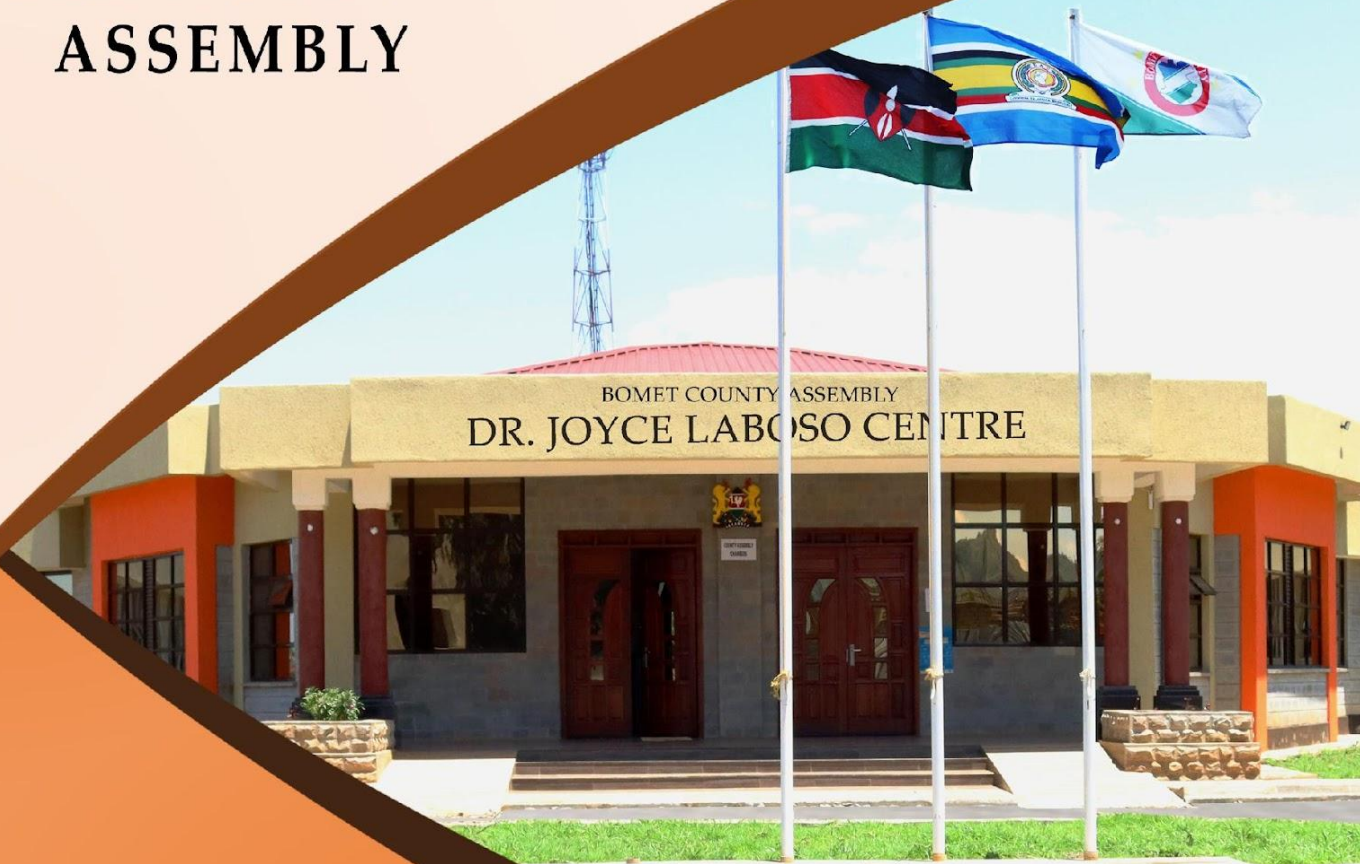


REPUBLIC OF KENYA



BOMET COUNTY ASSEMBLY



HUMAN RESOURCE POLICIES AND PROCEDURES MANUAL

2ND EDITION

REPUBLIC OF KENYA



BOMET COUNTY ASSEMBLY

COUNTY ASSEMBLY SERVICE BOARD

**HUMAN RESOURCE POLICIES
AND PROCEDURES MANUAL**

2nd Edition

Approval

This Career Progression Guidelines was approved by the County Assembly Service Board on 7th October, 2021 vide Resolution Number **CASB/1489/07/10/2021**.

Signed: _____



Isaac Kitur, Board Secretary

Signed: _____



Hon. Nelson Mutai, Board Chairman.



PREAMBLE

The Constitution of Kenya provides for restructuring of the government from a centralized to a devolved system. The Fourth Schedule distributes functions between the national and county governments. The National Government deals with policy formulation, national planning, quality assurance and setting of norms and standards, while County governments deals with service delivery at the County level.

The County Assembly Human Resource Policies & Procedures Manual (henceforth Manual) provides procedures on various aspects of Human Resource Management and Development (HRM&D) function that guides the management of human resources in the Service.

The Manual incorporates the provisions of the Constitution of Kenya, the County Government Act (2012), County Assembly Service Act (2017), Labor Laws and other relevant legislations that govern various aspects of employee/employer relationship in the Service. The Regulations are also anchored on other policies and guidelines governing the management of the Service.

The Manual covers Organization of the Service, Labor Relations, Terms and Conditions of Employment, Performance Management, Code of Conduct, Discipline, Salaries and Advances, Allowances, Transport, Medical Benefits, Leave, Training and Development, Health and Safety, Terminal Benefits and other important policies

It is important to note that this Manual is not exhaustive and should be read together with all relevant legislations and regulations governing public service, devolution and County Assemblies.

This Manual applies to the Service, and will be updated from time to time to reflect policy changes affecting human resource management in the County Assembly Service.



Isaac Kitur
Clerk/ Secretary,
COUNTY ASSEMBLY SERVICE BOARD





ACKNOWLEDGEMENT

The Department of Human Resource Management wishes to sincerely thank everyone who made valuable contributions towards the successful development of this Human Resource Policies & Procedures Manual.

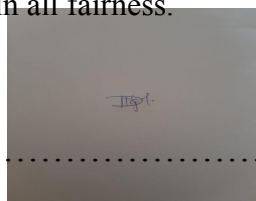
Special thanks to the Clerk and the County Assembly Service Board for facilitating the development of this Manual and for its eventual approval.

I also acknowledge the editorial team, particularly Clement Kirui, Rashid Tonui and Nehemiah Lelley for their tireless efforts in researching, reviewing and putting together all provisions of the Manual. Special thanks also to Victor Mutai for overall formatting and graphic design.

The department takes cognizance of the fact that there is a strict regulatory framework for human resource management in the public sector and that practitioners must meet the requirements of the law and the Institute of Human Resource Management (IHRM).

It is noteworthy that special care has been taken to ensure that the Manual conforms to all employment/ labour laws and Human Resource best practices.

As the department that is charged with the management of human capital in the Assembly, we undertake to implement the policies and procedures herein professionally, impartially and in all fairness.



DIANA NGENO

Head of Human Resource Management and Development

TABLE OF CONTENTS

PREAMBLE	iii
ACKNOWLEDGEMENT.....	iv
DEFINITION OF TERMS	xiv
LIST OF ACRONYMS	xvi
SECTION A: THE COUNTY ASSEMBLY SERVICE BOARD	1
A.1 Introduction	1
A.2 The functions of the Board	1
A.3 National Values and Principles of Governance	1
A.4 Values and Principles of County Assembly Service	2
A.5 Objectives	2
A.6 Scope of the Manual	2
A.7 Access to the Manual	2
A.8 Implementation	3
SECTION B: RECRUITMENT, SELECTION AND APPOINTMENT	4
B.1 Introduction	4
B.2 Human Resource Plans	4
B.3 Categories of Appointment	4
B.4 Reporting Vacancies	4
B.5 Advertisement of Vacant Posts	5
B.6 Short Listing	5
B.7 Interviews and Selection	6
B.8 Matters to Take Into Account during Appointments	6
B.9 Recruitment	6
B.10 Application for Employment	7
B.11 Appointment Procedure	7
B.12 Appointment Documents	7
B.13 Offer of Appointment	7
B.14 Acceptance of Offer	8
B.15 Letter of Appointment	8
B.16 Employee Records	9
B.17 Acceptance of Terms and Conditions of Service	10
B.18 Medical Examination	10
B.19 Office Hours	10

B.20	Probation	10
B.21	Confirmation in Appointment	11
B.22	Orientation and Induction of New Employees	11
B.23	Medium-Term Appointment	12
B.24	Employment of Casuals	12
B.25	Certificate of Service	12
B.26	Testimonials and Letters of Commendation	12
B.27	Promotions	12
B.28	Procedure of Requests for Promotions of Staff	13
B.29	Dates of Promotion	13
B.30	Re-Designation	13
B.31	Upgrading of a Position	14
B.32	Acting Appointments	14
B.33	Procedure for Appointment in Acting Capacity	14
B.34	Transfer of Service	15
B.35	Secondment of Officers to Statutory Boards or Similar Organizations	15
B.36	Secondment from Other Organizations to the County Assembly Service	15
B.37	Non Discrimination	15
B.38	Rights and Privileges of Persons with Disabilities	16
SECTION C: PERFORMANCE MANAGEMENT		17
C.1	Introduction	17
C.2	County Assembly Performance Management Framework	17
C.3	Performance Appraisal System	17
C.4	Objectives of Performance Appraisal	17
C.5	Scope of Application	18
C.6	Work Planning and Setting of Performance Targets	18
C.7	Values and Competencies Assessment	19
C.8	Continuous Performance Appraisal	19
C.9	Reporting Frequency	20
C.10	End of Year Appraisal Process	20
C.11	County Assembly Service Performance Management Steering Committee	20
SECTION D: TERMS & CONDITIONS OF SERVICE		22
D.1	Conduct of Service Officers	22
D.2	Leadership and Integrity	22



D.3	Personal Interests	22
D.4	Meetings	23
D.5	Declaration of Income, Assets and Liabilities	23
D.6	Prevention of Corruption	23
D.7	Abuse of Office	23
D.8	Management of Newspapers, Publications and Interviews on Questions of Policy	24
D.9	Confidentiality	24
D.10	Hospitality from Foreign Diplomatic Representatives	24
D.11	Public Statements	24
D.12	Political Neutrality	24
D.13	Inclusiveness	25
D.14	Financial Probity	25
D.15	Sexual Harassment	26
D.16	Gifts	26
D.17	Undue Influence	27
D.18	Absence from Duty without Leave	27
D.19	Absence from Duty on Grounds of Illness	28
D.20	Pecuniary Embarrassment	28
D.21	Report in Cases of Bankruptcy, Judgment-Debtors	29
D.22	Improper use of County Assembly Service Stores	29
D.23	Damage to County Assembly Property	29
D.24	Loss of Assembly Funds through Neglect or Fault	29
D.25	Recovery of Losses of Assembly Funds	30
D.26	Discipline	32
D.27	Offences under Gross Misconduct	32
D.28	Disciplinary Procedure	33
D.29	Requirements for Carrying out Investigations	34
D.30	Principles Guiding Exercise of Disciplinary Control	35
D.31	Forms of Punishment	35
D.32	Interdiction	36
D.33	Suspension	36
D.34	Officer Convicted of Criminal Offence	37
D.35	Dismissal	37
D.36	Appeals	37

D.37	Reviews	38
D.38	Right of Appeal and Application for Review	38
D.39	Lodging an Appeal or Application for Review	38
D.40	Rights of Appellants and Applicants	39
D.41	Appeals to Public Service Commission	39
D.42	Grievances	40
D.43	Defense of Officers in Civil Suits	40
D.44	Civil Proceedings by Officers for Defamation	41
D.45	Indemnity	41
D.46	Consent to Institute Civil Proceedings	42
D.47	Confidential Reports	42
D.48	Guiding Principles on Alternative Interventions in the Discipline Process	42
(a)	Counseling	43
(b)	Guidance and Training	43
(c)	Dispute Resolution Mechanism	43
SECTION E: EMPLOYEE SEPARATION AND TERMINAL BENEFITS		44
E.1	Forms of Exit from the Service	44
E.2	Mandatory Retirement	44
E.3	Retirement on Public Interest	45
E.4	Retirement on Medical Grounds	45
E.5	Retirement under 50 Year Rule (Voluntary)	45
E.6	Redundancy	45
E.7	Dismissal	46
E.8	Death	46
E.9	Resignation	46
E.10	Termination in Accordance with the Letter Appointment or Contract	47
E.11	Clearance and return of the County Assembly property	47
E.12	Outstanding loan on exit	47
E.13	Employee's responsibilities	47
E.14	National Social Security Fund (NSSF) Benefits	47
E.15	General Information on Pensions and Gratuities	48
E.16	Eligibility for Pension/Gratuity	48
E.17	Refunds on Termination of Appointment or Dismissal	48
E.18	Gratuities	49

E.19	Death Gratuity	49
E.20	Certificate of Service	49
E.21	Terminal Benefits	49
E.22	Medallion Award	49
SECTION F: REMUNERATION & BENEFITS		50
F.1	Date of Initial Payment of Salary on Appointment	50
F.2	Salary Structure	50
F.3	Determination of Salary on Promotion/Upgrading	50
F.4	Determination of Salary of an Officer Transferred from another Administration	51
F.5	Determination of Incremental Dates on Appointment or Promotion/Upgrading	51
F.6	Conditions for the Grant of Annual Increments	51
F.7	Increments	51
F.8	Increments for Approved Experience	52
F.9	Seniority	52
F.10	Advance of Salary	53
F.11	Recovery of Advance	53
F.12	Advance for other Purposes	53
F.13	Salary Deductions	53
SECTION G: ALLOWANCES		55
G.1	Introduction	55
G.2	Accommodation Allowance	55
G.3	Entertainment Allowance	56
G.4	Subsistence Allowance	56
G.5	Acting Allowance	57
G.6	Special Duty Allowance	58
G.7	Overtime Allowance	58
G.8	Hardship Allowance	58
G.9	Extraneous Allowance	59
G.10	Leave Allowance	59
G.11	Commuter Allowance	59
G.12	Meal Allowance	59
G.13	Daily Subsistence Allowance while Travelling on Duty outside Kenya	59
G.14	Airtime Allocation	60
G.15	Non-Practicing Allowance	60

G.16	Trainers' Allowance	60
G.17	Other Allowances	61
G.18	Car Loan Scheme and Mortgage	61
SECTION H: MEDICAL BENEFITS		61
H.1	Introduction	62
H.2	Management of the Scheme	63
H.3	Medical Treatment outside Kenya	63
H.4	Medical Ex-gratia Assistance	63
H.5	Sickness	63
SECTION I: TRANSPORT		65
I.1	Introduction	65
I.2	Car Loan Scheme	65
I.3	Eligibility for Transport	65
I.4	Travelling by Public Service Transport	65
I.5	Travelling by the Assembly Vehicles	65
I.6	Use of Personal Vehicle	65
I.7	Travelling by Air	66
I.8	County Assembly Vehicle Register	66
I.9	Log Books	66
I.10	Ignition Keys	67
I.11	Driving of County Assembly Vehicles	67
I.12	Motor Vehicle Work Ticket	67
I.13	Speed Limits	68
I.14	Use of County Assembly Vehicles	68
I.15	Vehicle Check Unit	68
I.16	Travelling for Interview	69
I.17	Travelling on Retirement	69
I.18	Transport Facilities on Bereavement	69
SECTION J: LEAVE		70
J.1	Introduction	70
J.2	Categories of Leave	70
J.3	Application for Leave	70
J.4	Annual Leave	71
J.5	Maternity Leave	72

J.6	Paternity Leave	72
J.7	Unpaid Leave	73
J.8	Compassionate Leave	73
J.9	Special Leave for Sportsmen	73
J.10	Sick Leave	74
J.11	Terminal Leave	75
J.12	Public Holidays	75
J.13	Festival Holidays	75
J.14	Study Leave	76
J.15	Deferment/Commutation of Leave	77
SECTION K: TRAINING AND DEVELOPMENT		79
K.1	Introduction	79
K.2	Management and Co-ordination of Training	79
K.3	Training Needs Assessment	79
K.4	Training Programmes	79
K.5	Training Levy	80
K.6	Induction Training	80
K.7	Eligibility for Training	80
K.8	Course Approval	81
K.9	Undergraduate Training	81
K.10	Masters Programmes	81
K.11	PhD Programmes	81
K.12	Sponsorship for Training	82
K.13	Training Bond	82
K.14	Skills Inventory	83
K.15	Allowances for County Assembly Sponsored Training	83
K.16	Leave after Training	84
K.17	Incidental Expenses	84
K.18	Donor Funded Courses	84
K.19	Seminars, Workshops, Retreats and Conferences	84
K.20	Reimbursement of Tuition and Examination Fees	85
K.21	Industrial Attachment	85
K.22	Internship	85
SECTION L: RECORDS MANAGEMENT		86

L.1	Types of Records	86
L.2	Objectives of Record Management	86
L.3	Record Management Guidelines	86
L.4	Tampering with records	87
L.5	Control of Records	87
L.6	Accountable Documents	87
L.7	Classified Documents	87
SECTION M: LABOUR RELATIONS		88
M.1	Introduction	88
M.2	Consultative Committees	88
M.3	Composition and Functions of the Committee	88
M.4	Union Membership	89
M.5	Recovery of Union Dues	89
M.6	Dispute Resolution	89
M.7	Employees Participation in Strikes	90
SECTION N: HEALTH AND SAFETY		91
N.1	Introduction	91
N.2	Guidelines to General Safety	91
N.3	Uniforms	91
N.4	Protective Clothing	91
N.5	Emergency Preparedness	92
N.6	Fire Precautions	92
N.7	Medical Examination	92
N.8	Provision of Protective Equipment and Clothing	92
N.9	Safe Use of Potentially Dangerous Equipment	92
N.10	Reporting of Accident	93
N.11	Approval and Distribution of Compensation	93
N.12	Recourse to Court	93
N.13	Compensation Payable during Sick Leave under WIBA	93
N.14	Group Personal Accident Policy	93
N.15	Guidance and Counseling	94
N.16	HIV/AIDS at Workplace	94
N.17	Fighting Stigma and Discrimination	94
N.18	Screening for Purposes of Employment/ Recruitment	95

N.19	Continuation of Employment	95
N.20	Drug and Substances Abuse	95
N.21	Employee Welfare and Wellness	95
APPENDICES		96



DEFINITION OF TERMS

“Allow” means to accept an appeal or review.

“Appeal” means to apply for the re-examination of a decision or process.

“Appellant” means an individual/organization appealing against a decision or process that is thought to be incorrect or unfair.

“Board” means the County Assembly Service Board established under section 12 of the County Governments Act with respect to Bomet County Assembly.

“Bond” means an employee who is serving a training bond obligation.

“Chairperson” includes the Vice-Chairperson or any other member of the Board when discharging the functions of the Chairperson;

“Children” means the biological offspring or legally adopted child under the age of twenty two (22) years who are unmarried and are wholly dependent on the officer.

“Clerk” means the Clerk of the County Assembly;

“Code of Conduct” means the code of conduct of the Service prescribed by the Board under section 6 of this Manual;

“Constitution” means the Constitution of Kenya, 2010

“County Assembly Service Board Officer” means an employee in the County Assembly Service.

“Consultative Committee” means a forum for co-operation and negotiation between the CASB, as an employer, and trade union.

“County” means a County established under Article 6 (1) of the Constitution and specified in the First Schedule.

“Criminal offence” means a misconduct that breaches governing laws or rules.

“Disallow” means to reject an appeal or application for review.

“Discipline” means conforming to service rules and regulations which prescribe expected conduct and behavior of individual officers.

“Disciplinary Control” means due process of justice and any lawful punishment.

“Extended Family” includes parents, brothers and sisters of the officer.

“Fund” means the County Assembly Fund established under section 34 of the County Assembly Services Act, 2017;

“Immediate Family” includes the officer, spouse, children and the officer’s parents.

“Interdiction” means barring an accused officer from performing official duties to give

room for further investigation of the case.

“Leave Year” - Means the period commencing 1st July to 30th June of each financial year.

“Minor offence” means any crime which upon conviction the imprisonment is six Months or below.

“Major offence” means a serious crime which upon conviction the imprisonment is over six months (6)

“Next-of-Kin” means the name of the person provided by the officer for the purpose of contact during emergency and in case of death.

“Nuclear Family” means the officer, spouse and children.

“Office” in relation to the Service, means a paid office as an employee of the Service, not being the office of a member of the Board, or a part-time office, or an office the emoluments of which are payable at an hourly or daily rate;

“Officer” or “employee” means any person who holds or acts in any office of the Service otherwise than as a part-time officer or employee;

“Pro-rata” means computation of benefits for the period served in relation to the full term entitlement.

“Penalty” means a punishment imposed for a violation of law or rule.

“Revenue Fund” means a revenue fund established under **Article 207** of the Constitution.

“Reimbursable Allowances” means those allowances where an officer gets reimbursement on the expenditure incurred in the course of duty.

“Remunerative Allowance” means those allowances paid to an officer, in addition to salary as a form of compensation for additional responsibilities.

“Secretary” means the Clerk of the County Assembly or, in the absence of the Clerk, the person exercising the functions of the Clerk;

“Service” means the County Assembly Service established with respect to Bomet County assembly under section 4 of the County Assembly Services Act, 2017;

“Services and facilities” includes all means by which members and staff of the County Assembly are officially assisted in performing their duties;

“Speaker” means the Speaker of Bomet County Assembly

“Spouse” means legal marriage partner of an officer specified under the Marriage Act or in accordance with the relevant Customary Law.

“State Officer” means a person holding a State Office.

“Surety” means a person who formally accepts responsibility to locate a bondee and/or redeem the bond obligation of a bondee who defaults or appears in a court of law in respect of the same.

“Suspension” barring an accused officer from performing the functions of a public office on account of gross misconduct or conviction of a serious criminal offence pending finalization of a case.

“Tour of Service” means the period of employment contract in the County Assembly Service Board to a foreign employee.

“Training Bond” means formal agreement between the County Assembly and its employees who are selected for approved training that oblige them to serve in the County Assembly Service for a specific period of time on completion of training.

The County Assembly Human Resource Manual is formulated with due regard to gender; thus where reference is made either to “he” or “she” only, it shall be construed to mean and include reference to both “he” and “she” and where reference is made to spouse, it shall be construed to mean and include reference to both “husband” and “wife” where applicable and vice versa. LIST OF ACRONYMS

CBA Collective Bargaining Agreement

CASB County Assembly Service Board

CASA County Assembly Services Act (2017)

CGA County Government Act

HRM&D Human Resource Management and Development

LAPF Local Authority Pension Fund

NSSF National Social Security Fund

SRC Salaries Remuneration Commission

WCPF Widows and Children Pension Fund Scheme



SECTION A: THE COUNTY ASSEMBLY SERVICE BOARD

A.1 Introduction

- (1) The County Assembly Service Board as established in section 12 of the County Government Act, 2012 comprises the following:
 - (a) The Speaker of the county assembly, as the chairperson;
 - (b) A vice-chairperson elected by the Board from the members appointed under paragraph (c);
 - (c) Two members of the County Assembly nominated by the political parties represented in the county assembly according to their proportion of members in the county assembly;
 - (d) One man and one woman appointed by the county assembly from among persons who have knowledge and experience in public affairs, but who are not members of the county assembly.
- (2) The Clerk of the County Assembly is the secretary to the Board.

A.2 The functions of the Board

- (a) Direct and supervise the administration of the services and facilities provided by, and exercise budgetary control over, the service;
- (b) Determine and review the terms and conditions of service of person holding or acting in the offices of the service;
- (c) Initiate, co-ordinate and harmonize policies and strategies relating to the development of the service;
- (d) Initiate programs-
 - (i) For training and capacity building of members and staff of the county assembly and other persons;
 - (ii) That promote ideals of parliamentary democracy as set out in Article 127 (6) (d) of the Constitution; and
 - (iii) That promote public awareness and participation in the activities of the county assembly; and
- (e) Do such other things as may be necessary for the wellbeing of the members and staff of the county assembly.

A.3 National Values and Principles of Governance

- (1) In discharging their functions, the national and county governments are guided by the national values and principles of governance.
- (2) The National Values and Principles of Governance include: -
 - (a) Patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of people;



- (b) Human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized;
- (c) Good governance, integrity, transparency and accountability; and
- (d) Sustainable development.

A.4 Values and Principles of County Assembly Service

- (1) The values and principles of Public Service set out under article 232 (1) of the Constitution shall apply to the County Assembly Service;
- (2) In addition to the national values and principles of governance set out in Article 10 of the Constitution and the values and principles of Public Service set out in Article 232 (1) of the Constitution, the Service shall uphold the following values-
 - (a) The fostering of peace;
 - (b) The provision of non-partisan and impartial advice and services to the county assembly, its committees and its members;
 - (c) Maintaining honesty, accountability and integrity in the delivery of services, having regard to the principles of political neutrality, professionalism, economy, efficiency, equality and fairness, courtesy and discipline;
 - (d) The provision of a workplace that recognizes the diverse backgrounds of the employees of the service and promotes national integration;
 - (e) The maintenance of the spirit of co-operation in the workplace based on consultation and communication;
 - (f) The provision of a fair, flexible, safe and rewarding workplace;
 - (g) The inspiration of public confidence in and respect for the county assembly;
 - (h) The fostering of understanding and co-operation between the county executive and the county assembly in the context of their autonomy and complementarity; and
 - (i) Such other values as the Board may, from time to time, prescribe.

A.5 Objectives

The objectives of this Manual are;

- i) To provide the Board and Management Committee with policies, rules and procedures necessary for the effective management and development of human resources;
- ii) To provide employees with rules and regulations governing their employment in the County Assembly Service.

A.6 Scope of the Manual

This Manual is applicable to all employees and covers the management of their entry, retention and exit.

A.7 Access to the Manual

This Manual will be issued to each employee and a copy shall be maintained at the Clerk's and HR offices as well as on the assembly's website. Copies of the Manual

may be obtained from the Human Resource office.

It is the responsibility of each assembly employee to be familiar with the information contained in this Manual and any amendments thereafter.

A.8 Implementation

The responsibility of implementing this Manual lies with the Clerk. However, the Board has an oversight role in the implementation and enforcement of the provisions of this Manual.

This section provides for rules governing recruitment, appointment, confirmation and promotion of County Assembly Service officers. It also provides guidelines on remuneration, transfer of service and secondment of officers from one organization to another and other related matters within the County Assembly Service.

- (1) The department responsible for human resource management and development shall prepare Human Resource Plans to support achievement of goals and objectives in the County Assembly Strategic Plan. The plans shall be based on comprehensive job analysis and shall be reviewed every year to address emerging issues and needs.
- (2) On the basis of these Human Resource Plans, the department of Human Resource Management and Development shall be required to develop annual recruitment plans at the beginning of each financial year to enable it plan to fill the vacancies.
- (3) Both human resource plans and annual recruitment plans shall be approved by the Board prior to implementation.

Appointment in the County Assembly Service Board is divided into the following main categories:

- (i) Permanent and Pensionable;
- (ii) Short-Term Contract (Not more than six months); and
- (iii) Medium Term Appointment (1 - 5 years Contract)

All vacancies shall be reported to the Board by the Clerk. When reporting the vacancies, the Clerk shall enclose;

- (i) Approved grading of the post and the designation;
- (ii) A statement of the minimum qualifications required for the posts and the duties and responsibilities which the successful candidates will be expected to perform;
- (iii) A statement of the terms of service, whether permanent and pensionable or contract basis;
- (iv) Duration of the contract if the appointment is proposed under contractual terms;
- (v) A draft advertisement if it is recommended that the vacancy shall be advertised.

B.5 Advertisement of Vacant Posts

- (1) The Board will advertise all vacant posts in a manner that reaches the widest pool of potential applicants and allow for at least 21 days before closing the advert.
- (2) The advertisement will be posted on the county assembly website.
- (3) The advertisement shall have the following details:
 - (i) A brief description of the Assembly's mandate;
 - (ii) Job title;
 - (iii) Number of vacancies;
 - (iv) Clear reporting lines;
 - (v) Main purpose of the job;
 - (vi) A brief description of the key responsibilities of the job;
 - (vii) Education, experience, skills and competencies required for the job;
 - (viii) Salary and benefits (optional);
 - (ix) Clear instructions on how to apply and information to be submitted in the application; and
 - (x) Closing date for receipt of applications.

B.6 Short Listing

- (1) The following processes shall be followed;
 - (i) The Clerk shall cause the department responsible for HRM&D to prepare and maintain summary of all applications;
 - (ii) The Board shall appoint an inclusive committee to shortlist qualified candidates.
- (2) Short listing criteria shall include the following;
 - (i) Minimum constitutional and statutory requirements.
 - (ii) Merit (meeting minimum requirements as advertised).
 - (iii) Requirement for Disability Mainstreaming
 - (iv) Requirement for Gender Mainstreaming
 - (v) A reflection of the face of Kenya.
- (3) During short listing, a ratio of three (3) candidates per position as minimum, will be adopted but subject to the above criteria. If the number of applicants is such that fewer candidates are available, then the panel may decide to short-list the qualified candidates and report this fact to the Secretary.
- (4) If more candidates meet the short-listing criteria then the short listing panel may shortlist a maximum of five (5) candidates per position, with the approval of the Board.
- (5) The Assembly shall not bear any cost incurred by the candidates coming to attend

interviews.

B.7 Interviews and Selection

- (1) The interviewing panel may subject shortlisted candidates to practical tests before oral interviews. Candidates should be informed of their interview date, time and venue at least one week in advance
- (2) All interviews shall be conducted by the Board
- (3) The Board may conduct background checks for candidates to be recruited from Scale CASB 6 to CASB 1
- (4) The Clerk shall prepare a summary report of the interview and selection process. The report shall be completed and signed by all panelists within 10 working days from the last date of the interview
- (5) The report shall include but not be limited to the following information:
 - (i) Membership of the panel;
 - (ii) Interview scores for each candidate in order of performance;
 - (iii) Candidate's salary expectations; and
 - (iv) Brief summary of recommended candidates.

B.8 Matters to Take into Account during Appointments

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

B.9 Recruitment

- (1) Recruitment will be guided by the values and principles of the Public service spelt out in Article 232 of the Constitution.
- (2) In recruitment, the Board will ensure that the employee appointed into the Service have the necessary skills, knowledge and attitude to deliver efficient and effective services.

- (3) Recruitment will be undertaken on the basis of competition and merit, representation of county's diverse communities, adequate and equal opportunities to all gender, youth, persons with disabilities and minorities.
- (4) In the recruitment process, due consideration will be given to: -
 - (i) Appropriate organizational structure and optimal staffing levels;
 - (ii) Career Progression Guidelines

B.10 Application for Employment

A candidate applying for employment shall do so online or manually by completing the prescribed CASB employment form.

B.11 Appointment Procedure

- (1) The secretariat of the County Assembly shall be employed on permanent and pensionable terms, provided that where, for some special reasons, an officer cannot be employed on this terms, he may be employed on a written Medium or Temporary term contract.
- (2) Appointments of all job scales shall be made by the Clerk as a result of a public advertisement upon approval by the Board.
- (3) Appointment shall be made only to fill authorized vacancies within the establishment.
- (4) Where a serving officer has applied for a post in response to public advertisement and has the required qualification and experience and is recommended by the head of department and approved by the Clerk, he shall be given first priority.
- (5) After a successful interview and selection, a candidate shall be given an offer before issuance of an appointment letter.
- (6) Effective date of appointment shall be as stated in the letter of appointment.

B.12 Appointment Documents

- (1) A candidate on first appointment shall provide the following documents:
 - (i) National identity card;
 - (ii) Birth Certificate;
 - (iii) KRA tax PIN;
 - (iv) Original academic and professional certificates duly authenticated by the issuing authority;
 - (v) Certificate of good conduct from the Directorate of Criminal Investigations;
 - (vi) Coloured passport size photograph; and
 - (vii) Bank account details
- (2) The officer shall also make an initial declaration of income, assets and liabilities by completing the prescribed forms.

B.13 Offer of Appointment



- (1) The offer letter to be issued to successful candidate(s) shall contain the following information:
 - (i) The remuneration, job grade or rate of pay,
 - (ii) Interval in which the remuneration is payable,
 - (iii) Terms of Service (i.e. Permanent, Medium or Temporary contract),
 - (iv) Leave entitlement,
 - (v) Length of notice for termination of service,
 - (vi) Fringe benefits,
 - (vii) Job description,
 - (viii) Duration of contract (if employment on contract),
 - (ix) A specific period within which the candidate should indicate acceptance or decline of the offer.
- (2) The offer of appointment shall be issued in duplicate and signed by the Clerk.
- (3) The effective date of appointment of an employee shall be the date he reports to duty.

B.14 Acceptance of Offer

- (1) Acceptance of an offer of appointment shall be made by signing on the duplicate offer of appointment letter. The period of acceptance shall not be more than twenty one days (21) days from the date of the dispatch.
- (2) A candidate who has not accepted the offer within twenty one (21) days, from the date of dispatch, shall be deemed to have declined the offer.
- (3) In the event that the first candidate declines the offer, the Board may consider extending the same offer to the second and third best candidate in that order provided that this candidate had reached the cut off marks during interviews. Should the third candidate also decline, the Board shall re-advertise the position.
- (4) An employee who accepts the offer on first appointment shall meet any relocation expenses to the workstation.

B.15 Letter of Appointment

- (1) Successful candidate shall be issued with a letter of appointment upon acceptance of the offer.

The letter of appointment shall:

- (i) Inform the employee of the appointment to the position,
 - (ii) Outline the terms of employment such as the pay package, duration of contract, benefits, any statutory deductions, probationary period, if any, and leave entitlements.
- (2) Successful candidates will not commence work until the letter of appointment has been issued and its receipt acknowledged by the prospective employee by signing and returning a copy of the same.
- (3) The signed copy of the letter of offer and the letter of appointment shall be filed in the employee's personal file.

B.16 Employee Records

- (1) Every employee shall complete employment forms and submit at least the following information.
 - (i) Current residential address;
 - (ii) Physical home address;
 - (iii) Postal address;
 - (iv) Telephone number;
 - (v) Next of kin;
 - (vi) Dependents;
 - (vii) National Identification Card;
 - (viii) KRA Pin Certificate;
 - (ix) NSSF Number;
 - (x) NHIF Number
 - (xi) Duly filled wealth declaration form;
- (2) The following documents shall also be maintained in each employee's personal file:
 - (i) Certified copies of academic and professional certificates
 - (ii) One coloured passport size photograph.
 - (iii) Application for employment and updated curriculum vitae;
 - (iv) KRA Pin number, NSSF and NHIF details;
 - (v) Bank account details for salary purposes;
 - (vi) Letter of offer of appointment;
 - (vii) Letter of appointment;
 - (viii) Letter of confirmation in appointment;
 - (ix) Completed performance appraisal forms;
 - (x) Copy of ID or Passport;
 - (xi) Birth certificate of self and children (where applicable)
 - (xii) Certified copy of marriage certificate or an affidavit (where applicable)
 - (xiii) Duly filled new employee form;
 - (xiv) Certificate of good conduct;
 - (xv) Duly signed Official Secrets Act
 - (xvi) Copy of medical insurance registration forms (insurance)
- (3) Upon submission of all the documents, the department responsible for HRM&D shall capture the pay point advice in the payroll.



- (4) Employee information shall be held in confidence regardless of its source. This includes, but is not limited to, job applications, records on health status, next of kin and other personnel records and information obtained from individuals via websites, email, or other formats that contain personal information about an employee. Names of children born or adopted in the course of employment must be submitted to Human Resource Department, copies of birth certificates or legal adoption papers will be required in either case.

B.17 Acceptance of Terms and Conditions of Service

A copy of terms and conditions of service printed in English shall be given to an officer on his/her first engagement and he shall thereby be deemed to have accepted them.

B.18 Medical Examination

- (1) Before an officer is appointed to the Service, he must be medically examined by a medical practitioner. No appointment shall be made until a medical report in the prescribed form has been accepted as satisfactory by the medical officers concerned. This requirement shall not apply in the case of an officer already in the Service whether on promotion or otherwise.
- (2) An officer may be required to be medically examined by a Medical Officer of Health or by a Medical Practitioner nominated by the Board in the following circumstances:
- (i) At any time during a period of absence from duty owing to sickness.
 - (ii) At any time if in the opinion of the Board, such an examination would be in the interest of Service or the officer.
- (3) The expenses of any medical examination required under paragraphs (i) and (ii) of this clause shall be paid by Board.

B.19 Office Hours

- (1) Official working hours run from Monday to Friday of every week except;
- (i) For an employee who is on leave,
 - (ii) Employee on official duty outside duty station,
 - (iii) An employee with permission to be off duty for reasons deemed to be valid.
- (2) Official working hours shall be 8:00am to 5:00p.m lunch break of one hour. Though the general office hours is as stated above, the employees will not be restricted to working during these hours when there is any cause requiring their services either earlier or later. A Security warden shall be required to work for 40 hours per week, in shifts of 12 hours.

Where employee works on gazetted public holidays he will qualify for overtime as defined by Employment Act, 2007 below;

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

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

2.00 p.m. to 5.00 p.m.

- (b) Though the general office hours will be as stated above, Heads of

Departments will not be restricted to utilizing their staff outside these hours when there is any cause requiring their services either earlier or later.

B.20 Probation

Where vacancies exist in the permanent and pensionable establishment, candidates recruited to fill such vacancies should, with approval of the Board, be appointed on probation to the permanent and pensionable establishment.

- (1) An officer shall be put on probation for a period of 6 months as provided for in the Employment Act, 2007
- (2) An officer appointed on probation must be regarded as being on trial with a view to learning his work and being tested as to his suitability for it. It is the duty of the senior officers to ensure that every officer on probation is given adequate opportunities to qualify for confirmation in appointment.
- (3) Within reasonable time before the expiry of the probationary period, the Clerk should consider in the light of the reports on the officer's conduct, capabilities and performance whether or not the officer is suitable for confirmation.
- (4) Where an officer's conduct and performance are unsatisfactory, he shall be informed in writing and the probation period may be extended to a further period of six (6) months subject to the category of employment.
- (5) Should the officer's performance fail to improve on expiry of the extended probation period, his services shall be terminated.
- (6) An officer appointed to the Service in a pensionable post will be confirmed in appointment and admitted into the permanent and pensionable establishment on completion of the probationary period.

B.21 Confirmation in Appointment

- (1) The power of confirmation of all officers in the appointments and extension or termination of their probationary appointments lies with the Board.
- (2) The immediate supervisor shall commence performance appraisal after four (4) months of work for the purpose of confirmation and submit the report to the Clerk.
- (3) The head of HRM&D shall summarize and submit recommendations for all staff to the Clerk.
- (4) Employees serving on probation shall be confirmed in appointment on completion of six (6) months probationary period subject to satisfactory performance.
- (5) A background check may be done on employees serving on probation before confirmation.
- (6) Employees whose probation period is extended beyond six (6) months shall be confirmed or terminated subject to their performance.

B.22 Orientation and Induction of New Employees

- (1) The Board shall ensure orientation and induction of new employees and newly promoted or re-designated. This is carried out in order to familiarize the employees with the mandate, vision, mission and operations of the Assembly and how their jobs contribute to this. Induction and orientation shall be done within the first three months of employment.



- (2) The head of HRM&D will develop orientation and induction procedure as appropriate.

B.23 Medium-Term Appointment

- (1) Where vacancies cannot be filled on permanent and pensionable terms for whatever reasons, candidates recruited to fill such vacancies shall be appointed on contract terms if the period involved is so justified.
- (2) An employee on contract is expected to hand over not less than seven (7) days to expiry of the contract and exit upon expiry of his/her contract period.
- (3) Three months before the expiry of the contract an employee serving on renewable contract shall notify the Clerk on the intention to extend.
- (4) All contracts shall lapse on expiry date and no further payment shall be made or received.
- (5) Any officer responsible for making payments for expired contracts shall be surcharged for the same.
- (6) Contract employment will be kept to a maximum period of five (5) years. Contracts may be renewed for another period of five (5) years once.

B.24 Employment of Casuals

- (1) Casual workers shall be engaged only on urgent short-term tasks with the approval of the Clerk. Casual workers shall not be engaged for more than three months, as stipulated in the Employment Act (2007).
- (2) The Casual Workers shall be hired on piece rate, time rate jobs and should be paid in accordance with statutory Wages Regulations Orders issued by the Government from time to time.

B.25 Certificate of Service

Certificate of Service will be given on request to an officer, upon his retirement, resignation, dismissal or termination of appointment, transfer of service and secondment. This may be used as a reference covering the officer's period in the public Service.

B.26 Testimonials and Letters of Commendation

Testimonials and letters of commendation may be given by the Board upon recommendation of the Clerk as a way of motivating their staff for exemplary service.

B.27 Promotions

- (1) Promotion of an officer to a higher scale shall be subjected to the existence of a vacancy in the approved establishment and shall be made by the Board on the recommendation of the Clerk.
- (2) Where an officer passes an examination or obtains a certificate which qualifies him/her for promotion to a higher scale, but owing to the lack of vacancy in the higher scale, he cannot be immediately promoted but shall receive two additional

increments with effect from the date of passing the examination and shall be kept on waiting list for promotion.

- (3) The Career Progression Guidelines will provide the minimum qualifications for promotion of various cadres in the Service. However, promotion of employees shall depend on the following:

- (i) Availability of vacancy in the establishment where appropriate;
- (ii) Attaining minimum academic and professional qualifications.
- (iii) Duration of service in the current grade.
- (iv) Satisfactory performance
- (v) Availability of funds.
- (vi) Performance in the suitability interview where applicable.

B.28 Procedure of Requests for Promotions of Staff

- (1) Applications for promotions shall be submitted to the Clerk through the head of department.
- (2) Heads of department shall submit their applications to the Clerk.
- (3) A grievance arising from the application process may be handled by the Staff Advisory Committee.
- (4) The decision of the Board shall be communicated to the respective officer by the Clerk.
- (5) The head of HRM&D shall implement the decision of the Board as conveyed.

B.29 Dates of Promotion

- (1) The effective date of the officer's promotion will be the date of the Board letter authorizing the promotion, or the date the officer qualifies for promotion for the common cadre posts.
- (2) If an officer has been appointed by Board to act in a post and is subsequently promoted to it without any interval between the appointment in an acting capacity and the date of his substantive promotion, the effective date of promotion will be the date on which he commenced to act.

B.30 Re-Designation

- (1) Where an officer is re-designated from one cadre to another, the re-designation will be on a continuous basis to avoid loss of seniority. The period served in the previous grade will be considered as qualifying period for the purpose of promotion to the new cadre.
- (2) All cases of re-designation will be handled in accordance with the provisions of the Career Progression Guidelines.
- (3) In selecting Service officers for re-designation, the criteria for appointment as prescribed under paragraph B.7 shall apply.
- (4) A serving officer shall not be re-designated to hold or act in the Service if:-
 - (a) The office is not vacant;
 - (b) The officer does not meet all the qualifications;

- (c) The decision to re-designate the officer may disadvantage any officer already serving in the relevant cadre; or
 - (d) The officer has not consented to the re-designation.
- (5) If an officer is re-designated, the officer shall not in any way suffer reduction in remuneration.

B.31 Upgrading of a Position

- (1) Upgrading of positions may be done to correct staffing imbalances and other critical needs arising from the following:
 - (i) Succession Management
 - (ii) Review of Career Progression Guidelines
 - (iii) Job evaluation
 - (iv) Restructuring
- (2) The Clerk will submit recommendation on the need of upgrading of a position to the Board for consideration.
- (3) It is important to note that upgrading affects a position while a promotion affects the position holder.
- (4) The upgrading shall only arise from circumstances mentioned in B.31 (1) above and NOT from staff requests or circumstances of the incumbent position holder such as the following:
 - (i) The employee has passed an examination for a higher position
 - (ii) The employee has reached the maximum of the salary grade
 - (iii) Comparison with other jobs when those jobs are improperly classified
 - (iv) Unusual diligence or hard work
 - (v) Volume of work produced by an employee
 - (vi) Relative efficiency
 - (vii) Qualification of the individual beyond the minimum required for the duties to be performed
 - (viii) Length of service or seniority
 - (ix) Financial need
 - (x) Personality or gender

B.32 Acting Appointments

- (1) Acting appointment shall apply where a staff is called upon to perform duties that are distinct and in higher position than his/her day to day responsibilities. The higher position shall be in his/her line of duty.
- (2) For a person to qualify for appointment in an acting position, he must meet the minimum requirements for the position he is to be appointed in. Common Cadre shall not be eligible for appointment into acting capacity.
- (3) Acting appointment shall be limited to twelve (12) months at any given time for substantively vacant positions. However, when an officer/staff has been appointed to act in a post for up to twelve (12) months and is not confirmed to the substantive

post, a decision must be made to either confirm the employee or take him/her back to the former post.

- (4) If the substantive position is not filled, the acting may be renewed for further maximum period of six (6) months.

B.33 Procedure for Appointment in Acting Capacity

- (1) When a post falls temporarily vacant due to the absence of the substantive holder, an acting appointment should not be made unless the period of such absence exceeds thirty (30) days.
- (2) The Head of Department will be required to make formal recommendations to the Clerk as appropriate.
- (3) The Appointment will be considered based on seniority, competence (academic and experience) and ability to perform.
- (4) Acting appointment shall be made in writing.
- (5) The Clerk shall make recommendations for acting appointments in the position of Deputy Clerk, Directors and Heads of Department to the Board.
- (6) Officers on probation and common establishments as defined in the career progression guidelines shall not be considered for acting appointment.

B.34 Transfer of Service

- (1) Transfer of service to and from the County Assembly Service to another or to other Administrations shall be approved by the Board.
- (2) An officer can only be considered for a transfer if the service of the other administration in which he has applied for appointment, has been declared to be Public Service for the purposes of the Pensions Act.
- (3) Where an officer is appointed to a pensionable post under the County Assembly Service Superannuation Scheme, the officer will be eligible for pension benefits as provided for in the legislation regarding the County Assembly Service superannuation scheme.

B.35 Secondment of Officers to Statutory Boards or Similar Organizations

- (1) Secondment of officers from the County Assembly Service to other organizations will be arranged for a period of three (3) years renewal once and will be confined to pensionable officers.
- (2) Approval for secondment will be granted by the Board. To maintain the officer's pensionable status, the officer or the organization to which the officer is seconded will be required to make pension contribution at the rate of 31% of an officer's basic salary in the County Assembly Service during the term of his secondment, due account being taken of any notional annual increments to which he may be entitled.
- (3) Officers on secondment will be paid their salaries and other allowances by the organizations in which they are seconded.

B.36 Secondment from other Organizations to the County Assembly Service

Secondment of officers from other organizations to the County Assembly Service will be approved by the Board.

B.37 Non Discrimination

The County Assembly shall:-

- (1) Promote equality of opportunity in employment and will not discriminate directly or indirectly against an employee on the grounds of race, colour, sex, language, religion, disability, pregnancy, medical status, and in respect of recruitment, training, promotion, terms and conditions of employment, termination of employment or any matters arising out of employment.
- (2) Ensure that not more than two-thirds of vacant posts are filled by either gender in the Service.
- (3) Ensure that at least thirty percent (30%) of the vacant posts at entry level are filled by candidates who are not from the dominant ethnic community in the County.

B.38 Rights and Privileges of Persons with Disabilities

- (1) Employees with disability, and are registered with the National Council for Persons with Disabilities, shall be entitled to exemption from tax on all income accruing from employment.
- (2) According adequate and equal opportunities for appointment, training and advancement for persons with disabilities.
- (3) The County Assembly shall provide facilities and effect such modification, whether physical, administrative or otherwise, in the workplace as may be reasonably required to accommodate persons with disabilities.

SECTION C: PERFORMANCE MANAGEMENT**C.1 Introduction**

This Section provides guidelines for performance management in the County Assembly Service. Performance management involves strategic planning, work planning, target setting, tracking performance and reporting.

C.2 County Assembly Performance Management Framework

- (1) The Board shall design a performance management plan to evaluate performance of the Service Staff and the implementation of Assembly Service policies as is provided for in Section 47 of the County Government Act, 2012.
- (2) The plan shall provide for among others—
 - (a) Objective, measurable and time bound performance indicators;
 - (b) Linkage to mandates;
 - (c) Annual performance reports;
 - (d) Citizen participation in the evaluation of the performance of County Assembly; and
 - (e) Public sharing of performance progress reports.
- (3) The Clerk shall submit the annual performance reports of the Service to the Board for consideration.
- (4) The performance management plan and reports under this section shall be Public documents.

C.3 Performance Appraisal System

- (1) The Appraisal is based upon the principle of work planning, setting of agreed performance targets, feedback and reporting. It is linked to other human resource systems and processes including staff development, career progression, recruitment, placement, incentives and sanctions.
- (2) The purpose of performance appraisal is to assess as comprehensively and objectively as possible the officer's performance against set targets and is aimed at the realization of overall organization objectives.

C.4 Objectives of Performance Appraisal

- (1) The overall objective of appraisal system is to manage and improve performance in the Service by enabling a higher level of staff participation and involvement in planning, delivery and evaluation of work performance.
- (2) The specific objectives are to:-

- (i) Link individual performance with organization performance;
- (ii) Enable supervisors and appraisers to continuously assess work progress;
- (iii) Assess the learning and development needs of staff on timely basis;
- (iv) Promote accountability in the Service;
- (v) Promote communication and encourage continuous feedback between appraisee and supervisor;
- (vi) Set the basis on which an officer's performance is monitored and evaluated as stipulated in the individual work plan;
- (vii) Improve the quality of work through better planning, on-going discussions and fair participatory appraisal; and
- (viii) Provide information for decision-making on administrative and human resource issues such as renewal of contracts, promotions, delegation of duties, training, deployment, reward and sanctions.

C.5 Scope of Application

Staff Performance Appraisal shall apply to all categories of staffing in the Service. Performance Management shall be implemented at the following three levels:

- (i) Corporate Performance supported by the Strategic Plan and the annual performance contract obligations;
- (ii) Functional performance supported by departmental annual plans;
- (iii) Individual performance supported by individual work plans.

C.6 Work Planning and Setting of Performance Targets

- (1) At the beginning of each financial year, each officer shall develop an individual work plan and sign a performance appraisal report with his/her supervisor based on agreed performance targets. The departmental work plans shall include departmental priority objectives from which individual performance targets will be derived. Departmental heads will discuss with staff and ensure that the objectives and performance targets of the department are understood.
- (2) The individual work plans will be derived from the departmental work plans and officer's job description. The work plan will briefly describe the performance targets or expected results on specific assignment and activities for which the staff member is responsible during the performance year.
- (3) Appraisee will hold discussions with immediate supervisor to agree on work plan.

The performance targets shall thereafter be set as agreed in the discussions by latest 31st July of each year. The expected results may include completion of projects/assignments during the period of assessment. For each assignment to be assessed there shall be clear and measurable indicators of success.

- (4) As part of the staff training and development plan, every staff member will indicate at least one training goal to be achieve in the reporting period as agreed with the supervisor. This may include special assignments, continuing education, on the job training, seminars, conferences and study tours.

C.7 Values and Competencies Assessment

- (1) Achievement of performance targets will also depend on possession of certain specific competencies. Besides these competencies, it is important to ensure that results in the Service are realized through observance of certain well defined values and ethics.
- (2) The Supervisor shall discuss with the appraisee each competency and value at the beginning of the appraisal period in order to be clear on the relevance of the competencies and values on the performance of the appraisee.

C.8 Continuous Performance Appraisal

- (1) Performance appraisal is an on-going process throughout the performance period. Milestones over the review period should be documented and maintained in the appraisee's personal file.
- (2) The main purpose of the mid-year Performance Review is to accord both the supervisor and appraisee the opportunity to jointly review progress made by the appraisee in accomplishing the tasks and assignments agreed at the beginning of the appraisal period.
- (3) The review shall be centered on what has been achieved, any constraints experienced and whether there is need to vary the initial assignments in order to accommodate any unforeseen circumstances. Any changes, additions or removal of performance targets shall only be made in the event that there have been significant changes in the nature of functions carried out by the appraisee and which may necessitate revision of performance targets.
- (4) The supervisor should, after discussions with the appraisee at the Mid-year Performance Review, comment on the appraisee's performance.

- (5) In the event that the supervisor leaves the department, he/she will be required to appraise the performance of the appraisee (s) on pro-rata basis.

C.9 Reporting Frequency

The appraisee shall submit quarterly performance reports to the supervisor. Reports on performance will be on quarterly basis but reflecting cumulative achievements on agreed targets. The report for the fourth quarter will be the end year report.

C.10 End of Year Appraisal Process

The end of year appraisal takes place at the end of the reporting period. The following will constitute the end of year evaluation process.

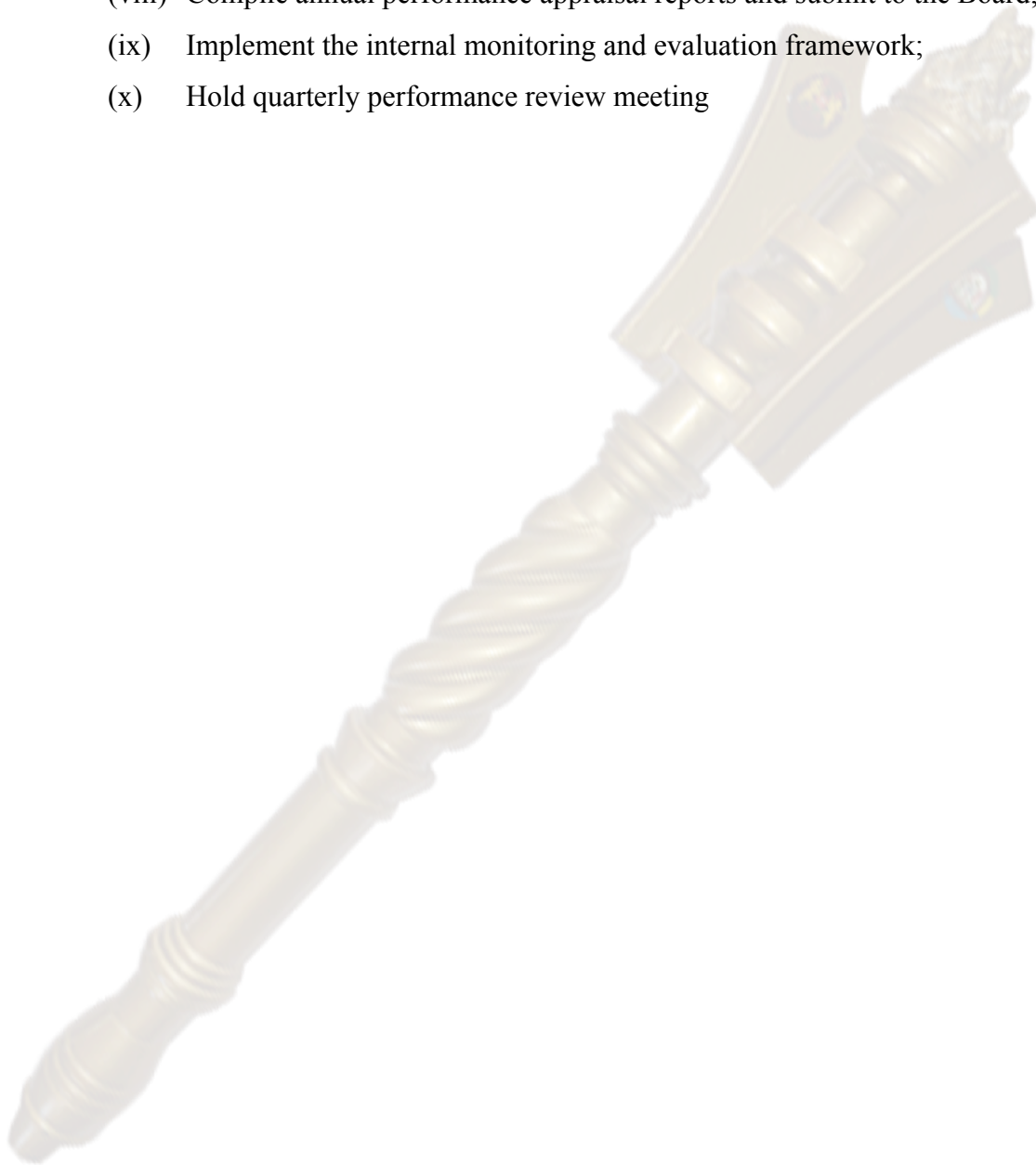
- (i) The appraisee shall submit to the supervisor a preliminary report on the extent to which set targets were achieved as agreed at the beginning of the performance year, with clear performance indicators to support performance;
- (ii) The supervisor and appraisee shall discuss the overall performance for the whole appraisal period;
- (iii) The supervisor is also required to assess the appraisee's core competences and values.

C.11 County Assembly Service Performance Management Steering Committee

- (1) The Clerk shall constitute a County Assembly Service Performance Management Steering Committee which shall implement, monitor and evaluate the performance management system in the Service.
- (2) The composition of the committee shall be as follows: -
 - (i) Chairperson - To be appointed by the Clerk from amongst top level management officers.
 - (ii) Secretary – Officer in charge HRM&D
 - (iii) Members – Selected Heads of Directorates and Departments
- (3) The role of the County Assembly Service Performance Management Steering Committee will be to: -
 - (i) Coordinate the performance Appraisal system in the Service;
 - (ii) Ensure integrity and credibility of overall process of staff performance appraisal is safeguarded and maintained in the Service;
 - (iii) Propose measures to improve staff performance management process;



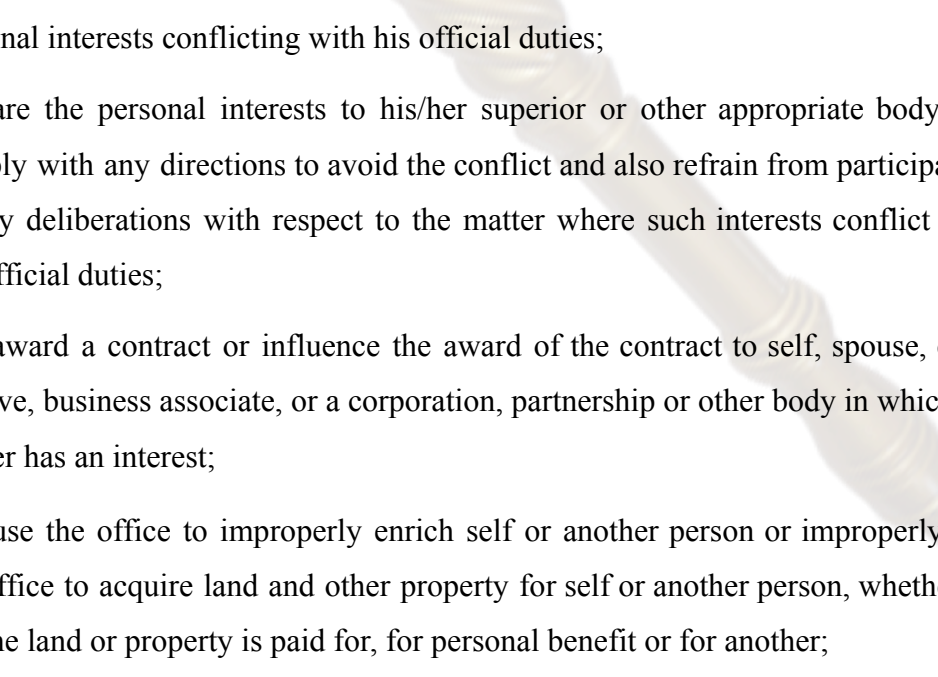
- (iv) Ensure staff appraisal process conforms to strategic plan objectives;
- (v) Ensure staff appraisal process is adequately linked to the strategic plan objectives, work plans and performance contracts;
- (vi) Ensure that the performance of officers is evaluated and feedback relayed to the officers in writing at the end of the year;
- (vii) Arbitrate in case of disagreement on appraisal ratings between supervisors and appraisees;
- (viii) Compile annual performance appraisal reports and submit to the Board;
- (ix) Implement the internal monitoring and evaluation framework;
- (x) Hold quarterly performance review meeting



- (1) An officer should ensure that his or her conduct both in public and in private life does not bring disrepute to the Service.
- (2) An officer who contravenes paragraph (1) is liable to disciplinary action stipulated in this section and explicated in the appendix on disciplinary process. (Refer to appendix)

An officer appointed to the Service office will be required to demonstrate respect for the people; bring honor to the service and dignity to the office; and promote public confidence and integrity, as stipulated in Chapter Six of the Constitution of Kenya.

It is a requirement that all officers disclose their personal interests. For the purpose of this regulation, —personal interest¹¹ includes the interest of a spouse, relative or business associate which may conflict with official duties. An officer shall therefore: -

- 
- (a) Not hold shares, corporate or partnership of another body directly or through another person, if holding those shares or having that interest would result in the officer's personal interests conflicting with his official duties;
 - (b) Declare the personal interests to his/her superior or other appropriate body and comply with any directions to avoid the conflict and also refrain from participating in any deliberations with respect to the matter where such interests conflict with the official duties;
 - (c) Not award a contract or influence the award of the contract to self, spouse, close relative, business associate, or a corporation, partnership or other body in which the officer has an interest;
 - (d) Not use the office to improperly enrich self or another person or improperly use the office to acquire land and other property for self or another person, whether or not the land or property is paid for, for personal benefit or for another;
 - (e) Not use or allow the use of information acquired in connection with the officer's duties for own benefit or others;

- (f) Not engage in a full-time employment in another organization;
- (g) Not undertake any private agency in any matter related to official duties; and
- (h) Not be an agent for a foreign government, organization or individual in a manner that may be detrimental to the security interests of Kenya.

D.4 Meetings

- (1) Where officers wish to hold a meeting on behalf of the County Assembly they must obtain permission from the Clerk.
- (2) All meetings of officers to discuss matters relating to the terms and conditions of service, whether in conjunction with the union officers or otherwise, shall be held outside working hours, provided that, in exceptional circumstances the Clerk may authorize a meeting during working hours.

D.5 Declaration of Income, Assets and Liabilities

- (1) Every officer shall on first appointment and bi-annually thereafter submit a declaration of income, assets and liabilities of self, spouse(s) and dependent children under eighteen (18) years to the Board.
- (2) An officer who fails to submit a declaration or clarification as required, or who submits information that the officer knows is false or misleading, will be liable to disciplinary action.
- (3) If an investigation discloses that an officer has contravened the Code of Conduct and Ethics, an appropriate disciplinary action will be taken against the officer; or if the Board is of the view that civil or criminal proceedings ought to be considered, the matter may be referred to the Director of Public Prosecutions.

D.6 Prevention of Corruption

Attention of the staff is drawn to the provision of the prevention of corruption Act (Cap. 65). Where an officer or a member of his/her family is offered a present or bribe in such circumstances that if accepted would amount to a contravention of the prevention of Corruption Act (Cap. 65) the officer shall report the fact to the Clerk as soon as possible.

D.7 Abuse of Office

A Public officer who uses his office to enrich self or confer a benefit to a third party is guilty of an offence in accordance with the Anti- Corruption and Economic Crimes Act.

D.8 Management of Newspapers, Publications and Interviews on Questions of Policy

- (1) An officer shall not act as the editor of any newspaper or take part directly or indirectly in the management thereof or publish anything which may be reasonably regarded as of a political or administrative nature without the express permission of the Clerk.
- (2) An officer shall not, under any circumstances, communicate with the media either in writing or by granting interview and making statements on matters affecting County Assembly programs or policies without the specific authority of the Clerk. Where such authority has been obtained, the officer shall communicate with the press through the Clerk.
- (3) While it is not desired to interfere with an officer's freedom of speech, any lack of discretion on the part of the officer is likely to embarrass the Assembly and may result to serious consequences to the officer responsible.

D.9 Confidentiality

- (1) An officer is bound to uphold confidentiality as stipulated in the Official Secrets Act (CAP 187) on appointment and on leaving the service of the Assembly. (Refer to Appendix)
- (2) The Human Resource Office should bring to the attention of all employees, the provisions of the Official Secrets Act (CAP 187) on appointment and at any other time as may be deemed necessary.

D.10 Hospitality from Foreign Diplomatic Representatives

An officer may not accept hospitality from any Foreign Diplomatic Representative, without the prior permission of the Clerk.

D.11 Public Statements

- (1) An officer shall not make statements to the press, radio or Television or other organization in regard to the Assembly matters unless authorized by the Clerk.
- (2) An officer while acting in his capacity as a duly appointed officer of the union may comment or make statement to the press or other agency of public information on matters affecting the Service appertaining to terms and conditions of service.

D.12 Political Neutrality

- (1) Whereas, it is the constitutional right of any officer to be involved in political party

activities, an officer shall not use the office held to: -

- (i) Act as an agent for, or so as to further the interest of a political party;
 - (ii) Indicate support for or opposition to any political party or candidate in an election; and
 - (iii) Engage in political activities that may compromise or be seen to compromise the political neutrality of the office held.
- (2) An officer should refrain from active participation in politics. In any dealings which the officer may have with members of the Assembly, the discussions should be restricted to subjects of general interests and Assembly affairs which fall under the officer's sphere.
- (3) An officer must at all times preserve the tradition of loyalty to the Assembly without which no public service can properly function. The officer should also bear in mind the provisions of the Official Secrets Act and the penalties which can result due to contravention.
- (4) An officer who may wish to contest for a political seat will be required to resign from the Service unless the officer is eligible for retirement under the Pensions Act.

D.13 Inclusiveness

The Board will strive to eradicate all forms of discrimination and harassment in order to promote inclusiveness and representation of Kenya's diverse communities and ethnic groups. It will therefore be an offence for officers who will be found to:

- (i) Discriminate against a person by applying a requirement or a condition that has an effect of segregating a person on ethnic grounds;
- (ii) Discriminate another person by way of victimization through any act that is injurious to the person's well-being and esteem by treating the person less favorably.

D.14 Financial Probity

(1) An officer shall not: -

- (i) Maintain a bank account outside Kenya except in accordance with the relevant Act of Parliament; or
- (ii) Seek or accept a personal loan or benefit in circumstances that compromise the

integrity of the officer.

- (2) To ensure that the Service reflects diversity of the Kenyan communities, the County Assembly will endeavour to address inclusiveness through recruitment, deployment, training and promotion.

D.15 Sexual Harassment

- (1) An officer should not harass another officer sexually through direct or indirect request for favors; use of language whether written or spoken of a sexual nature, use visual material of a sexual nature, and show physical behavior of a sexual nature which directly or indirectly subjects the person to behavior that is unwelcome or offensive.
- (2) Disciplinary action will be taken against an officer for sexually harassing another person.

D.16 Gifts

- (1) An officer is prohibited from receiving valuable presents (other than gifts from Personal friends and relatives) whether in the form of money, goods, free passages or other personal benefits and from giving such presents.
- (2) A gift or donation to an officer on official occasion will be regarded as a gift or donation to the Assembly and shall be delivered to the Clerk unless exempted under an act of Parliament.
- (3) When presents are exchanged between officers acting on behalf of the Assembly in ceremonial occasions with other institutions, governments or their representatives, the presents received will be handed over to the Assembly and any present in return will be given at the Assembly's expense.
- (4) A non-Kenyan County Assembly Service officer shall not enter into any private arrangement with any bank or financial institution in the country for the purposes of getting any loan without prior approval of the Clerk. In signifying the approval in this regard, the Clerk will ensure that the officer will be able to honor the obligations in full during the tour of service in which the loan is to be granted.
- (5) Before leaving the country on completion of the tour, a non-Kenyan County Assembly Service officer shall be required to certify to the Clerk that financial and other obligations have been cleared.

D.17 Undue Influence

- (1) Officers should be made aware that the practice of seeking the influence of members of the County Assembly or other persons as a means of bringing their services to the notice of the Board with a view to consideration for promotion or other favors is discouraged. Any such attempt to obtain such favors is considered irregular and may actually be detrimental to the officer's interests.
- (2) An officer is not permitted to make representations to a Member of the County Assembly on matters affecting his/her individual terms and conditions of service. Proper channels of communications exist to enable officers to make representations regarding their personal affairs.

D.18 Absence from Duty without Leave

- (1) Where an officer is absent from duty without leave, reasonable or lawful cause, the following steps will apply:
 - (a) Establish the exact period with dates the officer has been absent from duty. If not traced within a period of ten (10) days from the commencement of such absence, salary will be stopped with effect from the date of absence.
 - (b) A show cause letter will be addressed to the officer through available channels of communication including known postal address, email, Phone calls & Short Messages Services, giving a reasonable period within which to respond but not less than ten (10) days, stating clearly the nature of the offence and the contemplated action.
 - (c) If the officer does not respond, the case will be submitted to the Staff Advisory Committee which shall make a recommendation to the Board for summary dismissal.
 - (d) If the officer responds, investigations will be carried out on the issues raised in the show cause letter and in the officer's defense, an investigation report prepared and submitted to the Staff Advisory Committee for recommendation. Thereafter the case will be submitted to the Board for a decision.
 - (e) The decision will be communicated to the officer informing him/her of the right of appeal, or review to the Board within six weeks from the time of the decision.
 - (f) If the officer is not satisfied with the decision of the Board, the officer may appeal to the PSC, in accordance with PSC regulations and section 77 of the County Government Act

2012.

- (2) Where the officer has been absent from duty without permission and has continued to be paid leading to overpayment, the amount in question may be recovered from the salary or any other monies due to the officer from the Assembly.
- (3) Where the overpayment is not as a result of an Assembly officer's negligence, the officer who occasioned the overpayment should be held liable.

D.19 Absence from Duty on Grounds of Illness

An officer who absents self from duty on the grounds of illness must produce proof of sickness certified by a medical practitioner or sick leave. Should the officer fail to produce a medical certificate or sick leave, the officer shall be considered to be absent without leave and his case shall be dealt with in accordance with the relevant disciplinary procedure (Refer Appendix).

D.20 Pecuniary Embarrassment

- (1) Pecuniary embarrassment from whatever cause, will be regarded as necessarily impairing the efficiency of an officer and rendering him liable to disciplinary proceedings.
- (2) An officer will be expected to retain a net salary of not less than a third (1/3) of his basic salary per month.
- (3) Pecuniary embarrassment, involving both lending and borrowing of money at usurious rates of interest, will be regarded as an offence affecting both the respectability of the service and trustworthiness of the individual and may be held to be a bar to promotion or further retention in the service.
- (4) It is the policy of the Board to give officers who are in debt every possible opportunity to extricate themselves from their financial embarrassment, but there must be a limit beyond which an officer cannot be retained in the Service, in which case he must be retired in the Board interest. In certain circumstances, it might even be necessary to consider dismissal, but this step will only be taken in case of a most serious nature and where indebtedness is not the only factor involved.
- (5) The head of HRM&D will institute disciplinary action in accordance with laid down disciplinary procedures.
- (6) When an officer is seriously indebted to the extent of more than six (6) months' salary, consideration should be given for removal from the Service. The head of HRM&D will issue a show cause letter for the officer to explain why disciplinary action should not be

instituted against him on account of indebtedness. The officer shall be required to submit quarterly reports showing exactly the state of his finances and the amounts which have been liquidated during the three (3) months previous to the date on which the report is submitted.

- (7) When an officer's indebtedness requires that the officer should no longer carry out duties which may tempt the officer to appropriate Assembly funds or stores for own use, it may be necessary either to retire the officer on Public interest or to redeploy the officer. Any officer, therefore, holding an office of this nature and who shows a tendency to run into debt should be warned in writing.

D.21 Report in Cases of Bankruptcy, Judgment-Debtors

- (1) An officer who is declared bankrupt becomes insolvent or seriously indebted shall at once report the matter to the Clerk. Failure to report such matter shall be regarded as a serious offence rendering the officer liable to disciplinary action being taken.
- (2) An officer who has reported bankruptcy, insolvency or indebtedness shall without delay submit a complete statement of facts of the case to the Clerk who will decide whether the circumstances would necessitate disciplinary proceedings being instituted.
- (3) In no circumstances shall a bankrupt, insolvent or seriously indebted officer be assigned duties involving handling funds.

D.22 Improper use of County Assembly Service Stores

Assembly stores should not be converted for personal use. Disciplinary action will be taken against an officer making or receiving unauthorized issues.

D.23 Damage to County Assembly Property

Where loss or damage to the Assembly property occurs, including loss of money through the careless negligent or malicious act or omission of an officer he shall be required to meet the whole or part of the cost of such loss or damage as determined by the Board through advice of the staff advisory committee.

D.24 Loss of Assembly Funds through Neglect or Fault

- (1) If at any time Assembly funds are lost in consequence of the neglect or fault of an officer, the officer will be held to have incurred a pecuniary liability in respect of the loss, and if a satisfactory explanation or offer of restitution is not forthcoming, the officer may be

required to meet this liability in whole or in part. The amount in question may be recovered from his salary or any other monies due to him from the Assembly, or may be sued for and recovered in a court of law.

- (2) Such a recovery is not imposed as a fine or punishment but as a means of compensating the Assembly purse of losses sustained as a consequence of an officer's dereliction of duty. It is in no way precluded by any criminal or disciplinary proceedings in respect of the same occurrence, irrespective of the result.
- (3) Reckless indifference to the probable consequences of any neglect or fault will result in those consequences being deemed to have been intended.
- (4) Any act or omission which facilitates or makes a loss possible, even though it was not the immediate cause of it, may be regarded as a contributory cause and may involve a consequential liability, provided that full recovery from the person whose neglect or fault, including a criminal act, was the immediate cause.
- (5) If two or more officers are held to have incurred a joint liability recovery of all or part of the loss may be apportioned between them.

D.25 Recovery of Losses of Assembly Funds

- (1) The procedure to be followed in reporting and dealing with losses is set out in the Public Finance Management Act and Regulations.
- (2) The Clerk may require an officer to make good the loss of Assembly funds, unless the loss is one which he is authorized by Public Finance Management Regulations (PFMR) and procedures to write off. In all cases, the Board may require an officer to make good the loss of Assembly funds after he has considered the recommendations of the Clerk.
- (3) Except as provided for in Public Finance Management Regulations and Procedures, no loss may be written off to Assembly funds without the authority of the Board. All losses not within the authority of the Clerk to write off must be reported to the Board, who may request any officer who appears to have incurred pecuniary liability in respect of a loss to explain within a stated time why he should not be required to make good the loss in whole or in part. If a satisfactory explanation is not forthcoming, the Board will review the circumstances of the loss and, after taking into consideration the officer's general conduct and financial circumstances, any other action which may have been taken against him, will decide whether the officer will be required to make good the loss, and if so to what extent. Similar action will be taken by the Clerk in respect of the cases falling within his authority.

- (4) The Board or the Clerk, as the case may be, will, when recording his decision, give directions as to the method of recovery. The normal method will be deductions from the officer's salary, if necessary in monthly installments, in amounts not exceeding 25 percent of his monthly salary. If, however, the officer's appointment has been or is shortly to be terminated, deductions from any sums due to him from the Assembly will be made in such amounts as may be necessary to effect full recovery before termination of his service.
- (5) The Board or the Clerk, as the case may be, may at any time, if a satisfactory explanation is received or for any other sufficient reasons, relieve an officer in whole or in part of his pecuniary liability, and may direct that sums recovered from him in connection with the loss in question be repaid, in whole or in part.
- (6) An officer who is dissatisfied with a decision to recover from him may appeal within one (1) month (or such longer period as the Board may in any particular case authorize) against a decision of the Clerk.
- (7) Where an officer has received any erroneous payment, he shall be liable to refund to the Assembly the amount of such payment and paragraphs (2) to (5) of this Section shall apply.
- (8) Paragraph (7) shall not be deemed to relieve any other officer from any pecuniary liability in respect of the erroneous payment and the officer responsible for such payment may be held to have incurred a joint liability and recovery of all or part of the amount of such payment may be apportioned between them.
- (9) For the purpose of this Section: -
 - (i) *Erroneous payment* means the payment of any salary, gratuity or allowance or the grant of any benefit in respect of which the Assembly incurs any expenditure or loss, to an officer to which he was not entitled or in excess of his entitlement;
 - (ii) It is immaterial whether an erroneous payment was made under a mistake of fact or law.
- (10) In a genuine case where the recovery of an erroneous payment is likely to impose very considerable financial hardship on an officer, such a case should be submitted to the Board giving full details of the circumstances in which the erroneous payment was made and making an appropriate recommendation for the grant of any relief. Similarly, where an erroneous payment involves a written contractual obligation between the Assembly and the officer concerned, the matter should be referred immediately to the Board for advice.
- (11) In addition to the above provisions, disciplinary action which may lead to dismissal may be

taken against an officer on account of loss of Assembly funds.

D.26 Discipline

Where a relevant committee has determined that an officer is guilty of an act or omission incompatible with the due and faithful discharge of his duties, the Clerk shall:

- (a) First verbally warn the officer.
- (b) Warn the officer in writing according to the following procedure.
 - (i) The first and second warning shall enter in officer's employment record and the shop steward of the union shall be informed accordingly.
 - (ii) The second warning shall be copied to the Branch Secretary of the union.
- (c) If an officer who has already received two warnings commits a third misconduct, he shall be liable to dismissal subject to Board regulations.
- (d) Where an officer feels aggrieved by any warnings, he shall have a right to appeal against such warning to the Clerk.
- (e) Provided that where an officer completes one hundred eighty (180) working days from the date of second warning without further misconduct, any warning entered in his employment record shall be cancelled and expunged.
- (f) Recommend the withholding of increment within the provision of Board regulations.
- (g) Recommend to the Board the appropriate disciplinary action be taken.

D.27 Offences under Gross Misconduct

The offences that amount to gross misconduct which may lead to summary dismissal are, but not limited to the following:

- (a) Negligence of duty;
- (b) Intoxication during working hours;
- (c) Using abusive or insulting language or behaving in a manner likely to cause a breach of the peace;
- (d) Refusal to obey lawful and proper commands issued by a superior;
- (e) Criminal conviction;
- (f) Absence from duty without leave for more than 48 hours and cannot be traced within a period of ten days from the date of absence;

- (g) Habitual absenteeism;
- (h) Incarceration for more than fourteen (14) days following arrest for cognizable offence;
- (i) Willful destruction of Assembly property;
- (j) Theft by public servant;
- (k) Unauthorized use or disclosure of confidential information;
- (l) Tampering and destruction of official documents;
- (m) Falsification of information or references on appointment; and
- (n) Acceptance of any bribe, secret profit or unauthorized commission.

D.28 Disciplinary Procedure

(1) The disciplinary process will be as follows:

After an employee is accused of an offence, the employee will be informed of the allegation in writing. The Staff Advisory Committee will;

- (i) Allow all the facts to be fully investigated;
- (ii) Allow the employee to respond to allegations in writing;
- (iii) Allow the proceedings and actions to be fully documented in the lead up to, during and immediately following the disciplinary hearing;
- (iv) Ensure employee(s) receives a fair hearing under the principles of natural justice when answering allegations at a formal hearing;
- (v) Ensures some procedural consistency with discipline is followed throughout the Assembly. The procedures to be followed when dealing with discipline matters are based on Employment Act, 2007.

(2) Disciplinary action taken must be processed through the Staff Advisory Committee;

(3) All acts of misconduct by officers shall be dealt with as soon as possible after the time of their occurrence;

(4) If criminal proceedings are instituted against a staff or where a staff has been acquitted of a criminal charge in a Court of Law, the Clerk/Board shall not, however, be prevented from dismissing him or otherwise punishing the officer on any other charge arising out of his conduct in the matter.

(5) Where the Clerk considers it necessary to institute disciplinary proceedings against a staff to

whom this regulation applies on the grounds of misconduct which, if proved would, in his opinion, justify any of the punishments, he shall, after preliminary investigation and consultation as to the terms of the charge as he considered necessary, forward to the staff a statement of charge or charges framed against him/her together with a brief statement of the allegations, on which each charge is based, and shall invite the staff to state in writing, should he so desire, before a day to be specified, any grounds on which he relies to exculpate himself/herself.

- (6) If an officer does not furnish a reply to a charge or charges forwarded under above paragraph with the period specified, or if in the opinion of Clerk, he fails to exculpate himself, the Clerk shall forward to the Board copies of the statement of the charge, or charges, the staff's reply if any, the Staff Advisory Committee's resolution and the Clerk's comments thereon.
- (7) If, on consideration of the statement of the charge or charges, the reply, if any, of the staff, Staff Advisory Committee's resolution and the comments of the Clerk, the Board is of the opinion that no further investigation is necessary, it shall forthwith decide on the punishment, if any, which should be inflicted on the officer, or whether he should be retired in public interest.

D.29 Requirements for Carrying out Investigations

- (1) Accurate evidence is the foundation of fairness in discipline cases and this can be achieved through investigation of alleged offences. Such investigations should be carried out by a committees appointed in writing by the Clerk stating the terms of reference and specific timeline within which to carry out the investigation.
- (2) While carrying out the investigations the following shall be observed:
 - (a) Investigating committee should comprise of officers senior to the accused officer and should not have dealt with the case before.
 - (b) The team should comprise of not less than three (3) officers (where the team is more than three members, the team shall consist of an odd number).
 - (c) The officer under investigation must be interviewed by the investigating committee.
 - (d) The investigating committee shall record details of any matters which may aggravate or mitigate the case.
 - (e) After listening to all witnesses and studying all the documents, the committee shall sum up the case and record its findings as evaluated against the evidence.
 - (f) The investigation report submitted to the relevant committee shall not contain any recommendation on the form of punishment to be inflicted on the accused officer but

should contain:

- (i) A statement on whether the charges against the officer have been proved;
 - (ii) Evidence collected by the team, including any statements by witnesses;
 - (iii) Analysis of the evidence and statements;
 - (iv) A statement on whether the charges against the officer have been proved; and
 - (v) Details on any matter that may affect the gravity of the case if any.
- (g) Where further investigations are required as provided for in the regulations, such investigations shall be conducted in accordance with the process in (a) to (f) above.
- (3) The powers of disciplinary control and removal of Assembly officers from the service are vested in the Board or as specified in the County Government Act.

D.30 Principles Guiding Exercise of Disciplinary Control

- (1) Adherence to the principles of natural justice:
- (i) A person affected by a decision must be given an opportunity to be heard; and
 - (ii) The person making the decision must not be biased.
- (2) Respect for the rule of law:
- (i) Everybody should be treated equally;
 - (ii) No one is above the law;
 - (iii) No one is exempt from the law;
 - (iv) No one can grant exemption to the application of the law;
 - (v) Acting within legal authority; and
 - (vi) A person making a decision affecting an officer must ensure that he is acting within legal authority and in accordance with the prescribed procedure.

D.31 Forms of Punishment

- (i) Recovery of the cost or part of the cost of any loss or breakage caused by default or negligence, provided no such cost has been recovered by surcharge action under the appropriate financial instructions or regulations;
- (ii) Reprimand (including severe reprimand);
- (iii) Deferment of increment;



- (iv) Withholding of increment;
- (v) Stoppage of increment;
- (vi) Reduction in rank or seniority; and
- (vii) Dismissal.

D.32 Interdiction

- (1) An officer who is interdicted shall receive half basic pay, full house allowance and full medical benefits while other benefits will be withheld. While on interdiction, an officer shall be expected to report to a designated office that shall be determined by the Clerk within a specified time interval.
- (2) The interdiction process entails the following:
 - (i) An officer may be interdicted where misconduct which is likely to lead to dismissal is reported or a report that an officer has been charged in criminal proceedings is received.
 - (ii) If the case relates to a criminal charge the officer is served with an interdiction letter. If the misconduct is one which can lead to dismissal but is not of criminal nature the officer will be served with a show cause letter which shall also contain a communication on interdiction.
 - (iii) Where the misconduct is likely to lead to a dismissal and is also the subject of a criminal charge, the procedure in (ii) will prevail.
- (3) If in any case the Clerk is satisfied that the Assembly interest requires that an officer should cease forthwith to exercise the powers and functions of the office, the Clerk may interdict the officer from the exercise of those powers and functions, provided proceedings which may lead to the officer's dismissal are being taken or are about to be taken or that criminal proceedings are being instituted against the officer.
- (4) An officer who is under interdiction may not leave the duty station without the permission of the Clerk or of any officer who is empowered to give such permission on behalf of the Clerk.
- (5) An officer whose interdiction has been lifted shall promptly be served with a decision letter.

D.33 Suspension

- (1) An officer may be suspended from duty under the following circumstances:



- (i) When disciplinary proceedings have been instituted against the officer as a result of which, the Board considers that the officer ought to be dismissed;
 - (ii) When an officer has been convicted of a serious criminal offence where a prison sentence may be imposed other than in default of payment of a fine; or
 - (iii) Any other offence which constitutes gross misconduct.
- (2) Where an officer is suspended from the exercise of the functions of his public office, he shall be entitled to full house allowance, medical benefits and quarter basic salary.
 - (3) An officer on suspension will be required to report to his supervisor at agreed intervals, if necessary.
 - (4) Where disciplinary or criminal proceedings have been taken or instituted against an officer under suspension and such an officer is neither dismissed nor otherwise punished under these regulations, the whole or any salary withheld shall be restored to him upon the termination of such proceedings with effect from the date the salary was stopped.

D.34 Officer Convicted of Criminal Offence

If an officer is convicted of a criminal offence which, in the opinion of the Clerk, warrants imposition of any of the prescribed punishments, the Clerk shall forward a copy of the charge and any judgment or order made on appeal or revision to the Board for consideration. The Board shall decide whether the officer should be dismissed or subjected to any of the other punishments mentioned in these Regulations or other legislation, and, in making a decision the Board shall rely solely on the court record leading to the conviction.

D.35 Dismissal

- (1) Dismissal refers to termination of appointment arising out of misconduct, desertion, criminal conviction, intoxication, neglect of duties, insubordination, committing a crime, use of abusive language, misappropriation of public funds and pecuniary embarrassment, among others.
- (2) An officer whose pension is determined under Pension Act and is dismissed from Service, shall forfeit all rights or claims to a pension, gratuity, annual allowance or other retiring award, and any other rights or claims he enjoys in regard to leave or passages at the public expense. However, he will be entitled to employees NSSF contribution
- (3) An officer whose pension is determined under the County Assembly Superannuation Scheme Act will, on dismissal, be legible to terminal benefits as provided under the County Government Act and regulations.



D.36 Appeals

- (1) Any person dissatisfied or affected by a decision made by the Board or a person in exercise or purported exercise of disciplinary control against any officer may appeal to the Board against the decision.
- (2) The appeals may be on any decision relating to employment of a person in the County Assembly including a decision in respect of—
 - (a) recruitment, selection, appointment and qualifications attached to any office;
 - (b) remuneration and terms and conditions of service;
 - (c) disciplinary control;
 - (d) national values and principles of governance, under Article 10, and values and principles of public service under Article 232 of the Constitution;
 - (e) retirement and other removal from Service;
 - (f) pension benefits, gratuity and any other terminal benefits; or
 - (g) any other decision the Board considers to fall within its constitutional competence to hear and determine on appeal in that regard.
- (3) The Board shall not consider an appeal more than once in respect to the same decision.

D.37 Reviews

- (1) Any person dissatisfied or affected by a decision made by the Board on appeal in a decision made in a disciplinary case may apply for review and the Board may admit the application if:
 -
 - (a) the Board is satisfied that there appear in the application new and material facts which might have affected its earlier decision, and if adequate reasons for the non-disclosure of such facts at an earlier date are given; or
 - (b) There is an error apparent on record of either decision.
- (2) An application for review shall be in writing and made within the time prescribed by the Board in regulations governing disciplinary proceedings, but the Board may consider an application for review later if, in the opinion of the Board, the circumstances warrant it.

D.38 Right of Appeal and Application for Review

The right of appeal or review shall be communicated to the concerned officer in the letter containing

a decision which may be appealed against or reviewed as the case may be.

D.39 Lodging an Appeal or Application for Review

The process of lodging an appeal or application for review is as follows:

- (a) All appeals and applications for review shall be in writing and made within a period of forty-two (42) calendar days and one (1) year respectively, from the date of the letter conveying the decision. The Board may entertain an appeal or application for review out of time if, in the opinion of the Board, the circumstances warrant it.
- (b) All appeals and reviews shall be addressed to the Clerk who shall give comments and a recommendation on issues raised in the form provided for in Appendix IX. While forwarding his/her appeal or application for review, an officer may submit an advance copy to the Board.
- (c) An appeal shall be accompanied by copies of all material evidence or documents that the appellant wishes to rely on.
- (d) All appeals and applications for review shall be forwarded to the Board even where they are made out of time.
- (e) Decisions on appeals shall be promptly conveyed and the officer informed of the right of application for review.

D.40 Rights of Appellants and Applicants

- (1) Every Appellant or Applicant shall have the right to;
 - (a) be heard in person if so wishes.
 - (b) be represented by an advocate of their own choice and at their own expense;
 - (c) be accompanied by a representative of the relevant trade union or any person of their choice;
 - (d) be assisted by an interpreter if they do not understand the language being used during the proceedings;
 - (e) access information relevant to the appeal; and
 - (f) have adequate time to prepare evidence.
- (2) An appeal shall be accompanied by copies of all material evidence or documents that the appellant wishes to rely on together with all documents that the appellant relied on during the procedure in the previous hearing.

D.41 Appeals to Public Service Commission

Any officer dissatisfied or affected by a decision made by the Board or a person in exercise of disciplinary control against any officer may appeal to the public service commission against the decision.

D.42 Grievances

An officer who has a matter to raise or who is aggrieved by a decision affecting his terms and conditions of employment is entitled to take the following actions:

- (a) In the first place he may seek an interview with his section head or immediate supervisor who will endeavour to settle the matter, if necessary in consultation with the head of HRM&D and the union representative (where necessary).
- (b) When an employee wishes to raise a grievance, the employee may, but is not constrained to, depending on the sensitivity of the matter, attempt to resolve the grievance through informal discussions with the other party or parties involved. The head of HRM&D is available to facilitate one-on-one informal discussions, on request. However, the fact that this is not done will be noted and should the matter turn against the aggrieved employee, they may in turn face disciplinary action.
- (c) If this informal approach between the parties does not resolve the issue to the employee's satisfaction, the employee should inform the supervisor or the next level of management if the supervisor is the offender. The supervisor should endeavor to resolve the issue within three working days of the issue being raised.
- (d) If a satisfactory resolution cannot be achieved by the next level, the employee should discuss the matter with the head of HRM&D, who will determine the next course of action. The issue may be resolved at this level. If the issue has not been resolved, the employee should request for an interview in writing to the Clerk, requesting to discuss the grievance. The Clerk will endeavour to have the problem resolved. However, if in the view of the employee, no satisfactory action is taken, the employee may request the matter to be considered by Staff Advisory Committee whose reports are forwarded to the Board through the Management Committee. If the employee is still not satisfied with the ruling of the Board, the employee can further appeal to the Board in writing for review, clearly stating reasons for his/her dissatisfaction. If the employee is still not satisfied with the ruling of the Board concerning the appeal, the employee may appeal to the Public Service Commission or a court of law.

D.43 Defense of Officers in Civil Suits

- (1) When a civil suit is instituted against an officer as a result of his official position or of an act done by him/her in the course of official duties, the officer may apply to the Board through the Clerk for assistance in the defense. The decision as to whether the Assembly will undertake the defense will be taken by the Board.
- (2) In cases where the Assembly assumes responsibility for the defense of an officer, the Board will provide free legal defense, by instructing a prequalified law firm to take up the matter. Whether any damages and/or costs awarded against the officer in a civil suit will be met from Assembly funds depends on the facts of each case. If the action is only nominally against the officer and is, in substance and in fact against the Assembly, the Assembly will take responsibility and meet all the damages and the costs awarded. The question of indemnifying an officer is one for specific decision in each case, and will be decided only after consultation between the Board and other relevant stakeholders when the Assembly accepts liability for damages and/or costs, the Assembly will be responsible for meeting such liability out of its vote.

D.44 Civil Proceedings by Officers for Defamation

- (1) Where an officer has been defamed in respect of matters arising out of his official position, e.g. in the press or at a political meeting, it may be that the Assembly is also defamed by implication, and may, therefore, agree to give legal aid to the officer. Where such a case occurs, the officer should apply for legal aid through the Clerk to the Board. Legal aid will not be granted unless:
 - (i) The Assembly has a substantial interest in seeing that the defamatory statement is repudiated; and
 - (ii) There is, in the opinion of the Board, a good prospect of success in the action.
- (2) The consent of the Board must be obtained before proceedings are commenced. A private advocate, not a state counsel, will normally be employed, and the Board will select, in consultation with the officer, the advocate, or firm of advocates, to be employed. Legal aid will cover either the whole of the plaintiff's, including costs awarded against him if he is unsuccessful in his suit, or any unrecovered costs or a part of such costs, as may be specified, if he succeeds, and will subject to repayment in proportionate costs or damages are recovered. Any expenses ultimately chargeable to Assembly funds will be met from the vote of legal fees.

D.45 Indemnity

Where any matter or thing done or omitted to be done by an officer when lawfully and in good faith executing any of the duties required to be done by him/her by any Act, regulations, rules, county laws, etc, made there under or by any direction of the Board subjects such officer to any personal liability or claim whatsoever, the Board shall refund to the officer concerned any expenses incurred by him and where the Board so decides, arrange for the officers legal defense in any proceeding that may be taken against him/her.

D.46 Consent to Institute Civil Proceedings

No officer shall institute civil proceedings arising out of any circumstances related with the official position, or with any activity in which he has been engaged in the course of his official duties, without first obtaining the written consent of the Board to the institution of such proceedings, whether or not he desires legal aid. In purely private proceedings, unconnected with their official position or duties, officers do not require the consent of the Board. In such private litigation, the question of legal aid by Assembly does not arise.

D.47 Confidential Reports

- (1) The Board may call for confidential report on any officer from the Clerk and any adverse information contained in such confidential report shall be communicated by the Clerk to the officer concerned before the report is submitted to the Board and if so decided by the Board, placed in officer's personal file.
- (2) Any such confidential report containing an adverse criticism of an officer or any other entry placed in an officer's personal file at the request of the Clerk which contains an adverse criticism of an officer shall be initiated by the officer making the report, the officer whom it may concern and the Clerk.
- (3) Any report entry such as mentioned in the preceding paragraph may, after not less than six months of satisfactory service from the date of such report or entry, be reviewed by the Clerk who may, if he thinks fit, recommend to the Board, the removal of such report from the file. In the case of an entry which had not been called for by the Board but by the Clerk that entry may be removed by the Clerk on his recommendation.

D.48 Guiding Principles on Alternative Interventions in the Discipline Process

Alternative interventions are efforts, undertaken by the Assembly, to address employee's misconduct using a method other than traditional discipline action. This may, under the right circumstances, be a

more efficient and more effective approach than traditional discipline process. While alternative intervention requires more thoughtful decision-making and thus poses a greater challenge for supervisors than traditional discipline process, the results can be worth the time and effort. Alternative intervention may result in modified behavior if used earlier on in the discipline process for less serious offences but may not be effective in more serious issues or habitual offences. The appropriateness of the particular approach will vary based upon the nature of the offence and personality of the individual whose conduct needs correcting. Alternative discipline interventions can take many forms such as counseling, guidance, training or dispute resolution.

(a) Counseling

A counseling intervention is not a discipline action, as its purpose is not to create a negative experience, but rather to communicate helpful information and provide necessary support in management of psychological challenges. The Clerk may refer officers to professional Guidance and Counseling Services Practitioners or Guidance and Counselling Services Unit in accordance with the Public/Assembly Service Guidance and Counseling Policy.

(b) Guidance and Training

Traditional discipline action is not appropriate for situations in which an officer is trying hard to do well, but performs poorly despite his/her best efforts. Guidance and training is an intervention which can be used by supervisors to address poor performance of an officer when there is no misconduct contributing to the problem. Supervisors have the responsibility to have regular meetings with employees to explain workplace rules or whenever an employee is unclear about management expectations. Supervisors should also identify individual officer's shortcomings which can be addressed through training and recommend appropriate training. The training intervention may include; role play, coaching, mentoring, induction and job rotation.

(c) Dispute Resolution Mechanism

Dispute Resolution Mechanisms can be used effectively to resolve, reduce, or even eliminate workplace disputes that might come from a circumstance where disciplinary action is appropriate. Alternative dispute resolution affords an opportunity to create solutions that are uniquely tailored to address issues at hand. The method shall be applied in accordance with the Guidelines for Mediation Conciliation and Negotiation in the Public Service.

When applying alternative interventions, the following should be observed:

- (i) The specific offense/shortcoming that needs to be addressed.

- (ii) Officer's admission of wrongdoing/willingness to participate in the appropriate intervention;
- (iii) The specific form of alternative intervention that will be used and its duration; and
- (iv) Notification of the possible penalty for a subsequent offense;

SECTION E: EMPLOYEE SEPARATION AND TERMINAL BENEFITS

This section provides guidelines on various forms of exit from the Assembly Service.

E.1 Forms of Exit from the Service

An officer may exit from the Service through: -

- (a) Retirements:
 - (i) On attainment of 60 years
 - (ii) In public interest
 - (iii) On medical grounds
 - (iv) On 50-year rule (voluntary)
- (b) Dismissal
- (c) Death
- (d) Resignation;
- (e) Termination in accordance with the letter of appointment and contract of employment.

E.2 Mandatory Retirement

- (1) The Board shall call upon an officer to retire from the Service at any time following the officer attaining the age of sixty (60) years and a notice be given to the officer six months in advance of the 60th birthday provided that an officer may exercise the option to retire on or after attaining the age of 50 years by giving six-month notice.
- (2) Provided that persons with disabilities shall retire at the age of 65 years with an option to retire early as under (1) above.
- (3) Where documentary evidence of an officer age is unobtainable or inconclusive, his assumed age will be determined by reference to the date in his identity card together with the recommendations of the Medical Officer of Health, and in such case the anniversary of his birthday shall be deemed to be 31st December. Any appeal will be heard by an independent Medical Officer.
- (4) In the case of an officer who has expressed a wish to retire or whom the Board has required him to retire, such an officer shall be entitled to take terminal leave on any leave which he has accrued, and the date of his retirement shall be deemed to be the day following the last day of his terminal leave. During such leave he shall be entitled to



engage in other employment but shall not be entitled to medical benefits nor shall there be accrued any additional leave but such leave shall be contributory service

E.3 Retirement on Public Interest

- (1) If the Clerk, after having considered every available report with regard to complaint against an officer and it is apparent that it is desirable to retire the officer on grounds of public interest, the Clerk shall: -
 - (a) Serve the officer with a letter setting out the particulars of the complaint as reported and asking the officer to make representation within a reasonable time in view of intended retirement; and
 - (b) Upon receipt of the representation or if none is received within the prescribed time, the Clerk shall forward to the Board all the details of the case.
- (2) Unless the Board considers that further inquiry into the complainant is necessary, in which case it shall issue directions to the Clerk accordingly; it shall decide forthwith whether the officer should be retired on public interest.
- (3) For a complaint or report to justify retirement on grounds of public interest, it must be such that in view of the complaint or report, the public officer has offended public policy as protected in;
 - (a) Prescribed government policy;
 - (b) Provision of the constitution or legislation; County Government Act, 2012 or any other written law.
 - (c) Binding decision made by a competent court of law.

E.4 Retirement on Medical Grounds

Where it appears that an officer is unfit for continued service on medical grounds, the case shall be forwarded to the County Chief Officer of Medical Services who shall convene a Medical Board. The recommendations of the Medical Board shall inform the decision of Board on retirement of the officer on medical grounds.

E.5 Retirement under 50 Year Rule (Voluntary)

An officer on attaining the age of 50 years may opt to retire any time thereafter.

E.6 Redundancy

Redundancy shall be carried out directly in accordance with the provision of the Employment Act, 2007 and paragraph 15 of the Regulation of Wages (General) Order, 1982.

E.7 Dismissal

- (1) Dismissal refers to termination of appointment arising out of disciplinary proceeding on grounds of gross misconduct, desertion, criminal conviction, intoxication, neglect of duties, insubordination, committing a crime, use of abusive language, misappropriation of public funds and pecuniary embarrassment, among others.
- (2) An officer whose pension is determined under the Pension Act and is dismissed from the service, shall forfeit all rights or claims to a pension, gratuity, annual allowance or other retiring award, and any other rights or claims he enjoys in regard to leave or passages at the public expense. However, he will be entitled to employers N.S.S.F contribution under exemption clause of Legal Notice No. 176 of 1975.
- (3) An officer whose pension is determined under the Public Service Superannuation Scheme Act will, on dismissal, be eligible to terminal benefits as provided under the Act.

E.8 Death

Upon the death of an officer, the legal beneficiary shall be paid death gratuity and dependents pension. In case of an officer who has been contributing towards the Widows and Children's Pension Scheme the legal beneficiary shall, in addition, be paid the accrued benefits.

E.9 Resignation

- (1) An officer within permanent establishment, whether confirmed or on probation, may resign his/her appointment by giving one (1) month notice or he/her shall pay one-month salary in lieu of such notice. A non-pensionable officer may resign his/her appointment in accordance with the terms of his/her agreement or letter of appointment.
- (2) On resignation, an officer is required to refund any outstanding liabilities to the Assembly. Any amount due to an officer may be withheld and applied towards any sum due by him/her. If any liabilities are outstanding, the Assembly shall institute legal mechanisms for recovery
- (3) An officer whose terminal benefits are determined under the Pension Act will not be eligible for pension or gratuity on leaving the Service except in the specific circumstances defined in the Pension Act or Letter of appointment. An officer who resigns cannot, if



subsequently re-employed after a break of Service, count his previous Service for pension.

- (4) An officer whose terminal benefits are determined under the Assembly Superannuation Scheme will on resignation be eligible for terminal benefits as provided in the Assembly Superannuation Scheme Act.

E.10 Termination in Accordance with the Letter Appointment or Contract

The employment of an officer serving on contract or probationary terms may be terminated by the appointing authority in accordance with the provision of the officer's agreement or by giving appropriate period of notice or salary in lieu of notice as it may be indicated in the letter of appointment/contract of employment.

E.11 Clearance and return of the County Assembly property

A separation procedure shall be established to ensure that all Assembly property, files and information are returned to the designated officer or staff and ensure appropriate handover. The process of clearance will commence with the head of HRM&D notifying all respective heads of departments, and units of the impending exit and issuing a clearance form to the exiting employee. The last salary shall be withheld until clearance is complete.

E.12 Outstanding loan on exit

An employee leaving employment before fully repaying facilities obtained under the Assembly Staff Mortgage and Car Loan Scheme shall be allowed to continue repaying the loans at the concessionary interest rate for a maximum period of twenty four (24) months after which the facility reverts to market rates.

E.13 Employee's responsibilities

Upon resignation and prior to final departure, the employee will be expected to prepare a comprehensive handover report and honour all other obligations including payment of debts owed to the Assembly and submit a duly filled wealth declaration form to the head of HRM&D.

E.14 National Social Security Fund (NSSF) Benefits

- (1) Assembly officers who are not on permanent and pensionable terms of service will be required to register with National Social Security Fund as provided for in the National Social Security Fund Act.
- (2) An officer who is a member of the NSSF shall be eligible for terminal benefits under the



NSSF Act.

E.15 General Information on Pensions and Gratuities

- (1) A retiring employee shall be required to complete the pension and gratuity claim forms and submit them to the head of HRM&D who will liaise with Pensions administrators to make the necessary calculation based on the particulars given in the claim forms.
- (2) The Assembly will establish a contributory pension scheme for employees in line with the County Government Act, 2012 and other national legislation.
- (3) When established, the contributory pension scheme will be portable. Portability refers to employees' right to transfer pension benefit credit from one employer to another.
- (4) The rates of contribution of the scheme will be as may be determined from time to time by the Board.
- (5) Retirement Benefits and pension schemes for County Assembly staff are currently being administered by County Pension Fund (CPF) and Local Authorities Provident Fund (Lap Fund).

E.16 Eligibility for Pension/Gratuity

- (1) An officer is eligible for the grant of a pension or gratuity under the pensions Act only upon retirement from the service of the County Assembly in any of the following circumstances:-
 - (a) Age not less than 50 years;
 - (b) Ill-health; and
 - (c) Public interest.
- (2) An officer who voluntarily resigns from the Service or who is dismissed forfeits all claims to the retirement benefits except in case of resignation of an officer on or with a view to marriage or on account of circumstances surrounding their marriage. In this event, the resigning officer becomes eligible for the grant of a lump sum marriage gratuity if she fulfils the conditions necessary for the grant of the gratuity under Regulation 6 of the Pensions Act.

E.17 Refunds on Termination of Appointment or Dismissal

- (1) On leaving the service on resignation or dismissal, an officer will be legible for registration



under the National Social Security Fund Act and the Assembly will pay the equivalent of employers' contribution as if the officer was on temporary terms of service.

- (2) Contributors of Widows and Children Pension Scheme will be eligible for refund in accordance to provisions of the Widows and Children Pension Scheme Act.

E.18 Gratuities

Gratuities, where applicable shall be paid to the officers of the Board in accordance with rules and regulations governing the scheme.

E.19 Death Gratuity

In the event of death of an officer in Service, the Board shall meet the cost of a coffin, transport and pay KES 100,000 to the next of kin to assist in defraying funeral expenses.

E.20 Certificate of Service

The Assembly will issue a certificate of service to employees who exit from the Service. The certificate shall state dates of commencement of employment, termination, position held and any other relevant information.

E.21 Terminal Benefits

- (1) Where applicable, an employee who is pensionable, and has completed ten (10) years in service, shall be eligible for pension. If the employee has served for less than 10 years, they will be eligible for service gratuity. All other officers or staff terminal benefits will be paid in accordance to the provisions of the Retirement Benefits Act and any other legislation dealing with terminal benefits including NSSF Act, WCPs Act, and PSSS Act.
- (2) Other retirement benefits may be determined by the Board from time to time.

E.22 Medallion Award

If an officer retires from the Service NOT on account of discipline shall be paid medallion award upon the approval of Board. The award may be granted as indicated in the table below.

Category	Years of Service	Award
A	5	-Gross Pay and Certificate
B	6-10	-Gross Pay, Certificate and Cash



C	11 and above	-Gross Pay, Certificate, Cash and Material
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Note: *The cash value and material to be awarded is to be decided by the appointed Medallion committee by CASB.*

SECTION F: REMUNERATION & BENEFITS

F.1 Date of Initial Payment of Salary on Appointment

- (1) A person engaged will be paid full salary from the date of assumption of duty.
- (2) All officers will be paid salary in Kenya currency through their bank accounts.

F.2 Salary Structure

The Service salary structure will be based on the grading levels spelt out in the Terms and Condition of Service in line with SRC Circulars.

F.3 Determination of Salary on Promotion/Upgrading

- (1) If the salary of an officer who is promoted to a higher Job Group is less than the minimum of the salary scale attached to the higher Job Group, he will enter the scale of the higher Job Group at the minimum point of the scale on the effective date of his promotion/upgrading. His future incremental date will be the following year on the first date of the month in which the officer was promoted.
- (2) If, however, the salary of an officer on the day preceding the effective date of his promotion is one point immediately below the minimum of the salary scale attached to his new Job Group and if that officer was earning an annual increment, he will receive the minimum salary scale attached to his new Job Group on the effective date of his promotion and retain his former incremental date.
- (3) If on the effective date of promotion/upgrading the officer was already within the higher salary scale but the officer had not attained the maximum point of his current salary scale, the officer will enter the higher salary scale, at the point next above his current salary on the effective date of his promotion/upgrading and the officer will retain his former incremental date, i.e. incremental date immediately prior to his promotion.
- (4) If on the day preceding the effective date of his promotion he had attained the maximum point of the salary scale attached to his former Job Group and his service at that salary amounted to less than one year, he will enter the salary scale attached to his new Job Group from the effective date of his promotion at the point next above his salary. His future incremental date will be the first date of the month in which the officer was promoted.
- (5) If on the effective day of the promotion an officer had served at the maximum salary point of his present salary scale for one (1) year but less than two (2), the officer will enter the

next salary point above his salary and will retain his former incremental date prior to reaching his maximum salary point.

- (6) If on the effective day of the promotion an officer had served at the maximum salary point of his present salary scale for two years but less than three years, the officer will be granted two (2) salary increments at the point above his salary. His future incremental date will be the first date of the month in which he was promoted.
- (7) If on the effective day of the promotion an officer had served at the maximum salary point of his present salary scale for three years and above, the officer will be granted three (3) salary increments at the point above his salary. His future incremental date will be the 1st date of the month in which he was promoted.

F.4 Determination of Salary of an Officer Transferred from another Administration

- (1) The salary of an officer who is transferred from another administration will be determined by application of the provisions of Regulation F.3.
- (2) However, where an officer from another Government organization has been identified for a particular assignment and his salary is higher than the salary applicable to the relevant grade, the case will be referred to the Board for determination.

F.5 Determination of Incremental Dates on Appointment or Promotion/Upgrading

Each first date of the month is an incremental date. Officers' incremental dates will be the first date of the month they are appointed, promoted or upgraded subject to the provisions of Regulation F.3.

F.6 Conditions for the Grant of Annual Increments

An officer serving on an incremental scale is not entitled to receive an increment as a right. An increment will only be granted based on the performance of the officer.

F.7 Increments

- (1) Increments appropriate to the scale set out shall be graded on the first day of July of each year subject to the following conditions: -
 - (a) An officer who is promoted or re-graded to a higher scale shall be placed in that scale at two increments higher than his/her salary level prior to promotion, or at the minimum of the higher scale, whichever is greater.
 - (b) An officer, who is engaged, promoted or re-graded after 31st March in any year, shall

be granted an increment on the 1st July following the promotion.

- (2) The Clerk must be satisfied that the officer's work and conduct in the preceding year has been satisfactory. In the event of withholding /deferment of the annual increment, the officer concerned will be informed of his shortcomings, and be required to show-cause why such actions cannot be taken.

F.8 Increments for Approved Experience

- (1) Except where otherwise provided, an officer appointed on permanent or contract terms may be given incremental credit for previous approved experience at the rate of one increment for each complete year of approved experience provided the maximum salary of the Job Group assigned to the post is not exceeded. The grant of increments for approved experience will be subject to the following rules:
- (a) Incremental credit will only be granted in respect of approved experience gained after acquiring the requisite minimum qualifications for the grade. In granting incremental credit, any period of service or experience stipulated as a basic requirement for appointment or promotion to a particular grade would be excluded as this constitute the minimum requirement specified for appointment to that grade;
 - (b) Incremental credit may not be given on appointment to promotional posts, i.e. posts to which an officer would not normally be appointed if he had joined the Assembly Service immediately after completing his education; and
 - (c) Incremental credit may be given for the number of years of aggregate approved experience, periods in excess of full years being ignored. Thus, if an officer has approved experience for three periods each of 1½ years, since the total amounts to 4½ years he will be eligible for four (4) increments.
- (2) Where an officer on appointment is placed at a salary below the point in the scale at which he would normally enter by virtue of the incremental credit for which he is eligible, an adjustment should be made with retroactive effect from the date of his appointment.

F.9 Seniority

In accordance with the Board regulations, Seniority of Service Officers shall be determined as follows:

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

F.10 Advance of Salary

- (1) An advance of not more than one month's salary may be granted by the Clerk to an officer on permanent and pensionable or contract establishment when the officer, owing to circumstances beyond his control, is placed in a difficult financial position requiring assistance from the Assembly.
- (2) In applying for the advance, the officer should explain in detail the circumstances leading to the situation which he could not have foreseen and therefore planned.
- (3) An advance under this regulation may be granted only when an officer has no other outstanding salary advance. In very exceptional circumstances, the Clerk may grant an advance of not more than two (2) month's salary in situations similar to those in paragraph (1) of this regulation if he is satisfied that the officer needs assistance in excess of one month's salary advance.

F.11 Recovery of Advance

The recovery period for salary advance will be limited to a period of not more than twelve (12) months. In respect of an officer who is due to leave the service before twelve (12) months, the advance must be fully recovered in equal installments within the remaining period of the officer's service in the Assembly.

F.12 Advance for other Purposes

The Assembly may grant other advances for various purposes.



F.13 Salary Deductions

- (1) To ensure that officers do not over-commit their salaries, no salary deduction will be effected beyond two thirds (2/3) of an officer's basic salary.
- (2) Officers should be cautious when taking credit facilities as this will lead to a reduction on the officer's earning. The Head of HRM&D will be held responsible for any over deductions arising from such credit facilities.



SECTION G: ALLOWANCES

G.1 Introduction

This Section provides for allowances which may be granted to officers in specific circumstances. While it may be considered that the salary attached to a post represents appropriate remuneration of its holder for proper and efficient performance of day-to-day duties, there are circumstances in which additional payments are warranted. Such additional payments are made in form of allowances, either to reimburse an officer for the expenses incurred directly or indirectly in the execution of his duties, or to compensate him for services rendered over and above the normal job requirements.

The Salaries and Remuneration Commission will be responsible for the review of the salaries and allowances.

G.2 Accommodation Allowance

- (1) When an officer travelling on duty is required to stay overnight away from his permanent station and makes his own arrangements for boarding and lodging, accommodation allowance will be paid to him at the rates determined from time to time. Eligibility for this allowance and the period of absence from the permanent station will be determined in each case, taking into account such factors as the distance, mode of travel, nature of assignment and the time taken to travel from the permanent station to a specified destination.
- (2) Accommodation allowance may be paid for a maximum continuous period of thirty (30) nights.
- (3) On transfer from one station to another, an officer may claim accommodation allowance for self and spouse and up to a maximum of four unmarried children under 22 years of age, with disability or children aged up to 25 years and still in college who are living with and are dependent on him should they be compelled to spend one or more nights on the journey. The rate of allowance for the spouse and children aged 16 years and above will be the same as that for the officer as set out in paragraph (1) above, and the rate for the children below 16 years will be one-half of the rate payable to the officer.
- (4) When a non-Kenyan is recruited to work in the country, he will on arrival, be eligible for payment of accommodation allowance at the rates applicable to his Job Group, for himself, spouse and children for a period not exceeding 30 days, subject to the approval of the Clerk. The spouse will be eligible for payment at full rate while four (4) unmarried

children who are twenty two (22) years and below will be eligible for payment at half rate.

- (5) At the end of tour, the officer may draw accommodation allowance for a short period not exceeding 30 days when it is necessary for him to vacate his rented accommodation (b) if the officers entered that grade on the same day, by reference to their seniority on the day immediately preceding that day.

G.3 Entertainment Allowance

Some officers are from time to time required by the nature of their duties to provide hospitality and entertainment to official guests. To enable them meet such expenses, a non-accountable monthly entertainment allowance will be paid on the advice of the Salaries and Remuneration Commission.

G.4 Subsistence Allowance

- (1) An officer who is required to travel on duty outside Kenya will be granted subsistence allowance at the daily rates notified to the Service from time to time.
- (2) The rates of subsistence allowance which are payable for each complete period of 24 hours commencing from the time of departure from Kenya are designed to meet the cost of accommodation at good, but not luxury class hotels, three meals a day including service charges, local travelling (such as taxi, bus or train fare), incidental expenses including any taxes and an element in respect of essential entertainment. In addition, travelling expenses incurred from the airport of disembarkation to a hotel or other residential place and vice versa, airport charges, fees for vaccination, visas and passport charges will be refunded.
- (3) Where an officer's travelling, boarding and lodging expenses are paid in full directly to the hosting institution/hotel by the Assembly or any other Organization, a residual allowance of up to one-quarter ($\frac{1}{4}$) of the standard rate of subsistence allowance may be paid to him to cover incidental expenses. Where only lodging expenses are covered, subsistence allowance may be paid at three-quarters ($\frac{3}{4}$) of the standard rate. In cases where the sponsor does not meet the expenses directly but pays an allowance and such allowance is less than the standard rate of subsistence allowance, the officer may claim the difference from the government.
- (4) An officer travelling on duty abroad is normally expected to regularize his expenses within the standard rate of subsistence allowance. Nevertheless, in very exceptional



circumstances, for example, when hotels are heavily booked during an international meeting and the officer has no choice of accommodation or when the standard rate of subsistence allowance is insufficient for any other justifiable reasons, consideration will be given by the Clerk for a refund of the additional expenses on production of receipted bills in respect of actual expenditure incurred.

- (5) However, the prevailing rates are reviewed regularly to approximate rates and are expected to be sufficient to afford an officer reasonable accommodation.

G.5 Acting Allowance

- (1) When an officer is in possession of requirements for appointment to a higher post he may be appointed to act on the post pending advertisement of the post.
- (2) The officer will be eligible for payment of an acting allowance at a rate of 20% of his or her basic salary.
- (3) The Board will not approve acting appointment to take effect from a date earlier than three (3) months prior to the date on which the recommendation is submitted to the Board. These arrangements will apply in cases of acting appointment under the delegated powers.
- (4) When a substantive vacancy occurs and a recommendation for an acting appointment is being made to the Board, such recommendation should be accompanied by a draft indent for advertisement of the vacancy in question.
- (5) When a post falls temporarily vacant due to the absence of the substantive holder, an acting appointment should not be made unless the period of such absence exceeds thirty (30) days. A recommendation for an acting appointment for a period of thirty (30) days or less will be considered by the Board for those cases where the law or regulations require that, in the absence of the substantive holder of an office, the function of that office can be exercised only if another officer is appointed in an acting capacity.
- (6) Acting allowance will be paid when an officer acts in a higher post for a minimum period of thirty (30) days or when the acting appointment follows another within an interval of not more than fifteen (15) days and the actual duration of both acting appointments is thirty (30) days or more. Acting allowance will not be paid when an officer who has been appointed to act in a higher post is absent from duty for whatever reason for a period of more than thirty (30) days.
- (7) An officer who is appointed to act in a higher post will be eligible for the duration of his

acting appointment, for travelling privileges and other related ad hoc allowances, such as hotel or accommodation allowance. However, the officer will not qualify for house allowance or other remunerative allowances assigned to the higher post.

- (8) Acting allowance will not be paid against common cadre posts.
- (9) Officers/staff on probation are not eligible for acting allowance.

G.6 Special Duty Allowance

- (1) When an officer is called upon to perform duties of a higher post but does not possess the necessary qualifications for appointment to that post, he will be paid special duty allowance at the rate of 15% of the officer's basic salary or 10% of the minimum basic salary of the higher grade, whichever is higher. The payment of special duty allowance will be subject to recommendation by the Clerk and approval by the Board.
- (2) When a post falls temporarily vacant due to the absence of the substantive holder, special duty allowance should not be paid to an officer performing duties of such a post unless the period of absence exceeds thirty (30) days.
- (3) Officers will not be called upon to perform duties of a post that is not more than two (2) grades higher than the officer's substantive grade.
- (4) Special Duty Allowance will not be payable to an Officer for more than one (1) year.
- (5) Officers performing duties of a higher post under this regulation will not be eligible for allowances or travelling privileges applicable to the higher post.

G.7 Overtime Allowance

- (1) An officer who is required to work overtime, an allowance may be granted to him with prior approval of the Clerk on the advice of the SAC, for overtime worked in excess of forty (40) hours per week, at a rate to be determined in line with SRC circulars.
- (2) This provision will not apply to certain categories of staff that are required to work overtime regularly and an allowance has been authorized for their compensation.
- (3) It is emphasized that overtime allowance should not be paid for routine duties where it is possible that alternative arrangements can be made for performance of the tasks within normal working hours.
- (4) Overtime allowance will be paid subject to a maximum of ten hours per week.
- (5) Officers who are normally called upon to perform duties of a supervisory nature will

not qualify for overtime allowance as this factor is taken into account in determining the rate of their remuneration.

G.8 Hardship Allowance

The County Assembly will determine the mechanisms of paying hardship allowance based on guidelines from the Salaries and Remuneration commission.

G.9 Extraneous Allowance

Extraneous allowance is payable to officers who are required to work over and above the official working hours on a continuous basis. The rates will be as advised by the Salaries and Remuneration Commission (SRC), while eligibility for payment will be determined by the Board.

G.10 Leave Allowance

- (1) All officers will be eligible for leave allowance once a year. For ease of administration, the allowance will be paid through the payroll.
- (2) The rate of leave allowance will be as advised by SRC from time to time.

G.11 Commuter Allowance

- (1) All officers will be eligible for commuter allowance provided they are not facilitated with County Assembly transport.
- (2) The rates of the allowances will be determined by the SRC from time to time.
- (3) It will be an offence for an officer in receipt of commuter allowance to use an Assembly vehicle from the house to office and vice versa.

G.12 Meal Allowance

- (1) Where an officer is required to work over and above the normal working hours, weekends or public holidays they shall seek prior approval of the work identified by the Clerk.
- (2) Meal allowance shall be paid at the rate of 15% for breakfast, 20% for lunch and 20% for dinner of the daily subsistence rate applicable.
- (3) The allowance shall be paid for a maximum of ten days in a month and not exceeding ninety days in a financial year.

G.13 Daily Subsistence Allowance while Travelling on Duty outside Kenya

- (1) An officer who is required to travel on duty outside Kenya will be granted subsistence

allowance at the daily rates determined by the Government from time to time.

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

G.14 Airtime Allocation

Where eligible officers are not given airtime bundles, a monthly airtime allocation shall be paid at the rates to be determined by SRC from time to time.

G.15 Non-Practicing Allowance

- (1) An officer registered with a recognized professional body may be paid a non-practicing allowance per month to encourage and retain professionalism in the Service.
- (2) Eligible officers must have valid practicing licenses and/or certificates issued to them by their respective professional bodies.
- (3) It will be the responsibility of the officer to present a renewed practicing license or certificate to the head of HRM\$D who will keep a copy in the officer's personal file and recommend continued payment of the allowance.
- (4) The amount of non-practising allowance to be paid shall be determined by the Board in line with provisions of Circulars that are issued by SRC from time to time.

G.16 Trainers' Allowance

- (1) Officers who are called upon to participate in or facilitate at workshops, seminars and conferences organized by the County Assembly will be entitled to allowances as set out in the table below:

ACTOR	ALLOWANCE
Resource Person	KES 5,000 per two hours session for preparation and presentation of a paper. If the resourcing is less than two hours, then the amount shall be prorated accordingly.
Coordinator	KES 4,000 per day (maximum of 2 coordinators)
Rapporteurs	KES 3,000 per day (maximum of 2 rapporteurs)
Workshop secretariat staff	KES 2,000 per day per person, maximum of three (one secretary, one Driver and one Support staff)

- (2) The duration of seminars, workshops, conferences shall not exceed three weeks. Any seminar, workshop and conference beyond thirty (30) days will be considered as a course and will be subjected to the training provisions stipulated in this Manual. All directorates shall develop a service charter to guide the day to day operations to set standards and timelines in service delivery.

G.17 Other Allowances

There are other allowances which may be paid to different categories of staff in various circumstances (e.g. persons with disability). Such allowances will be determined by the Board with the advice of the SRC, and communicated from time to time.

G.18 Car Loan Scheme and Mortgage

An officer is eligible to join the Car Loan and Mortgage Scheme. Through the scheme, the Assembly may grant the officer car loan and mortgage in line with the Salaries and Remuneration Commission (SRC) circulars as issued from time to time. The Scheme may be reviewed by the Assembly in line with the existing policies and Circulars by the Salaries and Remuneration Commission

SECTION H: MEDICAL BENEFITS

H.1 Introduction

- (1) The Board as an employer is under obligation to provide free medical treatment or make provision for adequate medical care for its employees.
- (2) Staff shall be provided medical cover as per the Salaries and Remuneration Commission from time to time. The medical scheme shall cover: -
 - (a) Inpatient
 - (b) Outpatient
 - (c) Dental
 - (d) Optical
 - (e) Maternity
- (3) Inpatient cover will cater for the following: -
 - (a) Hospital accommodation
 - (b) Hospital bed occupants
 - (c) Doctor's fee
 - (d) Theatre charges
 - (e) Drugs and dressing
 - (f) Pathology services
 - (g) Treatment of HIV and related ailments
 - (h) Maternity including pre-natal outpatient care
 - (i) Delivery
 - (j) Postnatal outpatient care and any maternity related complications and;
 - (k) Ex-gratia
 - (l) Congenital conditions
 - (m) Cancer and related conditions
- (4) The medical cover shall be in respect of an officer and his nuclear family (M+5).
- (5) The amount of the cover will be determined by the Board from time to time.

H.2 Management of the Scheme

The Scheme will be operated by a network of healthcare providers where employees and their dependents can access out-patient and in-patient treatment. On admission, the employee will inform the Human Resource Department who will follow up with healthcare providers to settle the bills with the hospitals on discharge.

H.3 Medical Treatment outside Kenya

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

H.4 Medical Ex-gratia Assistance

- (1) The Assembly will provide medical ex-gratia assistance to cover in-patient medical expenses incurred by an officer, spouse and dependent children 25 years and below, subject to prevailing limits, upon exhaustion of the medical cover entitlement within a financial year.
- (2) All cases for ex-gratia assistance should be referred to the Board for consideration and approval.

H.5 Sickness

- (1) An officer who is absent from duty on account of illness for any day shall avail a medical certificate to the Clerk or the head of HRM&D in respect to the period of absence.
- (2) An officer shall avail expeditiously a medical certificate in the prescribed form to the head of HRM&D in all cases where he obtained medical attention towards which he may be entitled to the benefits under these rules even though he is not absent from duty.
- (3) When an officer is absent from duty owing to an illness not caused by his/her own neglect or misconduct, he/she shall be granted sick leave with pay for six months on full salary followed by a three months on a half salary; provided that the period of sickness shall be ascertained by deducting from the above period on the first day of his/her absence the aggregate of the period of absence, if any, due to sickness during the twelve months immediately preceding the first days of absence. In aggregating the period of absence on sick leave, no account shall be taken for any absence on sick leave. When the Medical Officer of Health recommends a longer period of sick leave, the circumstances shall be reported to the Clerk who may grant further compassionate leave.

- (4) Where the Medical Officer of Health requires an officer who is under sick leave to move from one facility to another, free transport may be granted within Kenya by the most appropriate method of public transport.



SECTION I: TRANSPORT

I.1 Introduction

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

I.2 Car Loan Scheme

- (1) The Government through the Ministry Responsible for Finance has established the Civil Servants Car Loan scheme to enable public officers purchase cars.
- (2) The loan shall be disbursed as per the regulations developed and approved by the Board.

I.3 Eligibility for Transport

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

I.4 Travelling by Public Service Transport

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

I.5 Travelling by the Assembly Vehicles

All officers will use pool transport when travelling on official duty. The Assembly will provide officers travelling outside their duty stations with pool transport or imprest to facilitate use of public transport depending on the nature of work and cost implication. Where possible, officers should travel together in one vehicle.

I.6 Use of Personal Vehicle

- (1) In the absence of an Assembly vehicle, an officer may with prior authority of the Clerk use his personal vehicle for official duty.

- (2) Where such authority is granted, the employee shall claim reimbursement based on the prevailing Automobile Association (AA) of Kenya rates. The vehicle capacity shall be limited to 2,500 c.c.

I.7 Travelling by Air

- (1) When travelling on duty to another country an officer may travel by air. Air travel on duty within Kenya will require the prior approval in writing of the Clerk. Such approval may be given when other modes of transport are unavailable, air travel is economical or where the saving of time is paramount.
- (2) All Public Officers will travel in Economy Class.

I.8 County Assembly Vehicle Register

A register of all County Assembly vehicles, transport facilities will be maintained by the officer responsible for transport services. The register will include but not limited to the following particulars:

- (i) Description of vehicle
- (ii) Chassis number
- (iii) Engine number
- (iv) Registration number
- (v) The date the facility is put into service
- (vi) To whom allocated
- (vii) The date of disposal of the facility where applicable.

I.9 Log Books

- (1) A log book register shall be maintained to provide an operating record until the time of disposal of the asset.
 - (a) The Clerk shall ensure safe keeping of all log-books.
 - (b) Employees responsible for the assets must inspect them and sign the log- book registers regularly.
 - (c) Any damage or defect noticed during the inspection shall be recorded in the record book and reported to the Clerk.

- (2) Entries in the log book register will include the following information: -

- (a) Type and description of the vehicle
- (b) Make
- (c) Chassis and engine number
- (d) Engine capacity
- (e) Registration
- (f) To whom Facility is allocated
- (g) Brief description of any modification carried out subsequent to purchase
- (h) Details of repairs (other than minor adjustments)
- (i) Monthly progressive mileage totals with average oil and fuel consumption per kilometer or running hours
- (j) An inventory of tools and equipment issued to the facility.
- (k) Number and description of all tyres (where applicable) issued to the facility including replacements
- (l) Record of inspections and oil changes
- (m) Fuel, oil and mileage log
- (n) Particulars of transfers between stations.

I.10 Ignition Keys

The keys of all Assembly vehicles (in the common pool) and any other transport facility must be handed to the Transport Officer or the officer-in-charge of the assets after office hours.

I.11 Driving of County Assembly Vehicles

- (1) An Assembly vehicle in the common pool shall not be driven by an officer/staff other than the established official driver except in exceptional circumstances and with the written authority of the Clerk. An officer or staff who fails to produce such written authority, in addition to the driving license will be subject to severe disciplinary action.
- (2) Drivers of the Assembly vehicles must at all time set the highest standard of road conduct and shall also not smoke or engage in conversation or use mobile phones whilst driving. They must also ensure that the vehicle is kept clean.
- (3) An officer or staff authorizing the use of a County Assembly vehicle by a driver who does not possess a valid driving license will be responsible for any loss or damage.

I.12 Motor Vehicle Work Ticket

The use of a duly signed work ticket for an Assembly vehicle is compulsory. Any driver of a

County Assembly Vehicle (or any officer or staff for the time being authorized to drive such a vehicle) found operating without a work ticket properly authorizing a journey in question, or found deviating from the route authorized, or found carrying unauthorized passengers or goods, will be subject to disciplinary action.

I.13 Speed Limits

Drivers of Assembly vehicles must at all times observe the statutory speed limits.

I.14 Use of County Assembly Vehicles

- (1) County Assembly vehicles in the common pool are intended for official purposes and must not be used for private purposes such as business or pleasure. It is the responsibility of the Clerk and designated officers to ensure that the vehicle is properly used.
- (2) An employee will be surcharged for improper use of an Assembly vehicle and may be liable to any other disciplinary action.
- (3) No Assembly vehicle in the common pool shall be on the road unless it is properly authorized for official business. In particular, no such vehicle shall be out on the road after office hours (that is 5.00 p.m.) unless it is authorized to carry out an emergency or essential service. In such a case the authority for the vehicle to be out will be given in writing by the Clerk or officer-in- charge of transport.
- (4) Staff are expected to use pool transport when travelling to the same destination.
- (5) In order to facilitate proper monitoring of the use of Assembly vehicles, officer or staff in charge of transport must submit monthly returns on all vehicles under their charge to the Clerk specifying the following information for each vehicle: -
 - (a) Vehicle particulars
 - (b) Distance travelled during the month
 - (c) Amount of fuel consumed
 - (d) Details and cost of all repairs
 - (e) Details of grounded vehicles and reasons
 - (f) Any other relevant remarks.

I.15 Vehicle Check Unit

The Government Vehicle Check Unit may stop and check any Assembly vehicle and prefer charges (where appropriate) against the driver or employee authorized to drive.

I.16 Travelling for Interview

An officer who is invited for an interview by any Public Entity will be regarded as travelling on duty and his travelling expenses will be charged to the appropriate vote of the County Assembly. This regulation will also apply to officers who travel to other stations to sit for examinations conducted by the Public Service Commission, Kenya School of Government, or any other public testing center.

I.17 Travelling on Retirement

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

I.18 Transport Facilities on Bereavement

- (1) Transport facilities for a deceased officer and immediate family members shall be provided at the Assembly expense to the place of burial when an officer dies while in service and if the spouse or dependent unmarried children aged twenty five (25) years and below die while the officer is still in the service.
- (2) The Assembly shall provide a token contribution of Ksh.100, 000 to defray funeral expenses for a deceased officer, one spouse and up to four (4) children aged twenty five (25) years and below.
- (3) Where Assembly transport is not available, a private hearse may be hired at the Assembly's expense.
- (4) An officer who will represent the Assembly at the burial of the deceased shall be granted official transport.

Leave will be granted for recuperative purposes to enable the officer renew his energies and improve efficiency. Leave may not be commuted for cash nor will it be payable to dependents or to the estate in the event of an officer's death. Leave is granted subject to the exigencies of service.

Leave falls into the following categories:

- ### J.3 Application for Leave

All application for leave must be forwarded in writing to the Clerk for approval.

- (a) An officer will be eligible for annual leave at the commencement of a leave year except in the case of a newly appointed officer who will be required to serve for a minimum of three (3) months before being granted annual leave.
- (b) Leave year will commence on 1st July up to 30th June the following year.
- (c) Annual leave excludes Saturdays, Sundays and Public Holidays.
- (d) All officers will be entitled to 30 days annual leave.
- (e) Annual leave is not usually accumulated. However, an officer may, if he so wishes, carry forward from one leave year to another not more than one-half of his annual leave entitlement. This arrangement is intended to enable an officer to reserve a

portion of his annual leave to be taken in an emergency.

- (f) Annual leave must be taken within the leave year it falls due or forfeited. Deferment of annual leave from one leave year to another will not be permitted save in very exceptional circumstances with the prior approval of the Clerk.
- (g) Annual leave for a newly appointed officer will be calculated on a pro-rata basis only for the year of his appointment.

J.4 Annual Leave

- (1) Leave will be granted annually to the staff for twenty eight (28) working days subject to the exigencies of service.
- (2) Leave may be taken with the approval of Head of Department after certification by the head of HRM&D on establishment that such leave is due.
- (3) The leave may in the calendar year be accumulated in excess of 60 working days provided that half of the annual leave entitlement is taken in each year or otherwise forfeited and that any leave accumulated in excess of 60 working days stated above shall be forfeited unless in specific cases, the Assembly otherwise resolves. Officers who have already accumulated, more than 60 days shall not forfeit the leave so far accumulated, which excess leave shall be taken within the period of two (2) years.
- (4) In the event of an Officer having leave to his credit at the time of his ceasing to be employed by the County Assembly he/she shall receive pay in lieu of such leave based on the following;
 - (i) $\text{Annual salary multiply by Number of working days Leave accumulated} / \text{Number of working days in the year}$
 - (ii) If annual leave is interrupted by a recall, which must be in writing and approved by the clerk, payment of disturbance allowance equivalent to 30% of basic salary shall be effected
- (5) An officer shall be paid the amount indicated below as leave allowances once a year when proceeding on his/her leave provided the officer takes not less than half of the annual leave. Where any officer has been enjoying a higher leave allowances than the amount provided herein below, the said leave shall not be reduced. Provided further that any unspent balance of leave allowance shall be paid to the officer when next preceding on leave regardless of the number of leave days the officer is taking

- (6) No officer on leave of absence may accept any paid employment without previously obtaining the sanction of Clerk in writing under the hand of the Clerk
- (7) An officer may be granted unpaid leave exceeding 50 working days at the discretion of the Head of Department and with the consent of the Clerk. No unpaid leave may be taken unless accumulated leave is exhausted.
- (8) If an officer has not accrued leave to his credit and Head of Department and the Clerk are satisfied that leave should be granted on the compassionate grounds, such leave up to maximum of thirty days may be off-set against paid leave accruing in the future. No compassionate leave may be taken unless accrued leave entitlement is exhausted.
- (9) Where an officer is not allowed by the Clerk to proceed on leave due to the exigencies of work, he/she shall be allowed to commute his leave into cash. The provision shall not however apply where leave is postponed provided the postponement is not more than six months
- (10) Where an officer retires he shall be entitled to payment of full leave allowance. No leave Allowance shall be paid to an officer who resigns or is terminated or dismissed.

J.5 Maternity Leave

- (1) A female staff member is entitled to maternity leave of ninety (90) calendar days with full pay. The officer/staff is also entitled to her annual leave which may be taken in full or in part together with the maternity leave.
- (2) The request for maternity leave, together with a medical certificate signed by a qualified medical practitioner, should be submitted at least two (2) weeks prior to the expected date of delivery and should indicate the expected date of commencement of leave and date of return.
- (3) In cases where the mother loses the baby, she will be entitled to forty five (45) maternity leave days with full pay to enable her recover and adjust.
- (4) During the twelve (12) months period following the birth of the baby, the lactating mother may be granted 2 hours per day off for nursing during the first six (6) months after delivery.

J.6 Paternity Leave

- (1) A male officer will be eligible for paternity leave for a maximum period of ten (10)

working days during the period of the spouse's maternity leave or child adoption leave.

- (2) In this regard, it is clarified that in the case of a male officer with more than one wife, he will be entitled to paternity leave only in respect of the wife registered under the National Hospital Insurance Fund (NHIF) and such leave shall be taken not more than once per year.
- (3) To enjoy paternity or adoption leave, a male officer will be required to present a notification of birth of the child or an adoption order.

J.7 Unpaid Leave

- (1) Unpaid leave may be granted to an officer with the prior approval of the Clerk on the following grounds: -
 - (a) Urgent private affairs of exceptional nature not exceeding thirty (30) days;
 - (b) Officers whose spouses are posted to foreign Missions during the term of the tour of Service;
 - (c) Officers who are appointed to international organizations where they cannot transfer their service or be on secondment for a period not exceeding three (3) years;
- (2) Unpaid leave granted in accordance with this regulation will not be increment-earning and where necessary incremental date should be adjusted.
- (3) The period of unpaid leave will not be pension-earning.

J.8 Compassionate Leave

- (1) An officer, who has exhausted his annual leave entitlement, may be granted compassionate leave for up to ten (10) days in a leave year.
- (2) In the event of serious illness of a member of an officer's nuclear family outside the country which urgently requires the officer's presence, a visit may be made by the officer or the spouse as the case may be.

J.9 Special Leave for Sportsmen

- (1) An officer who is selected to represent the Assembly or the Country in National, Regional or International fixtures will be granted special leave with full salary for the necessary period of his training and subsequent participation in sports.
- (2) This special leave will not be counted against annual leave entitlement and will be authorized by the Head of Department in which the sportsman is employed, in

consultation with the State Department responsible for sports.

J.10 Sick Leave

- (1) Sick leave is the approved absence of an officer from duty on account of illness and includes weekends and public holidays.
- (2) A medical certificate signed by a medical officer must be produced in every case of absence on account of illness.
- (3) An officer may be granted sick leave subject to the maximum period indicated below, provided it is certified that there is a reasonable prospect of eventual recovery and fitness for duty.
 - (i) All officers on pensionable or contract terms of service will be granted up to three months leave on full pay followed by three months on half pay and thereafter the officer will not be eligible for salary.
 - (ii) An officer on sick leave as a result of an accident or occupational disease will be entitled to full pay as per the Work Injury Benefits Act. The officer will however, be subject to assessment by a Medical Board to determine his fitness for further service.
 - (iii) If the officer is unable to resume duty within the first three months of sick leave, the Clerk will refer the case to the County Chief Officer responsible for Medical Services to convene a Medical Board.
 - (iv) On the expiry of the six months, the officer shall not be reinstated in the payroll until his case is determined as provided in paragraph (i) above
 - (v) Where a public officer is found to be unfit for service by the Medical Board, the case shall be referred to the CASB for retirement on medical grounds.
- (4) Sick leave may be authorized by registered medical practitioners for up to a maximum of twenty-one (21) days. Should it be necessary to allow absence from duty in excess of this period, the medical practitioner shall provide reasons.
- (5) Sick leave in excess of three (3) months will approved by the Board with the advice of the County Chief Officer responsible for Medical Services who will decide if the officer should be examined by a Medical Board with a view to determining whether or not there is reasonable prospects of eventual recovery and fitness for duty.
- (6) In exceptional cases of continued ill-health, the Clerk may on the recommendation of

the County Chief Officer responsible for Medical Services grant an extension of sick leave beyond the maximum periods indicated in paragraph (i) above, with such salary as may be decided.

J.11 Terminal Leave

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

J.12 Public Holidays

- (1) The following days shall be observed as Public holidays in accordance with the Public Holiday Act (Cap.110): -

New Year's Day.....	1 st January every year
Good Friday.....	Date varies
Easter Monday.....	Date varies
Labor Day.....	1 st May every year
Madaraka Day.....	1 st June every year
Idd-ul-Fitr.....	Date varies
Huduma Day/ Utamaduni Day...	10 th October every year
Mashujaa Day.....	20 th October every year
Jamhuri Day.....	12 th December every year
Christmas Day.....	25 th December every year
Boxing Day.....	26 th December every year

- (2) In addition to the above Public holidays, the following will be observed as Public holidays by officers as indicated: -

- (i) Id-ul-Haj
- (ii) Diwali

J.13 Festival Holidays

- (1) Leave of absence on the occasion of religious festivals may be granted without loss

of pay for not more than two days in a leave year, subject to the exigencies of the service. An application for leave on such an occasion should be addressed to the Clerk well in advance of the date on which any particular religious festival is celebrated.

- (2) The Clerk may, at his discretion and subject to the exigencies of the service also allow members of his staff an hour or so off-duty for the purpose of attending religious services on festivals other than those on which a full holiday has been granted.

J.14 Study Leave

- (1) An officer will be entitled for study leave as provided in the Training Policy and upon approval by the Board.
- (2) Officers applying for full time study leave must have completed two years continuous service.
- (3) Employee who are awarded truly competitive scholarships may be granted full time study leave prior to the completion of two years' service
- (4) Study leave will only be granted to undertake courses that are either highly relevant to an officer's professional development or of particular value to the department.
- (5) Applications for leave to accept scholarships or other competitive or non-competitive awards must be supported by documentary evidence of having gained the award, the conditions of the award and the extent of financial assistance available.
- (6) Officers undertaking approved courses are eligible for paid examination and pre-examination leave to attend terminal examinations.
- (7) The bonding period shall be determined by the conditions provided for in the guidelines on training bond.
- (8) If an Officer does not fulfill the conditions of the bond (e.g. resigns before providing the required after-service) the bond liability is assessed and recovery action will be taken. Where an officer has provided some after service, credit for this on a pro rata basis is given to reduce the amount of liability.
- (9) The bond liability includes the following:
 - (a) All monies paid including salary and any subsistence allowances granted;

- (b) Employer superannuation contributions for the period of leave;
- (c) The cost of incremental progression for the period of leave;
- (d) The value of long service leave accrued during the period of leave.

(10) Each case is considered individually in terms of the assessment and repayment of the outstanding bond liability.

I.15 Leave for Examination

An Officer attending a recognized course which has an examinable component may apply for leave to sit for main examinations. Application of this section of the Manual shall be guided by the provisions of the Training Policy.

I.16 Leave of Absence

- (1) An Officer/Staff may be granted leave of absence without pay in certain circumstances for the purpose of retaining continuity of employment.
- (2) Approval for the leave of absence shall be based on the following:
 - (a) An Officer whose spouse is posted to foreign mission during the term of the tour of duty of the spouse;
 - (b) Secondment of an Officer to other government agencies, for a period not exceeding three (3) years, renewable once;
 - (c) Officers who are appointed to international organizations where they cannot transfer their services or be on secondment for a period not exceeding three (3) years, renewable once;
 - (d) An officer may be granted leave of absence in cases of emergency whose merit will be determined by the Board upon recommendation by the clerk.
- (3) Requests for leave of absence will be handled on case by case basis. For an Officer to qualify for leave of absence, s/he will be required to have served for at least three (3) years in the county assembly service.
- (4) An Officer on leave of absence shall continue to discharge his/her liabilities to Assembly in respect of any financial advances during the period of absence.

J.15 Deferment/Commutation of Leave

- (1) Except in exceptional circumstances, annual leave may not be commuted for cash nor will unutilized leave days be claimed by dependents to the estate of a deceased officer.



- (a) The Clerk shall be responsible for authorizing commutation of leave for cash where leave is not taken due to exigencies of service.
 - (b) Commutation of leave will be based on an officer's basic salary for the relevant leave year.
 - (c) The above notwithstanding, it is reiterated that officers should be allowed to utilize their leave in each year.
- (2) The Clerk shall be responsible for authorizing deferment and commutation of leave for cash where leave is not taken due to exigencies of service. That notwithstanding, it is reiterated that officers should be allowed to utilize their leave in each year.



SECTION K: TRAINING AND DEVELOPMENT

K.1 Introduction

- (1) This section provides guidelines on how to plan, manage and coordinate training in the Service. A culture of continuous learning is encouraged as a way of developing human capital in the Service.
- (2) The purpose of a training policy is to ensure continuous upgrading of core competencies, knowledge, skills and attitudes of officers including their ability to assimilate technology to enable them create and seize opportunities for career growth, social advancement, economic growth and development.
- (3) The Board will establish training funds for financing their training programs. The funds will be used for job-related courses that enhance performance and service delivery.
- (4) All trainings must be based on identified training needs. Officers in the service shall have at least five (5) days training in a year while newly recruited or transferred officers must be inducted within three months of joining the County Assembly Service.

K.2 Management and Co-ordination of Training

The management and co-ordination of staff training in the Service will be the responsibility of the head of HRM&D.

K.3 Training Needs Assessment

Training in the Service shall be based on Training Needs Assessment which shall be conducted every two years by the head of HRM&D. The purpose of the Training Needs Assessment is to guide the head of HRM&D in recommending officers for training.

K.4 Training Programmes

- (1) Training programs comprise both short and long term courses in specific professions that are intended to impart required knowledge, skills and attitudes to enhance staff performance.
- (2) Directorates may design specific in-house training programs as a method of developing training interventions which address identified training needs. In addition training can be provided under institutional training both locally and abroad.

- (3) In designing training programs, the HRM&D department should ascertain the availability of: -
 - (i) Professional, qualified and experienced trainers;
 - (ii) Training programs that are cost-effective; and
 - (iii) An effective evaluation and feedback system to assess the impact of training on performance.
- (4) Selection of trainees for all training programs will be based on identified needs with emphasis on training for performance improvement that addresses national, county, organizational and individual goals.

K.5 Training Levy

- (1) Officers undertaking courses lasting more than three (3) months and above in local training institutions will be required to contribute to the cost of their training at the rate of ten percent (10%) of total fees for the course.
- (2) Officers attending courses lasting more than three (3) months in institutions outside the country will contribute at the rate of twenty percent (20%) of total fees for the course regardless of whether the courses are sponsored by the County Assembly or by Development Partners through bilateral or multilateral arrangements.
- (3) Officers undertaking part-time or full time self-sponsored courses are however, exempted from paying the training levy.
- (4) The Clerk should ensure that the officers' training contributions are remitted in lump sum for the duration of the course to the County Assembly before the commencement of the course.

K.6 Induction Training

Induction and orientation training help an employee familiarize with the work environment and requirements. The Board shall conduct induction training within three (3) months for newly recruited officers and those who have joined on transfer.

K.7 Eligibility for Training

- (1) Officers at all levels will be eligible for at least five (5) days training in a year.
- (2) An officer who attends a course lasting six months or more will be required to work for one (1) year before they can qualify for selection for another long course.

K.8 Course Approval

- (1) The Board will grant course approval to officers proceeding on authorized training in accordance with service regulations. Officers will be required to obtain course approvals before commencement of training.
- (2) The Clerk will be responsible for issuance of course approvals for local training and should approve all local courses on the recommendation of the head of HRM&D.

K.9 Undergraduate Training

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

K.10 Masters Programmes

- (1) The Board will continue to support and approve training at Masters Level for officers requiring the skills at this level for performance and career progression as prescribed in the respective career progression guidelines. However, the Board shall not support officers for second Masters programmes.
- (2) An officer who attends the master's course will be required to work for one (1) year before they can qualify for selection for another long course.

K.11 PhD Programmes

- (1) The Board will sponsor and approve PhD training programs. However, officers wishing to pursue the PhD under the self-sponsorship arrangement will be approved on condition that the area of study is relevant to their duties, has completed one (1) years' service since the last long course and the approval shall not provide for reimbursement

of training expenses.

- (2) The Board will consider financial assistance or approve request for training at this level on a case by case basis provided that the area of study is a national priority or is focused towards the Assembly's strategic needs as outlined in its strategic plan and the course is relevant to the officer's current or potential future job.

K.12 Sponsorship for Training

- (1) The Board will sponsor staff for courses under the regular and parallel University programs, open Learning, part-time or sandwich as long as such cases are approved by the Board.
- (2) The Assembly will rely on institutions of higher learning for supply of graduate entrants into the service and therefore will not cater for the cost of undergraduate training for serving officers.
- (3) Details on the administration and implementation of the training are contained in the Training Policy (Refer to Appendix).

K.13 Training Bond

- (1) The Assembly will enter into a formal agreement with serving officers proceeding on approved courses of training locally or abroad lasting six (6) or more months.
- (2) The period of the bond for courses lasting six or more months will be determined by the duration of the course as follows: -

Training Period	Bond Period
Six months up to one year	One year
More than one year up to two years	Two years
More than two years up to three years	Three years
More than three years	As per the duration of the course but not exceeding five years

- (3) Bond period determined by the cost of training will not be less than one year and should not exceed five years.
- (4) The components of the bond amount may be determined by the mode of study and the sponsoring authority. For full-time sponsored officers, the bond amount will be the total cost of the training plus the gross salary for the duration of the training.

- (5) The bondee and/or surety will be required to redeem the bond amount in lump sum in case of default.
- (6) Details on the administration and implementation of the training bond are contained in the Training Bond Guidelines (Refer to Appendix).

K.14 Skills Inventory

- (1) The Heads of Department shall develop, update and maintain a skills inventory for all officers in their departments for purposes of identifying the available skills and the required skills in order to plan for training or recruitment to address the identified gaps and for succession management.
- (2) It will be the responsibility of the Heads of Department to update their skills inventory.

K.15 Allowances for County Assembly Sponsored Training

- (1) Officers undertaking long courses abroad will be paid living allowance to cater for subsistence, accommodation, outfit and excess baggage while subsistence allowance is paid to officers attending short courses or those traveling outside the country on official duties.
- (2) Officers attending long courses on full time basis within Kenya but outside their duty station will be eligible for payment of living allowance to cater for meals, accommodation and related expenses at rates applicable to respective areas.
- (3) County Assembly sponsored officers attending part-time, evening, sandwich and holiday module courses will not be entitled to a living allowance or stipend.
- (4) Officers sponsored by the Assembly and attending full time courses within their duty stations and their environs will not be paid any living allowance or stipend.
- (5) An officer attending a short course lasting up to one month that is externally organized but held locally and outside the officer's duty station, will be eligible for living allowance to cater for accommodation, meals, service charges and other incidental expenses.
- (6) Other Allowances paid to officers undertaking courses locally and abroad are:-
 - (i) Research Allowance;
 - (ii) Dissertation/Thesis Allowance;
 - (iii) Project Allowance;

(iv) Book Allowance.

(7) The applicable rates are as stipulated in circulars issued by SRC from time to time.

K.16 Leave after Training

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

K.17 Incidental Expenses

- (1) The Assembly will meet the cost of pre-departure medical examination, visa, vaccination and inoculation while the officer will meet passport expenses for foreign training.
- (2) The Assembly will meet the cost of transport and traveling to and from the institution at which the course is held. However, the trainee will meet the cost of daily commuting between lodgings and place of study.

K.18 Donor Funded Courses

- (1) Where a short course is partially funded under bilateral agreement, the officer will be eligible for 25% subsistence allowance applicable to the designated country.
- (2) Where a medical insurance cover is not provided under a Technical Cooperation Training Award, the Assembly will meet the cost of the relevant medical insurance cover for the officer.
- (3) Where a training award /scholarship for a long course organized under bilateral arrangements caters for only tuition and accommodation but do not include meals, out of pocket and stipend, the officer will be eligible for 25% of the living allowance applicable to the designated country.

K.19 Seminars, Workshops, Retreats and Conferences

- (1) The rates paid to officers involved in Seminars, Workshops, Retreats and Conferences will be determined by the SRC from time to time.
- (2) Workshops which are meant to review, develop and produce reports shall be treated as Retreats and should be for a maximum duration of ten (10) days. The number of participants in a Retreat should not be more than fifteen (15) excluding the secretariat staff.

- (3) The duration of Seminars, Workshops and Conferences should not exceed three weeks. Any Seminar, Workshop and Conference beyond three (3) weeks will be considered as a course and will be subjected to the stipulated provisions for courses.
- (4) No officer should be involved in more than one role in Seminar/ Workshop/ Conference at a given time.

K.20 Reimbursement of Tuition and Examination Fees

- (1) An officer who on his own initiative and at his own time undertakes and passes a course relevant for his career growth and which is administered by a recognized training institution will be eligible for refund of 80% of the amount spent on tuition and examinations provided: -
 - (i) The officer has not been sponsored for the same course before; and
 - (ii) The officer avails the original certificate for the course and a training report.

K.21 Industrial Attachment

- (1) Industrial attachment is an important component of education and training. It provides attachees with opportunities to acquire practical aspects of their respective areas of specialization in a real work place environment. The County Assembly will support industrial attachment by providing opportunities to students in tertiary and higher education institutions.
- (2) Attachment will be undertaken during the course and the duration will be for a maximum period of three (3) months.
- (3) The attachment shall be in line with the values and principles of public service and the existing labour laws.

K.22 Internship

- (1) Trainees graduating from training institutions join the labour market with academic and theoretical approaches to work and hence require practical exposure in a real work environment.
- (2) The Assembly uses internship programmes as part of on the job training for the purpose of molding interns to become responsible citizens who will contribute effectively to the socio-economic development of the country.
- (3) Internship programmes shall be guided by the relevant provisions of the Constitution, relevant professional bodies and other policy guidelines and shall not exceed one (1) year.

- (4) Details on the administration and implementation of the industrial attachment and internship in the Internship Policy (Refer to Appendix).

SECTION L: RECORDS MANAGEMENT

The Assembly recognizes the legal and regulatory requirements for effective record management and is committed to embracing good standards and practice. All employees are responsible for record keeping and must exercise a high degree of care and continuous responsibility in handling records. All records irrespective of format created, stored or received by employees in the course of their duties are the property of the Assembly.

L.1 Types of Records

A record can be physical or electronic. These include but are not limited to the following;

- (i) Electronic documents
- (ii) Hard copy documents
- (iii) Paper files
- (iv) Electronic messaging
- (v) Photographs
- (vi) Web content
- (vii) Video recordings and documentaries
- (viii) Models, plans and architectural drawings

L.2 Objectives of Record Management

Records created in the Assembly must be complete and accurate to the extent necessary to;

- (i) Enable current and future Board and Staff to take appropriate action and make well informed decisions in their day to day operations
- (ii) Enable an authorized person to examine the conduct of Assembly business
- (iii) Protect the financial, legal and other rights of the Assembly
- (iv) Protect people affected by the Assembly's actions and decisions.

L.3 Record Management Guidelines

- (1) Heads of Unit/ Department/ and Directorates are responsible for ensuring that accurate and up to date records are maintained.
- (2) Each unit shall establish functional registries to handle all correspondences and records.
- (3) For ease of tracking, accountability and safety of records, it is a requirement that all



functional units maintain a record movement register where all records received and dispatched shall be recorded.

- (4) Heads of units shall ensure that employees on transfer hand over all records in their possession before being cleared for transfer.
- (5) Failure by an employee to handover records will lead to disciplinary action.

L.4 Tampering with records

Any employee who makes a false entry in records or tampers shall be liable for disciplinary action.

L.5 Control of Records

The control of records shall be the responsibility of the head of the functional unit. Use of Assembly records for unauthorized purposes will lead to disciplinary action. Control of records covers production, approval for use, review and update as necessary, ensuring that changes to current status are identified, and availability for use. The records must be kept in a manner which can be readily identifiable, retrieved and legible.

L.6 Accountable Documents

Custody of accountable documents shall be the responsibility of the Clerk or designated officers. Designated officers must ensure that leases, title deeds and contracts are forwarded to the Clerk for safe custody.

L.7 Classified Documents

The government of Kenya security manual contains instructions regarding classified documents. The appropriate classification should be clearly marked at the top and bottom of every page of all classified documents.

SECTION M: LABOUR RELATIONS

M.1 Introduction

Under Article 41 of the Constitution every worker has the right to fair labor practices including: fair remuneration; reasonable working conditions; the right to form, join or participate in the activities and programs of a trade union; and the right to go on strike.

M.2 Consultative Committees

- (1) The Board will sign recognition agreements with trade unions. The recognition agreements will provide for establishment of a Consultative Committee.
- (2) The main objectives of the Committee are: -
 - (i) To provide machinery for negotiations between the Board and the trade unions for terms and conditions of service of unionisable employees; and
 - (ii) To secure the greatest measure of co-operation between the Board in its capacity as an employer, and its employees in all matters affecting the Service.

M.3 Composition and Functions of the Committee

- (1) The Committee may consist of not more than three members from the Board and not more than three members from the Union;
- (2) The quorum shall not be less than two representatives from each side;
- (3) The function of the Committee will be to negotiate with the trade unions and conclude a Collective Bargaining Agreement on terms and conditions of service for all unionisable employees.
- (4) The Committee will meet as and when necessary, regulate its own procedures and elect its own chairperson and secretary. It may also co-opt, where necessary, members of the Management Committee or experts on labor issues. It may also set up a sub-committee to deal with a specific matter.
- (5) Unless otherwise agreed, the expenses of the Committee (if any) will be met by the Board and the trade unions on equal basis;
- (6) A meeting of the Committee shall be convened within fourteen days of a request for a meeting from either side. Such request or report shall state the matter or matters to be



discussed and will be placed on the agenda provided that such matters are relevant.

- (7) In the event of failure to reach an agreement at Committee meeting, the provisions of the Labor Relations Act, 2007 on dispute resolutions shall apply in so far as the Board is concerned.

M.4 Union Membership

- (1) All employees may join any registered and recognized trade union of their choice.
- (2) An employee shall not be victimized or disciplined for being a member or participating in trade union activities;
- (3) An employee who is appointed as an official of the Unions shall remain a serving officer in the Service. An officer who is elected by the union members as the Secretary General will be granted permission to carry out their official duties for the Union;
- (4) An employee is not allowed to be an official of more than one trade union. However, an official of a trade union may also be an official of a federation to which the trade union is affiliated;
- (5) Meetings of members of the Union may take place during office hours with official permission from the Clerk.

M.5 Recovery of Union Dues

- (1) The Board may deduct trade union dues from the salaries of union members and pay the monies so deducted into a specified account of the trade union;
- (2) Any further deductions from an employee who has resigned his union membership and notified the employer in writing shall be stopped; and
- (3) A copy of an employee's resignation notice shall be forwarded to the union for information.

M.6 Dispute Resolution

- (1) The Board will endeavor at all times to have a good working relationship with the trade union in order to maintain industrial peace. However, should a trade dispute arise concerning dismissal or termination of service of an employee, dispute shall be resolved in accordance with the Labor Relations Act, 2007 in so far as the Board is concerned.
- (2) The union may also refer a dispute to the Industrial Court as a matter of urgency if the



dispute concerns:

- (i) Recognition of a trade union; and
- (ii) Redundancy where the trade union has already referred the dispute for conciliation for instance when the Board has retrenched employees without giving notice, and employers and employees are engaged in an essential service.

M.7 Employees Participation in Strikes

An employee may participate in a strike if: -

- (i) The trade dispute that forms the subject of the strike concerns the terms and conditions of employment or recognition of a trade union to which an employee is a member;
- (ii) The trade dispute is unresolved after conciliation; and
- (iii) Seven days written notice of strike has been given to the Secretary to the Board and the Head of Department responsible for Labor relations by the representative of the Union.



SECTION N: HEALTH AND SAFETY

N.1 Introduction

- (1) This Section provides guidelines and standards for the prevention and protection of officers against accidents and occupational hazards arising at work place.
- (2) The Section also provides procedures to be followed as a result of occurrence of such accidents and modalities for the administration and payment of Compensation for work related injuries and accidents occurring during and outside the course of work.
- (3) It further provides for guidance and counseling, management of HIV/AIDS at the workplace and the rehabilitation of officers who may be facing challenges of drugs and substance abuse.

N.2 Guidelines to General Safety

- (1) The Assembly shall maintain healthy and safe working conditions for the officers to ensure there is no personal injury caused by accidents.
- (2) All officers shall always consider safety to themselves and others when performing their duties. They should not compromise on quality, cause injury, ill health, loss or environmental damage.

N.3 Uniforms

Officers who are required to wear uniforms shall be issued with two sets of uniforms in each calendar year in accordance with the following conditions:

- (a) The officer shall wear his uniform at all times when on duty unless allowed not to do so by the head of department. The officer shall not wear the uniform at any other time than when proceeding to or from duty.
- (b) Officers shall maintain their uniforms in a clean and serviceable condition. For this purpose, the Board shall approve facilitation for dry cleaning services fortnightly, or issue a kilogram of washing soap to each officer monthly.
- (c) Uniforms become the property of the officer to whom they have been issued.
- (d) Any officer whose services are terminated for whatever cause may be required by the Clerk to return the uniform.

N.4 Protective Clothing

Employees engaged in duties which require the wearing of protective clothing shall be provided



with such clothing. However, the uniform shall remain the property of the Assembly of which when not in use shall be utilized as directed by the Head of Department.

N.5 Emergency Preparedness

- (1) The Board shall plan for foreseeable incidents such as accidents, explosions, fire, floods, earthquakes and bomb threats and prepare and outline procedures to be followed in such events.
- (2) The Clerk shall have the responsibility of ensuring that all officers and visitors are informed of and are fully conversant with the emergency procedures.

N.6 Fire Precautions

- (1) The Clerk is responsible for ensuring that fire protection facilities are provided in all buildings and are adequate and maintained in line with line with Occupational Safety and Health Act, 2007.
- (2) General information on fire precautions and fire equipment is contained in publications which are obtainable on application from the County Department responsible for Public Works. Regulations regarding fire safety are obtainable from the County Department responsible for Labor.
- (3) No hazardous or highly inflammable materials should be stored in buildings without the approval of the Serjeant-at-Arms.
- (4) Positions of firefighting equipment must not be interfered with nor should firefighting equipment such as hose reels and extinguishers be used for purposes other than firefighting.

N.7 Medical Examination

The Clerk and Heads of Department will ensure that all officers working in hazardous occupations will undergo periodic medical examination by the designated health practitioner.

N.8 Provision of Protective Equipment and Clothing

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

N.9 Safe Use of Potentially Dangerous Equipment

The Clerk and heads of Directorates should ensure that all equipment including hoists and lifts, power generators, other equipment and pressure vessels are properly maintained and that they

undergo the statutory examinations as per the requirement in the Occupational Safety and Health Act.

N.10 Reporting of Accident

Immediately a work place accident, an accident in a County Assembly vehicle or development of an occupational disease resulting in death or injury to an officer comes to the notice of the officer under whom he is directly deployed, the Supervisor should make a claim for compensation in accordance with the procedure set out in the Occupational Safety and Health Act, 2007 and Work Injury Benefits Act, 2007.

N.11 Approval and Distribution of Compensation

If it has been established that the Assembly is liable to pay compensation, the National Labour Board will approve the claim for compensation indicating the amount of money to be paid to the injured/sick officer or the dependents of a deceased officer.

The payment of the money due for compensation to the injured or deceased officer shall be made within 90 days.

N.12 Recourse to Court

Where the officer is not satisfied with the amount of compensation payable to the officer, they may raise an objection to the National Labour Board or appeal to the Industrial Court.

N.13 Compensation Payable during Sick Leave under WIBA

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

N.14 Group Personal Accident Policy

- (1) The GPA covers permanent bodily injury or death arising from bodily injury caused solely by violent external visible means and provided such death occurs not later than six (6) calendar months after the accident.
- (2) The GPA provides a 24-hour cover to County Assembly officers whether within or outside the country unlike WIBA which covers the hours the officer is at his place of work.
- (3) A claimant should not be compensated twice for the same loss under GPA and WIBA.
- (4) The GPA offers extended cover to all Assembly officers as follows: -
 - (i) Accident to employees while riding on motor cycles including pillion passengers;
 - (ii) Accident to employees out of exposure to banditry and similar risks in the course

of duty;

(iii) Assembly drivers deployed to drive privately registered donor development partner vehicles.

(5) Any claim submitted after one year will be time barred and will not be accepted as liability.

(6) All claims under GPA should be reported by the insured, dependents or nominee in writing.

(7) The benefits payable under the GPA and WIBA are: -

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

N.15 Guidance and Counseling

- (1) The current challenges in the workplace and family environment affects the performance and wellbeing of an officer. To address these challenges, the Board will introduce guidance and counseling services.
- (2) Counseling Services in the Assembly shall be free of charge and shall be limited to service Officers. However, consultation with family members or support system may be sought when deemed necessary.

N.16 HIV/AIDS at Workplace

- (1) HIV and AIDS is a major challenge facing officers in and out of the office. It poses a big threat to the individual, the family and at the work place. It is in cognizance of this that the national government has put in place care and support programs for the infected and affected officers to enable them remain productive.
- (2) HIV/AIDS shall be treated like any other challenging issue at workplace. All officers shall have a role to play in the wider struggle to mitigate the effects of the pandemic.



N.17 Fighting Stigma and Discrimination

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

N.18 Screening for Purposes of Employment/ Recruitment

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

N.19 Continuation of Employment

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

N.20 Drug and Substances Abuse

- (1) Addiction to drugs or substance will be treated like any other disease. An officer who is determined to deal with drug and substance abuse problem by engaging in rehabilitation services will be referred by the Clerk to a Government doctor for evaluation.
- (2) The County Assembly will provide both in-patient and out-patient rehabilitation services within the limits provided in the Medical Insurance Scheme.

N.21 Employee Welfare and Wellness

The Clerk shall develop and implement employee welfare and wellness programmes in the work place.

APPENDICES

INTERDICTION UPON A CRIMINAL CHARGE

(Letter head)

To

.....

(Registered mail to last known address)

Dear Sir/Madam (as the case may be)

RE: INTERDICTION UPON CRIMINAL CHARGE

It has been reported to this office that you were arrested and/or charged in a court of law with the offence of (*Set out particulars as indicated in the charge sheet*).

In view of the foregoing, you are hereby interdicted from exercising the duties of your office with effect from the date you were charged/date of this letter (*whichever is applicable*) pending finalization of your case.

While on interdiction, you will be paid half salary and you should not leave your duty station without the express permission from your immediate supervisor.

(Signed)

The Clerk

Copy to: Supervisor

INTERDICTION FOLLOWING GROSS MISCONDUCT LEADING TO DISMISSAL

(Letter Head)

To

.....

Thro'

(Supervisor)

Dear Sir or Madam,

RE: INTERDICTION

It has been reported to this office that you

(Set out the particulars of the misconduct together with dates)

To facilitate investigations on the alleged misconduct, it has been decided that you be and are hereby interdicted from exercising the duties of your office from the date of this letter pending finalization of your case.

While on interdiction, you will be entitled to half of your basic salary, full house allowance and medical insurance cover. Further, you should not leave your duty station without the express permission of your immediate supervisor.

Yours faithfully

(Signed)

The Clerk

LETTER LIFTING INTERDICTION

(Letter head)

To

.....

Thro'

(Supervisor)

.....

Dear Sir/Madam

RE: LIFTING OF INTERDICTION

Further to our letter Ref. No..... dated (*the interdiction letter*) and after due consideration of your case, it has been decided that the interdiction imposed on you be and is hereby lifted with effect from..... (*the date of the interdiction*). Your salary withheld during the interdiction shall be released.

You should acknowledge within one month from the date of this letter that you have read and understood the contents herein.

Yours faithfully

(Signed)

The Clerk

SUSPENSION LETTER

(Letter Head)

To

.....

Thro'

(Supervisor)

Dear Sir or Madam,

RE: SUSPENSION

It has been reported to this office that you were convicted of a serious criminal offence namely (set out particulars). **Or**

Having considered your representations and investigation report on (*state alleged offence*), your general conduct and work performance has been found wanting and warrants dismissal on account of gross misconduct.

Consequently, it has been decided that you be and are hereby suspended from exercising the duties of your office from the date of this letter pending finalization of your case. While on suspension, you will not be entitled to any salary but you will be paid full house allowance, medical allowance or where applicable medical insurance premium will be remitted.

Yours faithfully

(Signed)

The Clerk

LETTER LIFTING SUSPENSION

(Letter head)

To

.....

Thro'

(Supervisor)

.....

Dear Sir/Madam,

RE: LIFTING OF SUSPENSION

Further to our letter Ref. No.....dated (*the suspension letter*) and after due consideration of your case it has been decided that, the suspension imposed on you be and is hereby lifted with effect from..... (*the date of the suspension*).

However, you are hereby warned that a repeat of the same or similar misconduct in future may lead to commencement of proceedings for your dismissal from the service.

In view of this decision, you are required to report to this office on and not later than (*Reasonable time*).

You are required to acknowledge within one month from the date of this letter that you have read and understood the contents herein.

Yours faithfully

(Signed)

The Clerk

SHOW CAUSE LETTER – ABSENCE FROM DUTY WITHOUT REASONABLE CAUSE

(Letter Head)

To

.....

Thro'

(Supervisor)

Dear Sir or Madam,

RE: ABSENCE FROM DUTY WITHOUT REASONABLE CAUSE

It has been reported that you absented yourself from duty on..... *(State the particulars of the absence including number of days and specific dates)*

In view of the above, your dismissal from the service on account of absence from duty without reasonable cause is contemplated, but before this is done, you are hereby called upon to show cause why the intended action should not be taken.

Your representation if any, should reach this office within..... *(State reasonable time)* from the date of this letter failure to which the contemplated action will be taken without further reference to you.

Yours faithfully

(Signed)

The Clerk

NOTICE OF INTENTION TO RETIRE ON GROUNDS OF PUBLIC INTEREST

(Letter Head)

To

.....

Thro'

(Supervisor)

Dear Sir or Madam,

RE: NOTIFICATION OF RETIREMENT IN THE PUBLIC INTEREST

It has been established that you committed the following offence(s) which affect the public interest. *(State the full particulars of the complaint/offence that warrant his retirement)*

Consequently, it is contemplated to retire you on the ground of public interest in accordance with public service regulations. However, before a decision to retire you is made, you are hereby asked to make a written representation as to why you should not be retired in the public interest.

Your representations, if any, should reach this office within *(reasonable period)* days from the date of this letter failure to which, you shall be retired on the ground of public interest without further reference to you.

Yours faithfully

(Signed)

The Clerk



DECISION LETTER ON RETIREMENT IN PUBLIC INTEREST

(Letter Head)

To

.....

Thro'

(Supervisor)

Dear Sir or Madam,

RE: RETIREMENT IN THE PUBLIC INTEREST

This is to inform you of the County Assembly Service Board's decision to retire you on the grounds of public interest with effect from.....(date).

In view of this decision, you are required to report to this office within thirty days with a view to submitting a handover report and to conclude arrangements for processing your pensions and other terminal benefits. Consequently, you are requested to complete the following documents and return them to this office duly signed for further action:

1. Pension Commutation Form.
2. Official Secrets (Declaration) Act for officers leaving the service.
3. Final Wealth Declaration Form
4. Clearance Form

Please note that you have a right of application for review of the decision to the Board within six months from the date of this letter.

Yours faithfully

(Signed)

The Clerk

FORMAT FOR PRESENTING DISCIPLINARY CASES, APPEALS AND REVIEWS

A. Personal Details

- (i) Name
- (ii) Date of First appointment.....
- (iii) Personal Number.....
- (iv) Current designation.....
- (v) Job group/Salary scale.....
- (vi) Terms of service
- (vii) Date of Birth.....

B. Nature of Charge, Offence or Misconduct against the officer

.....

.....

.....

(Set out the particulars in full)

C. Discipline case/Appeal/Reviews

.....

.....

.....

(Specify)

D. Previous charge or offences or misconduct and punishments (if any)

Charge	Decision	Date
1.		
2		
3.		



E. Criminal Convictions (If any)

Criminal charge/offence	Date	Judgment/Ruling/Order by Court

F. Analysis of the Case on issues raised by the officer/officers representation and the Authorized Officer's comments

Officer/officer's representations	Authorized Officer's comments
1.	
2.	

G. Recommendations by the relevant Committee of the Department/ County Assembly in the Case

.....
.....

H. Authorized Officer's comments on the Committee's recommendation which aggravate or mitigate gravity of the case (if any)

.....
.....

J. List of Appendices

.....

(List all documents attached to this form e.g. show cause letter, minutes of the relevant Committees, investigation report, court rulings/judgments etc.)

(Signed)

The Clerk

DISCIPLINARY PROCEDURE

INTRODUCTION

The County Government Act, 2012, has charged the County Assembly Service Board with the responsibility of exercising disciplinary control in the Assembly Service.

It cannot be over-emphasized that Assembly employees are required to maintain integrity and uphold the dignity of the office to which they are appointed to as well as promoting tenets and ethos of the Public Service.

The Board undertakes to accord all employees a fair hearing and adhere to the requirements in the Constitution, labour laws and all other employment laws.

Discipline is expected to deter staff/officers from committing offences that strains workplace relations and development of a positive attitude in the County Assembly. The ultimate objective of discipline is to inculcate a work culture, create a motivated and dedicated officer who upholds proper work ethics for optimal service delivery.

In this regard, self-discipline, that is, the conscious deliberate decision to comply with what is expected of staff because of believing that it is the right thing to do.

The Board has noted the inconsistencies in the way disciplinary matters are handled in the Assembly hence the formulation of this Manual. It is hoped that delays and inconsistencies will be a thing of the past.

This procedure, however, is not intended to replace Service Regulations or any other relevant laws. The Assembly Service will find the Manual useful in the administration and processing of discipline cases. This Procedure has been developed and issued by the County Service Board in an effort to enhance expeditious and timely processing of discipline cases in the Assembly.

The Procedure provides general guidelines and procedures to be followed in handling and disposal of cases. The Manual is in tune with the Constitution, Labour Laws and other Employment laws.

It is important, therefore, that the Assembly Service adhere to the procedures as laid out as are in the procedure.



1. Definition/Meaning

Discipline within the County Assembly Service means conforming to service rules and regulations which prescribe expected minimum conduct and behaviour of individual officers.

2. General Disciplinary Procedures

- (i) Disciplinary control is vested on the County Assembly Service Board by the County Government Act, 2012. It is intended to contribute to performance improvement and productivity and should be governed by principles of natural justice.
- (ii) Disciplinary procedures are aimed at encouraging improvement in individual conduct. It sets out the action which will be taken when service rules and regulations are breached.
- (iii) The Manual provides regulations including those that govern disciplinary control, powers to issue instructions and the prescribed forms of disciplinary action.
- (iv) In an effort to enhance the processing and presentation of discipline cases, the Board found it necessary to formulate this Manual to assist the County Assembly Service in handling discipline.
- (v) The Manual is intended to address the following:
 - (a) Proper framing of charges with full particulars of the case.
 - (b) Thorough investigations of cases.
 - (c) Assist in the analysis and evaluation of cases.
 - (d) Making of comprehensive comments and recommendations.
 - (e) Application of other forms of punishments other than dismissal.
 - (f) Prompt handling of cases including implementation of decisions.

3. Presentation of cases

The Secretary to the Board shall present Human Resource Management Advisory Committee (SAC) recommendations to the Board in the format prescribed, a sample of which is provided in Appendix D/7. The following must be provided:

- (a) The officer's personal files.
- (b) The SAC observations and recommendations.
- (c) Investigation report and evidence gathered.

- (d) Details of any matter which may aggravate or alleviate the gravity of the case.

4. General guidelines

This Manual provides general guidelines and forms to be used by the Board in handling discipline cases.

In applying the Manual, the user's attention is drawn to the provisions of Section 72 of the Interpretation and General Provisions Act (Cap 2) which permits deviation from a prescribed instrument or form provided that the deviation is not calculated to mislead and does not affect the substance as required in the form or instrument.

- (i) Reference should also be made to the various labour laws and any other relevant Employment Law, more so the provision for fair hearing.
- (ii) The following procedure shall apply for all staff/officers:
 - (a) Carry out a preliminary investigation and consultation as to the circumstances surrounding the act of misconduct.
 - (b) Cause the officer to be issued with a statement of the alleged offence and the charges framed against (*show cause letter*) and invite him/her to state in writing the grounds, if any, on which the officer relies to exonerate himself/herself.
 - (c) The Officer/staff is required to respond to the charges specified in the statement within three (3) days, failure to which the contemplated action will be taken without further reference.
 - (d) The Secretary then prepares and presents to SAC for deliberation and recommendation.
 - (e) If the officer fails to respond within the specified period or if in the opinion of the Accounting Officer, the explanation given is not satisfactory, he/she should forward copies of the charge and the officer's reply if any, with his/her comments to the Secretary, SAC.
 - (f) However, if the Accounting Officer is of the opinion that further investigation is necessary before a decision is made, he/she will direct the Director, Human Resource, to do so.
 - (g) While carrying out the investigations, the Director should observe the following conditions:

- (i) Investigating officer(s) should be senior to the accused officer and should not have dealt with the case before.
- (ii) The report of the investigation to be submitted to the Accounting Officer should contain recommendation on the form of punishment to be inflicted on the accused officer and a statement on whether the charges against the officer have been proved.
- (iii) Details on any matter that may affect the gravity of the case, if any.
- (iv) Once all facts of the case have been obtained, then the Accounting Officer forwards the case to the SAC for deliberation and recommendation.
- (v) As per the Employment Act, 2007, SAC shall accord all those facing disciplinary cases a fair hearing.
- (vi) Unionisable employees are entitled to be accompanied by a union official and non- unionisable staff may be accompanied by a colleague to offer moral support but not to represent.
- (vii) Having heard the officer, and considering all facts of the case, SAC shall make a recommendation to the Board.
- (viii) The Board may accept or vary SAC's recommendations or decide to hear the case afresh.
- (ix) On receipt of the Board's verdict and in case not acceptable, the officer may lodge an appeal to the Board for a re-hearing within four (4) weeks of receipt of the Board's decision.
- (x) If still unsatisfied, the officer may have his/her union report existence of a trade dispute and if not a member of the union, may appeal to the Public Service Commission of Kenya.
- (xi) The Board will weigh the conciliation and/or PSC decision and may refer case for arbitration by referring it to the Employment and Labour Relations Court.
- (xii) The Employment and Labour Relations Court's decision is final and binding to all parties.

5. SAC members facing cases

Where a member of SAC finds himself/herself facing disciplinary procedures, then SAC will be ineligible to hear the case. The Secretary will prepare and refer the case to the Board. The Director, Human Resource, will guide the Board in arriving at a decision on the case.



6. Misdemeanor

In minor offences, the Accounting Officer will decide on the punishment to be inflicted on the accused officer. The Human Resource will communicate such cases.

7. The Board

- (a) The County Assembly Service Board will handle all cases of officers on CASB salary scale 3 as per the procedure above (g) (i) - (xii).
- (b) Final decision lies with the Board as SAC only make recommendations.
- (c) If the Board is of the opinion that further investigations are necessary before acting on SAC's recommendation, it will direct the Accounting Officer to do so.
- (d) In respect of officers in salary scale 11 and below, all cases of dismissal from the service, reduction in rank or seniority will be dealt with by the Board.

8. Retirement in the public interest

Decisions in all cases of retirement in the public interest are the responsibility of the Board. This only apply to cases where the public raises a complaint against a particular officer or the Board considers the officer's action detrimental to the Assembly service.

9. Interdiction

The interdiction process entails the following:

- (a) An officer may be interdicted where misconduct which is likely to lead to dismissal is reported or a report that an officer has been charged in criminal proceedings is received.
- (b) If the case relates to a criminal charge, the officer is served with an interdiction letter.
- (c) If the misconduct is one which can lead to dismissal but is not of criminal nature, the officer will be served with a show cause letter which shall also contain a communication on interdiction.
- (d) Where the misconduct is likely to lead to a dismissal and is also the subject of a criminal charge, the procedure in **Appendix II** will prevail.
- (e) A public officer on interdiction shall be entitled to not less than half of his/her

basic salary and all allowances due.

- (f) A public officer whose interdiction has been lifted shall promptly be served with a decision letter.

10. Suspension

- (a) If a public officer has been convicted of a serious criminal offence, he or she shall be served with a show cause letter which shall contain a communication on suspension.
- (b) If the misconduct is one which can lead to dismissal, the officer will be served with a show cause letter which shall also contain a communication on suspension.
- (c) A public officer whose suspension has been lifted shall promptly be served with a decision letter.
- (d) A public officer who is on suspension shall not be paid any salary, but is entitled to be paid house, medical and other allowances as may be applicable.
- (e) Interdiction and suspension can only be uplifted by the Accounting Officer on recommendation or advice by the SAC.
- (f) In all instances above, 'fair hearing shall be observed'.

11. Gross misconduct

Misconducts that may lead to disciplinary action are unlimited. However, the following are some of the examples of gross misconduct that may lead to summary dismissal (Employment Act, 2007 Section 44 (4):

- (a) Absence from duty without permission.
- (b) Intoxication during working hours.
- (c) Negligence of duty.
- (d) Using abusive or insulting language or behaving in a manner likely to cause a breach of the peace.
- (e) Insubordination.
- (f) Criminal conviction and imprisonment for more than ten (10) days.
- (g) Willful destruction of Assembly property.
- (h) Theft by servant.

12. Absence from duty without leave

Where an officer is absent from duty without leave, reasonable or lawful cause, the following steps will apply:

- (a) Establish the exact period with dates the officer has been absent from duty. If

not traced within a period of ten (10) days from the commencement of such absence, stop salary with effect from the date of absence.

- (b) Address a show cause letter to the officer through his or her last known address by registered mail, giving a reasonable period within which to respond but not less than ten (10) days stating clearly the nature of the offence and the contemplated action.
- (c) If the officer does not respond, submit the case to the SAC which shall make a recommendation to the Board for summary dismissal.
- (d) If the officer has responded, carry out investigations on the issues raised in the show cause letter and in the officer's defense; prepare an investigation report; and submit the case to the SAC for a recommendation.

12.1 Thereafter submit the case to the Board for a decision.

Communicate the decision to the officer informing him or her right of appeal or review to the Board within four weeks from the date of receipt of the decision.

13. Reporting of cases

Where cases are reported to the Authorised Officer by supervisors, the following procedure shall apply:

- (a) All cases of misconduct shall be promptly recorded and reported.
- (b) Preliminary investigations shall be carried out and a report compiled which shall be submitted together with supporting evidence.
- (c) Action shall be taken by supervisors as advised by the Authorised Officer.

Evidence

Accurate evidence is the foundation of fairness in discipline cases and the following important considerations shall apply in preparing evidence in all cases:

- (a) Evidence shall be recorded and compiled by the Human Resource Department in accordance with the regulations.
- (b) The evidence shall include oral information and documents relevant to the inquiry.
- (c) The Secretary, SAC, shall record details of any matter(s) which may aggravate or mitigate the case.
- (d) After listening to all witnesses and studying all the documents, the investigator shall sum up the case and record his or her comments so as to clearly show his or

her opinion on matters in the case as evaluated against the evidence.

- (e) However, the Secretary, SAC, shall make a recommendation as to the form of punishment that may be inflicted as per service rules.
- (f) In all cases, the Secretary, SAC, shall be a public officer senior to the officer charged and aware of the labour laws, especially on Grievance Handling Procedure (GHP).
- (g) Where further investigations are directed as provided for in the regulations, such investigations shall be conducted in accordance with the process in (a) to (g) above.

14. Punishments

The following are the punishments which may be inflicted on officers facing disciplinary action:

- (a) Recovery of cost or part of the cost of any loss or breakage caused by default or negligence provided that no such cost has been recovered by surcharge under the appropriate financial instructions or regulations and a warning.
- (b) Reprimand (including severe reprimand) and a warning.
- (c) Deferment of increment and a warning.
- (d) Withholding of increment and a warning.
- (e) Stoppage of increment and a warning.
- (f) Reduction in rank or seniority and a warning.
- (g) Dismissal

15.1 All the punishments inflicted should be within public service regulations and the law.

15.2 All disciplinary action records shall be deemed to have expired and would no longer be referred to as a record as follows:

- (i) (a) to (f) above will expire after one year.
- (ii) Warning will expire after six months.
- (iii) Recorded caution will expire after two months.

15. Retirement in the public interest

In the event that the Authorised Officer in his/her opinion considers that it is desirable to retire an officer in the public interest, the following process will apply:

- (a) The Authorised Officer must address a letter, a sample of which is provided in form D/6 requiring an officer to show cause why he or she should not be

retired on grounds of public interest and stating a reasonable period within which he or she must respond.

- (b) Upon receipt of the public officer's representations, submit the case to the SAC for a recommendation.
- (c) Submit the case to the Board, an authority empowered under the regulation to make a decision.
- (d) Communicate the decision to the officer and inform him or her of the right of appeal or review to the Board within the time provided for in the regulations.
- (e) If the officer is retired, inform him or her of the benefits, if any.

16. Appeals and reviews

A right of appeal or review shall be communicated to the concerned officer in the letter containing a decision which may be appealed against or reviewed as the case may be. The following procedure must be adhered to while processing appeals and reviews:

- (a) All appeals and reviews must be addressed to the Secretary, County Assembly Service Board through the respective Directors/head of department who shall give comments on obligatory issues raised.
- (b) All appeals and reviews must be forwarded to the Board even where they are made outside the time prescribed in the regulations.
- (c) Decisions on appeals must be promptly conveyed and the officer informed of the right of review on account of new material facts or, an error.
- (d) Comments on obligatory issues on appeals and reviews to be signed by the Authorised Officer personally.

17. Court cases

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

- (a) The Clerk shall promptly bring to the attention of the Board the filing of such a court case and forward all the relevant information as well as documents relating to the case.
- (b) Court decisions shall be complied with and where the Board's involvement is required, the relevant request shall promptly be presented to the Board.

- (c) All the officers shall ensure that they co-operate with the Board in availing evidence and witnesses as may be required for successful handling of court cases.

18. Appeal to PSC

Aggrieved employees who may not be satisfied with the decision of the Board may appeal to the Public Service Commission as provided in the CGA, 2012.

19. Monitoring and evaluation

This procedure shall put in place systems to assess the extent to which the disciplinary procedure's objective is realized. Such systems shall assess the disciplinary action taken and the cost effectiveness.

20. Review

The document shall be reviewed every three (3) years.



INTERNSHIP/ATTACHMENT PROGRAM POLICY

i. Introduction

Bomet County Assembly will offer internships/ attachments at the Assembly in Bomet County. The internship/attachment program is designed to provide graduate and continuing students with an opportunity to gain practice while working under the guidance of a knowledgeable, experienced, and successful supervisor. In addition the interns/attachees will provide their services thus contributing to the mandate of the County Assembly.

ii. Justification

The program will be imperative considering that the County Assembly has limited budgetary allocations to hire adequate human resource, therefore the interns/attachees will provide services to the different County Assembly departments at an economical rate thus adding value to the County Assembly as they learn, gain knowledge, skills and experience.

iii. Eligibility

1. An attachee **MUST** be a continuing student who is undertaking a diploma, a degree or a master; and attachment is a mandatory requirement for completion of his/her studies. For the Security Department, attachees undertaking diploma will be considered.
2. An intern **MUST** be a graduate of a Second Class Upper Division; the interns will **ONLY** serve in the following departments; Legislative and Legal Services, Committee and Procedural Services and the Budget Office.

iv. General Information

Attachees are expected to work 40 hours a week (8 hours a day) during an 8 to 12-week attachment period (2 to 3 months). The maximum period the Assembly will offer attachment is 3 months; this will enable the Assembly to offer the attachment opportunities to other students who may wish to participate. In addition, the Assembly will offer internship opportunities to the relevant and successful graduates for a period of 6 months.

Any department in the Assembly will **ONLY** take a maximum of two interns/attachees at a go so as to ensure the interns/attachees have an adequate working environment. All interns/attachees are subject to the applicable Bomet County Assembly employee rules, including its Employment Dispute Resolution Policy.

v. Application Procedures

Candidates must complete the internship/attachment application form and submit it with their cover letter, detailed resume, a copy of their Identification Card and one coloured passport photo. All application items must be submitted as a complete package. Incomplete applications will not be reviewed. Application forms can be collected at the Assembly or downloaded from the Assembly's website.

vi. Competitiveness

Students applying for attachment will be subjected to an assessment before the selection is done e.g. availability of the learning institution attachment letter, insurance cover etc.

Internship opportunities for graduates will be on a competitive basis. Therefore, the shortlisted applicants will be subjected to an interview process.

vii. Supervision

The Assembly will provide a supervisor for every successful intern/attachee. The supervisor will determine the role of the intern/attachee and the specific tasks to be accomplished. In addition, after successful completion of the

internship/attachment, the evaluation report of the intern will be done by the individual supervisor.

viii. Confidentiality

An intern/attachee shall not disclose, discuss, use, take advantage of, benefit or appear to benefit from the use of information not generally available to the public and which has been acquired while performing his/her appointed County Assembly tasks. This shall extend even after the intern's services to the Assembly have come to an end.

ix. Application Deadlines

Candidates seeking internship/attachment with the Assembly should ensure the applications are submitted for consideration a month (4 weeks) before the commencement of their internship/attachment. The Assembly reserves the right to adjust the internship/attachment period for candidates selected depending on the internship/attachment opportunities available.

x. Code of Conduct

The Assembly expects an intern/attachee to meet the highest standards of professional and ethical conduct. It shall not tolerate an intern:

- i. Deliberately absenting himself/herself from his/her proper location of work.
- ii. Working under the influence of intoxicants and narcotics.
- iii. Negligently performing his/her duties.
- iv. Using abusive language.
- v. Repeatedly being discourteous towards colleagues and other stakeholders.
- vi. Repeatedly and deliberately disregarding proper command that is within his/her scope of duty.
- vii. Deliberately violating the Kenyan Law.
- viii. Deliberately violating conditions governing the County Assembly.
- ix. Deliberately destroying, stealing or fraudulently using the Assembly property.

xi. Stipend:

An intern will receive a stipend of **KES 400 per day (KES 12,000 per month)** and an attaché will receive a stipend of **KES 200 per day (KES 6,000 per month)** which shall be for transport and lunch allowance while working for the County Assembly. The Stipend will be paid on a monthly basis.

Mailed Applications should be sent to:

Bomet County Assembly
Internship/Attachment Program
P.O Box 590-201400,
Bomet, Kenya
+254 727 887 146
E-mail: info@bometassembly.or.ke

Appendix 1: Internship/Attachment Application Form 2014/2015

Applicant Information		
Last Name:	First and Middle:	Date:
Sex (<i>tick one only</i>)	Female	Male
County:		
Constituency:	Ward:	P.O Box:
Phone:	Cell Phone:	
Email address:		
Date of Birth: (<i>Attach copy of Identification Card</i>)		
School Registration Number: (<i>If Applicable</i>)		
College/University:		
Phone:		
P.O Box:		
How did you hear about our internship/attachment program?		
Applying for: (<i>tick one only</i>) Internship [] Attachment []		
Internship/attachment period (provide date/month/year) (<i>If a student, attach the attachment request letter from your Learning Institution</i>)		
Begin:		End:
University Supervisor (<i>If Applicable</i>)		
Name:		
Department:		
Phone:		
Have you ever been convicted of a crime? ☐ Yes ☐ No	If yes please explain:	

Attachment Departments

Please indicate which department you would like to be attached to:

☐ Human Resource Communication	☐	Public Relations and
☐ Administration	☐	Library
☐ Procurement	☐	Finance and Accounting
☐ Library	☐	Legislative and Legal Services
☐ Security Services	☐	Committee and Procedural
☐ Research	☐	Catering
☐ Hansard	☐	ICT
☐ Budget		

Education Information *(Start with recent)*

Education Level e.g. University, College, Secondary, Primary etc	Name of the Course Undertaken	Learning Institution	Grades Scored

Personal Information

Why are you interested in an internship/attachment in the Bomet County Assembly?

What specific experience would you like to gain through this internship/attachment?

Describe your long-term career goals:

Professional References <i>(provide at least three)</i>		
	Name	Relationship, organization and contact information (e-mail and phone number)
1		
2		
3		
4		

Disclaimer and Signature

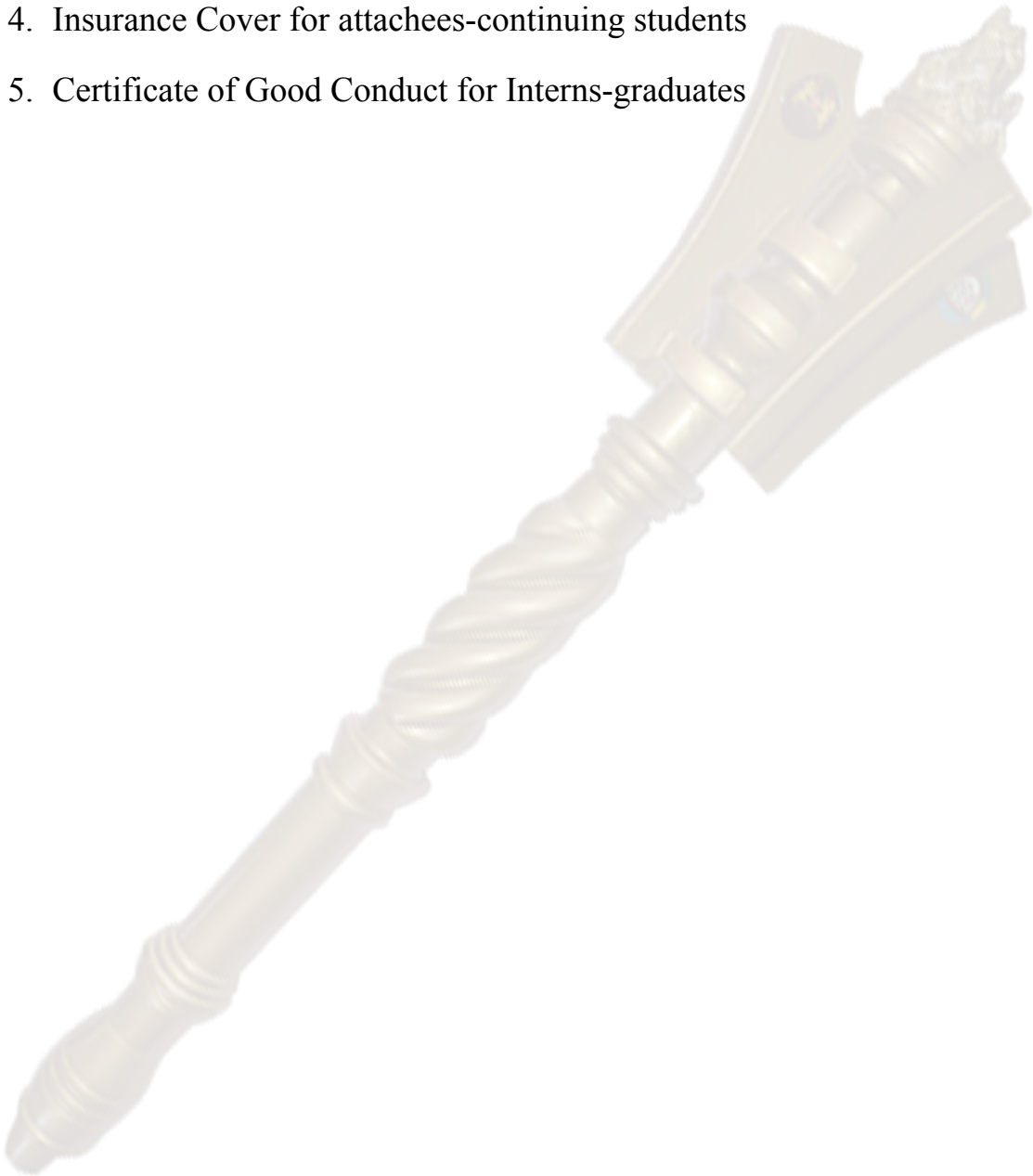
I certify that my answers are true and complete to the best of my knowledge. If this application leads to an internship/attachment assignment, I understand that false or misleading information in my application may result in my dismissal.

Signature:

Date:

Attach the following to this Internship/Attachment Application Form:

1. Detailed Curriculum Vitae (CV)
2. A copy of Identification Card
3. One coloured passport photo
4. Insurance Cover for attachees-continuing students
5. Certificate of Good Conduct for Interns-graduates



Internship/Attachment Appointment Form 2021/2024

A. Personal Particulars			
Full Name:			
Date of Birth:			
College/University Name:			
Identity Card No.			
School Registration No. <i>(If applicable)</i>			
Course Name:			
Qualified for: <i>(tick one only)</i> Internship [] Attachment []			
Level of Study: <i>(tick one only)</i> Diploma [] Undergraduate [] Masters []			
B. Intern/Attachee Detailed Task(s) Assigned			
Intern/Attachee Position:			
Department Attached:			
Location of the Assignment:			
Internship/Attachment Period:			
Detailed Terms of Reference: <i>(Should be attached separately to this appointment form by the responsible supervisor in the below format, this should also cover the whole internship/attachment period for the intern/attachee)</i>			
Task	Timeframe or Period	Expected Results	Staff Member Responsible
Remarks			
C. Benefits Offered			
D. Other (if any)			

E. Bomet County Assembly Expectation

Bomet County Assembly expects the intern/attachee to meet the highest standards of professional and ethical conduct. Conduct that interferes with business operations, discredits the County Assembly, is offensive to clients or colleagues, and shall not be tolerated.

The intern/attachee is expected to be familiar with the Assembly's Human Resource Policy and Guidelines. This document is binding.

F. Bomet County Assembly Intern/attachee Service Termination Right

Bomet County Assembly reserves the right to terminate an agreement with an intern/attachee at any time and to do so at very short notice, without being liable for any compensation.

G. Certification

I, the undersigned intern/attachee, understand and accept the terms of service to the Bomet County Assembly.

_____ Date:

(Signature of Appointed Intern/Attachee)

H. Bomet County Assembly Authorized Representative

_____ Date and

Stamp: _____

(Signature of Authorized representative of the Bomet County Assembly)

(Full name of Authorized representative of the Bomet County Assembly)

Appendices

Designation _____

Department _____



GUIDELINES ON SECONDMENT IN THE COUNTY ASSEMBLY SERVICE

1.1 Introduction

Section B.36 of the County Assembly Human Resource Policies and Procedures Manual 2018) provides for secondment of the County Assembly staff. This Policy will provide a framework for sharing of the existing critical skills and competencies within the County Assembly Service. The policy allows officers to be exposed to fields and experiences to the Service for purposes of transferring skills.

Over the years, there has been increase in secondment of officers to various Public Service organizations and in different professional areas.

The above notwithstanding, some challenges have been experienced in the secondment of employees without the policy. Secondment of officers with critical skills to other Public Service organizations has led to skills gap and shortage of human resources in key areas within the County Assembly service. This has been compounded by the fact that critical positions could not be filled due to scarcity of such skills in the labour market thereby compromising service delivery. Officers on secondment continue to be held against their substantive positions thereby denying other officers opportunity for promotion to those positions.

Further, the management of secondment has not been streamlined leading to officers exceeding the approved period of secondment while others lose their pension rights. It has also been observed that officers on secondment who have committed acts which are a breach of discipline have been released back to the parent organization without preferring any disciplinary action.

Secondment, however, still remains a viable tool of management of critical skills that need to be shared within the service, providing opportunity for exposure and capacity building while preserving the employees' pension and career progression rights. It has therefore become necessary to formulate the secondment policy in the County Assembly Service.

1.2 Purpose

To ensure proper management of secondment arrangements, together with providing clarity on the obligations, expectations and accountabilities of all parties to secondment arrangements; this guidelines set out to ensure a structured, systematic and consistent approach to be adopted in relation to secondment arrangements. It sets out the arrangements to be followed where an employee is seconded to an external organization and outlines principles to be adhered.

Overall, secondment is recognized as a valuable tool for development, offering career development for employees, and the opportunity for the Service to develop its skills base.

1.3 Definition

Secondment is a temporary movement or 'loan' of an employee to a different organization. Secondment means an arrangement in which a pensionable employee is temporarily released from County Assembly service to another organization which does not necessarily have reciprocal pension arrangements, to provide critical skills or acquire new skills while preserving the pension rights of the employee.

2.1 General provisions

The following general provisions on secondment shall apply:

- i) Secondment shall be restricted to officers on permanent and pensionable terms of service who have been confirmed in their appointments, and shall be authorized only in cases where an officer is joining an institution that has not been declared 'Public Service' for pension purposes;
- ii) Secondment shall be restricted to officers in CASB 7(or its equivalent) and above. Secondment of officers at lower levels shall be considered on a case by case basis;
- iii) Secondment of officers to other Public Service organizations shall be for a period of three years renewable once.
- iv) Officers who have attained fifty five (55) years and above shall not be eligible for secondment. They will be required to retire under the '50-year rule' or resign from the Service;
- v) Secondment from the CAS to other Public Service organizations shall be approved by the CASB, while secondment of officers from other organizations to the CAS shall be approved by their respective authorities.
- vi) Officers or organizations to which officers are seconded shall remit pension contribution to their respective Pensions Schemes at the prevailing rates during the period of secondment, to avoid loss of pension or delays in processing of pension dues upon retirement.
- vii) Where an officer on secondment commits an act which is a breach of discipline, the case shall be handled by the organization to which the officer is seconded and the recommendations and decisions thereof forwarded to the County Assembly Service for further action in line with the prevailing regulations;
- viii) Officers on secondment to other organizations shall be eligible for promotion in the County Assembly Service; and

- ix) Officers appointed to international organizations shall be considered for unpaid leave in accordance with the prevailing regulations.



3.1 Areas for Secondment

Secondment may be recommended for the following areas:

- i) A new project;
- ii) On reciprocal arrangements for bilateral or multilateral government programmes;
- iii) Introduction of a new initiative;
- iv) Establishment of a public service organization;
- v) Policy development;
- vi) A specific task of limited duration or with an uncertain future (normally up to two years);
- vii) A short-term appointment to start a new work area prior to making a permanent appointment; and
- viii) Research work.

This is not an exhaustive list and secondment may be considered for other purposes as may be approved by the CASB.

3.1 Initiating Secondment

Secondment arrangements may be initiated by:

- i) Individual employees; and
- ii) Notification from a public service institution seeking secondment of County Assembly Service Staff.

3.2 Benefits of Secondment

3.2.1 Benefits for the seconded officer include:

- i) The opportunity of wider career and personal development;
- ii) To acquire valuable experience in project management;
- iii) The ability to test and apply specific skills in a different organizational environment; and
- iv) To gain new skills and experiences in challenging areas.

3.2.2 Benefits for the County Assembly include:

- i) The opportunity to gain enhanced employee skills, team working and cross-functional communications;
- ii) Enhance service to clients;
- iii) Improvement in workforce morale and motivation;
- iv) The development of wider networks and contacts; and
- v) The opportunity to build a reputation as an employer of choice.

3.2.3 Benefits for the host organization include:

- i) To gain assistance with projects;

- ii) To gain an external perspective; and
- iii) To gain skills wider than those currently available within its own workforce.



4.1 Roles and Responsibilities

4.2 Head of Department (HoD)

- i) To ensure that the individual is aware of, and understands the Secondment policy and procedure;
- ii) To give due consideration to requests for secondment;
- iii) To recommend approval of the individual's application to the Staff Advisory Committee (SAC). Recommendation for approval will be subject to the over-riding requirement that there would be no adverse impact on the capacity to meet operational requirements;
- iv) To liaise with Human Resource (HR) to agree on start date, secondment period, and related terms and conditions of service;
- v) To make arrangements to cover the seconded officer's work during the secondment period;
- vi) To maintain contact with the seconded officer throughout the period;
- vii) To liaise with HR to ensure that the payroll section is advised of the secondment arrangement; and
- viii) To ensure that the individual is supported on their return to their substantive post (if appropriate).

4.3 Head of Human Resource/SAC

- i) To give due consideration to requests for secondment. Approval will be subject to the over-riding requirement that there would be no adverse impact on the capacity to meet operational requirements;
- ii) To liaise with the host organization to agree on start date, secondment period, and related terms and conditions of service; and
- iii) To ensure that secondment agreements are carefully monitored throughout the length of the existence of the arrangements.

4.4 Employee's requesting secondment

Prior to making an application for secondment, the employee must consult their HoD and obtain their agreement to the application. Applications will be given due consideration and approval will be subject to meeting the exigencies of service. Should the employee feel that they have been unjustly refused support for an application for secondment they may seek redress through the relevant channels.

4.5 Host organization

- i) To provide a clear rationale and need for secondment, identifying specified outcomes along with an appropriate job description and personal specification, setting out the skills and competencies required;

- ii) To identify the terms and conditions that will apply to the seconded officer during the period of secondment that do not currently apply to the employee;
- iii) To identify the period of secondment, normally lasting no less than three months and no greater than three years;
- iv) To identify whether indemnity insurance will need to be provided and if so, to make the necessary arrangements for provision;
- v) To liaise with the CASB to agree on start date, secondment period, related terms and conditions of service; and extension of secondment period (if required).

5.1 Terms and conditions during the secondment period

- i) Seconded staffs are entitled to maintain their terms and conditions of employment except where mutually agreed otherwise;
- ii) Enhanced salary payments will only be paid if applicable in accordance with current terms and conditions;
- iii) Where the terms and conditions for the secondment opportunity are more favorable than those in the substantive post, the appropriate terms and conditions of the secondment post would apply for the period of secondment only;
- iv) Superannuation entitlements/pensions will continue to be based on the basic salary of the substantive post;
- v) Annual leave entitlements will remain unchanged, but granting of public and statutory holiday entitlements may be in accordance with the working practices of the host organization (this will need to be agreed on an individual basis depending on the host organization);
- vi) For certain staff, the statutory requirements for maintenance of professional registration must be explicit within the secondment arrangements;
- vii) Day to day management of the seconded officer's performance, attendance and conduct will be the responsibility of the receiving supervisor in the host organization;
- viii) Time spent on secondment with another organization will not affect continuity of service;
- ix) Requests for extensions to the secondment period from the host organization must be made to the Authorized Officer in writing at least one month before the end of the scheduled expiry date, setting out the reasons for the extension;
- x) A seconded officer returning from secondment will normally return to his or her substantive post within the County Assembly Service. Where the substantive post is no longer available, the seconded officer will be assigned the next appropriate approved vacancy to arise within the grade formerly held by the employee. Therefore, the seconded officer is not guaranteed a

return to his or her previous job and may be assigned to a post within the relevant areas in the service;

- xi) The Authorized Officer reserves the right to recall staff prior to the end of the secondment period if required;
- xii) Termination of secondment arrangements prior to the expiry of the secondment period will normally be subject to a notice period not less than one month. However, secondment arrangements may be terminated without notice where serious misconduct issues arise, or where emergency or exceptional circumstances dictate that it is necessary;
- xiii) The host organization will be responsible for payment of all travelling, subsistence and other relevant expenses incurred during the course of the secondment period; and
- xiv) The host organization will supply training and equipment necessary for the seconded officer to perform the duties and responsibilities effectively and efficiently.

6.0 Reporting of Secondment

Reports of secondment will be maintained within by HR and will be forwarded to the CASB biannually. The report will include: the start date of the secondment, the name, grade, and location, purpose of the secondment, remuneration arrangements, the proposed date of termination of secondment and any reported adverse incidents pertaining to the seconded officer since the previous report.

These guidelines shall be implemented with effect from **March 2021**. Any secondment arrangements entered into on or after that date must comply with the procedures set out herein.

GUIDELINES ON BONDING COUNTY ASSEMBLY TRAINEES

INTRODUCTION

1.1 Background

The County Assembly of Bomet recognizes that its potential lies in its people; their creativity, work ethics, education, entrepreneurial and other skills. It has therefore continued to invest heavily in training its employees with a view to creating a globally competitive and adaptive Human Resource (HR) base to meet the ever increasing citizenry's demand for quality service delivery.

Training is geared towards correcting any knowledge, skill and attitude deficiencies identified through the training needs assessment process. It is further meant to develop officers for higher productivity, enable them fit and grow in their career paths and easily adapt to technological and other changes taking place in the work environment. Towards this end, the County Assembly will bond employees selected for approved training with a view to retaining them in the Service for a specified period that will enable them transfer the skills and knowledge acquired for improved service delivery. The overall intention of the bonding process in Government is to allow for full utilization of skills and knowledge acquired through training.

It has been noted that the Government has been facing various challenges in retaining the trained and highly skilled employees who continue to seek employment in more lucrative organizations outside the Public Service without regard to their bond obligations after the training.

In view of the foregoing, it has been found necessary to provide guidelines for effective and efficient management of the bonding process in the County Assembly Service.

1.2 Policy on Bonding

The County Assembly shall continue bonding its officers who proceed on approved courses of training locally or abroad lasting six months and above. This will also apply to short programmes lasting below six months whose value and cost are considered high as to constrain the organization's training budget.

1.3 Rationale for Bonding

The County Assembly has identified bonding as one of the strategies to ensure that trained employees do not leave the service soon after benefiting from a training opportunity. The purpose of the bonding is to ensure that the County Assembly

Service benefits adequately from the skills, knowledge and positive attitudes acquired through the training. Through servicing the bond, the County Assembly gets value for its investment in training.

1.4 Objectives of the Guidelines

Generally, the guidelines aim at harmonizing the application of the bonding process in the County Assembly Service and provide clear procedures for effective implementation and management of the same.

Specifically, the guidelines are envisioned to:

- a) Bring harmony across the Service by addressing the deficiencies and challenges that many would-be trainees and the County Assembly face while administering the bonding process;
- b) Introduce a uniform and coherent approach to the bonding process;
- c) Give direction on implementation imperatives with regard to: criteria for bonding, determination of bond period, qualifications of a surety, calculation of bond amount including liquidated damages, monitoring and evaluation of the bonding activities; and d) Ensure an all-inclusive and participatory approach in monitoring the bonding process.

1.5 Scope of the Guidelines

These Guidelines covers the County Assembly Staff and they will be applicable to all officers undergoing courses of training both locally and abroad who receive assistance from/through the County Assembly or on self-sponsorship. The affected officers are required to sign the training bond agreement which oblige them to provide service to the Public Service for a prescribed period upon completion of the approved training.

2.0 OPERATIONAL GUIDELINES

2.1 Determination of Bond Period and Amount Bond periods shall be as short as one year or as long as five years while the amount will be the total cost of training.

2.2 Bond Period The bond period would be determined by either the duration of the course or the value/cost of the course.

2.2.1 Bond Period Determined by Course Duration Training Period Bond Period

- a) Six (6) months up to one (1) year One (1) year
- b) More than one (1) year up to two (2) years Two (2)years

c) More than two (2) years up to three (3) years Three years

d) More than three (3) years As per the duration of the Course but not exceeding five years

2.2.2 Bond Period Determined by Cost of Training: For the purposes of these guidelines, short term training programmes are defined as those courses or seminars that involve learning or professional /technical/specialised development for a duration of below six months. Where the organization considers the value/cost of such courses to be high and constraining the organisation's training budget, the officer will be bonded for a minimum period of one year but not exceeding five years.

2.3 Calculation of the Bond Amount

Once a bonded employee begins the approved course of training, all the costs of training constitute the bond amount.

2.3.1 Components of the Bond Amount (As Applicable)

a) Tuition b) Dissertation/Research/ Thesis/ Project allowances c) Insurance Fee d) Library/computer/ examination fee e) Travel/Transport expenses f) Gross Salary for the duration of the course in months less 10% (local) or 20% (foreign) training levy g) Book allowance h) Living/ subsistence allowance i) Any other approved training expenses

2.3.2 Calculation of the Bond Amount Based on Mode of Study and Sponsorship

The components of the bond amount may be determined by the mode of study and by the sponsoring authority as follows:

a) Full Time Sponsored: Total cost of training plus the gross salary for the duration of training.

b) Full Time Self Sponsored: Gross salary for the duration of training.

c) Part-Time sponsored: Total cost of training plus gross salary for the period of training during County Assembly working hours.

d) Part-Time Self Sponsored: Gross salary for the period of training during County Assembly working hours.

e) Own Time Self Sponsored: No bonding exemption where the officer Claims 50% reimbursement in which case the refundable amount constitute the bond amount.

f) Own Time Sponsored: Bonded for the full cost of training for the duration of the course.

2.4. Liquidated Damages

An employee who leaves the employing organization before the expiry of the bond period shall be liable to pay liquidated damages to the organization. The damages will comprise the whole amount of the bond. The Bondee and/or Surety (ies) will be required to redeem the bond amount in lump sum in case of default. The County Assembly will reduce the liquidated damages in proportion to the length of the bond period served by the Bondee. (i.e pro- rated). Any incomplete months will be calculated to the nearest month.

2.4.1 Calculation of Liquidated Damages

Example: Given that the full bond amount is Ksh. 700,000 and the bond period is 2 years (24 Months) with effect from 1st January, 2010. If the employee secures employment in a private organization and wishes to resign, and had served his last day on 18th May, 2011, he shall be deemed to have served 17 months of the bond period. The pro-rated amount to be redeemed shall be 24 months minus 17 months= 7 months which will be the balance of the months not served. The Prorated Redeemable Amount will be: $\text{Ksh. } 700,000 \times 7 \text{ months} / 24 \text{ months} = \text{Ksh. } 204,166.67$ will be the pro-rated amount to be redeemed.

2.5 Discharge of the Bond Obligation

The Bond obligation will be deemed to have been discharged when:

- a) The Bondee completes the period of obligatory service;
- b) The Bondee or Surety (ies) fully redeems the bond;
- c) The service of the Bondee is terminated by the employer; or d) The Bondee is declared permanently incapacitated by a recognized medical practitioner or dies.

2.6. Training Bond Considerations.

2.6.1 Terms and Conditions of Service Only officers on Permanent and Pensionable terms of employment are to be bonded.

- a) Officers on Probation, Casual, Interns, Contract and Temporary Terms Where there is need for skills enhancement, these officers will attend short term training programmes that do not attract bonding.

b) Permanent Employees The officers are eligible for long and short programmes that attract bonding.

2.7 Special Bond Cases

2.7.1 Bond Merger Where a bondee shall be awarded a second scholarship by a development partner in recognition of exemplary performance and the same is approved by the CATC, the Bondee will be required to enter into a second bond. The two bonds shall be combined and the bond period shall not exceed five years. **2.7.2 Concurrent Bonds** may be served concurrently where an officer has been bonded for a long programme but before completion of the bond period he/she is awarded a short course in specialized/ critical areas that attracts bonding. It should be noted that an officer attending a long programme is expected to serve for a minimum of two years (2) before being considered for another long programme.

2.8 Bond Obligations

Should the Bondee change jobs during the period of the bond, the relevant Government entity must be advised of the change. The immediate supervisor of the Bondee shall inform the officer in-charge of Human Resource Development or the one in-charge of the training function about the change. Should either of the two parties of a bond agreement wish to terminate employment before the expiry of the bond period, they shall give each other three months notice. Where it is the Bondee who initiates the termination he/she shall fully redeem the bond, whereas the Government shall write-off the bond obligation if it initiates the termination process.

2.9 Forfeiture of Bond Agreement

2.9.1 The bond being an agreement between two parties, for the Bondee to render service for a specified period after training, the employee who fails to comply is deemed to have forfeited the agreement and will be required to redeem the bond in full or as pro-rated.

2.9.2 Where administrative efforts fail, the Government may institute legal action to recover the bond amount.

2.9.3 If a Bondee fails to complete a course of training for reasons which cannot be justified, he/she and/or Surety/(ies) will be liable to repay any sums advanced.

2.10 Transfer of Bond Obligation

Should the Bondee wish to change jobs or work stations during the period of the bond, the following shall be undertaken.



The remaining bond balance should be transferred to the new work station.

2.10.1 From County Assembly to State Corporations, Statutory Bodies and Constitutional offices:

The remaining bond obligation shall be transferred to the new work station.

2.10.2 From County Assembly to partially Government owned Agency on own initiative:

Redeem the bond obligation in full.

2.10.3 From County Assembly to partially Government owned Agency through employer's initiative (Secondment):

The remaining bond balance shall be transferred to the new work station.

2.10.4 Within partially Government owned Agencies on own initiative: Redeem the bond obligation in full.

2.10.5 From County Assembly Service to Private sector:

Redeem the bond obligation in full.

2.11 SURETIES

2.11.1 Number of Sureties

Every bondee shall secure two eligible persons to serve as sureties, who will co-sign the bond agreement.

2.11.2 Qualifications of a Surety A person will qualify to be a surety if he/she satisfies the following conditions:

a) Is a public servant; b) At a grade comparable, same or higher than the Bondee; c) Be at least 21 years of age and be of a maximum age that enables him/her serve for the duration of the bond; d) Should not stand surety for more than 5 Bondees at any given period; e) An officer serving a bond may stand as a surety for a maximum of three Bondees; and f) Has not been declared bankrupt.

2.11.3 Death of a Surety

In the event that a Surety dies before the bond agreement has been fully discharged, the bondee has an obligation to inform the relevant authorized officer and the remaining Surety shall guarantee the bond.

2.11.4 Surety (ies) Commitment

Should the Bondee forfeit the agreement and fail to redeem the bond amount, the Surety (ies) shall be required to pay all monies outstanding after reasonable attempts have been made by the Government and the Surety(ies) to locate the Bondee.

The Surety (ies) will indemnify the County Assembly against all legal and administrative costs that will be incurred by reason of any default on the part of the Bondee. The Surety (ies) will be released from his/her obligations under this agreement when the Bondee serves the bond period, redeems the full bond amount, or if he/she dies.

2.12 The Bonding Instrument

The bonding process will be effected by completing a bond form in triplicate in the presence of either a Magistrate, Commissioner of Oaths, or the Legal Officer of the Bondee's organization. The copies of the forms will be distributed as follows:

- a) County Assembly's file
- b) Bondee personal file
- c) Bondee's retention

3.0 INSTITUTIONAL AND IMPLEMENTATION FRAMEWORK

3.1 ADMINISTRATION OF THE BOND

3.1.1 Bonding Responsibility:

The respective Authorized Officer/Chief Executive Officer will be responsible for the administration and effective implementation of the training bond procedures and processes. County Assembly Training Committee shall ensure that all officers proceeding on courses of training that require bonding adhere to the provisions of these guidelines. The officers responsible for Human Resource Development function shall offer guidance on the bonding process, maintain a record of all bonded employees including the related activities and communicate to both the Bondee and the Surety(ies) upon lapse of the bond period.

3.1.2 Monitoring and Evaluation:

Monitoring and evaluation of the extent to which activities and procedures of the bonding guidelines are implemented will be critical if the objectives of bonding are to be achieved. Specific activities for monitoring and evaluation include ensuring: a)

Correct and timely completion of the bond form; b) Safe custody of bond instruments and the attachments; c) Receipt of back-to-work reports and course completion certificates; d) Provision of information on the deployment of the bonded officers; e) Tracking the performance of the bonded officers during training; f) Recording the turnover of the bonded officers; g) Bond period completion certification; h) Clearance of the bonded officer on transfer; i) Maintain record of redeemed, forfeited and transferred bonds; j) Development of a framework for tracking the bonding process; k) Submission of quarterly and annual progress reports on bonded officers to the. k) Development and maintenance of data bank of all bonded Officers; and m) Inter-linkage with other data systems in the County Assembly Service. In order to effectively monitor implementation of the outlined activities, participatory approaches will be adopted and mainstreamed with other training activities. Monitoring and Evaluation shall involve the County Assembly/ Departmental Training Committee members and the officer in charge of Human Resource Development/ Management in the County Assembly.

TRAINING BOND FORM FOR COUNTY ASSEMBLY STAFF

Please use block letters to complete this form: - In triplicate - Attach a recent coloured passport size photograph - Copies to be distributed to:- County Assembly training file, Bondees personal file; and a copy retained by the Bondee.

Know all men by these presents that

I Designation: (Bondee full names)

Employment No: ID No:

Pin No:..... Passport No:

Mobile No: E-mail:

Department:Address:

Postal Code: Telephone No:

Other relevant information:

.....

.....

Commit myself to serve in the County Assembly of Bomet:

.....for years upon completion

of the course in (Course Title)

held at

(Institution)

AFFIX RECENT COLOURED PASSPORT PHOTO

From: To:

And: Designation: (First
surety full name)

Employment No: ID/Passport No:

Mobile No: E-mail:

Department/Agency: Address:

Postal Code: Telephone No:

Other Relevant Information:

And Designation: (Second
surety full name)

Employment No: ID/Passport No:

Mobile No: E-mail:

Department/Agency: Address:

Postal Code: Telephone No:

Other Relevant Information:

We (Bondee, 1st Surety and 2nd Surety) jointly and severally bind ourselves, our heirs, executors and administrators to pay unto the County Assembly of Bomet (herein after called “the County Assembly”) on demand the sum of Kenya Shillings (In words)
(In figures) on account of the Bondee defaulting to serve the bonded period of years.

Sealed with our seals this day of in the year Two thousand
and

Whereas for the better protection of the Government interests, the above Bondee has agreed to execute the bond and comply with the conditions set out hereunder:

NOW THE CONDITIONS OF THE ABOVE WRITTEN OBLIGATIONS are that:

1. Every serving officer granted a course approval to pursue a course of study tenable in or outside Kenya is required to comply with the following rules:

a) To proceed to the recognized institution and begin the course of study for which the approval was granted and to continue with such studies for as long as prescribed unless he/she is prevented from so doing by sickness proved by a certificate from a recognized Medical Practitioner or by circumstances beyond his/her control recognized as such by the Authorized Officer or any other person in that behalf.

b) To devote his/her whole time to following the course of instruction for which the approval is granted unless permission to undertake other work or studies or to modify his/her course in content or duration is granted.

c) Not to engage in any occupation or activity which is considered detrimental to his/her progress in the course of studies prescribed for him/her and/or detrimental to his/her health.

d) To satisfy the Government as to attendance, conduct and progress by a report from the Head of the institution or such other approved person at the institution in which he/she is studying.

e) To comply with the scholarship conditions.

f) To sit for and pass any prescribed examinations or approved group of examinations within the time fixed by the authorities of the institution at which he/she is attending, unless he/she is prevented from so doing by sickness proved by a certificate from a recognized medical practitioner or by circumstances beyond his/her control recognized as such by the Authorized Officer or any other person in that behalf.

g) To complete the course within the stipulated period and resume duty.

h) On resumption of duty to continue in the service for a period as per the aforementioned bond agreement.

i) The commencement date of the bond will be either the earliest date the employee reports to work station after completion of training; or the date the employee goes on annual leave immediately after completion of training.

j) All Bondees will be required to sign the following declaration in the presence of either a Magistrate, Commissioner of Oaths, or organization's Legal Officer.

k) An officer under bond obligation who privately secures employment in any partially owned public institution or in the private sector will be required to redeem the bond in full.



2. The obligations contained in this agreement shall also be governed by the terms and conditions of employment in the County Assembly Service and will bind and be paramount to any subsequent terms of appointment unless his/her bond is first terminated by the County Assembly.

3. This Training Bond Form together with the Guidelines on Bonding County Assembly trainees shall constitute a formal agreement between the Bondee and the County Assembly of Bomet.

4. In the event the Bondee shall breach any or all of the above conditions, the above written bond shall remain in full force and effect and the agreed bond amount shall be forthwith payable to the respective authorized officer on behalf of County Assembly of Bomet, by way of liquidated damages, and not as a penalty and in case of his/her failing to do so, by the Surety(ies) jointly or severally.

THE ABOVE WRITTEN OBLIGATIONS are conditioned to be void in case:

- i. The Bondee completes the period of obligatory service;
- ii. The Bondee or Surety(ies) fully redeems the bond;
- iii. The service of the Bondee is terminated by the employer;
- iv. The Bondee is declared permanently incapacitated by a certificate from a recognized medical practitioner; and
- v. The Bondee dies.

It should be noted that upon the lapse of the bond period, the Bondee and the Surety(ies) should be notified in writing within 21 days.

Signed, sealed and delivered by; Bondee Name: Signature:
Date: (Bondee) First Surety; Name:
Signature: Date: (First Surety) Second Surety; Name:
Signature: Date: (Second Surety) in the
presence of Commissioner of Oaths /Magistrate/ Organization's Legal Officer

Name:..... Signature:..... Date: (Seal)

DECLARATION

I (Name of Bondee)

Hereby declare that I have read the foregoing rules and conditions and agree to abide by them.

Signature: Date:

I certify that the Declaration was both read and signed by the Candidate in my presence on the day of 20

Name Signature(Witness) (Stamp)

(Human Resource Development Officer or Officer in charge of training.)



TRAINING

1. INTRODUCTION

1.1 Background

The County Assembly of Bomet envisages enhancing and facilitating both performance improvement and career development training programmes. The salient features in management of the training function are:

- (i) Proper planning and professionalism;
- (ii) Efficient coordination;
- (iii) Career training milestones for every cadre;
- (iv) Clear responsibility centers for various training functions;
- (v) Training being largely supply driven;
- (vi) Availing training opportunities to all the staff;
- (vii) Capacity building for staff of the County Assembly.

This policy intends to address transparency, fairness, cost-effectiveness and realistic systems and procedures in the management of training in the County Assembly. It is an attempt to provide an environment that will facilitate continuous learning with a view to transforming the County Assembly Service into a Learning Organization.

1.2 Principles underlying the policy

County Assembly shall support training and development of the officers to address institutional competency and individual career development needs in line with equity and quality principles. Specifically, this policy shall be guided by the following principles:

- (i) **Professionalism:** Training shall be planned, monitored and evaluated.
- (ii) **Transparency:** Training opportunities shall be made known to all stakeholders. Fairness will be reflected in all decisions concerning training;

- (iii) **Equal opportunity:** There shall be no discrimination in award of training opportunities;
- (iv) **Affirmative action:** Disadvantaged groups shall be given special consideration for training.
- (v) **Demand driven approach:** Training shall be based on identified training needs of the individual County Assembly staff
- (vi) **Value for Money:** Training funds shall be optimally utilized for the benefit of the organization.

1.3 Aim and Specific Objectives of the Policy

1.3.1. Aim of the Policy

The policy aims at building and maintaining the County Assembly Service as an efficient, effective and professionally competent administrative machinery of County Government, capable of enhancing and facilitating the legislation and oversighting of County Executive Programmes.

1.3.2. Specific Objectives of the Policy

The specific objectives of the policy are as follows:

- i. To put in place a strategy for keeping County Assembly staff abreast with up to date professional knowledge, skills and attitudinal orientation for best performance.
- ii. To ensure efficient and effective utilization of resources spent on training in the County Assembly.
- iii. To establish a framework for institutional arrangements, procedures and practices that will ensure a systematic approach to training in the County Assembly.
- iv. To ensure fairness in the management and administration of training opportunities.

- v. To ensure that all County Assembly staff have opportunities to develop and progress in their career and that all professions have identified training milestones and job competencies.
- vi. To encourage the increased use of non-conventional training techniques in the County Assembly.
- vii. To promote the concept of a “Learning Organization”, in the County Assembly.
- viii. To promote and enhance the Capacity building of the staff of the County Assembly

1.4 Application of the Policy

This policy shall apply to the following

- All County Assembly Service staff (including partisan appointees) in County Assembly.
- The staff will be entitled to both short term and long term training since long term and where they are sponsored for long term trainings, they will be subject to bonding as per the laid down regulations and procedures in the guidelines for bonding.

2. INSTITUTIONAL FRAMEWORK FOR MANAGING TRAINING

2.1. General

This policy provides a framework for managing the training function in the County Assembly. Each department shall formulate its training plans within this Policy Framework to cater for its peculiar and unique circumstances.

2.2. The Role of Human Resource Department

The overall management of the training function will be the responsibility of the Human Resource Department. Specifically, the Human Resource Department will undertake the following:

- (i) Reviewing, formulating and overseeing the implementation of the Training Policy.
- (ii) Translating training decisions made by relevant Committee into reality by issuing necessary guidelines to the Service.
- (iii) Providing technical guidance to the Training Committee on training issues.
- (iv) Planning, Organizing, Monitoring and Evaluating Corporate Training Programs including Management and Leadership Development.
- (v) Coordinating the administration of fellowships and scholarships.
- (vi) Liaising with Training Institutions to ensure that the training needs of the County Assembly Service are catered for in their Programs.

2.3. The Role of Other County Assembly Departments

All Departments will have responsibilities for training and developing their staff. Some Departments however, shall undertake specific cross cutting training functions in accordance with their mandates, constitutional roles and implementation guidelines issued from time to time.

2.4. Training Committee / Professional Development Committee

There shall be a Training Committee in the County Assembly Service, to develop annual training calendar, recommend training proposals for approval and to oversee the implementation of the Training Policy and the respective training plans/programs. The Committee shall also provide advisory services to staff on career growth and development of respective Cadres. In the context of this policy, each cadre of County Assembly Staff shall form a profession. The Secretary to the committee shall be an officer responsible for Human Resource Department.

3. STAFF WITH KEY TRAINING RESPONSIBILITIES

The following members of staff shall play key roles in the training of County Assembly Service staff:

(i) The Responsible Officer

The Responsible Officer shall have the prime responsibility of promoting and ensuring that the training policy is successfully executed in his/her Department and that all the staff are appropriately trained.

(ii) The Head of Department/Supervisor

The Head of Department/Supervisor shall ensure that County Assembly staff under his/ her supervision are appropriately trained through continuous performance assessment and application of appropriate conventional and non-conventional methods of training.

(iii) The Head of Committee Services Department

The head of the Committee Services department will be responsible for ensuring that the capacity building calendar for the Members of the County Assembly is followed to the latter.

4. OBLIGATION OF COUNTY ASSEMBLY SERVICE STAFF

Every County Assembly Service staff shall take initiative and interest in his /her development and shall be accountable for the training he/she is authorized to undertake.

5. TRAINING CATEGORIES

In -service training shall be of the following categories:

- (i) Induction
- (ii) Performance Improvement
- (iii) Professional development
- (iv) Pre-retirement training
- (v) Benchmarking.

5.1. Induction

All County Assembly Service staff must be inducted into their new jobs and responsibilities in order to orientate them to the culture of the County Assembly Service as well as the challenges of their new jobs/responsibilities.

5.2. Performance Improvement Training

Every County Assembly Service staff shall undergo at least one performance improvement training programme in a year. Such courses shall be of short duration targeted towards improving general or specific aspects of a given job/organization.

5.3. Professional Development Training

County Assembly Service staff shall undertake identified short or long term training programmes at different levels within their career (mandatory career training). Such training can be of a full or part time nature. Quality Assurance for Professional development training shall be the responsibility of relevant accreditation authority.

5.4. Pre-retirement training

The County Assembly Service shall plan and coordinate the implementation of pre-retirement training programmes to prepare County Assembly Service staff for life after active public service.

5.5. Benchmarking

The County Assembly Service shall engage in benchmarking programs in order to measure its performance against those of the best performers in the Country. The Training Committee will come up with criteria for establishing and carrying out benchmarking. Questionnaires will be taken during benchmarking process in order to capture all the necessary details of what should be done in order to improve performance and measure the achievement indicators.

6. PART TIME TRAINING

All County Assembly Service staff shall be allowed to undertake part time courses regardless of the duration, as long as they are relevant and do not interfere with the

Overseas training shall be entirely need based and will be approved in order to achieve the following:

- (i) To enable the County Assembly Service staff to have an opportunity to learn from cross-cultural experiences in instances where there are sponsorships.
- (ii) For County Assembly Service staff whose training requirements cannot be offered effectively in the country to have a chance to learn abroad.
- (iii) To enable the staff of the County Assembly to learn when donors/sponsors for instance the West Minster Foundation and Kennedy School of Government among others have provided capacity building opportunities for them in order to enhance and improve on their mandate.

Both conventional and non-conventional methods of training shall be applied. There will be a deliberate effort to increase the use of non-conventional methods of training such as coaching, delegation, feedback, mentoring, taskforce activities, attachments, effective counter parting, study visits, exchange visits, twinning programmes, rotation and transfers, research, distance learning and any other activity that facilitates learning.

In order to balance organizational and individual performance needs:

- (i) All County Assembly Service staff must seek authority from the Clerk to undertake any type of training.
- (ii) All Officers serving on Contract Terms of service will not be permitted to undertake long term training on full time basis non-conventional methods can be used

- (iii) County Assembly Service staff on probation shall not be permitted to undertake any long term training except where;
 - (a) Such training is a requirement for confirmation
 - (b) Such training is critical in order to fill existing skills gaps.
- (iv) Granting of authority to undertake training shall be subject to:
 - (a) Availability of funds to sponsor the staff.
 - (b) The relevance of the programme to the individual or organizational performance.
 - (c) Suitability of the timing of the training programme in relation to organizational needs.

10. STUDY LEAVE

County Assembly Service staff shall not undertake long-term training without being granted study leave. Requests for study leave must be submitted to the County Assembly Service Board by the respective staff through their head of department for consideration

(Paid and Un-paid study leave)

11. SELECTION OF TRAINING PROVIDERS

Utmost care shall be exercised in selecting training providers for training to ensure value for money. The Government Procurement Regulations shall, therefore, be followed in procuring training services. That notwithstanding, there shall be a conscious attempt to draw from the expertise and insight of serving and retired Government Staff.

12. FUNDING FOR TRAINING

12.1. Source of Funding

Funding for training and capacity building programs shall be secured from:

13. Approvals for the training

Training Committee

Head of department

Clerk

CASB

Duration

Money

Selection of staff

Provider of the training

14. REWARD FOR TRAINING

County Assembly staff who attain higher educational qualifications:

- (i) May be rewarded by refunding the amount used in cases of self-sponsorship;
- (ii) May be rewarded with salary increment as detailed in the policy implementation guidelines;
- (iii) May be rewarded with any other present that the County Assembly Service Board may deem it fit for the officer and SRC Circulars and Career Progression Guideline

15. BONDING

Realizing that training is an investment:

- (i) Every County Assembly Service staff, with exception of Staff serving on Contract Terms of appointment, who is sponsored by County Assembly or under external Fellowship and Scholarship Scheme, must sign a bonding agreement to work for County Assembly for a relevant period following completion of the training.
- (ii) Officers who sponsor themselves and are granted paid study leave shall be bonded for a period not exceeding the length of the training following completion of the course.

- (iii) Bonding will only apply in case of long term training and therefore the Members of the staff who are not party to long term training will not be bonded;
- (iv) County Assembly shall recover from the Officer costs of training in case of breach of the Bonding Agreement.

16. IDENTIFICATION OF TRAINING NEEDS

Training needs will be identified at both the organizational and individual levels. The individual Officer and his/her Head of Department /Supervisor will initiate the process of training needs identification. The Clerk may initiate identification of organizational training needs, taking into account the views of stakeholders.

17. TRAINING AND CAPACITY BUILDING CALENDAR

- (i) The Training Committee will come up with a training and capacity building work plan and training and capacity building calendar in order to avoid whimsical decisions whenever training opportunities arise. The calendar will be approved by the County Assembly Service Board.
- (ii) The Committee will form a technical organ that will be assisting the Board on how to engage the facilitators, in deciding how frequent the training and capacity building programs take place.
- (iii) The Committee will align the County Assembly Training program calendar with those of service providers in the public sector such as the Centre for Parliamentary Studies and Training (CPST), Kenya School of Government, etc.
- (iv) The Committee will ensure the possibility of joint training with the neighboring County Assemblies in order to utilize the services of one facilitator, cut on costs by cost sharing.

- (v) The committee will come up with measures on how to integrate capacity building programs when there is a sponsored training,

18. MONITORING AND EVALUATION OF TRAINING

In order to achieve value for money from training undertaken by County Assembly Service Staff, each training program supported by a Department will be evaluated before, during and after the event by the respective Department.

The Training Committee will come up with the following at the end of any training and capacity building exercise:

- (i) An evaluation report detailing what was done in the training and capacity building programs.
- (ii) Views of the members of staff who attended training and capacity building programs.
- (iii) Periodical reports and appraisal reports of the impact of the training and capacity building programs.

APPLICATION FOR EXTERNAL COURSE / CONFERENCE / EDUCATION ASSISTANCE

SECTION A-TO BE COMPLETED BY APPLICANT			
PERSONAL DETAILS			
Surname	First name		
Staff Number	Job Title		
Department	Contact Number		
Supervisor			
COURSE DETAILS			
Course Title			
Desired Qualification	Accredited by/Awarding body		
Venue	Organising Body		
Course Duration	Start date	End date	
Course Cost	Per Year	In total	
Closing date for application			
Study method	Part time	Distance learning	Other (<i>Specify</i>)
Have you researched this course?	No		Yes-information attached
Please rate your level of knowledge on this subject matter	0%	25%	50% 100%
COURSE RELEVANCE - Please complete the following section in detail			
1. How does this course meet your professional needs?			
2. How will the County Assembly benefit from you gaining this qualification?			
3. Why did you choose this method of study?			
4. What are your expectations following the completion of this course?			
SECTION B-TO BE COMPLETED BY THE SUPERVISOR			

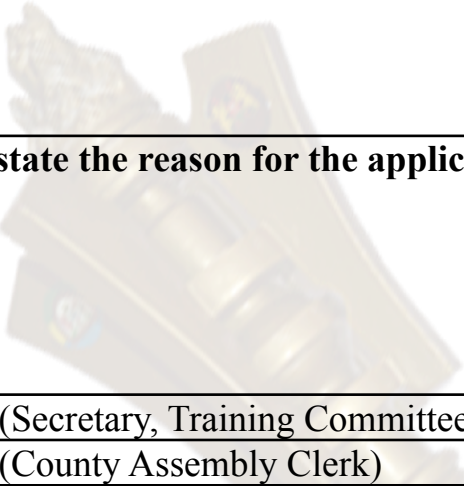
Name	Contact number				
5. How will this course/conference benefit the service user?					
6. Are you satisfied that this course will bring added value to the area and team and the applicant will share new information from this course to improve overall service provision?					
7. Have replacement staff been organised for the applicant to attend this course?				No	Yes
Agreement: I have read and understand the terms and conditions covered in the County Assembly Training Policy and agree with the contractual arrangements outlined in the policy document. I have discussed this with my supervisor. I have agreed to submit attendance and evaluation forms to the Secretary, Training Committee on completion of the course.					
Applicant Signature		Date			
Supervisor		Approved ?	Yes	No	Date
Secretary, Training Committee		Approved ?	Yes	No	Date
County Assembly Clerk		Approved ?	Yes	No	Date

SECTION C-TO BE COMPLETED BY APPLICANT

Cost of course	Per year KES	Total KES
Name and Address of Training Institution:		
Funding applied for by applicant	%	KES
Number of study days sought		Number of exam days sought

SECTION D-TO BE COMPLETED BY SECRETARY, TRAINING COMMITTEE

Appendices

Training Application Reference Number			
Funding Approved by County Assembly Service Board	%	KES	
Name of establishment			
Number of Study days approved			
Notes:			
			
Please state the reason for the application not being approved:			
Signed (Secretary, Training Committee)	Date		
Signed (County Assembly Clerk)	Date		
Final Status of Application			
Approved	Not approved	Withdrawn	

APPLICATION FOR STUDY / EXAM LEAVE

PERSONAL DETAILS		
Name	Contact Number	
Department	Job Title	
Supervisor and Contact details		
LEAVE REQUESTED		
Type of leave requested:		
Number of days	For study	For exams
Dates of exams		
Title of course		
Relevance of course to your role in the County Assembly		
SUPERVISOR AUTHORIZATION		
I can confirm that the necessary staff cover has been created to allow this applicant to take time for study/ exam leave.		
Supervisor signature	Date	
Student signature	Date	
DECISION		
Leave Approved	Leave not approved	
County Assembly Clerk Signature	Date	

TRAINING EVALUATION FORM

Course	Tutors
Date	Where did training take place?

- Please tick appropriate response below based on your learning experience throughout the course and provide comments to support your choices

Facility	Not good	Fair	Good	Excellent
Heat				
Light				
Sound				
Parking				
Space/room to facilitate learning				
Location				
Comments:				
How do you feel that the tutors managed the delivery of the course?				
Comment – please circle the appropriate response				
1. Scope of training / course content	Not good	Fair	Good	Excellent
2. Timing/pace of sessions (too quick/slow?)	Not good	Fair	Good	Excellent
3. Presentation skills, voice projection	Not good	Fair	Good	Excellent
4. Interaction with your group and keeping you interested	Not good	Fair	Good	Excellent
5. Giving breaks	Not good	Fair	Good	Excellent
6. Answering questions you had before leaving the session	Not good	Fair	Good	Excellent
7. Putting learners at ease	Not good	Fair	Good	Excellent

8. Giving good examples to support the course information				
9. Using group work and discussions				
Was there anything about the delivery of your course you felt could have been better?			Yes	No
Suggestions				



Course material and supports

Please circle the appropriate response and provide comments to support your choices

Handouts

1. Layout and presentation of information on the handouts	Not good Not good	Fair Fair	Good Good	Excellent Excellent
2. Clarity and ease of reading	Not good	Fair	Good	Excellent

Slides and overheads

Tutors use of slides/overheads to support their presentation

Specific Learning Outcomes

Based on your training please tick the box to indicate if the training has developed your ability to perform better in your current role in the County Assembly	Yes	No
---	-----	----

List the objectives of the training that you attended:

Yes	No
-----	----

Were these objectives met during the training?

Please support your statements with comments:

Please outline the main learning outcomes you achieved in this training:

**Based on what you have learned, do you think that this training has been worthwhile?
Yes/No**

Please give details and state whether you recommend the course/institution for future engagements.

CODE OF CONDUCT AND ETHICS

1. Background

1.1 Introduction

The Code of Conduct and Ethics for the Board focuses on ethical conduct and integrity at the workplace. It defines the Board's commitment to the highest standards of behaviour so as to contribute to the achievement of the County Assembly's goals.

The Code sets out expectations for individual behaviour necessary to meet these standards and includes requirements and guidance to help one to carry out his/her role with integrity and in compliance with the law.

The Code cannot cover everything; it is therefore essential that one understands applicable laws and detailed policies that are relevant to their role. It is also important that the Code is not used as a substitute for the good judgment expected of Board members and employees working for the Service.

1.2. Objective

By exemplifying the ethical behaviours and corporate values described in the Code, the county assembly will continue to uphold Article 10 of the Constitution of Kenya on National Values and Principles of Governance and Chapter 6 on Leadership and Integrity.

1.3. Application

This Code applies to everyone in the county assembly service and the Board members. Adherence to the values in this Code is a condition of Board appointment and employment of staff.

A breach of this Code will result in disciplinary measures being taken, including separation from the county assembly service.

2. Values

2.1 Respect for People

Board members and employees are entitled to work in an environment in which people are treated with respect. Board members and employees must therefore avoid actions or behaviours that are or could be viewed as harassment and are required to treat all people with respect, dignity and fairness.

2.2 Integrity

Board members and employees are expected to act with integrity by consistently upholding the highest standards of honesty and truthfulness. They should not

use their positions to inappropriately obtain an advantage for themselves or to advantage or disadvantage others; and should take all possible steps to prevent and resolve any real, apparent or potential conflicts of interest between their official responsibilities and their private affairs.

2.3 Transparency and Accountability

Transparency of operations, planning and reporting and a clear accountability framework are fundamental principles that underlie good governance. It is expected that Board members and employees will work together in a spirit of openness, honesty and transparency. This will encourage engagement, collaboration and respectful communication.

2.4 Stewardship

Every Board member and employee is responsible for using appropriately the assets entrusted to them. They are responsible for safeguarding the assets against waste, loss, damage, misuse, theft, misappropriation or infringement, in order to protect their value.

All transactions of the organization must be reflected accurately and fairly in the books of accounts.

Falsification of asset records or misrepresentation of facts will constitute fraud.

2.5 Excellence

Board members and employees shall demonstrate excellence by providing fair, timely, efficient and effective services to the public. They should exercise high levels of discipline and commitment in the performance of their duties. They are also required to continually improve the quality of policies, programs and services by fostering a work environment that promotes teamwork, learning and innovation.

3. Conflict of Interest

Board members and employees must avoid conflicts of interest between their private activities and their part in the conduct of the county assembly business.

A conflict of interest may arise where a Board member, employee or close family member such as a spouse, child, parent or sibling has private interests that could improperly influence the performance of the Board member or employee's official duties and responsibilities. Conflict may also arise where a Board member or employee uses their office for personal gain.

An apparent conflict of interest could be perceived by a reasonable observer to exist, whether or not it is the case, and a potential conflict of interest could reasonably be foreseen to exist in the future. A conflict of duty arises, not because of an employee's private interests, but as a result of one or more concurrent or competing official roles. For example, these roles could include the employee's primary employment and his or her responsibilities in an outside role that forms part of their official duties, such as an appointment to a committee, or other outside function.

3.1 Prevention of Conflict of Interest

Board members and employees maintain public confidence in the objectivity of their service by preventing and avoiding situations that could give the appearance of a conflict of interest or result in a potential or actual conflict of interest. In addition, Board members and employees are required to observe any specific conduct requirements contained in the statutes governing ethical behaviour and

their profession, where applicable.

It is not possible to foresee every situation that could give rise to real, apparent or potential conflict of interest, however, where conflict arises, the Board member or employee should excuse themselves, or anyone who works for them, from any decision-making that may create a conflict of interest with their private interests;

- a) Disclose in writing, to the Clerk the facts and explain the circumstances that create or could create the conflict of interest;
- b) Seek guidance from the Clerk;
- c) Seek additional legal or financial guidance if you are a Board member;
- d) Conduct your relationship with contractors and suppliers in a professional, impartial and competitive manner;
- e) Refrain from the direct or indirect use of, or allowing the direct or indirect use of organization property, for anything other than officially approved activities;
- f) Maintain the impartiality of the public service and not engage in any outside or political activities that impair or could be seen to impair their ability to perform their duties in an objective or impartial manner;
- g) Be aware that the acceptance of any offer of future employment including consultancy or directorship with a contractor, supplier, customer or business partner constitutes a potential conflict of interest;
- h) Ensure that concurrent outside appointments, such as to a Board of directors, are managed appropriately and that any resulting conflicts of duties are resolved in the public interest; and
- i) Similarly, a Board member or employee should not:
 - i) Get involved in the hire, supervision, management or career planning of any relative;
 - ii) Make improper use of one's position or of confidential information gained in that position to achieve personal interests or direct gain;
 - iii) Allow relationships with contractors and suppliers to influence business decisions made on behalf of the organization; and
 - iv) Accept gifts or inducements, including hospitality that may place you under an obligation.

3.2 Use of Information Communication Technology

The county assembly recognizes the importance of the use of Information and Communication Technology (ICT) tools to conduct business and interact with stakeholders. Use of social networks in an official capacity must comply with the legislative requirements and the county assembly policy on the use of the Social Networks, Internet and electronic networks. Board members and employees using ICT for personal or professional use are expected to exercise the same kind of judgment and criteria as would be applied to any other workplace decision.

3.3 Gifts, Hospitality and other Benefits

Board members and employees should not accept any gifts, hospitality or other benefits that may have a real, apparent or potential influence on their objectivity in carrying out their official duties and responsibilities or that may place them under obligation to the donor.

As a general rule, Board members and employees should not accept gifts or other

advantages except as set out in the Public Officer Ethics Act, 2003 and any other relevant statutes and policies.

3.4 Solicitation

With the exception of fundraising for officially supported activities such as those relating to corporate social responsibility, Board members or employees may not solicit gifts, hospitality, other benefits or transfers of economic value from a person, group or company who has dealings with the organization. When fundraising for supported official activities, Board members or employees should ensure that they have prior written authorization from the relevant authority in order to solicit donations, prizes or contributions in kind from external organizations or individuals.

3.5 Register of Conflict of Interests

The county assembly shall maintain a register to record conflict of interests domiciled in the office of the Clerk.

4. Whistle-Blowing

Any person who has reason to believe that a Board member or employee has not acted in accordance with this Code should bring the matter to the relevant authority or the appropriate government agency.

The county assembly should not retaliate nor tolerate retaliation against any person who brings an issue to its attention in good faith.

5. Resolution

Board members and employees are expected to adhere to this Code. The Board members and employees are expected to resolve issues in a fair and respectful manner and consider informal processes such as dialogue or mediation.

In the event of an ethical dilemma or dispute, Board members and management may seek advice and support from other appropriate sources such as the Ethics and Anti-Corruption Commission (EACC), and any other oversight body.

ACCEPTANCE

I agree to the terms of the organization’s Code of Conduct and Ethics, which forms part of my Board appointment or contract of employment. I have read and understood the Code and agree to abide by its provisions.

I understand that any breach of its provisions will render me liable to appropriate disciplinary action.

.....
Full Name of Board Member

.....
Employee Signature

.....
Position.....
Date.....







