



REPUBLIC OF KENYA
BOMET COUNTY ASSEMBLY

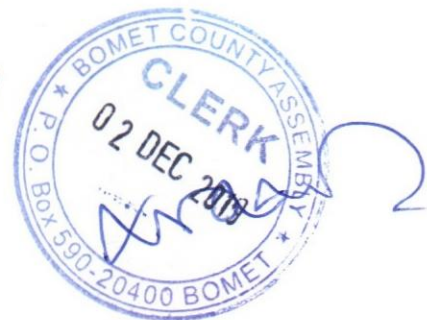
SECOND ASSEMBLY-THIRD SESSION

THE COMMITTEE ON LABOUR AND PUBLIC SERVICE

REPORT

ON THE VETTING OF NOMINEE FOR APPOINTMENT TO THE
POSITION OF CHAIRPERSON OF THE BOMET COUNTY PUBLIC
SERVICE BOARD

DECEMBER, 2019



*Tabled on 3/12/2019
at 2:30 pm.
Cuppa*

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1.0 PREFACE

Mr. Speaker Sir,

On behalf of the Committee on Labour and Public Service and pursuant to Standing Order 193(5)(f), it is my duty and pleasure to present to the Assembly, the Committee's report on the vetting of the nominee submitted by the Governor to be vetted for appointment as the Chairperson of the Bomet County Public Service Board.

This is one of the Sectoral committees established under the Standing Order 193(1) of the County Assembly Standing Orders. It is therefore the relevant Committee that is mandated to vet and report on appointments, for approval by the County Assembly, as provided for under Section 58(1) (a) of the County Governments Act, 2012.

1.1 Committee Membership

Mr. Speaker Sir,

The Committee on Labour and Public Service, as currently constituted, comprises of the following members: -

- | | |
|---------------------------|--------------------|
| 1. Hon. Charles Langat | - Chairperson |
| 2. Hon. Cecilia Mutai | - Vice Chairperson |
| 3. Hon. Evaline Chepkemai | - Member |
| 4. Hon. Alfred Langat | - Member |
| 5. Hon. Leonard Kirui | - Member |
| 6. Hon. Leonard Ngeny | - Member |
| 7. Hon. Andrew Maritim | - Member |

1.2 Committee's Mandate

Mr. Speaker,

The Sectoral Committee on Labour and Public Service derives its mandate from the provisions of Standing order 193(5) which defines functions of the Committee as being:

- a) To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- b) To study the programs and policy objectives of departments and the effectiveness of their implementation;
- c) To study and review all legislation referred to it;
- d) To study, assess and analyze the relative success of the departments measured by the results obtained as compared with their stated objectives;
- e) To investigate and inquire into all matters relating to the assigned departments as may be deemed necessary, and as may be referred to it by the County Assembly;
- f) To vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 188 (Committee on appointments); and
- g) To make reports and recommendations to the Assembly as often as

possible, including recommendations of proposed legislation.

1.3 Nomination of the Chairperson of the Bomet County Public Service Board

Mr. Speaker,

Pursuant to Section 58(1)(a) of the County Governments Act, 2012, the Governor forwarded to the Speaker of the County Assembly, the name of the nominee namely: **Eng.Alexander Kiprono Ngeno** vide a letter dated 12th November, 2019 for vetting and approval by the County Assembly for appointment as Chairperson of the Bomet County Public Service Board. The Hon. Speaker then directed the committee on Labour and Public Service to conduct an approval hearing on the nominee and report to the Assembly as provided for under the Public Appointments (County Assemblies Approval) Act, No.5 of 2017.

1.4 Committee Meetings

Mr. Speaker Sir,

The committee held a total of three meetings and in one of the meetings the said nominee appeared for vetting in accordance with the Public Appointments (County Assemblies Approval) Act, No.5 of 2017 for appointment as Chairperson of the Bomet County Public Service Board.

The Committee resolved to invite the nominee for an approval hearing at the County Assembly Chambers on Thursday the 28th of November, 2019. In conducting the vetting exercise, the Committee made reference to the Constitution, the Public Appointments (County Assemblies Approval) Act, No.5 of 2017, the County Governments Act, 2012 and the County Assembly Standing Orders.

The Committee complied with the Constitutional and other legal requirements and established procedures for approval hearing. It ensured that public participation and openness in carrying out the proceedings were adhered to. Notifications and invitations to the public to submit written statements on oath (memoranda) were placed in the mainstream print media as required by law.

2.0 Acknowledgment

Mr. Speaker,

The Committee wishes to thank the Offices of the Speaker and the Clerk of the County Assembly for the support accorded to it during the vetting exercise and execution of the committee's mandate.

As the chairperson, I also take this opportunity to thank all Members of the Committee for their commitment to serve the public.

Mr. Speaker, Sir,

The Committee made several observations on the nominee during the vetting exercise. These observations guided the Committee in making its final recommendation. The Committee's final recommendation was based on the information by the nominee from the proceedings of the Committee during the vetting exercise, the Constitution and all other relevant statutes. The Committee's recommendation was agreed upon by the Committee Members during the adoption of the Report on Monday, 2nd December, 2019.

Mr. Speaker Sir

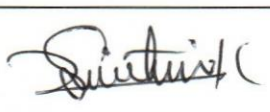
Finally, on behalf of the Committee, and pursuant to Section 9(2) of the Public Appointments (County Assemblies Approval) Act No. 5 of 2017 and Standing Order No. 193(5)(f), I have the honor and pleasure to present the committee's report on vetting of the nominee for appointment as Chairperson of the Bomet County Public Service Board.

SIGNED:  DATE: 2nd Dec 2019

HON.CHARLES LANGAT
CHAIRPERSON

3.0 Adoption of the Report

We, the members of Labour and Public Service Committee, do append our signatures against our names to this report to affirm the correctness of the contents and support for the report.

No.	Name	Designation	Signature
1.	Hon. Charles Langat	Chair	
2.	Hon. Cecilia Mutai	V/Chair	
3.	Hon. Alfred Langat	Member	
4.	Hon. Evaline Chepkemai	Member	
5.	Hon. Leonard Kirui	Member	
6.	Hon. Leonard Ngeny	Member	
7.	Hon. Andrew Maritim	Member	

Dated 2nd December, 2019

4.0 Background

The Committee on Labour and Public Service is one of the Sectoral committees established under Standing Order No. 193(1) and deals with all matters related to labour including appointments that require the Assembly's approval including the appointment of the Chairperson of the County Public Service Board.

Section 58(1)(a) of the County Governments Act, 2012, establishes the office of the Chairperson of a County Public Service Board. The said section requires the Governor to nominate, and with the approval of the County Assembly, appoint the Chairperson.

Further, Section 58(3)(a)(b) and (c) of the County Governments Act, 2012, provides that a person shall be qualified to be appointed as a Chairperson of the County Public Service Board if that person-

- (a) Satisfies the provisions of Chapter 6 of the Constitution;
- (b) Is not a State or Public Officer;
- (c) Possesses a minimum of a Bachelor's Degree from a recognized University and working experience of not less than ten (10) years;

Additionally, the procedure for approval hearing, issues for consideration and period for consideration and reporting is provided for under the Public Appointments (County Assemblies Approval) Act, No. 5 of 2017.

Article 73 (2) of the Constitution on leadership and Integrity provides the guiding principles of leadership and Integrity which include:

- a) Selection on the basis of personal integrity, competence and suitability or election in free and fair election;
- b) Objectivity and impartiality in decision making and in ensuring that decisions are not influenced by nepotism, favoritism, other improper motives or corrupt practices.
- c) Selfless services based solely on the public interest, demonstrated by-
 - i. honesty in the execution of public duties
 - ii. The declaration of any personal interest that may conflict with Public duties.
 - iii. Accountability to the public for decisions and actions; and
 - iv. Discipline and commitment in service to the people.

4.1 Issues for consideration in conducting the Approval hearing

In conducting the Approval hearings, the committee was guided by Article 73 (2) (a) (b) (c) (d) and (e) of the Constitution, Section 7(8) and Section 8 of the Public Appointments (County Assemblies Approval) Act, No. 5 of 2017.

4.2 Appointment Process of the Chairperson of the Bomet County Public Service Board

Pursuant to Section 58(1)(a) of the County Governments Act, 2012, the Governor forwarded to the Speaker of the County Assembly, the name of the nominee vide a letter dated 12th November, 2019 for vetting and consideration by the County Assembly for appointment as the Chairperson of the Bomet County Public Service Board.

On 12th November 2019, the name of the nominee was tabled in the Assembly and the Hon. Speaker directed that the nominee be referred to the Committee on Labour and Public Service for vetting and reporting to the County Assembly within 21 sitting days from its first sitting as per Section 9(1) of the Public Appointments (County Assemblies Approval) Act, No. 5 of 2017.

4.3 Notification to the nominee

On Wednesday the 13th day of November, 2019, the Clerk of the Assembly, pursuant to Section 7(4) of the **Public Appointments (County Assemblies Approval) Act, No. 5 of 2017** notified the nominee of the time and place for holding the approval hearing through written letter and an advert in the Daily Nation newspaper of 15th November, 2019.

4.4 Notification to the public

The public was expected to participate in the vetting process through submission of a written statement on oath on the suitability or otherwise of the nominee. On Friday the 15th day of November, 2019, pursuant to section 7(4) of the Public Appointments (County Assemblies Approval) Act, No. 5 of 2017, the Clerk of the County Assembly placed an advertisement in the mainstream print media inviting the public to submit the written statement on oath (memoranda) by Friday the 22nd day of November, 2019 on the said nominee.

4.5 Committee meetings

The Committee conducted an approval hearing on Thursday 28th November, 2019. However, before the nominee was invited to appear, the committee held a session in order to deliberate and agree on standardized questions on the approval hearing in line with the Public Appointments (County Assemblies Approval) Act, No. 5 of 2017.

4.6 Submission of written statement on oath (memoranda)

By close of business on Friday 22nd November, 2019, the Committee had not received any written statement on oath (memorandum) contesting the suitability of the nominee to hold office for which he was nominated.

4.7 The Approval hearings

The committee allocated the nominee a maximum of two hours for the approval hearing. In conducting the approval hearing, the Committee was guided by, among other legal documents, the Constitution, the County Governments Act 2012, the Public Appointments (County Assemblies Approval) Act No. 5 of 2017 and the County Assembly Standing Orders.

The Committee also considered the following criteria during the approval hearing;

- a) Work experience as relates to position
- b) Education/Training relevant to the position
- c) Interest in and knowledge relating to specific position
- d) Communication Skills(written/oral)

- e) Presentation (promptness, neatness of resume/application, appearance)
- f) Decision making/problem solving skills

4.8 Submission of relevant documents from the nominee

The committee received the following documents from the nominee;

- i. Curriculum Vitae, personal credentials and academic certificates;
- ii. Compliance Certificate from Kenya Revenue Authority (KRA);
- iii. Clearance Certificate from the Ethics and Anti-Corruption Commission (EACC);
- iv. Clearance Certificate from the Higher Education Loans Board (HELB);
- v. Police Clearance Certificate from the Criminal Investigation Department (CID);
- vi. Clearance Certificate from Credit Reference Bureau (CRB).

4.9 Approval hearing of Eng. Alexander Kiprono Ngeno

After introductions and an opening prayer the nominee was requested to submit his original documents for verification by the committee.

The nominee submitted the following statutory, academic and Testimonial documents: -

- (a) National Identity Card
- (b) CPE Certificate
- (c) CSE Certificate
- (d) Degree in Mechanical Engineering from the university of Nairobi-1986
- (e) MBA(Executive)-Moi University -2005

Statutory Documents

- (a) Registration certificate with the Engineers Registration Board
- (b) Valid KRA Compliance Certificate
- (c) Certificate of Clearance from HELB
- (d) KRA Pin Certificate.
- (e) The CID clearance certificate
- (f) Self-Declaration Form from EACC
- (g) Membership Certificate to the Institution of Engineers.

TESTIMONIALS

- (a) Certificate of Appreciation by Holy Family Catholic Mission 2009-2011
- (b) Certificate issued 29th July,2005 for five- day Directors course.

5.0 Submissions from Eng. Alexander Kiprono Ngeno, Nominee for appointment as the Chairperson County Public Service Board.

Eng. Alexander Kiprono Ngeno appeared before the Committee on Thursday 28th November, 2019 and was informed by the Chairperson that despite inviting memoranda from the public on his suitability or otherwise for appointment to the public office, none was received.

These are the submissions by the nominee as per the questions asked: -

- (a) He stated that he is Kenyan Citizen born on the 29th December, 1961 at Chepbwostuiyet, Siongiroi Ward, Chepalungu Sub-County. He attended Kipsingei Primary School and proceeded to Sigalagala Technical Institute (1976-1977) and thereafter he joined Thika Technical Institute before proceeding to St. Patrick's Iten High School.

The Nominee then went ahead to teach as a PTA teacher in Ndanai and later St. Michael Secondary Schools. He later joined the university of Nairobi to study for an award of Bachelor of Science (Mechanical Engineering) graduating in the year 1986.

The nominee informed the committee that after graduating from the university of Nairobi, he joined the Ministry of Public works and Housing where he worked from August, 1986 to the year 1990 as an Assistant Mechanical Engineer.

In the year 1990 the nominee was promoted to the position of Mechanical Engineer within the same ministry.

In 1991 the Nominee was deployed to the Government Special Project Unit (Numerical Machining Complex Limited) where he worked as Senior Engineer heading Heat Treatment Section, a position he held until the year 1994 when he formally resigned from Government employment and joined M/s M&E Consulting Engineers where he practised as a consulting Engineer. In the year 1997 the nominee got registered as corporate member with Kenya Engineers Board.

The nominee further averred before the committee that in the year 1998 he quit his employment with M/s M&E Consulting Engineers and co-found M/s Varsitech Consultants, a company where he has been practising to date as a consulting Engineer.

The nominee noticeably mentioned that he has consulted for a number of projects which includes Tirgaga KTDA Tea Factory, Kapset KTDA Tea Factory and Rorok KDTA Tea Factory amongst others.

- (b) On being asked on the relevance of his qualifications and Experience to the position of the Chairperson of the County Public Service Board, the nominee pointed out that in his career he has dealt with employees working under him. While connecting

his experience and qualifications to the duties of the chairperson to the County Public Service Board, the nominee mentioned that he has been involved and has extensively dealt with employees and matters affecting them. This has given him the best understanding on how to handle and obtain the best employees to get the best service, especially in the many projects he has consulted for. He further informed the committee that he has chaired several school boards and has also worked as Director New KCC Ltd. This involved a huge task of human resource capacity building.

- (c) In response to an inquiry on how he will handle the heavy work bestowed on the office he is seeking given his busy schedule, the nominee told the committee that the job is part time and that that he is currently scaling down his presence at his company, hence he will have more time to devote to the County Public Service board if approved.
- (d) While responding to the committee inquiring on his understanding of the provisions of the law regarding to establishment and abolishment of the offices in the County, the nominee elaborated that, there must be a request from the user department asking the Board to establish an office and the Board in response shall sit, critically analyze the need and check on the beneficial effects of the requested office. Finally, the nominee stated that the Board, after satisfying itself on the analysis, it then requests the approval of the County Assembly on the same. Once such approval is obtained, the Board then establishes the office and fills it within six months.
- (e) The nominee while replying to an inquiry by the committee on what he understood as the roles of the County Public Service Board, he outlined the following functions:
 - i) Establish and/or abolish County Public Offices
 - ii) Appoint Public Officers to Hold such Public Offices
 - iii) Administer disciplinary Procedures
 - iv) Guide the public servants to ensure that they subscribe to the national values and principles.
- (f) The nominee while answering the committee on the requirements which one must fulfill to be appointed as the chairperson, he outlined as follows: -
 - a) Must fulfill the requirements of Chapter six of the Constitution.
 - b) One must be subjected to a competitive process
 - c) Must have the relevant experience (at least 5 years' experience)
- (g) while explaining the difference between a state officer and a public officer, the nominee gave the Members of a Commission, President, Deputy President as examples of state officers and the Government employees as the examples of public officers. The nominee while acknowledging the compliment by the committee on

his being listed at position seven amongst the Directors of the New KCC Ltd indicated that he is a focused person driven by great passion of what he does.

He further said that in all his undertakings he avoids conflict of interest and as much as possible plays within the law and set regulations.

- (h) The nominee while replying to an inquiry on how he will utilize the professional skills and experience gained informed the committee that he will be utilizing his vast managerial skills rather than the technical skills. He further asserted that he will devote his time and capabilities to ensure that the board get the right staff to deliver services to the County residents.
- (i) While commenting on the challenge of the ballooning wage bill which is facing most of the counties in Kenya Mr. Ngeno showed his appreciation to the County Assembly of Bomet which has made efforts to tackle the challenge. He further indicated that it is crucial for the county to know and document all its staff and where they are deployed. He also indicated that if approved and faced such a situation he will at all times adhere to the laid down laws and regulations.
- (j) On the additional skills that he has, he stated that he has received managerial training that resulted in his award of MBA from Moi University in 2005. He also pointed out his vast experience while presiding over several school boards and the New KCC.
- (k) He also indicated that his key objective if appointed is to digitalize Public Service with the support of all stakeholders. While outlining his key strategies of ensuring that employment opportunities are evenly distributed, the nominee gave the following as his pillars: -
 - i) Strict adherence to the law
 - ii) Fair competition
 - iii) Wide circulation of employment opportunities
 - iv) Allowing merit to prevail.
 - v) Taking the best while taking into consideration the diversity of the County and regional balance.

When given a case study scenario in which the governor approaches him requesting employment slots, the nominee informed the committee that he would seek audience with the governor where he would advise him/her that the law must be adhered to in all employment undertakings.

- (l) On the steps he would take to optimize the County Public Service the nominee outlined the following; -
 - a) Establish situation as it is.
 - b) Set up a process to establish the total number of staff and the staff level.
 - c) Ensure that there is proper placement.

When asked on how to strike a balance between the increasing unemployment and the increasing wage bill, the nominee stated that the key objective of the County Public Service Board is to employ the right people, at right place and on the right terms. He further observed that the core work of the County Service Board is to have the right staff to deliver services to the people of Bomet.

(m) While addressing the committee on the steps he would take if approved to streamline the hiring and promotion in the County, the nominee stated the following; -

- Get actual data of all the members of staff in the County.
- Get actual data on how they were employed
- Get facts on the staffs' terms of service and remedy the situation on need basis.

(n) On the statutory deductions the nominee observed that is a requirement of the law that must adhered to at all time.

While replying on an inquiry on the importance of having an authorized staff establishment, the nominee outlined as under; -

- It guides in getting the staff in the right places
- It assists in controlling un-planned rise in wage bill.

He further observed that controlling the wage bill is complex process requiring consultation and a lot of planning.

(o) While addressing the committee on the benefits of having statutory pension scheme, Mr. Ngeno observed that such scheme shall ensure availability of funds for the retiring staff. He further indicated that he would engage the County Executive to ensure that such a scheme is put in place.

(p) When responding to a case study scenario posed to him on what he would do if approved and his longtime friend who has been jobless for a longtime approach him requesting for a job, the nominee stated that he would advise his said friend to wait for advertisement of relevant vacancies then apply in the normally way. While answering on an inquiry on the steps he would take if approved to establish a robust public service the nominee indicated that the same shall involve consultation with other relevant county organs.

(q) In reply to the attributes of an effective County Public Service Board the nominee outlined the following he stated that it should be decisive, have high integrity, work as team and consultative.

(r) On the strategies that he has in getting the right staff, the nominee observed that the Board must ensure that advertisement of vacancies is given the widest circulation and coverage, that the shortlisting be made fairly and that the best is taken after thorough background checks.

(s) In response to what conflict of interest is and the legal position on the same, the

nominee informed the committee that conflict of interest is a situation where a person in public office has personal interest in an issue that he/she encounters on his/her performance of his/her duties. He stated that the public officer must always declare the interest in writing and that if it rises during interviews, one should declare and cause the same to be recorded.

- (t) While addressing the committee on the principles of governance the nominee outlined the following; -
- That holders of public offices carry themselves in a manner that brings honor and dignity to state and the office.
 - High standards of integrity
 - Practices transparency and accountability.

In conclusion the nominee observed that the County Public Service Board need integrity and transparency in performance of its duty.

6.0 COMMITTEE'S OBSERVATIONS

After the approval hearing the committee made the following observations regarding the nominee;

1. The nominee satisfied the requirements of Section 58(3)(a)(b) and (c) of the County Governments Act, 2012. The committee also observed that the nominee has capacity to serve as a chairperson of the County Public Service Board.
2. The committee also observed that based on his responses during the approval hearing, the nominee clearly portrayed great ability in problem solving on issues affecting the County Public Service Board.
3. The committee further noted that the nominee has an in-depth understanding of the roles, responsibilities and functions of the County Public Service Board.
4. The nominee satisfied Chapter six of the Constitution of Kenya 2010 on Leadership and Integrity as per section 58(3)(a) of the County Governments Act.

7.0 COMMITTEE'S RECOMMENDATION

At the end of the approval hearing, the committee made the following recommendation: That having considered the suitability, capacity and integrity of the nominee, and pursuant to **Section 9 (2) of Public Appointments (County Assemblies Approval) Act No. 5 of 2017**, the Committee recommends that the County Assembly approves the nomination and subsequent appointment of **Eng. Alexander Kiprono Ngeno** as the Chairperson of the Bomet County Public Service Board.