions as shall be agreed upon from time to time.

Labour relations shall be guided by the provisions of the Constitution 2010 and the relevant labour laws.