

BOMET COUNTY



THE FIRST ASSEMBLY – THIRD SESSION

THE COUNTY ASSEMBLY COMMITTEE ON LABOUR AND PUBLIC SERVICE COMMITTEE

REPORT ON TWO MINISTERIAL STATEMENTS AND TWO MOTIONS NAMELY;

MINISTERIAL STATEMENT DATED 9TH JUNE, 2015 - HON. J. NGETICH;

MINISTERIAL STATEMENT DATED 8TH JULY, 2015 – HON. J. KORIR;

MOTION OF 4TH AUGUST, 2015 AT 2.30 PM- HON. J. MOLEL &

MOTION OF 13TH AUGUST, 2015 AT 2.30 PM – HON. J. KIRUI



TABLED ON 29th Sept 2015

SEPTEMBER 2015

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Preface

Mr. Speaker Sir,

I wish to thank the Members of Labour and Public Service Committee for their effort in coming up with this comprehensive report covering two Ministerial Statements and two Motions.

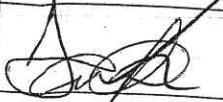
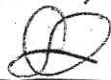
Mr. Speaker Sir,

It is therefore my pleasure, duty and privilege, on behalf of the Committee, to table this report and recommend it to the House for adoption.

Signed.....*Reuben Langat*.....DATE.....*29/9/2015*.....
HON. REUBEN LANGAT,
CHAIR – LABOUR & PUBLIC SERVICE

Membership and ownership of the Report.

We members of the County Assembly Committee on Labour & Public Service do append our signatures confirming that we as a committee sat and undertook the agenda therein.

NO.	NAME	DESIGNATION	SIGNATURE
1.	Hon. Langat Reuben	Chairman	
2.	Hon. Bency Too	Vice/Chair	
3.	Hon. David Rotich Big Five	Member	
4.	Hon. Cecilia Towett	Member	
5.	Hon. Christopher Ngeno	Member	
6.	Hon. Aurelia Chepkirui	Member	
7.	Hon. John Ngetich	Member	

Acronyms and Abbreviations.

CPSB – County Public Service Board.

TOR – Terms of Reference.

HR – Human Resource.

CS –County secretary.

Executive Summary.

Mr. Speaker Sir, the Labour and Public service Committee plays a crucial role in supervising the Public service and the whole HR function in the two arms of the County Government. The Committee provides the necessary checks and balances on issues touching on recruitment, placement, promotions and the overall fair play in all matters touching on the Human Resources.

The highlight of the report was the two Ministerial Statements and two Motions which are here by summarized.

Statement dated 9th June, 2015 - Hon. John Ngetich.

This was a Statement received on 9th June, 2015 on Recruitment of Area & Community Administrators which sought specifically for;

- i. A comprehensive long list of all applicants to the positions of Area & community Administrators.
- ii. The guidelines issued by the County Public Service Board to the panel which was constituted to shortlist and recruit the applicants.
- iii. The composition of the various panels constituted to shortlist and recruit applicants and how they were constituted.

Findings

Having sat, interrogated and considered all the facts regarding the issues raised, the committee made the following findings;

- i. The guidelines which were given by the County Public Service Board in exercise of its power to delegate its duties to the office of the County secretary on the recruitment of Area and Community Administrators were not clear in as far as composition of the interview panel is concerned.
- ii. The process of recruitment and appointment of Area and Community Administrators has taken far too long thus raising anxiety and suspicion in the minds of the public regarding the entire process.

- iii. The County Public Service Board has not been in control of the entire recruitment process yet in exercise of its power to delegate its duties, it is still responsible for any mess that might arise regarding the entire process
- iv. It was confirmed that officers to be recruited for the two positions of Area and Community Administrators was 219 and 74 respectively.
- v. It was not clear whether the demarcation of Areas and Community units as per the Bomet County Coordination of Functions Act, 2014 had been completed prior to the recruitment process. It is not even clear whether the units were gazetted as per the law.

Recommendations;

Having considered all information brought to its attention, the committee made the following recommendations;

- i. That in any future delegation of its duties to any other body, the County Public Service Board must act with due diligence and ensure that the guidelines being given out are clear so that recruitments are carried out competitively and fairly as provided by the Law.
- ii. That all future recruitment of all public officers in Bomet County Government must be done within a specific and reasonable period of time. This will forestall any anxiety and suspicion in the minds of the public regarding the entire recruitment process.
- iii. That the County Public Service Board must at all times be in control of any recruitment process of all public officers of the County. These officers includes Permanent and Pensionable staff, employees on Contract and even those on short-term Casual basis. It should be stated that the mandate to recruit and appoint lies squarely with the CPS Board.
- iv. That in any future recruitment, the user Department must clearly indicate the number of vacancies to be filled so that the process of recruitment is not abused.

- v. That the County Public Service Board should keep a complete record of all the relevant information regarding the recruitment and appointment of all public officers.
- vi. In a nutshell, all recruitments must follow due process of the Law and the CPSP should not allow itself to be influenced and manipulated.
- vii. There is an urgent need to have an approved Scheme of Service for the County Executive and County Assembly of Bomet. This important document must guide all future recruitment and progression processes.

Ministerial Statement dated 8th July, 2015 - Hon. Julius Korir.

This was the Statement by Hon. Julius Korir dated 8th July, 2015 seeking a comprehensive list of all Staff working in Bomet County Since March, 2013 to date. The statement specifically sought clarification on the following;

- i. An independent list of all the staff brought on board from the defunct local Authorities showing whether they are permanent;
- ii. All the newly employed staff that were brought on board after the swearing in the new county government;
- iii. List of staff who were either facing disciplinary cases or criminal cases and those who have left employment on their own volition or sacked;
- iv. The payroll with all the employees both permanent and temporary terms should be submitted by the County Secretary /Human Resource Director.

In the Statement, the Honourable Member was seeking for clarification from the office of the County Secretary, County Public Service Board and office of the County Director of Human Resource on all the County Staff both on Permanent and Contractual terms as from **March 2013 to 30th June 2015.**

Findings

Having sat, interrogated and considered all the facts regarding the issues raised the committee made the following findings;

- i. That the County Secretary was not cooperative in all instances as he deliberately refused to give information to the committee. He took the committee in circles and did not take the issues raised with the seriousness it deserved;
- ii. That the information sought from the office of the County Secretary fell within the ambit of public information which is accessible to any person as enshrined in the Constitution under Article 35 (1). Therefore, the County Secretary was obligated to provide the information as sought by the County Assembly for purely oversight purposes;
- iii. That the statement as sought by the County Assembly was specific and not too general as claimed by the County Secretary in his letters.

Recommendations;

- a) That there is need for a **Special Forensic Human Resource Audit** to be done to establish the actual number of employees working in the County Government of Bomet. **The Audit should be carried out within a period of four months from the date of tabling this report;**
- b) That a special committee be established to investigate the conduct of the office of the County Secretary and make necessary recommendations;
- c) That all public offices working for the County Government should readily avail public information to the County Assembly for purposes of oversight and representation in the spirit of accountability and transparency whenever sought;

Motion dated 4th August, 2015 - Investigation into the cancellation of Recruitment of County Health Workers and Community Assistants - Hon. Josphat Kirui.

This is a motion debated and resolved on the floor of the house on 5th August, 2015.

Findings

Having looked at all the issues raised, the committee made the following findings;

- i. That there seems to be lack of proper consultation among the user department, the County Secretary and the County Public Service Board in the recruitment process in the County Government;
- ii. That the advertisement and cancellation of an advanced recruitment process led to wastage of public resources and loss of trust in the eyes of the public; and
- iii. That the County Public Service Board does not have a proper recruitment policy.

Recommendations

After consideration of all the issues, it was recommended;

- a) That the CPSB should in future insist that compelling reasons for cancellation be given because cancellations of on-going recruitment processes leads to loss of county resources.
- b) The CPSB should urgently put in place a **recruitment policy** that shall guide the Board to avoid intimidation into cancelling a process of recruitment which has already started. The recruitment policy must be approved by the County Assembly.
- c) The CPSB should ensure that the law is adhered to at all times during recruitment. This will ensure fairness and competitiveness is upheld at all times.

Motion dated 13th August, 2015 seeking an Investigation of the County Secretary and the County Public Service Board - Hon. John Molel.

This is a Motion resolved on the floor of the House on 13th August, 2015.

The Motion was deliberated upon by the Committee and it was the view of the members that the motion was premature because the statements referred to the Committee have not been concluded and therefore the areas to be investigated were not definite.

Recommendation;

It is recommended that an **external, independent and legally recognized body should carry out investigations on the County Secretary & CPSB on the following issues**

- a) Failure to implement the resolutions of the County Assembly on
 - Recruitment of enforcement officer;
 - Former Local authority employees;
- b) Failure to give information to County Assembly Committees eg giving contradictory reports like in the case of a statement dated 8th July, 2015.

County Public Service Board.

- c) Incompetence in enforcement of the Law as seen in the following instances
 - Managing the delegation process in the recruitment of Area & Community Administrators;
 - Lack of control in their duties as seen in the instance when it failed to follow -up on the issue of recruitment of enforcement officers;
 - Cancellation of several recruitment processes after spending a lot of resources to advertise;
 - Failure to use an approved Scheme of Service;
 - Failure to develop a Recruitment Policy;
 - Failure to give adequate and timely information whenever required by County Assembly Committees.

Any other relevant areas as given in the Motion.

It should be noted that the report was compiled in difficulty as most of the officers expected to avail information took too much time, evaded or outrightly refused to give requested public information. This behavior must be discouraged if the core mandate of the County Assembly of legislation, representation and oversight is to be fulfilled.

1.0 Introduction

The committee on Labour and Public Services is one of the Sectoral committees established under the Standing Orders 193(1) and the Second Schedule to the Standing Orders.

1.1 Committee Membership

The Committee on Labour and Public Services as currently constituted comprises of the following Honourable Members:-

1. Hon. Reuben Langat - Chairperson
2. Hon. Bency Too - Vice Chairperson
3. Hon. Aurelia Chepkirui - Member
4. Hon. Christopher Ngeno - Member
5. Hon. John Ngetich - Member
6. Hon. David Rotich Big Five - Member
7. Hon. Cecilia Towett - Member

1.2 Mandate of the Committee

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

- d) To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
- e) To study the programme and policy objectives of ministries and departments and the effectiveness of their implementation;
- f) To study and review all legislation referred to it;
- g) To study, assess and analyze the relative success of the ministries and departments measured by the results obtained as compared with their stated objectives;
- h) To investigate and inquire into all matters relating to the assigned ministries and departments as may be deemed necessary, and as may be referred to it by the House or a minister;
- i) To vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 187 (Committee on appointments); and

- j) To make reports and recommendations to the House as often as possible, including recommendations of proposed legislation.

1.3 ISSUES FOR DETERMINATION BY THE COMMITTEE

Pursuant to the Standing Orders 193(3) all matters relating to Labour, county public service, trade union relations, manpower or human resource planning fall within the mandate of the Committee on Labour and Public Service.

During various plenary sessions in August, 2015 the Committee on Labour and Public service was mandated to look into the following issues and report to the house within 21 days;

- a) **Ministerial Statement** dated 9th June, 2015 on Recruitment of Area & Community Administrators raised by Hon. John Ngetich;
- b) **Ministerial Statement** dated 8th July, 2015 seeking a comprehensive list of all Staff working in Bomet County Since March, 2013 to date raised by Hon. Julius Korir;
- c) **Motion** dated 5th August, 2015 seeking clarification on advertisement & cancellation of Health Workers recruitment moved by Hon. Josphat Kirui; and
- d) **Motion** dated 13th August, 2015 seeking an investigation of County Secretary & County Public Service Board raised by Hon. John Molel

In dealing with the matter, the committee held several sittings to deliberate on the matter. The committee was able to engage the County Public Service Board and the office of the County Secretary.

Upon deliberating in the said sittings and interrogating the documents submitted to it, the committee prepared a report in response to all the issues raised.

It is therefore my pleasant duty and privilege, on behalf of the Committee on Labour and Public Service, to table this report on the two motions and two ministerial statement for debate, consideration and adoption.

INTRODUCTION AND BACKGROUND

2.0 BACKGROUND

2.1 Statements

Standing Orders No 43(2) (c) provides that a member may request for a statement from the Committee chairperson relating to matters under the mandate of the Committee and the Speaker may either appoint a day for the statement or direct that the statement be issued on the same day.

On 9th June, 2015 Hon. John Ngetich stood during the plenary session to seek a statement on recruitment of Area & Community Administrators. The Ministerial Statement regarding recruitment of Area and Community Administrators sought specifically for;

- iv. A comprehensive long list of all applicants to the positions of area community & administrators
- v. To be furnished with the guidelines issued by the County Public Service Board to the panel which was constituted to shortlist and recruit the applicants
- vi. To know the composition of the various panels constituted to shortlist and recruit applicants and how they were constituted

2.2 THE LEGAL FRAMEWORK GUIDING THE EXECUTION OF COMMITTEE MANDATE

The committee in exercise of its mandate, was guided by the legal framework in place; the Constitution of Kenya, the County Governments Act and the County assembly standing Orders.

2.2.1 The Constitution

Mandate of the County Assembly

The Constitution of Kenya, 2010 at **Article 185 (3)** stipulates that a *county assembly, while respecting the principle of the separation of powers, may exercise oversight over the county executive committee and any other county executive organs.*

2.3 Duty of the County Executive

Under **Article 183(3)**, the County executive committee is obligated to provide the county Assembly with full and regular reports on matters relating to the county.

County Assembly power to summon witnesses.

Article 195 (1) provides that *a county assembly or any of its committees has power to summon any person to appear before it for the purpose of giving evidence or providing information.*

Article 195 (2) further provides that for the purposes of clause (1), an assembly has the same powers as the High Court to—

- (a) enforce the attendance of witnesses and examining them on oath, affirmation or otherwise;
- (b) compel the production of documents; and
- (c) issue a commission or request to examine witnesses abroad.

2.4 The County Governments Act

The **County Government Act Section 39(2)** provides that a committee of the County Assembly may require a member of the Executive Committee to;

- a) Attend or appear before the committee, and
- b) Answer any questions relating to the member's responsibilities.

2.5 Functions and powers of the County Public Service Board

Section 59 of the County Governments Act make provisions of the functions and powers of the County Public Service Board. Section 59 (1) (b) provides that;

The functions of the County Public Service Board shall be, on behalf of the County Government, to-
(b) appoint persons to hold or act in offices of the county public service including Boards of cities and urban areas within the county and to confirm the appointments;

Section 63 of the County Governments Act mandates the County Public Service Board to make appointments. The said section states;

- (1) Except as provided for in the constitution or legislation, the County Public Service Board has the power to make appointments including promotions in respect of offices in the County public Service*
- (2) The power of the County Public Service Board under subsection (1) shall be exercised-*
 - (a) At the request of the relevant county chief officer of the department to which the appointment is to be made;*

2.6 Action on irregularity of process

Section 75. 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.

2.7 Standing Orders

Pursuant to the Standing Orders No. 193(3) all matters relating to Labour, county public service, trade union relations, manpower or human resource planning fall within the mandate of the Committee on Labour and Public Service.

3.0 STATEMENT DATED 9TH JUNE, 2015 - HON. JOHN NGETICH

This was the Statement dated 9th June, 2015 on Recruitment of Area & Community Administrators which sought specifically;

- vii. A comprehensive long list of all applicants to the positions of Area & community Administrators
- viii. The guidelines issued by the County Public Service Board to the panel which was constituted to shortlist and recruit the applicants
- ix. The composition of the various panels constituted to shortlist and recruit applicants and how they were constituted

In a Committee meeting held on 20th July, 2015, after a long perusal and deliberation on the issues raised therein, the members unanimously resolved that a letter be written to the County Public Service Board Secretary to urgently avail the following:

- A comprehensive longlist of all applicants to the position of Area and Community Administrators;
- The guidelines issued by the County Public Service Board to the panel which was constituted to shortlist and recruit applicants;

- The composition of the various panels constituted to shortlist and recruit the applicants and how they were constituted.

In a meeting held on 30th July, 2015, a letter from the Secretary County Public Service Board dated 15th July, 2015 Ref. No. CPSB/LETT/4/7/2015 was brought to the attention of the Committee. In summary, the response addressed the following issues;

3.1 Longlist of applicants to the position of the Area and Community Administrators

The long list of applicants is hereby summarized as per each sub-county

Konoin Sub-County.

	Total No. of applications Received.
• Community Administrator	- 407
• Area Administrator	- 706

Chepalungu Sub-County.

	Total No. of applications Received.
• Community Administrator	- 438
• Area Administrator	- 923

Bomet Central Sub-County

	Total No. of applications Received.
• Community Administrator	- 473
• Area Administrator	- 834

Bomet East Sub-County

	Total No. of applications Received.
• Community Administrator	- 491
• Area Administrator	- 828

Sotik Sub County

	Total No. of applications Received.
• Community Administrator	- 568
• Area Administrator	- 1,004

3.2 The guidelines were well enumerated in brief as follows:

The committee was informed that as per the guidelines, the exercise was to be done as follows;

- I. Shortlisting be done based on the longlist provided and the shortlisting panel be composed of:
 - A Senior County Government Officer;
 - An officer from Human Resources Department;
 - A representative from the user department.
- II. Ensure that a standard interview assessment tool is developed for use during the interview; and each candidate's score sheet should be forwarded to the Board for record on conclusion of the exercise.
- III. The need for fair distribution should be adhered to.

3.3 Composition of the various panels constituted to shortlist and recruit.

The third issue raised in the statement on the composition of the various panels was not given and so the committee deliberated and resolved that the Secretary of the County Public Service Board be requested again to provide the list of the various panels that undertook the shortlisting and interview of the Area and Community Administrators for all the five sub-counties as this could assist the committee to conclusively handle the statement as given.

In a meeting held on 11th August, 2015, the Committee Chair welcomed the Chairman of County Public Service Board to give the required information on the various panels constituted to shortlist and interview the Area & Community administrators.

In his submission the Chairman of County Public Service Board informed the Committee as follows;

- That County Public Service Board had not received a list of the panel members nominated to shortlist and interview the said officers and that the exercise was still on-going. He pointed out that the County Secretary will be asked to file a report on the same which will be analyzed to establish whether there was any deviation from the guidelines given by CPSB.
- That the CPSB had provided clear guidelines and delegated authority of recruitment but the final list of successful applicants was to be brought for analysis and final appointment by the Board.

- That there was a delay in completion of the exercise by three months and that the results of the delegated process will be a learning process.
- That although they had delegated the process to the sub-counties and Ward levels, the actual scoring of marks during the interviews was to be done by the three identified officers namely; a senior County Government Officer, an officer from HR and an officer from the user department.
- When asked whether the process was monitored by the CPSB, the Chair stated that they had left the process open to allow the panels carry out their mandate without interference and promised that the CPSB will soon write to the County Secretary to demand for the progress report.
- When asked whether the suggested panel of three officers outlined in the guidelines was enough to carry out the exercise, he responded that the panel of three was expected to incorporate other interested stakeholders like the church, trade unions and a few others who were not supposed to score during the actual interview.
- On the language to be used during the interviews, the Chair stated that the official languages of Kiswahili, English and Kenyan Sign Language was to be used at all times during the recruitment process.
- He stated that the guiding law was the Bomet County Coordination of Government Functions Act, 2014.
- When asked how many officers were expected to be recruited in the whole process, the Chairman CPSB responded that this part was overlooked but he promised to give a fixed number of officers as needed. The academic level was well stated and the age limit was as per the existing Pension Laws which state that a person should work for at least 10 years before they can benefit. They had suggested a person of between 18 – 50 years of age.
- The CPSB will vet the documents and the successful applicants will be verified using the score cards used during the interviews and the guidelines before the Board appoints the officers in writing.

After the deliberations on the above presentations by the Chairperson of the CPSB and his team, the committee unanimously agreed that the CPSB should avail a full list of all the Panel members who carried out short listing and interviews for Area and Community Administrators for all the five sub-counties by 20th August, 2015.



Harvest Report

Tuesday

17/02/2015 - 2:30 pm

② 18 April 2015 - 2:30 pm

③ 6th October 2015 - 2:30 pm

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The committee was further informed that the clarification on part (iii) of the statement on the list of panelists would be ready by Wednesday 2nd September, 2015 as reported by the Chair CPSB. However, neither the clarification nor the list was submitted to the committee as earlier promised and the committee was forced to proceed in writing the report without the vital information.

3.4 Findings

Having sat, interrogated and considered all the facts regarding the issues raised, the committee made the following findings;

- vi. The guidelines which were given by the County Public Service Board in exercise of its power to delegate its duties to the office of the County secretary on the recruitment of Area and Community Administrators were not clear in as far as composition of the interview panel is concerned.
- vii. The process of recruitment and appointment of Area and Community Administrators has taken far too long thus raising anxiety and suspicion in the minds of the public regarding the entire process.
- viii. The County Public Service Board has not been in control of the entire recruitment process yet in exercise of its power to delegate its duties, it is still responsible for any mess that might arise regarding the entire process
- ix. It was confirmed that officers to be recruited for the two positions of Area and Community Administrators was 219 and 74 respectively.
- x. It was not clear whether the demarcation of Areas and Community units as per the Bomet County Coordination of Functions Act, 2014 had been completed prior to the recruitment process. It is not even clear whether the units were gazetted as per the law.

3.5 Recommendations

Having considered all information brought to its attention, the committee made the following recommendations;

- viii. That in any future delegation of its duties to any other body, the County Public Service Board must act with due diligence and ensure that the guidelines being given out are clear so that recruitments are carried out competitively and fairly as provided by the Law.

- ix. That all future recruitment of all public officers in Bomet County Government must be done within a specific and reasonable period of time. This will forestall any anxiety and suspicion in the minds of the public regarding the entire recruitment process.
- x. That the County Public Service Board must at all times be in control of any recruitment process of all public officers of the County Executive. These officers includes Permanent and Pensionable staff, employees on Contract and even those on short-term Casual basis. It should be stated that the mandate to recruit and appoint lies squarely with the CPS Board.
- xi. That in any future recruitment, the User Department must clearly indicate the number of vacancies to be filled so that the process of recruitment is not abused. The CPSP should always insist on specific numbers and cadres of staff before placing any advertisement in the media.
- xii. That the County Public Service Board should keep a complete record of all the relevant information regarding all recruitment and appointment of all public officers in the County.
- xiii. In a nutshell, all recruitments must follow due process of the Law and the CPSP should not allow itself to be influenced and manipulated.
- xiv. There is an urgent need to have an **approved Scheme of Service** for the County Government and County Assembly of Bomet. This important document must guide all future recruitment and progression processes.

4.0 STATEMENT DATED 8TH JULY, 2015 FROM HON. JULIUS KORIR

This was the Statement by Hon. Julius Korir dated 8th July, 2015 seeking a comprehensive list of all Staff working in Bomet County Since March, 2013 to date. The statement specifically sought clarification on the following;

- v. An independent list of all the staff brought on board from the defunct local Authorities showing whether they are permanent or temporary.

- vi. All the newly employed staff that were brought on board after the swearing in the new county government
- vii. List of staff who were either facing disciplinary cases or criminal cases and those who have left employment on their own volition or sacked.
- viii. The payroll with all the employees both permanent and temporary staff should be submitted by the Human Resource Director

In the Statement, the Honourable Member was seeking for clarification from the office of the County Secretary, County Public Service Board and office of the County Director of Human Resource on all the County Staff both on Permanent and Contractual terms as from **March 2013 to 30th June 2015**.

The committee interrogated the issues raised in the statement and resolved that;

- a) The County Secretary should be requested to provide the information highlighted in the Statement.
- b) The list to be submitted should include staff seconded from national government and those from the County Assembly itself.
- c) That a format that includes name, ID Number, date of birth, date of first appointment, current designation, job grade, current work station, highest qualifications, gross salary etc. must be used.
- d) For temporary/contractual/ casual employees, the information needed should show contract commencement date, contract renewal date and supervisors of the officers for each category in addition to information listed in (c) above.
- e) That the requested payroll should specifically include the months of April 2013, June 2013, July 2014 and June, 2015.

In a meeting held on 14th July, 2015, the Chairperson read out a letter dated 9th July 2015 addressed to the County Secretary asking him to submit a comprehensive statement on all the County Staff both on Permanent and Contractual terms as from April, 2013 to 30th June, 2015.

Furthermore, the Chairperson also tabled and read out the County Secretary's response to the Ministerial Statement dated 8th July, 2015. Part of The County Secretary's response is hereby quoted for clarity:

"The above matter refers and your letter dated 9th July, 2015 seeking among other things the Bio data of all employees of the County Government of Bomet and detailed information on them.

We have noted the concerns raised and respond as follows;

- a) The Ministerial Statement raised on the floor of the House on 8th July, 2015 is contrary to the principle of separation of powers and intrudes into the exclusive functions of the executive.*
- b) The Ministerial Statement is contrary to the role of the County Assembly enshrined under Section 8 of the County Government Act. Under this provision, collection of Bio Data on County employees is not one of the roles of the County Assembly.*

Further under section 9 of the County Governments Act, a member of the County Assembly shall not directly or indirectly be involved in the executive functions or the County government and its administration.

Employment and disciplinary matters of employees in the County Government is a mandate and function of the Executive and it is our considered view that where such information is required by the assembly on a particular issue, it should be through Audit/Committee reports of the relevant bodies mandated by the Law.

We also find it strange that we are being required to provide such detailed information within a period of seven (7) days that may ordinarily require a task force to do so at least three months (3)?

We therefore advice that the Ministerial Statement sought is contrary to the provisions of the law and the Assembly has overstepped its oversight mandate by requiring some detailed information of staff contrary to provisions of the law as stated in the County Government Act."

The committee discussed the contents of the letter and observed as follows;

- a) That the Committee on Labour & Public Service has not overstepped its mandate because the main function of the County Assembly is oversight.
- b) That the County Assembly and more so the Committee on Labour and Public Service will not shy away from carrying out its mandate at all times.
- c) That the Legal Department be mandated to give a legal opinion and assist to draft a second letter for the signature of the Clerk of the County Assembly. The Legal department was required to highlight the law on the oversight role of the County assembly.
- d) That the County Secretary/Human Resource Director should be notified for the second time to provide the information in the format given earlier to assist prepare a comprehensive Ministerial Statement.

In a meeting held on 30th July, 2015 a second request letter written on 15th July, 2015 to the County Secretary to submit comprehensive bio-data and specified information on

the county establishment was tabled and read out to the members. It was noted with concern that the office of the County Secretary had taken another 15 days without acting or availing the required information enumerated in the County Assembly Clerk's letter dated 13th July, 2015.

It was therefore unanimously resolved;

- a) That the County Secretary be **SUMMONED** to appear in Person before the Committee on 6th August, 2015 in accordance with the Article 195 of the Constitution.
- b) That the Legal Office be requested to draft the summons for the signature of the officer authorized to sign summonses.
- c) That if the County Secretary fails to appear on 6th August, 2015 as directed, then the County Assembly will be advised to seek necessary legal measures.

However, in a meeting held on 10th August, 2015, the County Secretary and his team did appear before the Committee as summoned. The committee then requested the County Secretary to table the required information in the format outlined in the County Assembly Clerk's letter dated 9th July, 2015. The County secretary informed the committee that he did not have the information in the format suggested but he forwarded a written response which is hereby quoted for clarity;

"We are in receipt of summons dated 3rd August, 2015, and Ministerial statement dated 8th July, 2015 seeking detailed personal information and/ or data concerning all employees of the County.

The Ministerial Statement sought the following issues and we hereby respond accordingly:

1. Independent list of all staff brought on board from the defunct Local Authorities showing whether they are on permanent or temporary terms.

On this we would like to advice that the process of formally incorporating such employees in our county public service board is ongoing and is yet to be completed pursuant to Section 138 of the County Government Act, 2012. The Ministerial Statement sought is therefore premature and cannot at this stage be conclusively responded to. We have difficulty understanding the meaning of "independent list" of all staff. We do not have in our custody what is referred to as "independent" list.

2. All newly employed staff brought on board after the swearing in of the new County Government.

We have no problem stating the number of employees brought on board after the swearing in of the new County Government and this can only be availed to the relevant labour committee through the County Public Service Board.

3. List of staff facing disciplinary cases or criminal cases or those who left employment on their own volition or sacked.

We advise that matters pertaining disciplinary process is an exclusive function of the County Public Service Board and not the County Assembly. It is important to note that employees have a choice to leave service at their own volition. What is demanded is an exclusive function or mandate of the County Executive and the Assembly cannot interfere with such process as it may prejudice the concerned employees as facing criminal proceedings or disciplinary process does not in itself determine guilt or otherwise of an employee before such cases are determined. Further, disclosing such information is res sub judice.

4.0 Disclosing of payroll of all employees to the Assembly.

It is imperative to note that the right to information under Article 35 of the Constitution does not expressly negate other fundamental rights enshrined under Article 31 of the Constitution. Payroll entails confidential information and thus cannot unnecessarily be revealed or disclosed to third parties in absence of a court order.

Be it as it may, we would like to advice that the oversight authority by the Assembly does not empower the Assembly to infringe on other people's rights as enshrined in the constitution.

Be advised that the ministerial statement sought is too general. Ministerial Statements ought to be specific to enable proper response.

As earlier noted we would like the Assembly to be giving at least 14 days prior notification to enable us respond adequately to the Assembly on any matter."

After long deliberations on the issues raised by the County Secretary in the letter quoted above, it was unanimously resolved;

- a) That the County Secretary and his team from the Executive Arm of the county government be informed to avail the required information for the third time in the suggested format within 14 days.

- b) That the County Secretary be allowed the additional 14 days as from 17th August, 2015 as requested and the information was to reach the office of the Clerk on/or before 1st September, 2015.

It was reported to the members in a meeting held on 31st August, 2015 that the County Secretary had stated and requested for 14 more days with effect from 17th August, 2015 to avail the said report before the committee. The Chairperson further informed the Committee that an officer from the Executive, one Mr. Mutai David had paid a courtesy call on him requesting for a joint meeting of the Committee and the office of the County Secretary with the sole aim of ironing out issues of mutual interest to the two arms of Government including the issues raised in the Ministerial Statement.

After the above brief reports were given to the meeting, the members discussed the issues at length and unanimously resolved

- a) That the Chairperson be mandated to call the County Secretary to ask for a final clarification as to when the information will be availed to the Committee as promised in his letter dated 7th August, 2015.
- b) That the joint retreat suggested by Mr. Mutai be organized as soon as the issues raised in the Ministerial Statement are fully addressed and the Committee has a comprehensive report to interrogate in the joint retreat.

However, the County Secretary vide a letter dated 31st August, 2015 responded as follows;

- a) That his office had sought direction from the Executive Committee which advised his office that any personal information including list of names of the county employees can only be availed through audit reports;
- b) That on the number of employees brought on board since the inception of the county government, the body mandated to avail such information is the county Public Service Board through their Annual Report to the Assembly.

4.1 Findings

Having sat, interrogated and considered all the facts regarding the issues raised the committee made the following findings;

- iv. That the County Secretary was not cooperative in all instances as he deliberately refused to give information to the committee. He took the committee in circles and did not take the issues raised with the seriousness it deserved;

- v. That the information sought from the office of the County Secretary fell within the ambit of public information which is accessible to any person as enshrined in the Constitution under Article 35 (1). Therefore, the County Secretary was obligated to provide the information as sought by the County Assembly for purely oversight purposes;
- vi. That the statement as sought by the County Assembly was specific and not too general as claimed by the County Secretary in his letters.

4.2 Recommendations

- d) That the County Assembly initiates a request to the Auditor General for a **Special Forensic Human Resource Audit** to be done to establish the actual number of employees working in the County Government of Bomet. **The special forensic Human Resource Audit should be carried out within a period of four months from the date of tabling this report;**
- e) That a special committee be established to investigate the conduct of the office of the County Secretary and make necessary recommendations;
- f) That all public officers working in the County Government should readily avail public information to the County Assembly for purposes of oversight in the spirit of accountability and transparency;

5.0 MOTION DATED 4TH AUGUST, 2015 - INVESTIGATION INTO THE CANCELLATION OF RECRUITMENT OF COUNTY HEALTH WORKERS AND COMMUNITY ASSISTANTS. (Hon. Joshat Kirui)

“THAT, aware that Article 10 and Article 232 of the Constitution of Kenya provides the values and principles of public service. Article 232 of the Constitution provides that the values and principles of public service include high standards of professional ethics; efficient, effective and economic use of resources; responsive, prompt, effective, impartial and equitable provision of services; involvement of the people in the process of policy making; accountability for administrative acts; transparency and provision to the public of timely accurate information; fair competition and merit as the basis of appointments and promotions; representation of Kenya’s diverse communities and affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service; that aware that the public service board advertised and shortlisted candidates for various position of health officers; further aware that there has been a public outcry in the manner in which the shortlisting was done which

may have led to the cancellation of interviews for the shortlisted candidates vide a publication in the Daily Nation on 30th June, 2015 by the public service board; also aware that the process has led to wastage and misuse of public funds; further aware that members of the public have been raising queries with the criteria used in the shortlisting of the community assistants; this County Assembly urges the County Assembly Committee on Labour and Public Service to investigate into the manner in which the shortlisting of the health officers and community assistant was done and the reason behind the cancellation of the interviews for the health officers”.

In a meeting held on 11th August, 2015, the Chairman of the County Public Service Board, who had been invited, was requested to give his views on the reasons for the cancellation of the recruitment process. He stated that all job adverts originates from the user departments which sends a written requisition to the County Public Service Board.

He therefore stated that the cancellation of the Health Workers recruitment was after the CPSB received a letter from the County Secretary requesting the Board to cancel the requisition and the whole recruitment process. He stressed the fact that the user department will always make a requisition for staff that normally sets off the recruitment process and in the event that they withdraw the requisition, then the Board has no choice other than to cancel the whole recruitment process and withdraw any adverts placed in the media.

Furthermore, the CPSB team handed over to the Committee a written response dated 8th September, 2015 Ref. CPSB/LETT/20/9/2015. The letter is hereby reproduced for clarity;

“REF: ADVERTISED POSITIONS IN HEALTH DEPARTMENT.

Reference is made to your letter of 11th August, 2015.

Recruitment and selection process for the positions in health department was done according to the specifications given by the user department; and the Board acting as an agent in the process adheres to what the user demands. This principle and procedure applies to all other positions.

The exercise was carried on with the presence, participation and concurrence of six senior officers from the user department (Extract of Minutes attached).

The panel came up with the shortlist and a schedule of interviews drawn with the candidates notified in the print media.

The executive realized that the two – year experience that they had given as a requirement disqualified majority of applicants and they therefore decided to cancel the entire exercise through their letter to the Board dated 29th June, 2015.”

5.1 Findings

Having looked at all the issues raised, the committee made the following findings;

- iv. That there seems to be lack of proper consultation among the user department, the County Secretary and the County Public Service Board in the recruitment process in the County Government;
- v. That the advertisement and cancellation of an advanced recruitment process led to wastage of public resources and loss of trust in the eyes of the public; and
- vi. That the County Public Service Board does not have a proper recruitment policy.

5.2 Recommendations.

- d) That the CPSB should in future insist that compelling reasons for cancellation be given because such cancellations leads to loss of county resources.
- e) That the CPSB should urgently put in place a recruitment policy that shall guide the Board to avoid intimidation into cancelling a process of recruitment which has already started. The recruitment policy must be approved by the County Assembly.
- f) The CPSB should ensure that the law is adhered to at all times during recruitment. This will ensure fairness and competitiveness is upheld at all times.

6.0 MOTION DATED 13TH AUGUST, 2015 SEEKING AN INVESTIGATION OF THE COUNTY SECRETARY AND THE COUNTY PUBLIC SERVICE BOARD.

(HON. JOHN MOLEL)

THAT, aware that section 138(1) of the County Governments Act provides that any public officer appointed by the Public Service Commission in exercise of its constitutional powers and functions before the coming to effect of this Act and is serving in a county on the date of the constitution of that county government shall be deemed to be in the service of the county government on secondment from national government with their terms of service as at that date and—

(a) the officer's terms of service including remuneration, allowances and pension or other benefits shall not be altered to the officer's disadvantage; and

(b) the officer shall not be removed from the service except in accordance with the terms and conditions applicable to the officer as at the date immediately before the establishment of the county government or in accordance with the law applicable to the officer at the time of commencement of the proceedings for the removal; and

(c) The officer's terms and conditions of service may be altered to office's advantage.

And that the County executive via a letter dated 23rd July 2015 purported to deploy the former local authority staff with the terms and conditions contrary to their previous terms and conditions and that they are required to apply afresh for the internally advertised positions by the County Public Service Board and that the said former local authority staff are currently faced with psychological trauma and that their jobs are hanging in balance.

Further Aware that this County Assembly on 29th July, 2015 made a resolution that the County secretary, Director human resource department and the County Public Service Board do halt the deployment process until the issues raised in the statement by Hon. Julius Korir on 8th July 2015 and the petition before the senate are dispensed with and until a clear framework to ensure that the terms and conditions of the said staff are not altered;

Also aware that there have been numerous concerns regarding the manner in which recruitment of area and community administrators, enforcement officers and county health workers by the County Public Service Board was undertaken;

Further aware that there is a pending statement by Hon. Julius Korir which was seeking among other issues for an independent list of all the staff brought on board from the defunct local authorities indicating whether they are permanent or temporary and further aware that the petition pending before the Senate touching on the issue of the local authority staff has not been dispensed with; DEEPLY CONCERNED that the resolution by County Assembly touching on the issues of former local authority employees has been disregarded or not acted upon and that numerous concerns regarding the manner in which recruitment of area and community administrators, enforcement officers and county health workers has been handled; this County Assembly do resolve that the committee on Labour and Public Service investigate the County Secretary, Director of Human Resource and the County Public Service Board and report to the House as soon as practicable because of the urgency of the matter."

In a meeting held on 1st September, 2015, the proceedings of a motion tabled before the House on 13th August, 2015 at 2.30 pm quoted above was read out to the Committee. In the said motion, it had been resolved that the County Public Service Board and the County Secretary be investigated by the Labour and Public Service

Committee. Therefore the Terms of Reference are to investigate the named officers for contravening the law on the following issues:-

- a) Contravening Section 138(1) of the County Government Act on the issue of mistreatment of the employees of former Local Authorities;
- b) That via a letter dated 23rd July, 2015 the Executive purported to deploy the former local authority staff with their terms and conditions of service that are contrary to their previous terms and conditions where they were required to apply afresh for the internally advertised positions by the County Public service Board;
- c) For ignoring a resolution of the County Assembly given on 29th July, 2015 which had resolved categorically that the County Secretary, Director HR and the County Public Service Board do halt the deployment of Former Local Authority Staff until the issues raised in the Ministerial Statement sought by Hon. Julius Korir on 8th July, 2015 and a petition before the senate are dispensed with and until a clear framework to ensure that the terms and conditions of the said staff are not altered;
- d) Due to numerous concerns regarding the manner in which recruitment of Area and Community Administrators, Enforcement officers and County Health Workers by the County Public Service Board was undertaken;
- e) That there is a pending Ministerial Statement raised by Hon. Julius Korir which sought among other issues for an independent list of all the Staff brought on Board from the defunct local authorities indicating whether they are permanent or temporary;

6.1 Terms of Reference (TOR)

6.1.1 The County Secretary & the HR Director.

The Committee will investigate the County Secretary on the following grounds;

- a) The County Secretary has not cooperated on the issues raised in a Ministerial Statement dated 8th July, 2015 on the need for a comprehensive

list of all staff of the County Government of Bomet since it came to being in March, 2013 to date.

- b) To investigate the County Secretary for contravening the law on the whole issue of the mishandling of the former local authorities employees. The mistreatment has led to psychological trauma after being forced to apply for their jobs that will alter their terms and conditions of service contrary to Section 138(1) of the County Government Act, 2012.
- c) The County Secretary will be investigated on the issue of the Enforcement Officers whose list the CPSB withdrew but the County Secretary went ahead to engage unlawfully.

It was resolved at this point that the County Public Service Board should be invited to give a brief on the issue of the Enforcement Officers and the former Local Authority employees.

6.2 The County Public Service Board.

The CPSB will be investigated on the way the Area & Community Administrators have been handled. However, the final decision to investigate the service board will be decided finally after they hand over the list of the panelists as per the Ministerial Statement dated 9th June, 2015.

Finally it was unanimously resolved that the final decision whether to go ahead with the above stated investigation as per the Motion will be arrived at after 2nd September, 2015 when all the responses from the CPSB and the County Secretary on all pending Ministerial Statements are expected to have been received.

6.3 Recommendations.

It is the view of the members that the motion was premature because the statements referred to had not been concluded and therefore the areas to be investigated were not definite. It is recommended that **an external, independent and legally recognized body should carry out investigation on the County Secretary & CPSB on the following issues;**

6.4 County Secretary.

- k) Failure to implement the resolutions of the County Assembly on
 - Recruitment of enforcement officer
 - Former Local authority employees

- l) Failure to give information to County Assembly Committees eg giving contradictory reports like in the case of a statement dated 8th July, 2015.

6.5 County Public Service Board

- m) Incompetence in enforcement of the Law as seen in the following instances

- Managing the delegation process in the recruitment of Area & Community Administrators.
- Lack of control in their duties as seen in the instance when it failed to follow-up on the issue of recruitment of enforcement officers
- Cancellation of several recruitment processes
- Failure to use an approved scheme of service.
- Failure to develop a recruitment policy.
- Failure to give adequate and timely information whenever required by County Assembly Committees.

Any other relevant areas as given in the Motion.

MINUTES OF THE COMMITTEE ON LABOUR AND PUBLIC SERVICE HELD AT THE COMMITTEE'S ROOM ON 9TH JUNE 2015 AT 1145 HOURS

MEMBERS PRESENT

1. Hon. Reuben Langat –Chairperson
2. Hon. Bency Too- Vice chairperson
3. Hon. John Ngetich
4. Hon. David Rotich
5. Hon. Christopher Ngeno
6. Hon. Cecilia Towett
7. Hon. Aurelia Chepkirui

IN ATTENDANCE.

Keneth Langat - taking minutes.

AGENDA

1. Preliminaries
2. Adoption of Petition Report
3. Statement on Delegation of recruitment of staff by the CPSB
4. AOB & Adjournment

MIN 79/06/2015 PRELIMINARIES

The Chairperson called the meeting to order. Hon. David Rotich said the opening prayer. He further communicated to the members that the previous minutes will be read in the subsequent meeting.

MIN.80/06/2015 ADOPTION OF PETITION REPORT

The chairperson directed that the members be taken through the final draft of the report on the petition by the Bomet branch secretary, Kenya County Government Workers Union.

Upon going through the report, the committee adopted the observations, findings and the recommendations unanimously.

RESOLUTION

The committee resolved to adopt the report and recommended it for tabling at the assembly for further action.

MIN.81/06/2015 STATEMENT ON DELEGATION OF RECRUITMENT BY THE COUNTY PUBLIC SERVICE BOARD

The committee went through the response by the County Public Service Board regarding the statement sought by Hon. John Ngetich on the delegation of recruitment of the county executive administration staff by the board.

Upon deliberation, the committee observed that;

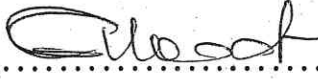
- i. The response as given answered satisfactorily the issues raised by Hon. John Ngetich
- ii. The issue as to whether the guidelines given by the CPSB were followed or not by the persons to whom the recruitment was delegated to could not be established and that the same could only be clarified if a specific statement on the same is raised.

RESOLUTION

The committee resolved that the response was satisfactory and recommended that the same be tabled in the assembly.

There being no other business the meeting was adjourned at 1230 hours. Hon Cecilia Towett said the closing prayer.

Confirmed.......... Date. 29/9/2015
Hon. Reuben Langat,
Chair – LABOUR & PUBLIC SERVICE.

Certified ..... Date. 29-9-15
S. Koech,
Secretary/Committee Clerk

MINUTES OF THE COMMITTEE ON LABOUR AND PUBLIC SERVICE HELD IN THE COMMITTEE ROOM ON 9TH JULY, 2015 AT 9.30 AM.

MEMBERS PRESENT

- | | |
|-------------------------------|--------------------|
| 1. Hon. Reuben Langat | - Chairperson |
| 2. Hon. Bency Too | - Vice chairperson |
| 3. Hon. Christopher Ngeno | - Member. |
| 4. Hon. David Rotich Big Five | - Member. |
| 5. Hon. Aurelia Chepkirui | - Member. |
| 6. Hon. John Ngetich | - Member. |

ABSENT WITH APOLOGY.

- | | |
|------------------------|----------|
| 7. Hon. Cecilia Towett | - Member |
|------------------------|----------|

IN ATTENDANCE.

S. Koech -- Committee Clerk.

MIN 89/07/2015 PRELIMINARIES

The Chairman called the meeting to order at 9.35 am and thereafter requested Hon. David Rotich Big Five to open with a word of prayer.

MIN. 90/07/2015 CONFIRMATION OF MINUTES.

The Minutes of a meeting held on 7th July, 2015 were read out by the Chair. On a proposal by Hon. Aurelia Chepkirui and being seconded by Hon. Bency Too, the minutes were confirmed as true records of the previous meeting's proceedings.

There were no matters arising.

MIN. 91/07/2015 TO CONSIDER THE MINISTERIAL STATEMENT TABLED ON 8TH JULY, 2015.

A Ministerial Statement dated 8th July, 2015 at 2.30 pm was read out to the meeting. In the Statement a Hononourable Member was seeking for a statement from the office of the County Secretary, County Public Service Board and office of the

County Director of Human Resource on all the County Staff both on Permanent and Contractual terms as from **April 2013 to 30th June 2015**. Specifically the Statement sought the following:-

1. An independent list of all the Staff brought on board from the defunct Local Authorities showing whether they are permanent or temporary.
2. All the newly employed staff that were brought on board after the swearing in of the new County Government.
3. List of staff who were either facing disciplinary cases or criminal cases or those who left employment on their own volition or sacked.
4. That the payroll with all the employees both permanent and temporary staff should be submitted by the Human Resource Director.

The members then deliberated on the issues and finally

RESOLVED

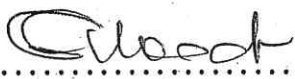
- a) That the 7-days given to the committee to compile the report are not enough. So it was agreed that the work should commence immediately and if the deadline given is not met, then more time be requested.
- b) The County Secretary should be requested to provide the information highlighted in the Statement.
- c) That the list should include devolved staff from national government like agriculture, health etc plus those from the County Assembly itself.
- d) That a format that includes name, ID Number, date of birth, date of first appointment, current designation, job grade, current work station, highest qualifications, gross salary etc must be used.
- e) For temporary/contractual/ casual staff, the information needed should show contract commencement date, contract renewal date and supervisor of the officers for each category in addition to information listed in (c) above.

- f) That the requested payroll should specifically include the months of April 2013, June 2013, July 2014 and June, 2015.

There were no AOB and the meeting closed officially at 11.37 am with closing prayers led by Hon. Aurelia Chepkirui.

Confirmed.......... Date. 29/9/2015
Hon. Reuben Langat,

Chair – LABOUR & PUBLIC SERVICE.

Certified..... Date. 29-9-15
S. Koech,

Secretary/Committee Clerk.

**MINUTES OF THE COMMITTEE ON LABOUR AND PUBLIC SERVICE HELD
IN THE COMMITTEE ROOM ON 14TH JULY, 2015 AT 12.00PM.**

MEMBERS PRESENT

- | | |
|-------------------------------|---------------|
| 1. Hon. Reuben Langat | - Chairperson |
| 1. Hon. Christopher Ngeno | - Member. |
| 2. Hon. David Rotich Big Five | - Member. |
| 3. Hon. Cecilia Towett | - Member |
| 4. Hon. John Ngetich | - Member. |

ABSENT.

- | | |
|---------------------------|--------------------|
| 5. Hon. Aurelia Chepkirui | - Member |
| 6. Hon. Bency Too | - Vice chairperson |

IN ATTENDANCE.

S. Koech – Committee Clerk.

MIN 92/07/2015 PRELIMINARIES

The Chairman called the meeting to order at 12.03pm and thereafter requested Hon. Cecilia Towett to open with a word of prayer.

MIN. 93/07/2015 CONFIRMATION OF MINUTES.

Confirmation of Minutes was deferred. Therefore there were no matters arising.

MIN. 94/07/2015 TO CONSIDER THE RESPONSE FROM THE COUNTY SECRETARY ON A MINISTERIAL STATEMENT TABLED ON 8TH JULY, 2015.

The Chair read out a letter dated 9th July 2015 addressed to the County Secretary by the Clerk of the County Assembly asking him to submit a comprehensive statement on all the County Staff both on Permanent and Contractual terms as from April, 2013 to 30th June, 2015. Furthermore, the Chair also tabled and read out the County Secretary's response to the Ministerial Statement dated 13th July, 2015. Part of The County Secretary's response is hereby quoted for clarity:

“The above matter refers and your letter dated 9th July, 2015 seeking among other things the Bio data of all employees of the County Government of Bomet and detailed information on them.

We have noted the concerns raised and respond as follows;

- a) The Ministerial Statement raised on the floor of the House on 8th July, 2015 is contrary to the principle of separation of powers and intrudes into the exclusive functions of the executive.*
- b) The Ministerial Statement is contrary to the role of the County Assembly enshrined under Section 8 of the County Government Act. Under this provision collection of Bio Data on County employees is not one of the roles of the County Assembly.*

Further under section 9 of the County Government Act, a member of the County Assembly shall not directly or indirectly be involved in the executive functions or the County government and its administration.

Employment and disciplinary matters of employees in the County Government is a mandate and function of the Executive and it is our considered view that where such information is required by the assembly on a particular issue, it should be through Audit/Committee reports of the relevant bodies mandated by the Law.

We also find it strange that we are being required to provide such detailed information within a period of seven (7) days that may ordinarily require a task force to do so at least three months (3)?

We therefore advice that the Ministerial Statement sought is contrary to the provisions of the law and the Assembly has overstepped its oversight mandate by requiring some detailed information of staff contrary to provisions of the law as stated in the County Government Act.”

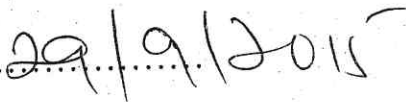
The committee members discussed the contents of the letter and unanimously

RESOLVED

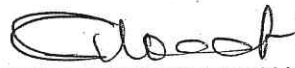
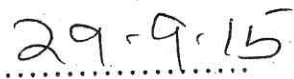
- a) That the Committee on Labour & Public Service has not overstepped its mandate because the main function of the County Assembly is oversight.

- b) That the County Assembly and more so the Committee on Labour and Public Service will not shy away from carrying out its mandate at all times.
- c) That the Legal officers be mandated to give a legal opinion and assist to draft a second letter for the signature of the Clerk of the County Assembly. The Legal Experts should highlight the law on the oversight role of the County assembly.
- d) That the County Secretary/Human Resource should be notified for the second time to provide the information in the format given earlier to assist prepare a comprehensive Ministerial Statement.

There were no AOB and the meeting closed officially at 12.23 pm with prayers led by Hon. David Rotich Big Five.

Confirmed.......... Date........
Hon. Reuben Langat,

Chair – LABOUR & PUBLIC SERVICE.

Certified..... Date........
S. Koech,

Secretary/Committee Clerk.

**MINUTES OF THE COMMITTEE ON LABOUR AND PUBLIC SERVICE HELD
IN THE COMMITTEE ROOM ON 20TH JULY, 2015 AT 12.30 PM.**

MEMBERS PRESENT

- | | |
|---------------------------|--------------------|
| 1. Hon. Reuben Langat | - Chairperson |
| 1. Hon. Bency Too | - Vice chairperson |
| 2. Hon. Christopher Ngeno | - Member. |
| 3. Hon. Cecilia Towett | - Member |
| 4. Hon. John Ngetich | - Member. |
| 5. Hon. Aurelia Chepkirui | - Member |

ABSENT WITH APOLOGY.

- | | |
|-------------------------------|----------|
| 6. Hon. David Rotich Big Five | - Member |
|-------------------------------|----------|

IN ATTENDANCE.

S. Koech – Committee Clerk taking minutes.

MIN 97/07/2015 PRELIMINARIES

The Chairman called the meeting to order at 12.45 pm and thereafter requested Hon. Aurelia Chepkirui to open with a word of prayer. Confirmation of Minutes was deferred. Therefore there were no matters arising.

MIN. 98/07/2015 MINISTERIAL STATEMENT DATED 9TH JUNE, 2015.

The Chair read out the Ministerial Statement quoted above. It was noted that the same was due for deliberation on the floor of the house on Tuesday 28th July, 2015.

After a long perusal and deliberation on the issues raised therein, the members unanimously

RESOLVED

- a) That a letter be written to the Secretary County Public Service Board to urgently avail the following:

- A comprehensive longlist of all applicants to the position of Area and Community Administrators;
- The guidelines issued by the County Public Service Board to the panel which was constituted to shortlist and recruit applicants;
- The composition of the various panels constituted to shortlist and recruit the applicants and how they were constituted.

b) That the response from the Secretary CPSB should reach the office of the Clerk of the Assembly latest Thursday 23rd July, 2015.

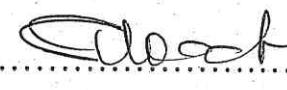
MIN. 99/07/2015 AOB.

It was pointed out that there was an urgent need to organize a training on Labour Laws and all HR issues. The chair promised to liaise with USAid program organizers in the Assembly with the sole aim of slotting the issues above in their proposed training programs.

There were no any other issues for discussion and the meeting closed officially at 1.30 pm with prayers led by Hon. Cicilia Towett.

Confirmed.......... Date..29/9/2015
Hon. Reuben Langat,

Chair – LABOUR & PUBLIC SERVICE.

Certified..... Date..29.9.15
S. Koech,

Secretary/Committee Clerk.

**MINUTES OF LABOUR AND PUBLIC SERVICE COMMITTEE MEETING HELD
ON 27TH JULY, 2015 AT 12.30 PM IN THE COMMITTEE ROOM.**

MEMBERS PRESENT

- | | |
|-------------------------------|--------------------|
| 1. Hon. Reuben Langat | - Chairperson |
| 1. Hon. Bency Too | - Vice chairperson |
| 2. Hon. Christopher Ngeno | - Member. |
| 3. Hon. Cecilia Towett | - Member |
| 4. Hon. John Ngetich | - Member. |
| 5. Hon. Aurelia Chepkirui | - Member |
| 6. Hon. David Rotich Big Five | - Member |

IN ATTENDANCE.

S. Koech – Committee Clerk taking minutes.

MIN 100/07/2015 PRELIMINARIES

The Chairman called the meeting to order at 12.45 pm and thereafter requested Hon. David Rotich Big Five to open with a word of prayer.

MIN. 101/07/2015 CONFIRMATION OF MINUTES.

- a) The Minutes of a meeting held on **9th July, 2015** were read out. On a proposal by Hon. John Ngetich and being seconded by Hon. Bency Too, the minutes were confirmed and adopted as true records of the previous meetings proceedings.
- b) The Minute of a meeting held on **17th July, 2015** were tabled and read out. On a proposal by Hon. John Ngetich and being seconded by Hon. Bency Too, the minutes were confirmed and adopted as true records of the previous meetings proceedings.
- c) The Minutes of a meeting held on **20th July, 2015** were read out to the members. On a proposal by Hon. Cecilia Towett and being seconded by Hon. Aurelia Chepkirui, the minutes were confirmed and adopted as true records of the previous meeting's proceedings.

There were no matters arising.

MIN. 102/07/2015 WAYFORWARD ON MINISTERIAL STATEMENTS.

The Chair informed members that there were two ministerial statements still pending as follows:

- a) A Ministerial Statement dated 9th June, 2015.
- b) A Ministerial Statement dated 8th July, 2015.

It was further noted that the statements were due on 28th July, 2015 and yet relevant documents requested from the County Secretary's office had delayed.

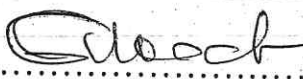
It was therefore agreed that the Chair be mandated to give a statement on the floor of the House on 8th July, 2015 on the situation/challenge being faced by the committee in handling statements.

There being no AOB, the meeting closed officially at 1.44 pm with closing prayers led by Hon. Aurelia Chepkirui.

Confirmed.......... Date..29/9/2015

Hon. Reuben Langat,

Chair – LABOUR & PUBLIC SERVICE.

Certified .....Date..29.9.15

S. Koech,

Secretary/Committee Clerk.

**MINUTES OF LABOUR AND PUBLIC SERVICE COMMITTEE MEETING HELD
ON 30TH JULY, 2015 AT 10.00 AM IN THE COMMITTEE ROOM.**

MEMBERS PRESENT

- | | |
|-------------------------------|--------------------|
| 1. Hon. Reuben Langat | - Chairperson |
| 1. Hon. Bency Too | - Vice chairperson |
| 2. Hon. Christopher Ngeno | - Member. |
| 3. Hon. Cecilia Towett | - Member |
| 4. Hon. John Ngetich | - Member. |
| 5. Hon. Aurelia Chepkirui | - Member |
| 6. Hon. David Rotich Big Five | - Member |

IN ATTENDANCE.

S. Koech – Committee Clerk taking minutes.

MIN. 103/07/2015 PRELIMINARIES

The Chairman called the meeting to order at 10.30 am and thereafter requested Hon. Aurelia Chepkirui to open with a word of prayer.

**MIN. 104/07/2015 FOLLOW-UP ON CASE OF DANIEL KIPKORIR
NGETICH.**

A brief report from the County Public Service Board dated 15th July, 2015 Ref. CPSB/LETT/4/7/2015 on the case of Mr. Daniel Kipkorir Ngetich was tabled before the meeting. Mr. Ngetich was among those who had petitioned the County Assembly for unlawful suspension and later took the case to Court.

The findings of the CPSB are hereby reproduced for clarity;

“FINDINGS.

The Board after interviewing the concerned parties noted the following:-

- i.) That Daniel Kipkorir Ngetich was seconded as a procurement officer for a period of three months where he served under the production Manager.*
- ii.) Fair hearing was not accorded to Mr. Daniel Kipkorir Ngetich.*

- iii.) *The County Public Service Board were not served with copies of letters of discipline by Human Resources Department before he moved to court.*
- iv.) *Mr. Daniel Kipkorir Ngetich was suspended for over six months with no payment of salaries and allowances.*
- v.) *Mr. Daniel Kipkorir Ngetich was not in touch with the process of payment of Maize suppliers.*
- vi.) *There was no government fixed price for Maize in that period.*
- vii.) *There was no verbal or written complaint from the management of Korokwony co-operative Society against Mr. Daniel Kipkorir Ngetich as there was no loss incurred.*
- viii.) *Mr. Daniel Kipkorir Ngetich did not determine the market price at Kshs. 2800 per 90 kg bag but was discussed and agreed upon by Korokwony Co-operative Management and invitations were circulated to local farmers to supply maize at Kshs. 2800 per 90 kg bag.*
- ix.) *The three officials of Korokwony Co-operative Society were unaware that Mr. Daniel Kipkorir Ngetich had been suspended. They had agreed to buy 90 kg bag of maize at Kshs. 2800.*
- x.) *There was neither loss nor audit queries reported from the audited accounts.*

CONCLUSION.

The Board directs that Mr. Daniel Kipkorir Ngetich be reinstated unconditionally with payment of the withheld salaries and allowances from the date of suspension with no loss of benefits.”

After a brief discussion of the findings and conclusion of the CPSB above, it was unanimously

RESOLVED

- a) That since the case facing Mr. Daniel Kipkorir Ngetich has been concluded as per the report from the County Public Service Board, he should be reinstated with no further delay. His withheld salary arrears be paid in full.

The Committee agrees and supports the resolution of the Bomet County Public Service Board and the Court.

- b) That County Secretary and/or the Human Resource Director who has been suspending officers unlawfully should be strongly reprimanded. The reprimand should remind the officer(s) to get information and follow the law in all disciplinary cases to avoid a situation where officers are unlawfully frustrated and disciplined based on hearsay.

MIN. 105/07/2015 MINISTERIAL STATEMENT DATED 8TH JULY, 2015.

A second request letter written on 15th July, 2015 to the County Secretary to submit comprehensive bio-data and specified information on the county establishment was tabled and read out to the members. It was noted with concern that the office of the County Secretary has taken another 15 days and yet they have not acted nor availed the required information enumerated in the County Assembly Clerk's letter dated 13th July, 2015.

It was therefore unanimously

RESOLVED

- a) That the County Secretary be **SUMMONED** to appear in Person before the Committee on 6th August, 2015 in accordance with the Law. He should be notified to bring all the information requested earlier.
- b) That the Legal Office be requested to draft the summons for the signature of the officer authorized to sign summonses.
- c) That if the County Secretary fails to appear on 6th August, 2015 as directed, then the County Assembly will be advised to seek Legal redress.

MIN. 106/07/2015 MINISTERIAL STATEMENT DATED 9TH JUNE, 2015.

A letter from the Secretary County Public Service Board dated 15th July, 2015 Ref. No. CPSB/LETT/4/7/2015 was read out to the Committee. The Secretary highlighted the following issues raised in the Ministerial Statement;

- i) **Summary of Longlist.**

Konoin Sub-County.

Total No. of applications Received.

- Community Administrator - 407
- Area Administrator - 706

Chepalungu Subcounty.

Total No. of applications Received.

- Community Administrator - 438
- Area Administrator - 923

Bomet Central Subcounty.

Total No. of applications Received.

- Community Administrator - 473
- Area Administrator - 834

Bomet East Subcounty.

Total No. of applications Received.

- Community Administrator - 491
- Area Administrator - 828

Sotik Subcounty.

Total No. of applications Received.

- Community Administrator - 568
- Area Administrator - 1,004

ii) **The guidelines were well enumerated in brief as follows:**

- a) Shortlisting be done based on the longlist provided and the shortlisting panel be composed of
 - A Senior County Government Officer;
 - An officer from Human Resources Department;
 - A representative from the user department.
- b) Ensure that a standard interview assessment tool is developed for use during the interview; and each candidate's score sheet should be forwarded to the Board for record on conclusion of the exercise.
- c) The need for fair distribution should be adhered to.

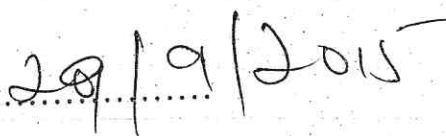
iii) **Composition of the various panels constituted to shortlist & recruit.**

The third issue raised in the statement on the composition of the various panels was not given and so the committee deliberated and

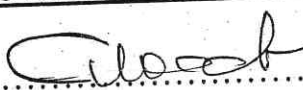
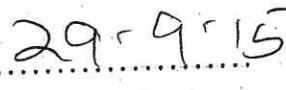
REOLVED

That the Secretary of the County Public Service Board be requested again to provide the list of the various panels that undertook the shortlisting and interview of the Area and Community Administrators for all the five sub-counties. This would assist the committee to conclusively handle the statement as given.

There being no AOB, the meeting closed officially with a word of prayer led by Hon. David Rotich BF at 12.11 pm.

Confirmed.......... Date..........
Hon. Reuben Langat,

Chair – LABOUR & PUBLIC SERVICE.

Certified..... Date..........
S. Koech,

Secretary/Committee Clerk.

**MINUTES OF LABOUR AND PUBLIC SERVICE COMMITTEE MEETING HELD
ON 10TH AUGUST, 2015 AT 8.30 AM IN THE BOARD ROOM.**

MEMBERS PRESENT

- | | |
|-------------------------------|--------------------|
| 1. Hon. Reuben Langat | - Chairperson |
| 2. Hon. Bency Too | - Vice chairperson |
| 3. Hon. Aurelia Chepkirui | - Member |
| 4. Hon. David Rotich Big Five | - Member |

ABSENT.

- | | |
|---------------------------|----------|
| 5. Hon. Christopher Ngeno | - Member |
| 6. Hon. Cecilia Towett | - Member |
| 7. Hon. John Ngetich | - Member |

IN ATTENDANCE.

- | | |
|--------------|-----------------------------------|
| S. Koech | - Committee Clerk taking minutes. |
| Haron Langat | - Senior Legal Clerk. |

IN ATTENDANCE BY INVITATION.

- | | |
|-------------------------|--------------------------------|
| 1. Haron Langat | - County Secretary. |
| 2. Mr. Wesley Sigei | - Asst. Director HR. |
| 3. Mr. Koech | - Senior Legal Officer. |
| 4. Mrs Corazon C. Koech | - Ag. Deputy County Secretary. |

MIN. 111/08/2015 PRELIMINARIES

The Chairman called the meeting to order at 10.20 am and thereafter requested Hon. Aurelia Chepkirui to open with a word of prayer.

Confirmation of minutes was deferred therefore no matters arose.

MIN. 112/08/2015 MINISTERIAL STATEMENT DATED 8TH JULY, 2015.

The Chair welcomed members to the meeting including the County Secretary and his team and thereafter requested the County Secretary to table the required information in the format outlined in the County Assembly Clerk's letter dated 9th July, 2015. The County secretary informed the committee that he did not have the information in the format suggested but he forwarded a written response.

WRITTEN RESPONSE FROM THE COUNTY SECRETARY.

The County Secretary tabled a written response dated 7th August, 2015 quoted here below.

“ We are in receipt of summons dated 3rd August, 2015, and Ministerial statement dated 8th July, 2015 seeking detailed personal information and/or data concerning all employees of the County.

The Ministerial Statement sought the following issues and we hereby respond accordingly:

1. Independent list of all staff brought on board from the defunct Local Authorities showing whether they are on permanent or temporary.

On this we would like to advice that the process of formally incorporating such employees in our county public service board is ongoing and is yet to be completed pursuant to Section 138 of the County Government Act, 2012. The Ministerial Statement sought is therefore premature and cannot at this stage be conclusively responded to. We have difficulty understanding the meaning of “independent list” of all staff. We do not have in our custody what is referred to as “independent” list.

2. All newly employed staff brought on board after the swearing in of the new County Government.

We have no problem stating the number of employees brought on board after the swearing in of the new County Government and this can only be availed to the relevant labour committee through the County Public Service Board.

3. List of staff facing disciplinary cases or criminal cases or those who left employment on their own volition or sacked.

We advise that matters pertaining disciplinary process is an exclusive function of the County Public Service Board and not the County Assembly. It is important to note that employees have a choice to leave service at their own volition. What is demanded is an exclusive function or mandate of the County Executive and the Assembly cannot interfere with such process as it may

prejudice the concerned employees as facing criminal proceedings or disciplinary process does not in itself determine guilt or otherwise of an employee before such cases are determined. Further, disclosing such information is res subjudice.

4. Disclosing of payroll of all employees to the Assembly.

It is imperative to note that the right to information under Article 35 of the Constitution does not expressly negate other fundamental rights enshrined under Article 31 of the Constitution. Payroll entails confidential information and thus cannot unnecessarily be revealed or disclosed to third parties in absence of a court order.

Be it as it may, we would like to advice that the oversight authority by the Assembly does not empower the Assembly to infringe on other people's rights as enshrined in the constitution.

Be advised that the ministerial statement sought is too general. Ministerial Statements ought to be specific to enable proper response.

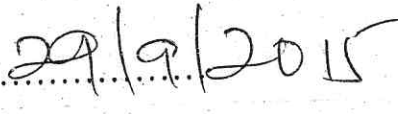
As earlier noted we would like the Assembly to be giving at least 14 days prior notification to enable us respond adequately to the Assembly on any matter."

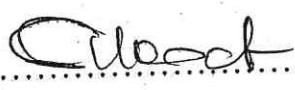
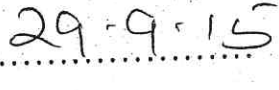
After long deliberations on the issues raised by the County Secretary in the letter quoted above, it was unanimously

RESOLVED

- a) That the County Secretary and his team from the Executive Arm of the county government be informed to avail the required information for the third time in the suggested format within 14 days.
- b) That the County Secretary be allowed the additional 14 days as they have requested. The countdown of the 14 days starts from 17th August, 2015. The information should reach the office of the Clerk on/or before 1st September, 2015.

There were no AOB and the meeting closed with prayers led by Hon. Bency Too at 12.00 pm.

Confirmed.......... Date.....
Hon. Reuben Langat,
Chair – LABOUR & PUBLIC SERVICE.

Certified..... Date.....
S. Koech,
Secretary/Committee Clerk.

**MINUTES OF LABOUR AND PUBLIC SERVICE COMMITTEE MEETING HELD
ON 11TH AUGUST, 2015 AT 8.30 AM IN THE BOARD ROOM.**

MEMBERS PRESENT

- | | |
|-------------------------------|--------------------|
| 1. Hon. Reuben Langat | - Chairperson |
| 2. Hon. Bency Too | - Vice chairperson |
| 3. Hon. Aurelia Chepkirui | - Member |
| 4. Hon. David Rotich Big Five | - Member |
| 5. Hon. Christopher Ngeno | - Member |
| 6. Hon. Cecilia Towett | - Member |
| 7. Hon. John Ngetich | - Member |

IN ATTENDANCE.

- S. Koech - Committee Clerk taking minutes.

IN ATTENDANCE BY INVITATION.

- | | |
|----------------------|---|
| 1. Amb. Joshua Terer | - Chairman County Public Service Board (CPSB) |
| 2. Mrs. Nelly Maina | - Member of CPSB. |

MIN. 113/08/2015 PRELIMINARIES

The Chairman called the meeting to order at 8.38 am and thereafter requested Hon. Aurelia Chepkirui to open with a word of prayer.

Confirmation of minutes was deferred, therefore there were no matters arising.

MIN. 114/08/2015 MINISTERIAL STATEMENT DATED 9TH JUNE, 2015.

**a) Composition of the Various Panels constituted to shortlist & interview
Area/Community Administrators.**

The Chairman welcomed the Chair of CPSB to table the required information on the various panels constituted to shortlist and interview the Area & Community administrators.

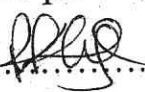
- The Chairman CPSB responded that they have not received a list of the persons nominated to shortlist and interview the said officers. He further stated that the exercise was still on-going and the County Secretary will

be asked to file a report on the same which will be analyzed to establish whether there was any deviation from the guidelines given by CPSB.

- He pointed out that the CPSB had provided a clear guideline and delegated authority but the final list of successful applicants will be brought for analysis and final appointment by the Board. He admitted that there was a delay in completion of the exercise by three months and that the results of the delegated process will be a learning process.
- He confirmed that although they had delegated the process to the sub-counties and Ward levels, the actual scoring of marks during the interviews was to be done by the three identified officers namely; A senior County Government Officer, an officer from HR and an officer from the user department.
- When asked whether the process was monitored by the CPSB, the Chair stated that they had left the process open to allow the panels carry out their mandate without interference. He promised that the CPSB will soon write to the County Secretary to demand for the progress report.
- When asked whether the suggested panel of three officers outlined in the guidelines was enough to carry out the exercise, he responded that the panel of three was expected to incorporate other interested stakeholders like the church, trade unions and a few others who were not supposed to score during the actual interview.
- On the language to be used during the interviews, the Chair stated that the official languages of Kiswahili, English and Kenyan Sign Language was to be used at all times during the recruitment process.
- He stated that the guiding law was the Bomet County Coordination Act, 2014.
- When asked how many officers were expected to be recruited in the whole process, the Chairman CPSB responded that this part was overlooked but he promised to give a fixed number of officers as needed. The academic level was well stated and the age limit was as per the existing Pension Laws which state that a person should work for at least 10 years before they can benefit. They had suggested a person of between 18 – 50 years of age.

- loose trust in the County Government when a recruitment is cancelled without clear explanation.
- b) That the CPSB be requested to avail the minutes of discussions with user departments when the requisitions to advertise the jobs was being prepared.
 - c) That the CPSB should in future put in place mechanism that will assist the Board refuse to be intimidated into cancelling a process of recruitment which has already started. The Board should strengthen mechanisms that will ensure that the user department cannot rescind their own requisition and easily demand for cancellation.
 - d) The CPSB should ensure that the Law is adhered to at all times during recruitment. This would ensure fairness is adhered to at all times.
 - e) That the Clerk of the County Assembly be requested to write a request to the CPSB to prepare and forward a written response on the issues raised in the motion dated 5th August, 2015.

There was no AOB, and the meeting close with prayers led by Hon. Cecilia Towett at 12.30 pm.

Confirmed.......... Date. 29/9/2015
Hon. Reuben Langat,

Chair – LABOUR & PUBLIC SERVICE.

Certified..... Date. 29.9.15
S. Koech,

Secretary/Committee Clerk.

- The CPSB will vet the documents and the successful applicants will be verified using the score cards used during the interviews and the guidelines before the Board appoints the officers in writing. After the deliberations on the above presentations by the Chair CPSB and his team above, it was unanimously

RESOLVED

- a) That the CPSB should avail a full list of all the Panel members who carried out short listing and interviews for Area and Community Administrators for all the five sub-counties by 20th August, 2015.

MIN. 115/08/2015 HEALTH WORKERS MOTION ON CANCELLATION OF ADVERTS DATED 4TH AUGUST, 2015.

The Chair CPSB was requested to give his views on the reasons of the cancellation of the recruitment process of the Health Workers. He stated that all job adverts originates from the user departments which send a written requisition to the County Public Service Board.

He therefore stated that the cancellation of the Health Workers recruitment was after the CPSB received a letter from the County Secretary requesting the Board to cancel the requisition and the whole recruitment process.

After long deliberations, the committee unanimously

RESOLVED

- a) That the CPSB should in future insist that that a reason be stated clearly because such cancellations leads to loss of resources due to cost of advertising and cancellation in the newspapers. Furthermore, it raises suspicion in the minds of the public who

**MINUTES OF LABOUR AND PUBLIC SERVICE COMMITTEE MEETING HELD
ON 31ST AUGUST, 2015 AT .30 PM IN THE BOARD ROOM.**

MEMBERS PRESENT

- | | |
|-------------------------------|--------------------|
| 1. Hon. Reuben Langat | - Chairperson |
| 2. Hon. Bency Too | - Vice chairperson |
| 3. Hon. Aurelia Chepkirui | - Member |
| 4. Hon. David Rotich Big Five | - Member |
| 5. Hon. Christopher Ngeno | - Member |
| 6. Hon. Cecilia Towett | - Member |
| 7. Hon. John Ngetich | - Member |

IN ATTENDANCE.

S. Koech - Committee Clerk.

MIN. 116/08/2015 PRELIMINARIES

The Chairman called the meeting to order at 1.57 pm and thereafter requested Hon. Aurelia Chepkirui to open with a word of prayer.

Confirmation of minutes was deferred, therefore there were no matters arising.

MIN. 117/08/2015 WAY FORWARD ON MINISTERIAL STATEMENTS.

The Chair reminded the meeting that there were two ministerial statements and one motion that were pending and needed to be concluded urgently as follows;

a) Motion on Cancellation of the recruitment process for Health Workers dated 5th August, 2015.

The Chair reported that he had met the Chairperson and Secretary of the County Public Service Board (CPSB) who promised to forward the required response by Wednesday 2nd September, 2015.

b) Ministerial Statement dated 9th June, 2015 on recruitment of Area & Community Administrators.

It was further reported that the clarification on part (iii) of the statement on the list of panelists will be ready by Wednesday 2nd September, 2015 as reported by the Chair CPSB.

c) **The Ministerial Statement dated 8th July, 2015 on comprehensive list of County Employees.**

It was reported to the members that the County Secretary had stated and requested for 14 more days w.e.f 17th August, 2015 to avail the said report before the committee. The Chair further informed members that an officer from the Executive, one Mr. Mutai David had paid a courtesy call on him requesting for a joint meeting of the Committee and the HR/County Secretary's office to iron out issues of mutual interest to the two arms of Government including the issues raised in the Ministerial Statement.

After the above brief reports were given to the meeting, the members discussed the issues at length and unanimously

RESOLVED

- a) That the Chairperson be mandated to call the County Secretary to ask for a final clarification as to when the information will be availed to the Committee as promised in his letter dated 7th August, 2015.
- b) That the joint retreat suggested by Mr. Mutai be organized as soon as the issues raised in the Ministerial Statement are fully addressed and the Committee has a comprehensive report.

There were no AOB and the meeting closed with a word of prayer led by Hon. Cecilia Towett at 2.30 pm.

Confirmed.....

Date.....

Hon. Reuben Langat,

Chair – LABOUR & PUBLIC SERVICE.

Certified

Date.....

S. Koech,

Secretary/Committee Clerk.

**MINUTES OF LABOUR AND PUBLIC SERVICE COMMITTEE MEETING HELD
ON 1ST SEPTEMBER, 2015 AT 11.30 AM IN THE BOARD ROOM.**

MEMBERS PRESENT

- | | |
|-------------------------------|--------------------|
| 1. Hon. Reuben Langat | - Chairperson |
| 2. Hon. Bency Too | - Vice chairperson |
| 1. Hon. Aurelia Chepkirui | - Member |
| 2. Hon. David Rotich Big Five | - Member |
| 3. Hon. Christopher Ngeno | - Member |
| 4. Hon. John Ngetich | - Member |

ABSENT.

- | | |
|------------------------|----------|
| 5. Hon. Cecilia Towett | - Member |
|------------------------|----------|

IN ATTENDANCE.

- | | |
|----------|--------------------|
| S. Koech | - Committee Clerk. |
|----------|--------------------|

MIN. 118/09/2015 PRELIMINARIES

The Chairman called the meeting to order at 11.40 am and thereafter requested Hon. Bency Too to open with a word of prayer.

Confirmation of minutes was deferred, therefore there were no matters arising.

**MIN. 119/09/2015 MOTION ON INVESTIGATION OF THE COUNTY
PUBLIC SERVICE BOARD AND COUNTY SECRETARY TABLED ON
THURSDAY 13TH AUGUST, 2015 AT 2.30 PM.**

The proceedings of a motion tabled before the House on 13th August, 2015 at 2.30 pm was read to the Committee. In the said motion, it had been resolved that the County Public Service Board and the County Secretary be investigated by the Labour and Public Service. Therefore the Terms of Reference are to investigate the named officers for contravening the law on the following issues:-

- a) Contravening Section 138(1) of the County Government Act on the issue of mistreatment of the employees of former Local Authorities;

- b) That via a letter dated 23rd July, 2015 the Executive purported to deploy the former local authority staff with their terms and conditions of service that are contrary to their previous terms and conditions where they were required to apply afresh for the internally advertised positions by the County Public service Board;
- c) For ignoring a resolution of the County Assembly given on 29th July, 2015 which had resolved categorically that the County Secretary, Director HR and the County Public Service Board do halt the deployment of Former Local Authority Staff until the issues raised in the Ministerial Statement sought by Hon. Julius Korir on 8th July, 2015 and a petition before the senate are dispensed with and until a clear framework to ensure that the terms and conditions of the said staff are not altered;
- d) Due to numerous concerns regarding the manner in which recruitment of Area and Community Administrators, Enforcement officers and County Health Workers by the County Public Service Board was undertaken;
- e) That there is a pending Ministerial Statement raised by Hon. Julius Korir which sought among other issues for an independent list of all the Staff brought on Board from the defunct local authorities indicating whether they are permanent or temporary;

Terms of Reference (TOR)

The County Secretary & the HR Director.

The Committee will investigate the County Secretary on the following grounds;

- a) The County Secretary has not cooperated on the issues raised in a Ministerial Statement dated 8th July, 2015 on the need for a comprehensive list of all staff of the County Government of Bomet since it came to being in March, 2013 to date.

- b) To investigate the CS for contravening the law on the whole issue of the mishandling of the former local authorities employees leading to mistreatment leading to psychological trauma on being forced to apply for their jobs that will alter their terms and conditions of service contrary to Section 138(1) of the County Government Act, 2012.
- c) The CS will be investigated on the issue of the Enforcement Officers whose list the CPSB withdrew but the County Secretary went ahead to engage unlawfully.

It was resolved at this point that the County Public Service Board should be invited to give a brief on the issue of the Enforcement Officers and the former Local Authority employees being handled.

The County Public Service Board.

The CPSB will be investigated on the way the Area & Community Administrators have been handled. However, the final decision to investigate the service board will be decided finally after they hand over the list of the panelists as per the Ministerial Statement dated 9th June, 2015.

Finally it was unanimously

RESOLVED

- a) That the final decision whether to go ahead with the above stated investigation as per the Motion will be arrived at after 2nd September, 2015 when all the responses from the CPSB and the County Secretary on all pending Ministerial Statements are expected to have been received.
- b) That the committee Clerk be informed to prepare a detailed report on the status of all the pending Ministerial Statements.

MIN. 120/09/2015 AOB.

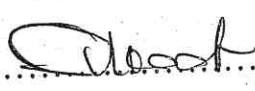
There was need to also investigate the danger of employing underqualified and overqualified staff in the County. Duplication of roles was also reported as another issue that required attention. The issue was discussed briefly and finally it was

RESOLVED

- 1) That a comprehensive HR Audit of all staff working in the County Government of Bomet was needed urgently.
- 2) That a comprehensive **Scheme of Service** was needed to address and guide the County Government on all issues of employment, placement, progression and promotions was required urgently.

There being no any other issues for discussion, the meeting closed at 12.35 pm with a word of prayer led by Hon. Aurelia Chepkirui.

Confirmed.......... Date 29/9/2015
Hon. Reuben Langat,
Chair – LABOUR & PUBLIC SERVICE.

Certified..... Date 29.9.15
S. Koech,
Secretary/Committee Clerk.

**MINUTES OF LABOUR AND PUBLIC SERVICE COMMITTEE MEETING HELD
ON 3RD SEPTEMBER, 2015 AT 9.30 AM IN THE BOARD ROOM.**

MEMBERS PRESENT

- | | |
|-------------------------------|--------------------|
| 1. Hon. Reuben Langat | - Chairperson |
| 2. Hon. Bency Too | - Vice chairperson |
| 6. Hon. Aurelia Chepkirui | - Member |
| 7. Hon. David Rotich Big Five | - Member |
| 8. Hon. Christopher Ngeno | - Member |
| 9. Hon. John Ngetich | - Member |
| 10. Hon. Cecilia Towett | - Member |

IN ATTENDANCE.

S. Koech - Committee Clerk.

MIN121/09/2015 PRELIMINARIES

The Chairman called the meeting to order at 9.40 am. Hon. Cecilia Towett opened with a word of prayer.

Confirmation of minutes was deferred, therefore there were no matters arising

**MIN. 122/09/2015 FINAL RESPONSE FROM THE COUNTY
SECRETARY ON THE MINISTERIAL STATEMENT DATED 8TH JULY,
2015 ON LIST OF STAFF.**

The Chair read out a response letter from the County Secretary dated 31st August, 2015 addressed to the Clerk of the County Assembly Ref. BC.26/15/1; quoted here below:-

‘REF: MINISTERIAL STATEMENT ON COUNTY STAFF INFORMATION

Further to our meeting of 10th August, 2015 and my letter dated 7th August, 2015 on the above subject, I respond as follows:

1. My office sought direction from the Executive Committee and advised that any personal information including list of names of County Employees can only be availed through audit reports.
 2. On the numbers of employees brought on Board since the inception of the County Government the body mandated by law to avail such information is the County Public Service Board through their Annual Report to the Assembly.
- Please inform the committee accordingly''

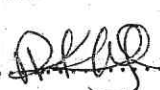
After some discussions, it was unanimously

RESOLVED

- a) That the final conclusions be made out of the available information for all the Ministerial Statements.
- b) That the Clerk of the County Assembly be requested to facilitate the Committee members for a 3-day report writing retreat in Kisumu from Tuesday 8th September, 2015 to Friday 11th September, 2015 to compile all the Ministerial Statements and Motions.

The people to attend the retreat are 7 committee members, clerk of the Committee and a Legal Officer.

There were no AOB and the meeting closed at 1.00 pm with prayers led by Hon. Aurelia Chepkirui.

Confirmed.....  Date 29/9/2015
 Hon. Reuben Langat,
Chair – LABOUR & PUBLIC SERVICE.

Certified  Date 29.9.15
 S. Koech,
Secretary/Committee Clerk.

**MINUTES OF LABOUR AND PUBLIC SERVICE COMMITTEE MEETING HELD
ON 8TH SEPTEMBER, 2015 AT 11.00 AM IN THE BOARD ROOM.**

MEMBERS PRESENT

- | | |
|-------------------------------|--------------------|
| 1. Hon. Reuben Langat | - Chairperson |
| 2. Hon. Bency Too | - Vice chairperson |
| 3. Hon. Aurelia Chepkirui | - Member |
| 4. Hon. David Rotich Big Five | - Member |
| 5. Hon. Christopher Ngeno | - Member |
| 6. Hon. John Ngetich | - Member |

ABSENT

- | | |
|------------------------|----------|
| 7. Hon. Cecilia Towett | - Member |
|------------------------|----------|

IN ATTENDANCE.

S. Koech - Committee Clerk.

MIN123/09/2015 PRELIMINARIES

The Chairman called the meeting to order at 11.30 am. Hon. Aurelia Chepkirui opened with a word of prayer.

Confirmation of minutes was deferred, therefore there were no matters arising

**MIN. 124/09/2015 RESOLUTION TO INVESTIGATE THE MANNER THE
SHORTLISTING OF THE HEALTH WORKERS WAS UNDERTAKEN.**

A response letter from the Secretary of the County Public Service Board dated 8th September, 2015 Ref. CPSB/LETT/20/9/2015 was tabled before the committee. The same is hereby reproduced for clarity;

“ REF: ADVERTISED POSITIONS IN HEALTH DEPARTMENT.

Reference is made to your letter of 11th August, 2015.

Recruitment and selection process for the positions in health department was done according to the specifications given by the user department; and the Board acting

as an agent in the process adheres to what the user demands. This principle and procedure applies to all other positions.

The exercise was carried on with the presence, participation and concurrence of six senior officers from the user department (Extract of Minutes attached).

The panel came up with the shortlist and a schedule of interviews drawn with the candidates notified in the print media.

The executive realized that the two – year experience that they had given as a requirement disqualified majority of applicants and they therefore decided to cancel the entire exercise through their letter to the Board dated 29th June, 2015.”

Members then perused and discussed the issues raised in the letter and

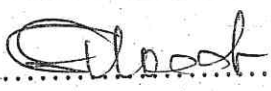
RESOLVED

- a) That the Clerk of the County Assembly be requested to urgently organize and facilitate a report writing retreat as recommended in Min. 122/09/2015 above. The retreat should be held in Kisumu to prepare and write a comprehensive report for all the pending statements and motions.

There were no AOB and the meeting closed at 12.00 pm with prayers led by Hon. David Rotich.

Confirmed.......... Date 29/9/2015
Hon. Reuben Langat,

Chair – LABOUR & PUBLIC SERVICE.

Certified..... Date 29.9.15
S. Koech,

Secretary/Committee Clerk.