

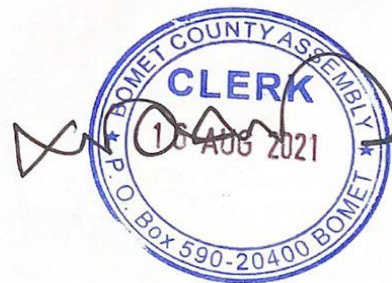


REPUBLIC OF KENYA
BOMET COUNTY ASSEMBLY
SECOND ASSEMBLY-FIFTH SESSION

REPORT OF THE
AD HOC COMMITTEE ESTABLISHED
TO INVESTIGATE ON ALL THE RECRUITMENTS AND
PROMOTIONS IN THE COUNTY WITHIN THE PERIOD OF 1ST
JANUARY 2019 TO 30TH JUNE 2021

AUGUST, 2021

*Handed over to Clerk of
the County Assembly
on 1st Aug 2021
at 2:30 pm*



ABBREVIATIONS

C.E.C.M	-	County Executive Committee Member
CS	-	County Secretary
CBA	-	Collective Bargaining Agreement
KMPDU	-	Kenya Medical Practitioners, Pharmacists and Dentists Union
KNUN	-	Kenya National Union of Nurses
KNUMLO	-	Kenya National Union for Medical Laboratory Officers
BETA	-	Bomet Eye Teachers Association
KUCO	-	Kenya Union of Clinical Officers
KCGWU	-	Kenya County Government Workers Union
CPSB	-	County Public Service Board
MOU	-	Memorandum of Understanding
UHC	-	Universal Health Care
ECDE	-	Early Childhood Development Education
IPPD	-	Integrated Payroll and Personnel Database
HR	-	Human Resource
ICT	-	Information Communication Technology
PSC	-	Public Service Commission

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PREFACE

Mr. Speaker Sir,

It is my honour and pleasure to present to this county assembly, the report of the Ad-hoc committee constituted to investigate on all the recruitments and promotions within the period of 1st January 2019 to 30th June 2021 to establish whether the County Government adhered to the provisions of the Constitution, County Governments Act, 2012 and all the other relevant employment laws and to report back to the county assembly within a period of 21 days from the date of the adoption of the motion.

COMMITTEE MEMBERSHIP

The Committee as constituted by the county assembly is comprised of the following Members of County assembly: -

- | | |
|--------------------------------------|------------------|
| 1. The Hon. Robert Serbai, MCA | Chairperson |
| 2. The Hon. David Maritim, MCA | Vice Chairperson |
| 3. The Hon. Richard Chirchir, MCA | Member |
| 4. The Hon. Zadock Kilel, MCA | Member |
| 5. The Hon. Joseph Kelong, MCA | Member |
| 6. The Hon. Ambrose Koech, MCA | Member |
| 7. The Hon. Charles Langat, MCA | Member |
| 8. The Hon. Janet Turgut, MCA | Member |
| 9. The Hon. Barchok Kipngetich, MCA | Member |
| 10. The Hon. Cicilia Mutai, MCA | Member |
| 11. The Hon. Marcella Chepkirui, MCA | Member |
| 12. The Hon. Robert Rono, MCA | Member |
| 13. The Hon. Wesley Bett, MCA | Member |

MANDATE OF THE COMMITTEE

The Ad hoc Committee was constituted on **7th of July 2021** pursuant to Section 14 (1) (b) of the County Governments Act, 2012 and was mandated to investigate on all the recruitments and promotions in the county within the period of 1st January 2019 and 30th June 2021; to establish whether the county government adhered to the provisions of the Constitution, the County Governments Act, 2012 and any other relevant employment laws and report back to the county assembly within a period of 21 days following the adoption of the Motion.

The Committee, in the execution of its mandate, was guided by the provisions of the Constitution, the County Governments Act, 2012, all the other relevant statutes, the County Assembly Standing Orders and its own rules of procedure.

COMMITTEE MEETINGS

The Committee held a total of 9 meetings including a report writing retreat to execute its mandate. During the said meetings the committee invited a number of persons to appear before it for purposes of shedding light on the issues under consideration.

ACKNOWLEDGEMENT

The Committee is grateful to the county assembly through the Hon. Speaker for the support granted in executing its mandate.

The Committee is also grateful to the office of the Clerk for facilitating and providing technical support to the Committee in the execution of its mandate.

I wish to express my appreciation to the Honourable Members of the Committee for diligently attending all the meetings of the committee despite the fact that the county assembly was on recess. The commitment and zeal exhibited by the membership of the committee is quite commendable. It is also worth noting that the committee strictly adhered to its limited timeline to deliver on its mandate. It is further worth noting that the committee worked tirelessly including sitting for long hours so as to cover the enormous task bestowed upon it by this county assembly.

The committee also extends its appreciation to all the parties involved in the matter; namely the Office of the County secretary, the County Executive Committee Members and Chief Officers who were involved, the County Public Service Board, the Kenya County Government Workers Union, the Kenya Medical Practitioners, Pharmacists and Dentists Union, the Kenya National Union of Nurses, Kenya National Union of Medical Laboratory Officers and the Kenya Union of Clinical Officers for diligently responding to the committee's invitation.

Further the Committee acknowledges the exemplary services rendered by staff of the County Assembly namely; the Research Department, Committee Services Department and the Legal and Legislative Department. Indeed, their commitment and devotion to duty have made work of the committee and production of this report successful.

Mr Speaker Sir,

It is therefore my pleasant duty and privilege, on behalf of the ad-hoc Committee to present this report for debate and resolution.

SIGNED 

DATE 17 AUGUST 2021

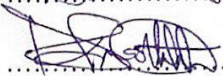
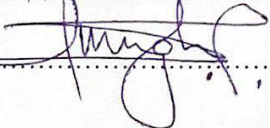
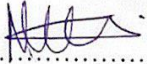
HON. ROBERT SERBAI, MCA EMBOMOS WARD

CHAIRPERSON, AD-HOC COMMITTEE ON RECRUITMENTS AND PROMOTIONS

Adoption of the report

Mr Speaker Sir,

We the Members of the Ad-hoc Committee do hereby affix our signatures to this report to affirm the correctness of the contents and support for the report:

NAME	SIGNATURE
1. The Hon. Robert Serbai, Chairperson	
2. The Hon. David Maritim, V-Chairperson	
3. The Hon. Richard Chirchir, MCA	
4. The Hon. Zadock Kilel, MCA	
5. The Hon. Joseph Kelong, MCA	
6. The Hon. Ambrose Koech, MCA	
7. The Hon. Charles Langat, MCA	
8. The Hon. Janet Turgut, MCA	
9. The Hon. Barchok Kipngetich, MCA	
10. The Hon. Cicilia Mutai, MCA	
11. The Hon. Marcella Chepkirui, MCA	
12. The Hon. Robert Rono, MCA	
13. The Hon. Wesley Bett, MCA	

1.0 BACKGROUND

Mr. Speaker Sir,

Following the tabling of a Motion on **6th July, 2021** by Hon. Robert Serbai urging the county assembly to constitute an adhoc committee to investigate on all the recruitments and promotions in the county within the period of 1st January 2019 and 30th June 2021, to establish whether the county government adhered to the provisions of the Constitution, the County Governments Act, 2012 and any other relevant employment laws and report back to the county assembly within a period of 21 days following the adoption of the Motion, the county assembly resolved to establish the committee.

The Motion as moved by Hon. Robert Serbai, Member of County Assembly, Embomos Ward on 6th July, 2021 read as follows-

“THAT, aware that the Bomet County Public Service Board is bound by the Constitution of Kenya 2010, the County Governments Act, 2012 and all the others laws while carrying out its functions; further aware that pursuant to section 65(2) of the County Governments Act, the County Public Service Board should ensure that during appointments or promotions the process should be fair , transparent , with merit, fair competition and representation of the diversity of the county ; further aware that there have been numerous complaints concerning recruitment process in the county including the criteria for appointment, distribution and regional balance; deeply concerned that there has been a public outcry on the recruitment process by the CPSB which has been termed to be unfair and unlawful; this county assembly resolves to constitute an adhoc committee to investigate on all the recruitments, promotions conducted by the County Government as from 1st January 2019 to 30th June ,2021 and whether the county government adhered to the provisions of the County Governments Act, 2012 and report back to the County assembly within a period of 21 days.”

Following the passage of the Motion, the County Assembly resolved to establish the Ad-hoc committee on 7th July 2021 comprising of the following members: -

1.	The Hon. Robert Serbai, MCA	Chairperson
2.	The Hon. David Maritim, MCA	Vice Chairperson
3.	The Hon. Richard Chirchir, MCA	Member
4.	The Hon. Zadock Kilel, MCA	Member
5.	The Hon. Joseph Kelong, MCA	Member
6.	The Hon. Ambrose Koech, MCA	Member
7.	The Hon. Charles Langat, MCA	Member
8.	The Hon. Janet Turgut, MCA	Member
9.	The Hon. Barchok Kipngetich, MCA	Member
10.	The Hon. Cicilia Mutai, MCA	Member
11.	The Hon. Marcella Chepkirui, MCA	Member
12.	The Hon. Robert Rono, MCA	Member
13.	The Hon. Wesley Bett, MCA	Member

The ad hoc committee was mandated to inquire into all the recruitments and promotions conducted by the County Government as from 1st January 2019 to 30th June ,2021; and to establish whether the county government adhered to the provisions of the Constitution and the County Governments Act, 2012 and report back to the County assembly within a period of 21 days.

RULES OF PROCEDURE

The adhoc-committee adhered to the rules of procedure as those of select committees provided under Standing order 180 of the County assembly standing orders and other general rules of procedure of committees provided for in the standing orders. As a matter of principle some of the guiding rules which the committee agreed upon included the following: -

1. That the invited persons may submit written submissions in further reply to questions/issues raised by the committee.
2. That the reply from the invited persons must be detailed, precise and to the point.
3. That except as allowed by the Rules of Procedure, members of the committee are prohibited from talking with anyone about any issues related to the proceedings.

4. That the invited persons were not allowed to communicate with any member of the committee on issues touching on the proceedings outside official committee proceedings.
5. That a member of the Committee shall be sanctioned from participating in the proceedings if it is discovered that he/ she has been engaging in unauthorized communication outside the sittings.
6. That a member of the Committee shall recuse (remove) herself/himself if the member discovers he or she has an actual or apparent conflict of interest that cannot be reconciled.
7. That the Chair of the Committee shall be the Presiding Officer and shall be assisted by the vice-chairperson.
8. That the chairperson will manage the proceedings and make determinations on behalf of the Committee and will ensure that each party has an opportunity to effectively participate in the proceedings.
9. That the committee will issue an invitation to appear notice to each party at least seven days prior to the date of the sitting.
10. That the Committee shall keep a verbatim record of all the proceedings.
11. That the Committee will manage the proceedings and make rulings on evidence and procedural issues. In general, the Committee will allow evidence that a reasonably prudent person is accustomed to rely upon.
12. The Committee may issue summons to require any person to testify or produce documents deemed necessary for the discharge of its mandate.
13. The Committee may review its procedural decisions from time to time.
14. The proceedings will be conducted as open meetings unless the law requires closure of all or a portion of the hearing.
15. The Committee will then table its report to the Assembly for resolution.
16. Documents filed for the proceedings will be made available to the public for inspection and copying unless the law provides otherwise.

The Committee therefore were guided by the aforementioned Rules of Procedure as required to enable expeditious deliberations and resolution of issues before it. The Rules regulated the procedure of the Committee on a number of critical matters in which the Law and Standing Orders were silent.

LEGAL FRAMEWORK

Article 232 of the Constitution of Kenya provides that:

(1) The values and principles of public service include: -

- a. high standards of professional ethics;
- b. efficient, effective and economic use of resources;
- c. responsive, prompt, effective, impartial and equitable provision of services;
- d. involvement of the people in the process of policy making;
- e. accountability for administrative acts;
- f. transparency and provision to the public of timely, accurate information;
- g. subject to paragraphs (h) and (i), fair competition and merit as the basis of appointments and promotions;
- h. representation of Kenya's diverse communities; and
- i. affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service, of: -
 - i. men and women;
 - ii. the members of all ethnic groups; and
 - iii. persons with disabilities.

Article 234 of the Constitution provides that:

1. A county government is responsible, within a framework of uniform norms and standards prescribed by an Act of Parliament, for—
 - a. establishing and abolishing offices in its public service;
 - b. appointing persons to hold or act in those offices, and confirming appointments; and
 - c. exercising disciplinary control over and removing persons holding or acting in those offices.

Section 59 of the County Governments Act provides that:

- 1) The functions of the County Public Service Board shall be, on behalf of the county government, 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 as provided for under this Part;
 - (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;
 - (j) make recommendations to the Salaries and Remuneration Commission, on behalf of the county government, on the remuneration, pensions and gratuities for county public service employees.

Section 62 of the County Governments Act, provides that:

- 1) Taking into account the provisions of this Part, the County Public Service Board on its own motion, may establish or abolish any office in the county public service.
- 2) If the Board intends to establish or abolish an office, it shall submit its proposal to the county assembly for approval through the county executive committee member responsible for the county public service.

- 3) The County Public Service Board shall give the county chief officer of the concerned department an opportunity to make representation in respect of any action to be taken under this section before making the decision in that regard.
- 4) If the County Public Service Board establishes an office and the concerned department fails to fill the vacancy for a period of twelve months after its establishment, the office shall stand abolished and the County Public Service Board shall not be required to make a decision to abolish that office.

Section 65 of the Act provides that:

- 1) In selecting candidates for appointment, the County Public Service Board shall consider—
 - a. the standards, values and principles set out in Articles 10, 27(4), 56(c) and 232(1) of the Constitution;
 - b. the prescribed qualifications for holding or acting in the office;
 - c. the experience and achievements attained by the candidate;
 - d. the conduct of the candidate in view of any relevant code of conduct, ethics and integrity;
 - e. the need to ensure that at least thirty percent of the vacant posts at entry level are filled by candidates who are not from the dominant ethnic community in the county;
 - f. the need for open and transparent recruitment of public servants; and
 - g. individual performance.
- 2) In determining whether an appointment, promotion or re-designation has been undertaken in a fair and transparent manner, the overriding factors shall be merit, fair competition and representation of the diversity of the county.

Section 74 of the Act further provides that the County Public Service Board shall regulate the engagement of persons on contract, volunteer and casual workers, staff of joint ventures and attachment of interns in its public bodies and offices.

Section 75 also provides that if it comes to the attention of the County Public Service Board that there is reason to believe that any process or decision under this Part may have occurred in an

irregular or fraudulent manner, the County Public Service Board shall investigate the matter and, if satisfied that the irregularity or fraud has occurred, the County Public Service Board may—

- a. revoke the decision;
- b. direct the concerned head of department or lawful authority to commence the process afresh; or
- c. take any corrective action including disciplinary action.

INVESTIGATION ON RECRUITMENTS AND PROMOTIONS

In investigating the recruitments and promotions in the county public service during the period under review, the committee resolved to invite the following persons to appear before it for purposes of shedding light on the issues raised;

- (1) Kenya Medical Practitioners, Pharmacists and Dentists Union
- (2) Kenya National Union of Nurses
- (3) Kenya Union of Clinical Officers
- (4) Kenya National Union for Medical Laboratory Officers
- (5) Bomet Eye Teachers Association
- (6) Kenya County Government Workers Union
- (7) County Public Service Board
- (8) County Executive Committee Member for finance;
- (9) Ag. County Secretary and Ag. Director of Human Resource Management;
- (10) County Executive Committee Member for Administration and Public Service;

The Committee then adopted the following program:

Date	Invited person	Time
Monday 19/07/2021	KMPDU, KNUN, KUCO, KNUMLO KCGWU,BETA,	10.00 AM

	CECM Finance	2.00 P.M
Wednesday 21/07/2021	Ag. County Secretary and Ag. Director Human Resource Management	10.00 A.M
	CECM Administration and Public Service	2.00 P.M
Thursday 22/07/2021	CPSB	10.00 A.M

SUBMISSIONS BY THE INVITED PERSONS

SUBMISSIONS BY KMPDU

Upon appearing before the Committee, Dr. Davji Bhimji, National secretary KMPDU submitted as follows;

- That a few number of doctors who are on permanent and pensionable terms have been promoted and therefore there is a need for more doctors to be promoted.
- That there is a CBA signed in 2017 between Bomet County Government and KMPDU. This CBA caters for the rights of doctors and the residents of Bomet. Under the said CBA, the County Government was obligated to promote doctors to the right job group, release them for post graduate studies, allow them to work for particular hours (40hrs) per week and grant them call rooms.
- That County Government did not implement the CBA in 2020 leading to an industrial action in October 2020.
- That subsequently there was a meeting with the County government which led to an MOU on the staff establishment to enable promotion of doctors. However, the MOU was not implemented. Thereafter the union proceeded to court in March 2021 which found the County Government in contempt.
- That there was a matrix developed between the County and KMPDU which led to discussions that resulted into the list of promotions of doctors by the board.
- That there is need to employ more doctors in the County to provide more services.
- That the scheme of service for doctors is unique for medical officers, pharmacists and dentists as one bracket because their entry level is Job Group M.
- That the last promotion of doctors was done in 2016.
- That there was need to jump job groups to compensate for the period that they did not receive promotions but they were not to be paid the arrears.
- That they were conversant with the staff establishment of Bomet county regarding the health care and requested that in the subsequent development of the staff establishment, the doctors should be involved.

- That there are challenges in most health facilities because of shortage of doctors.
- That currently there are approximately 60 doctors in the county government and the mode used for doctors going for postgraduate studies is the Public Service guidelines on career progression.
- That at the time of the strike there were doctors who were engaged under permanent and pensionable and at the end of the probation period they had not received any confirmation letters. He further stated that they ignored the county's omission to give them letters because Public Service Commission manual indicates that once the probation period is over and the employer continues to engage you then it translates to permanent and pensionable.
- That the union was not aware of any doctors employed on contract.

SUBMISSIONS FROM KENYA NATIONAL UNION OF NURSES.

Mr. Benard Langat, the branch secretary submitted that:

- There are 540 nurses employed on either contract or permanent basis; 88 of them have been on contract since 2013 and 45 were employed in the year 2020 during the covid-19 period.
- They have been following up on their employment since 2018 but nothing has been done.
- There are 26 nurses who have progressed in their education but they have not been re-designated to their right job groups.
- They gave a list of 147 nurses who were due for promotion but only 27 were promoted and given letters.
- There are 135 nurses who were employed in 2018 on permanent and pensionable terms and were due for their first promotion in 2020 according to the scheme of service under common establishment but they have not been promoted.
- A total of 214 nurses have missed promotions.
- They have been following up with the County Human Resource department and County Public Service Board but they have no valid reason.
- The 45 covid-19 nurses employed in 2020 are still in their respective working places but their contracts expired.
- Some nurses went on transfers and some retired.

- There is a shortage of nurses in Bomet County.
- All nurses have the same qualification but only a few were promoted.
- There are instances where some nurses are supposed to go for study leave on career progression but it takes time for the department to give course approvals.
- There are two nurses who are PWDs.

SUBMISSIONS FROM THE KENYA UNION OF CLINICAL OFFICERS

Mr. Francis Kinyanjui, the branch treasurer for the Kenya Union of Clinical Officers submitted that:

- There are 170 Clinical Officers vis-a vis the requirement of 350 provided for in the staff establishment. Ninety-nine (99) of them are employed on permanent and pensionable terms and 71 are on contract. He stated that 54 were engaged on contract though their contracts expired but they are still in service. He further stated that 13 of them are working under Universal Health Care(UHC) and they have not received their salaries. He also stated that Covid -19 contract staff are 4 who were given three months' contract but their contracts expired though they are still under payroll.
- There are around 10 Specialized Clinical officers employed in 2018 and that they came in because the advert required diploma holders but since they had done degrees they decided not to submit. Slots were created last year in the staff establishment requiring a degree but when they applied they were asked to provide a course approval that must have been discussed by the county facilities management committee before they proceeded to study.
- There is a shortage of specialized clinical officers especially anesthetists.
- Last promotions were in the year 2016 yet ideally promotions should be done after every three years.
- There are 80 members who were due for promotions and out of 20 members whose promotions were long overdue only 5 received their promotion letters.
- Those who were not promoted lacked Senior Management Course certificates in their files which ought to have been facilitated by the employer.

- They have had issues with the scheme of service and the Clinical officers were using the one developed in 2014. There was a circular issued in July 2016 which allowed for the draft scheme of service available within the cadres to be used. The latest draft is the one produced in June 2020 which they have been requesting the CPSB to use in addressing their issues. The 2016 circular advising the implementation of draft scheme of service is hereby annexed as **Annex 22**.
- That since 2019, they have been engaging with various offices in the County which have been promising to take up the issue. There was no clear response as to why they had not been promoted. The correspondence and the list of Clinical Officers who are overdue for promotion is hereby annexed as **Annex 19**.
- Specialized Clinical Officers like anesthetists should be added for decentralization of services.

SUBMISSIONS FROM KENYA NATIONAL UNION OF MEDICAL LABORATORY OFFICERS

Mr. Francis Lowana, branch secretary submitted that:

- There are 100 medical laboratory officers in the county of which 48 are on permanent and pensionable (25 seconded and 20 recruited in 2018) ;45 are on contract and 3 have passed on due to covid-19.
- They drafted the staff establishment for the year 2021-2025 and forward it to the CPSB for adoption.
- The first and last promotion was in the year 2016.
- There was a list of 19 staff who were due for promotion but only one received a promotion letter.
- There was an advert in 2018 which was requesting for 3 specialized medical lab officers but only 2 positions were filled.
- A total number of 45 medical laboratory officers recruited in 2013 are still on contract up to date.
- The County government recruited 20 in the year 2018 and were confirmed under permanent and pensionable terms.

- Under the Universal Health Care, the county advertised for 19 positions but only 10 staff were employed.
- National Laboratory Policy dictates that the number of medical laboratory officers per level as follows: Level 2=minimum of 2, Level 3= 3-6, Level 4=6-15 and Level 5&6 needs more than 15 medical laboratory officers.
- There is no directorate of medical laboratory in the medical fraternity in the Bomet County.
- There is need for a consultant pathologist in Bomet County for the Cancer Centre to function effectively.

SUBMISSIONS FROM KCGWU AND DEPUTY CHIEF COMPLIANCE AND ENFORCEMENT OFFICER

Mr. David K. Rono, branch secretary submitted that:

- There are staff who are yet to be confirmed even after serving for a very long period of time on contractual or casual terms.
- There are several staff from the defunct local authorities who are yet to be confirmed despite being engaged to render services since 2013 and a court order in petition number 225 of 2015 made in Kericho labour relation court which ruled that before any advertisement is made; staff working within Bomet County should be first considered before any advertisement is made.
- The staff from the defunct local authorities had been sidelined for promotions or rather stagnated for promotion contrary to a court order which ordered the county public service board to adhere to CBA of 2012 – 2013.
- There are 11 retiring staff who had been issued with retirement letters with no benefits which the union deems a violation of the County Governments Act, 2012 and Article 71(2) of the Constitution which states that the period served on probational terms should be taken into account when computing the period of service for the purpose of payment of pension, benefits, gratuity or any other terminal benefits. He then mentioned that staff should be given benefits and he requested the committee to compel the employer to reward the said staff accordingly.
- There are 6 uncaptured staff from the defunct Bureti County Council at the advent of devolution. The list of the said staff is hereby annexed as **Annex 17**.

- There is no staff establishment for enforcement officers and what is available is the Bomet County Inspectorate, Compliance, and Enforcement Bill, 2018 that was approved by the county assembly in 2018 but is yet to be published and *gazetted*.
- The county public service board and the county executive have neglected the union which is a stake holder in the county government of Bomet. He further mentioned that it is vital to recognize a trade union in dispute resolution mechanism and that whenever the union is involved, good industrial relation is cultivated via the spirit of consultation as enshrined in the constitution.
- The positions for county enforcement officers advertised were 200 out of which 160 officers were trained at *Mismis* and were appointed on permanent and pensionable terms. A comprehensive list containing the details and the number of enforcement officers is hereby annexed as **Annex 18**.

SUBMISSION FROM BETA REPRESENTATIVES

Mr. Richard Chebusit, the secretary general Bomet Eye Teachers Association stated that;

- Most of the ECDE teachers engaged by the county government have no defined contractual terms with most of the teachers having four appointment letters since the year 2014. He demonstrated scenarios where personally he has been issued with four different appointment letters signed by different authorities with varying terms of service. The different letters of appointment is hereby annexed as **Annex 28**.
- He further informed the committee that out of the 621 ECDE teachers who were recently appointed in the year 2020 some of them were issued with 3-year contract whereas others were issued with permanent and pensionable terms and that the 840 teachers employed in 2014 were not interviewed afresh in 2020.
- There are no ECDE teachers who have been promoted since the inception of the County Government and yet some ECDE teachers are due for promotion. He further requested the committee to compel the Public Service Board to lower qualification for ECDE coordinators to allow the diploma holders to apply for the said position which will in turn open opportunities for promotions.
- There are 189 ECDE teachers who are over the age of 45 and they were issued with 3-year renewable contract letters. The said 189 teachers were interviewed in October, 2013 and

subsequently issued with appointment letters on 16th January 2014 on permanent and pensionable terms which was to be effective after the completion of the mandatory 6 months' probation. In the year 2020 employment of new ECDE teachers was undertaken and the 189 teachers over the age of 45 years were issued with appointment letters of 3-year contract despite them not attending any interview and without taking into consideration the fact that they were not over the age 45 years back in the year 2014 when they were issued with letters of permanent and pensionable terms.

- The ECDE teachers serving in Job Group G with diploma qualification are not remunerated as per the terms set in Job Group G because they are paid KES 16,000 monthly salary. All ECDE teachers with different academic qualifications were placed in the same Job Group G but earning different salaries as follows;

Certificate holder=KES 13,000

Diploma holder=KES 16,000

Degree holder=KES 21,000

- There are pertinent issues dealing with their pay slips because what they receive as monthly pay is a consolidated pay excluding the indicated allowances. They further requested the committee to look into the issue.

At the end of a lengthy deliberations, the ECDE teachers' representatives requested the following from ad-hoc Committee;

1. That the Committee should compel the County Executive and the County Public Service Board to issue contract letters to teachers serving without defined contractual terms.
2. That the scheme of service for ECDE teachers should be developed as soon as possible.
3. That the 189 ECDE teachers who are currently over the age of 45 years and serving on 3 year contractual terms should be given permanent and pensionable terms since they were eligible for the same in the year 2014 when they were issued with employment letters after attending successful interviews.

SUBMISSIONS FROM THE AG. COUNTY SECRETARY AND THE A.G DIRECTOR HUMAN RESOURCE MANAGEMENT.

The Ag. County Secretary and the Ag. Director Human Resource Management appeared before the committee and;

- Submitted a list of all staff categorizing them in terms of gender, designation and their terms of engagement. The said list is hereby annexed as **Annex 1**.
- Informed the committee that recruitment is done by the County Public Service Board (CPSB) and once recruitment is completed, it is forwarded to the CS office through Human Resource Department for appointment and deployment to departments.
- Submitted a list of 1,497 staff recruited in the stated period. They stated that the list of staff recruited over the stated period consist of ECDE teachers, Sub-ward administrators, Medical Staff, Drivers, Support staff, Chief Officer Public Service and County Executive Committee Members.
- Stated that they had challenges in retrieving the updated payroll and the Human Resource Information System and the only available details are the summaries.
- Stated that the total number of staff are 4,321 comprising of the following, 708 staff in Administration, ICT and Public Service, Agriculture, Livestock and Fisheries – 145, Cooperative and Enterprise development – 47, Education and Vocational Training – 1,549, Finance and Economic Planning – 481, Lands, Housing and Urban Planning – 84, Medical Services and Public Health – 1,031, Roads, Public Works and Transport – 138, Social Services, Youth and Sports – 62, Trade, Energy, Tourism and Industry – 16, Water and Environment – 53, and the County Public Service Board Members and CEO – 7. They further informed the committee that those on Permanent and Pensionable terms are 2,759, those on contract are 1,522, the devolved staff are 9, one on secondment and 30 are “permanent casuals” inherited from defunct local authorities. The list of staff is annexed and **Annex 1**.
- Stated that the meaning of “permanent casuals” are the staff from local authorities who were neither permanent then nor had a fixed contract and they were only referred as “permanent casuals” so that their details can be captured by the IPPD. They further informed the committee that they have initiated a process to regularize and accord them good terms as per the law and human resource manual.

- Stated that unlike other staff who are either on permanent and pensionable terms or contract, disciplinary issues for casuals are undertaken at the departmental level as per the Labour Relations Act.
- Stated that the county government is maintaining two pay rolls namely: IPPD and Human Resource Information System and that they have initiated a process to ensure that all staff are listed in IPPD. He further informed the committee that casuals are managed and paid at the departmental level using payment vouchers.
- Stated that they have undertaken measures to ensure that staff on contract continue serving with valid contracts and that they are already engaging the public service board to ensure that the issue is resolved to make sure that no staff is engaged or continue serving without a valid contract.
- Stated that an internal advertisement is done when you have a qualified person within but when qualifications required are not available within the organization, competitive recruitment is undertaken.
- Stated that the authorized officer to convey the decisions of the board is a Human Resource officer who is supposed to issue letters conveying the decisions of the board or committee. The HR officer is supposed to convey the decision of the board so as to keep records and details of the employees including the date of commencement.
- Stated that the ECDE teachers earn a consolidated pay minus the allowances because they have no scheme of service for career progression. So when the county government wanted to recruit the said staff, it sought the advice of the council of governors which advised the counties to use their discretion to pay ECDE teachers as they await the council develop a scheme of service. They further informed the committee that the Public Service Board and the County Executive Committee agreed to pay the ECDE teachers a consolidated pay to enable them join the IPPD.
- Stated that indeed they are aware that casuals have not been paid for 6 months and the respective Chief Officers from different departments pointed out that their budgets were exhausted and they are planning to pay the casuals as soon as the new budget is operationalized.

- Stated that they have a draft staff establishment that is yet to be ratified by the public service board and approved by the county assembly. Stated that secondment is one of the functions in public service and there is a procedure in practice which entails:
 - (a) A department or an authorized officer requesting an existing commission;
 - (b) The Commission processing the request and identifying the officer; and
 - (c) The commission giving an offer to the identified officer depending on the procedure of the employer.
- Stated that when the CPSB is giving returns on recruitments within a financial year, it must also provide a report on secondments, giving them an update of all the processes of HR through the financial year. He further informed the committee that whoever is initiating the process of secondment he/she must draft very clearly the kind of skills needed because secondment is not a recruitment process.

SUBMISSIONS FROM THE CECM ADMINISTRATION AND PUBLIC SERVICE

The CECM Administration and Public Service submitted:

- That a total of 1497 recruitments were undertaken by the County Government through the County Public Service Board during the period under review. The correspondence containing the said list is annexed as **Annex 3**.
- That currently, the County Executive has a total of 4,320 officers in service. The list is hereby annexed and **Annex 1**.
- That during the period under review it was submitted that 184 officers were promoted. All of the said officers are on permanent and pensionable terms and most of them were from the department of medical and health services since there was an existing Collective Bargaining Agreement between them and the County Government which had been deposited in court. The challenge that existed with regards to other departments was the existing staff establishment which was restrictive and did not have room for staff to be promoted. He further submitted that staff establishment is currently being reviewed by the County Public Service Board to allow other members of staff to be promoted.

- There are 39 directors and out of these 32 are in permanent and pensionable terms while 7 are on contract terms. The list of the said directors and assistant directors is hereby annexed as **Annex 6**. The distribution of directors as per departments is as follows;
 - ✓ Department of Administration, Executive and Public Service has 13 directors
 - ✓ Department of Finance and Economic Planning has 4 directors
 - ✓ Department of Medical Services has 3 directors
 - ✓ Department of Agriculture, Livestock and Fisheries has 3 directors
 - ✓ Department of Lands, Housing and Urban Planning has 4 directors
 - ✓ Department of Roads, Public Works and Transport has 3 directors
 - ✓ Department of Education and Vocational training has 2 directors
 - ✓ Department of Water, Sanitation, Environment and Natural Resources has 2 directors
 - ✓ Department of Trade, Energy, Industry and Investment has 1 director
 - ✓ Department of Cooperatives and Enterprise Development has 2 directors
 - ✓ Department of Youth, Gender, Culture and Social Services has 2 directors

ENFORCEMENT OFFICERS

- i. That currently, the County has a total of 268 enforcement officers. The list of all enforcement officer is hereby annexed and **Annex 18**.
- ii. That in 2018 the County Public Service Board recruited 160 enforcement officers who were to be trained and later deployed within the County. Upon reporting for training at Mismis, 3 recruits did not turn up and were then replaced internally. The County Public Service Board later again replaced the 3 and therefore the total number became 163 meaning there was double replacement. The list of all enforcement officer is hereby annexed and **Annex 18**.
- iii. There were also 14 devolved from the defunct Local Authorities. In this group, 4 officers have retired and 10 are still in service.
- iv. Another group fall in the category of former Local Authority casuals totaling 41 officers

- v. The previous administration had employed 424 enforcement officers whose contracts expired. In this group 25 were retained to offer security services at Longisa Referral Hospital upon expiry of the contracts. Out of the 25, 1 passed on and therefore 24 officers in this category are still in service.
- vi. Immediately the current administration took over, 257 casuals were hired to secure various county installation. In September, 2018 the casuals were released but 22 of them were retained to guard vital installation within the county. Of the 22 officers, 6 of them were to offer VIP services while 16 were deployed to guard various county installations. Upon completion of training of the officers in *Mismis*, the 257 casuals were officially released upon being notified and they were paid their dues.
- vii. That there was an advertisement for 10 vacancies for senior officers. The distribution was as follows; 5 for each sub-county, 3 for urban (1 for Sotik, 1 for Bomet Town and 1 for Longisa/Mulot), 1 Chief Security Officer in charge and 1 as a Deputy Chief Security Officer. Over time 2 officers have retired and 1 was deployed to the department of water. Subsequently, under this category 7 officer are still in service.

SUBMISSIONS BY THE COUNTY PUBLIC SERVICE BOARD

The Bomet County Public Service Board appeared before the Committee on 22nd July, 2021 at the County Assembly Chambers. Present during the said meeting were the Chairperson of the Board, the five Board Members and the CEO of the Board.

In his submission, the Chairperson of the Board stated as follows;

- That all the recruitments, appointments and promotions by the Board during the period under review were undertaken in compliance with the constitutional and statutory requirements. The list of recruitments, promotions and seconded staff is hereby annexed as **Annex 5, 3 and 2** respectively.
- That a total of 1780 recruitments were undertaken by the Board during the period under review. The list of all recruitments undertaken by the board is hereby annexed as **Annex 5**.
- That the recruited officers were to serve in:

1. Medical and Health Services department-
 - (a) 58 medical interns,
 - (b) 18 medical officers including Clinical Officers and pharmacists,
 - (c) 97 under UHC phase one which included paramedics,
 - (d) 82 engaged staff on contract under the response to Covid-19 programme and;
 - (e) 92 under UHC phase 2 on 3-year contract),
 2. County Public Service Board (3 officers in the Board secretariat),
 3. County Education Department as ECD Assistants (537 who were newly recruited, 663 who were already in service confirmed),
 4. Public Works and Roads department (40 officers),
 5. Administration, ICT and Public service (1 person for Chief Officer position interviewed and recommended to the Governor, 178 Sub-ward Administrators, 1 person recommended for the position of the County Attorney and 2 senior support staff)
 6. Finance and Economic Planning department (1) and;
 7. Urban Planning, Lands and Housing Department (1).
- That of all the recruitments that were done, 1009 officers were engaged under Permanent and Pensionable Terms, 711 officers were engaged on contract terms, 1 officer in acting position and 59 interns for various departments.
 - That of all the recruitments undertaken, 24 persons with disability were recruited.
 - During the period under review it was submitted that the Board promoted 120 officers in the department of Medical services and Public Health, 2 officers in the department of Finance and Economic Planning and 26 officers in the department of Agriculture, Livestock and Fisheries totalling 148 promotions. A comprehensive list of staff promoted over the period is hereby annexed as **Annex 4**.

- That officers who have met all the requirements and are due for promotions should take steps and ask for promotions through their respective departments for onward transmission to the Board.
- Substantively filled posts for Job Groups P, Q, R and S against the approved staff establishment during the period under review- that a list of 28 officers including 6 officers on contract, 21 officers on Permanent and Pensionable terms and one officer on acting capacity had been submitted to the committee for verification.
- On the issue touching on staff establishment, career progression guidelines and scheme of service, the chairperson submitted that the same had been submitted to the Clerk of the County Assembly. The schemes of services were adopted from those of the Public Service Commission. He further submitted that Career progression guidelines was still work in progress being pursued by the board and the respective county departments.
- That the board had submitted to the Committee through the Clerk of the Assembly copies of indents received from the county departments which have been processed accordingly. The copies of indents is hereby annexed as **Annex 11**.
- That the Board established six offices which included the following; Advisor of the Governor on Gender, Advisor on Water and environment, Advisor on Agriculture, Advisor on E-Government, Chief officer for Executive and Chief Officer for Public works, Transport and Infrastructure on the request on the of the relevant County Executive office.
- That the Board holds the view that there are two ways of establishing offices under the County Governments Act, 2012; through its own motion which will require the approval of the County Assembly or through the request of the County Executive which then do not require the approval of the County Assembly.
- That the Board complied with all the requirements laid out under the County Governments Act, 2012 on establishment of offices upon reviewing the requests from the concerned departments.
- That the Board did not abolish any office during the period under review.
- That the appointment of the Deputy Municipal manager on acting capacity was in line with the approved staff establishment and in compliance with the provisions of the County

Governments Act 2012. The letter of appointment of the deputy municipal manager is hereby annexed as **Annex 25**.

- That using the online Human Resource Tool, the Board confirmed that the officers engaged by the County Government are 3,925.

SUBMISSIONS BY THE COUNTY EXECUTIVE COMMITTEE MEMBER FOR FINANCE, ICT AND ECONOMIC PLANNING

The Bomet County Executive Committee Member (CECM) for Finance, ICT and Economic Planning Hon. Andrew Sigei and the Chief Officer, for Finance and Economic Planning appeared before the Committee on 19th July, 2021 at the County Assembly Chambers. In his submission, the CECM stated as follows;

- That during the Financial year 2019/2020, the County Government had a consolidated budget of Ksh 7.5 billion. The County Executive had a budget of Ksh 6.78 billion of which the Personnel Emolument was ksh 2.428 billion which constituted 35%.
- That during the Financial year 2020/2021, the County Government had a consolidated budget of Ksh 7.6 billion. The County Executive had a budget of Ksh 2.5 Billion for Personnel Emolument which constituted 37%.
- That the County Executive operates two payrolls; IPPD and Manual for the Casuals.
- That the Controller of Budget has advised that all members of staff should eventually be migrated to the IPPD.
- That generally all Human Resource issues are domiciled at the County Public Service docket.
- That procedurally, the county secretary seeks concurrence from his office on sufficient budgetary allocations prior to commencing recruitment of officers.
- That on several occasions, the CEC submitted that he has given concurrence upon doing all due diligence.
- On the issue of promotions, it was submitted that the County Human Resource Management Advisory Council recommends promotions and is chaired by the County Secretary. The recommendations are forwarded to the County Public Service Board to effect the promotions.

- That promotions at certain levels require attainment of specific qualifications through trainings which are supposed to be sponsored by the County Government.
- On the issue of pension for the County Government, the CEC submitted that there were challenges previously but beginning Financial year 2021/2022 there is budgetary allocation for pension for all staff on permanent and pensionable terms.

COMMITTEE FINDINGS AND OBSERVATIONS

Upon interrogating the submissions and documents availed to it, the committee made the following findings and observations;

KENYA MEDICAL PRACTITIONERS, PHARMACISTS AND DENTISTS' UNION

From the submissions of KMPDU the committee observed that:

1. As at 2020 the County Government had not implemented the 2017 Collective Bargaining Agreement between the County Government and KMPDU.
2. During the period under review a few doctors were promoted.
3. There are employees who were engaged on Permanent and Pensionable terms in year 2020 but had not been issued with confirmation letters after the end of their probation period.

KENYA NATIONAL UNION OF NURSES

From the submissions of KNUN the committee observed that:

1. 45 nurses engaged on a one-year contract in 2020 to assist in Covid-19 pandemic are still serving despite the expiry of their contract.
2. There are allegations of skewed promotion of nurses; for instance; some nurses are discriminated for promotions yet they have similar qualification and experience.

KENYA UNION OF CLINICAL OFFICERS

From the submissions of KUCO the committee observed that:

1. There are Clinical Officers who are still serving despite their contracts having expired. The list of the said staff is hereby annexed and **Annex 21**.
2. Some Clinical Officers have been promoted while quite a number have not been promoted despite their promotions being due. The list of the said staff is hereby annexed as **Annex 19**.
3. There is no established scheme of service for the Clinical Officers serving in the county.
4. There is no sufficient budget to facilitate relevant trainings for officers to be promoted.

KENYA NATIONAL UNION OF MEDICAL LABORATORY OFFICERS

From the submissions of KNUMLO the committee observed that:

1. There are medical laboratory officers whose promotions are long overdue. The list of the said officers is hereby annexed and **Annex 14**.
2. Some of the laboratory officers are serving while their contracts have expired.
3. It was apparent that there are inadequate laboratory officers in health facilities across the County.
4. There is no consultant pathologist in the County Referral Hospital.

KENYA COUNTY GOVERNMENT WORKERS UNION

From the submissions of KCGWU the committee observed that:

1. There are 30 County employees referred to as “permanent Casuals” in the IPPD who have served in the county since the advent of devolution. These are employees whose casual contracts have continuously been renewed since 2013. The details of the said staff is contained in **Annex 15**.
2. There are six employees from the defunct Bureti County Council who were alleged to have been “uncaptured” as staff of Bomet County in 2013. However, documents submitted by the KCGWU seem to suggest that the said employees are staff of Kericho County Government. The list of the said staff is contained in **Annex 17**.
3. There is no staff establishment for County enforcement officers.

BOMET EYE TEACHERS’ ASSOCIATION (BETA)

From the submissions of BETA, the committee observed that:

1. There are ECDE assistants who have been issued with several appointment letters with different terms. The sample of the letters is annexed and **Annex 28**.
2. No Early Childhood Development Education teacher has been promoted.
3. Some ECDE teachers who were engaged in the year 2014 and were then below the age of 45 were given a three-year renewable contract in the year 2020 since they were above the age of 45 and could not be engaged on permanent and pensionable terms. This is deemed to be unfair since the said teachers were under the age of 45 years in 2014 and therefore eligible to be issued with Permanent and Pensionable terms.

AG. COUNTY SECRETARY AND AG. DIRECTOR HUMAN RESOURCE MANAGEMENT

From the submissions of the Ag. County secretary and Ag. Director Human Resource management the committee observed that:

1. Total number of employees serving currently in Bomet County Government is 4,321. The list of the staff is annexed as **Annex 1**.
2. That there are 30 staff from the defunct local authorities referred to as “permanent casuals”
3. There are two payrolls maintained by the County Government namely; IPPD and Human Resource Information System. The casual employees are paid using payment vouchers at the departmental levels.
4. The county government was allowed to use their discretion to pay ECDE teachers as they await the Council of Governors to develop a Scheme of Service.
5. There is a draft staff establishment yet to be ratified and then approved by the county assembly.
6. The Ag. Director Human Resource Management and Ag. County Secretary did not submit to the committee certified copies of intends for promotions that were purported to have been submitted to the CPSB.
7. The Ag. HR and Ag. CS did not submit to the committee copies of the two payroll products citing difficulties.

CECM ADMINISTRATION AND PUBLIC SERVICE

From the submissions of CECM Administration and Public Service, the committee observed that:

1. There are 39 directors in total; 32 are permanent and pensionable and 9 on contract. A list of the directors is contained in **Annex 6**.
2. There are cumulatively 13 Directors in the department of Administration and Public Service which was not justified.
3. There are a total of 268 enforcement officers as contained in **Annex 18**.

COUNTY PUBLIC SERVICE BOARD

From the submissions of CPSB the committee observed that:

1. The method proposed by the board requiring an officer to apply/seek for promotions is un-procedural.
2. There is discrimination in promotions.
3. The board did not seek the approval from the County Assembly when creating the following six offices; Advisor of the Governor on Gender, Advisor on Water and Environment, Advisor on Agriculture, Advisor on E-Government, Chief Officer for Executive and Chief Officer for Public works, Transport and Infrastructure.
4. The position that there are 3,925 staff in County Government of Bomet according to the online Human Resource Tool may not be true.

CECM, FINANCE

From the submissions of the CECM Finance, the committee observed that:

1. The total allocation for Personnel Emolument in the 2019/2020 Financial year constituted 35% of the total budget.
2. The county government did not previously budget for pension contribution for officers who are employed on permanent and pensionable until the FY 2021/2022.

GENERAL OBSERVATIONS

Upon interrogating the submissions and documents availed to it, the committee made the following general observations;

1. There are apparent disparities in the total number of promotions and recruitments undertaken in the stated period as submitted by the County Public Service Board, Office of the County Secretary and the office of the CECM in charge of Administration and Public Service. The County Public Service Board submitted that the total number of officers promoted and recruited in the stated period are 148 and 1780 respectively, whereas the CECM in charge of Administration and Public Service together with the County Secretary submitted that the total number of employees promoted and recruited in the stated period are 184 and 1497 respectively.
2. There are employees serving in the County public service without proper letters of engagement. These include officers whose contracts expired and are still in the payroll and are being assigned duties. Furthermore, there are employees who were recruited on

permanent and pensionable terms but have not been confirmed despite having completed probation period.

3. A majority of employees in the county public service whose promotions are long overdue and have not been promoted due to lack of proper human resource framework (scheme of service, career progression guidelines, approved staff establishment and the requisite statutes).
4. The county government tendency to dishonour CBAs and MOUs with trade unions has resulted in unnecessary industrial actions, service disruptions and expensive court settlements.
5. It was noted with concern that the County Public Service Board and the County Executive have continually failed to implement the resolutions of the County Assembly on issues dealing with personnel emoluments, recruitments and promotions. A case in point is failure to implement the recommendations of the report by the committee on Labour and Public Service on petition No.3 of 2018 from the Union of Kenya Civil Service (Devolved Staff) dated 26th October, 2018 approved on 27th February 2019 and its resolutions and recommendations forwarded to the County Public Service Board and Office of the County Secretary on 27th February 2019. The said report is annexed as **Annex 16**.
6. The County Executive has implemented draft Staff Establishment in some departments without the approval of the County Assembly.

COMMITTEE RECOMMENDATIONS

The committee recommends that on;

(a) Collective Bargaining Agreements (CBA)

- i. Where CBAs are signed between Unions and the County Government, they must be fully implemented by the County Government to avert industrial actions that lead to unnecessary disruption of service delivery within the County.
- ii. The County Government must continuously and meaningfully engage with all Staff Unions to avoid industrial action within the County.

(b) Promotion of County employees

- i. The County Government must ensure that all the necessary documents including Approved Staff Establishments, Appraisal and Career Progression Guidelines and Schemes of Services are urgently put in place to facilitate objective, fair, timely and non-discriminatory promotion of County employees.
- ii. To effect promotions which are long overdue, the County Government should utilize draft schemes of service as advised by the Ministry of Public Service vide Circular No. MPYG/OPSM/HRM/4/1/VOL. II (115) dated 5th March, 2016. The circular is hereby annexed as **Annex 22**.

(c) Discrepancy in promotions

The County Public Service Board should investigate irregular promotions of 36 employees by the County Government with a view to taking corrective actions as provided for under Section 75 of the County Governments Act, 2012. This discrepancy arose where the County Public Service Board confirmed that during the period under review it promoted 148 employees while the County Executive submitted that 184 employees were promoted. The said investigation must be concluded within 3 months of adoption of this report and the County Public Service Board must forward the report to the County Assembly.

(d) Appointment and Confirmation Letters

- i. All the employees whose probation period have lapsed and have met all the requirements under their respective terms of engagement must be promptly issued with confirmation letters.

- ii. The County Public Service Board should investigate the disparity of 283 persons appointed by the Board but not issued with Appointment Letters with a view to taking corrective actions as provided for under Section 75 of the County Governments Act, 2012. The said investigation must be concluded within 3 months from the date of adoption of this report.
- iii. The County Secretary and the County Public Service Board should investigate the issue of persons who are in the County Payroll but are not serving within the County Government and initiate a process of removing such persons from the payroll within 1 month from the date of adoption of this report.

(e) Expired Contracts

- i. There is urgent need to review the terms of nurses who were engaged to combat Covid-19 and whose contracts expired since the pandemic situation has not changed.
- ii. There is need to review contracts of all employees whose contracts have expired with a view to formally engaging them. This should be done within 3 months from the date of adoption of this report.

(f) Staff training

- i. There is need to ensure that all departments have sufficient budgetary allocations to facilitate skills development and trainings required by County employees to attain necessary qualifications for promotions.
- ii. Training Needs Assessment must be undertaken by respective departments and afford fair and equal opportunities for county employees to be trained.

(g) Staffing in the County

- i. The County Government should ensure that there is sufficient number of employees in all the key areas of service delivery.
- ii. The County Public Service Board should undertake suitability test with regards to the 30 “permanent casuals” and those who have served on contract for inordinately long period of time and consider formally engaging them on;
 - a) Fixed Contract for those above 45 years old; and
 - b) Permanent and Pensionable Terms for those below the age of 45 years old.

- iii. The County Public Service Board should establish clear guidelines and procedures for engaging Casuals to avoid the current confusion where this cadre of employees are not paid on time. This should be done within 3 months from the date of adoption of this report.
- iv. With regards to huge number of directors in the Department of Administration and Public Service, the County Public Service Board should undertake rationalization to ensure that the number be reduced to four.
- v. The positions of the Municipal Manager and Deputy Municipal Manager should be advertised and competitively filled as per the Board's advisory through a letter to the County Secretary dated 9th December 2020 annexed as **Annex 25** within 1 month from the date of adoption of this report.

(h) Uncaptured former local authority staff

The County Public Service Board should investigate the issue regarding 6 employees who served under the defunct Bureti County Council who were alleged to have been left out of the list of the Defunct Local Authority employees in 2013. The said investigation must be concluded within 1 month from the date of adoption of this report.

(i) ECDE Assistants

With regards to grievances raised by ECDE assistants, it is recommended that;

- a. The relevant department and the County Public Service Board develop a comprehensive scheme of service with improved terms for ECDE assistants to cure the apparent disparities in remuneration **WITHIN 90 days** from the date of adoption of this report.
- b. The issue of ECDE assistants who were recruited in 2014 on permanent and pensionable terms and the letters later withdrawn and substituted with letters of appointment on contract terms, contrary to Section 59(1)(b) of the County Governments Act, 2012 be addressed by the County Public Service Board **WITHIN 90 days**.

(j) Establishment of offices

That all offices which were established during the period under review without the approval of the County Assembly as required by the County Governments Act, 2012 must be forwarded to the Assembly for approval within **three months** from the date of adoption of this report.

(k) Implementation of County Assembly Reports

The Public Service Board and the County Executive should implement the recommendations of the report of the Committee on Labour and Public Service on Petition No. 3 of 2018 from union of Kenya Civil Service (Devolved Staff) dated 26th October, 2018 annexed and **Annex 16**.