



REPUBLIC OF KENYA

COUNTY ASSEMBLY OF BOMET

**REPORT OF THE COMMITTEE ON EDUCATION, YOUTH AND SPORTS ON
PETITION BY BOMET COUNTY ECDE TEACHERS**

MARCH,2021

Table of Contents

PREFACE	4
1.0 Executive Summary	4
1.1 Committee Membership.....	4
1.2 Mandate of the Committee.....	4
1.3 Petition by Bomet County ECDE teachers	5
1.4 ADOPTION OF THE REPORT	7
2.0 Introduction.....	8
Background.....	8
2.1 Specific Prayers of the Petitioners	10
2.2 The Legal Framework.....	12
Petitions	12
3.0 SUBMISSIONS/RESPONSE FROM THE PETITIONERS.....	14
4.0 SUBMISSIONS/RESPONSE FROM THE EXECUTIVE COMMITTEE MEMBER FOR EDUCATION AND VOCATIONAL TRAINING	18
1. Confirmation of teachers below 45 years in 2014.....	18
2. Teachers on contract be given fixed term contract.....	18
3. Compiled list of teachers recruited by Public Service Board.	18
4. Remunerate teachers as per their qualifications by ensuring that the least teacher is paid 24,000.....	18
5. Teachers in Hardship areas be considered for allowances	18
6. Equipping all ECDE Centres.....	19
7. Employ more Teachers.....	19
8. Remove Corrupt Education Officers and take legal action against them.	19
9. Provide every ECD Center with Sanitation Facilities	19
10. Facilitate ECDE Teachers' Meetings.....	19
11. Capacity Building to ECDE Assistants	20
12. Give Support in Case of Death of not less than KES 100,000	20
13. Appreciate Retiring teachers with not less than KES 1,000,000 and if possible extend their contract for at least 2 years.....	20
14. Ensure there is Disciplinary Procedure in place	20
15. Pay hospital bills in full for hospitalized teachers.	20
16. Recognition of Teachers Welfare Association and Officials.....	21
17. Stalled Classrooms in ECDE Centers.....	21
18. Remit Monthly Contribution of Ksh.200 per Teacher to BETA Account.....	21

19. Present Supplementary Budget to Bomet County Assembly for approval of the said prayers.....	21
5.0 SUBMISSIONS BY THE COUNTY PUBLIC SERVICE BOARD	22
6.0 SUBMISSIONS BY THE COUNTY SECRETARY	26
1. Confirmation of teachers below 45 years in 2014.....	26
2. Teachers on contract be given fixed term contract period of three (3) years...26	
3. Compiled list of teachers recruited by Public Service Board.	26
4. Remunerate teachers as per their qualifications by ensuring that the least teacher is paid 24,000	26
5. Teachers in hardship areas be considered for allowances	27
6. Equipping all ECDE Centres.....	27
7. Employ more Teachers.....	27
8. Remove Corrupt Education Officers and take legal action against them.	27
9. Provide every ECD Center with Sanitation Facilities	27
10. Facilitate ECDE Teachers' meetings	27
11. Capacity building to ECDE Assistants	27
12. Give Support in case of death not less than 50,000.....	28
13. Appreciate Retiring teachers with not less than 1,000,000 and if possible extend their contract for at least 2 years.	28
14. Ensure there is Disciplinary Procedure in place	28
15. Pay hospital bills in full for hospitalized teachers.	28
16. Recognition of teachers' Welfare Association and Officials.....	28
17. Stalled classrooms in ECDE Centres.....	29
18. Remit Monthly contribution of Ksh.200 per teacher to BETA account	29
19. Present Supplementary budget to Bomet County Assembly for approval of the said prayers.....	29
7.0 Committee Observations.....	29
8.0 Recommendations.....	31

Annexure

Annex 1- The submitted petition

Annex 2- Adoption committee minutes

Annex 3- CPSB Submitted List

PREFACE

1.0 Executive Summary

The committee on Education, Youth and Sports is one of the sectoral committees established under the Standing Orders 193(1) and the Second Schedule to the Standing Orders.

1.1 Committee Membership

The Committee on Education, Youth and Sports as currently constituted comprises of the following Honourable Members: -

- | | |
|----------------------------|-------------------|
| 1. Hon. Joseph Kelong | - Chairperson |
| 2. Hon. Vincent Mutai | -Vice Chairperson |
| 3. Hon. Robert Rono | - Member |
| 4. Hon. Joseah Chepkwony | - Member |
| 5. Hon. Andrew Maritim | - Member |
| 6. Hon. Marcella Chepkirui | - Member |
| 7. Hon. Zadock Kilel | - Member |

1.2 Mandate of the Committee

The Sectoral Committee on Education, Youth and Sports derives its mandate from provisions of Standing order 193(5) which defines functions of the Committee as being:

- a) To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;

- b) To study the program and policy objectives of ministries and departments and the effectiveness of their implementation;
- c) To study and review all legislation referred to it;
- d) To study, assess and analyze the relative success of the ministries and departments measured by the results obtained as compared with their stated objectives;
- e) To investigate and inquire into all matters relating to the assigned ministries and departments as may be deemed necessary, and as may be referred to it by the House or a minister;
- f) To vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 187 (Committee on appointments); and
- g) To make reports and recommendations to the County Assembly as often as possible, including recommendations of proposed legislation.

1.3 Petition by Bomet County ECDE teachers

Pursuant to the Standing Orders 193(3) and (4) and the Second Schedule to the Standing Orders all matters relating to pre-primary education, village polytechnics, home craft centres and childcare facilities, youth affairs, children's welfare racing and sports fall within the mandate of the committee on Education, Youth and Sports.

The Committee on Education, Youth and Sports formally received the petition from Mr. Stanley Kimungen Rono, Richard Kipkemoi

Chebusit and Judy Chelangat Towett on behalf of Bomet County ECDE teachers.

In dealing with the matter, the committee held at total of 6 sittings. The committee was able to engage the Petitioners, the Executive Committee member for Education, the County secretary and the County Public Service Board.

Upon deliberating in the said sittings and interrogating the documents submitted to it, the committee came up with a report in response to the petition as provided for under the Standing Order 205 (2) of the County Assembly Standing Orders.

It is therefore my pleasant duty and privilege, on behalf of the Committee on Education, Youth and Sports to table this report on the Petition.

SIGNED

Date

Hon. Joseph Kelong, MCA

Chairperson, Committee on Education, Youth and Sports

1.4 ADOPTION OF THE REPORT

We, the Honourable members of Committee on Education, Youth and Sports do hereby append our signatures to this report to affirm our approval and confirm its accuracy, validity and authenticity: -

No.	Name	Designation	Signature
1.	Hon.Joseph Kelong	Chair	
2.	Hon.Vincent Mutai	V/Chair	
3.	Hon.Robert Rono	Member	
4.	Hon.Marcella Chepkirui	Member	
5.	Hon.Zadock Kilel	Member	
6.	Hon.Andrew Maritim	Member	
7.	Hon.Joseah Chepkwony	Member	

2.0 Introduction

Background

The Committee on Education, Youth and Sports formally received the petition from Mr. Stanley Kimungen Rono ID No 14432981, Richard Kipkemoi Chebusit ID No 12554375 and Judy Chelangat Towett ID NO 20762463 on behalf of Bomet County ECDE teachers. The Petitioners sought to draw the attention of the County Assembly on the following;

1. That there are almost 100ECDE teachers who do not have password used to prepare unified payroll number hence cannot get salary.
2. That the teachers below 45 years in 2014 were engaged on this year 2020 instead of permanent and pensionable terms of service
3. That the teachers on contract terms of service have fear of being terminated by another government
4. That all teachers serve with salary without allowances
5. That there are inadequate permanent facilities
6. That there is lack of water in ECDE centers
7. That there is lack of relevant adequate teaching learning resources
8. That there is lack of enough manpower in ECDE centres
9. That there is no capacity building provided
10. That the teachers are not given bus fare during teachers meeting

11. That there no support by the county government when a teacher dies
12. That there is no support when a teacher is hospitalized
13. That there is job termination without any given reason
14. That there is no recognition of ECDE leaders during official meetings and during office visit
15. That retiring teachers are not considered

THAT

- Based on the report of the committee on Education, Youth and Sports dated 10th September 2019, recommendation number one was not fully implemented i.e. nearly 100 ECDE teachers were not captured during the recent confirmation of these cadre of teachers and that they are working without current appointment letters.
- Recommendation number two on the report was not fully implemented concerning ECDE schemes of service and that they are not sure if the CEC has prepared and submitted a copy to the Assembly.
- Recommendation number three on the report has not yet been implemented within the specified time frame concerning training and development policy for ECDE teachers and that so far there is no training in CBC has been done.

- Recommendation number four on the report has not yet been implemented concerning the equipping and purchase of teaching learning resources little has been done.

There are some recommendations that have been implemented while others have not yet been implemented

Among 630 teachers some have been provided with confirmation letters while others were given contract.

The petitioners further confirmed that the issues in respect of which the petition is made are not pending before any court of law, or constitutional or legal body.

2.1 Specific Prayers of the Petitioners

The specific prayers of the Petitioners to the County Assembly were to implore/request the County Assembly to resolve that: -

1. The County executive do confirm all teachers who were below 45 years in 2014;
2. The County executive give teachers on contract a fixed term contract;
3. The county executive compile all the list of teachers recruited and ensure that the list of teachers in Public Service Board, Education Department and the Human Resource match.
4. The teachers' remuneration be as per their qualifications by ensuring that the least teacher is paid Kenya Shillings 24,000/=
5. The teachers in hardship areas be considered for allowances.
6. All the all ECDE Centers be equipped.

7. The County executive do employ more ECDE Teachers.
8. All corrupt Education Officers be removed and that legal action be taken against them.
9. All the ECDE centres be provided with sanitation facilities.
10. All the ECDE teachers' meetings be facilitated.
11. The county executive should provide capacity building to ECDE assistants.
12. The county executive give support in case of death not less than KES. 100,000
13. The County executive appreciate retiring teachers with not less KES. 1,000,000 and if possible extend their contract for at least two (2) years to complete repayment of loans they have at bank or SACCOs.
14. The county executive do ensure there is a disciplinary procedure in place.
15. The county executive do pay all the hospital bills in full for hospitalized teachers.
16. The county executive do recognize the existence of Bomet County ECDE Teachers' Welfare Association and ECDE officials.
17. The county executive completes all the stalled classrooms in ECDE Centres.
18. The county executive remit monthly contributions of Kenya shillings 200 per teacher to BETA account (Bomet County ECDE Teachers Welfare Association account) Imarisha SACCO, account no. **5040290802** as per BETA constitution.

19. The county executive presents supplementary budget to Bomet County Assembly for approval to ensure implementation of the prayers in this petition.

To address the issues raised by the Petitioners, the Committee sat on 8th December, 2020 and resolved to request the Clerk of the County Assembly to invite the petitioners and other respondents to shed more light on the issues raised and assist the committee prepare a comprehensive report;

- i.) The Petitioners namely:
 - (a) Stanley Kimungen Rono ID No.14432981
 - (b) Richard Kipkemoi Chebusit ID No.12554375
 - (c) Judy Chelangat Towett ID NO 20762463
- ii.) The County Executive Committee Member for Education.
- iii.) The County Secretary
- iv.) The County Public Service Board

2.2 The Legal Framework

Petitions

The right of citizens to petition public authorities is enshrined in the Constitution, 2010. **Article 37 of the Constitution** provides that; ***‘Every person has a right, peaceably and unarmed, to assemble,***

to demonstrate, to picket and to present petitions to public authorities”

Section 15(1) of the County Governments Act, 2012 makes a provision for citizens’ right to petition the County assembly. The said section provides that; ***“A person has a right to petition a county assembly to consider any matter within its authority, including enacting, amending or repealing any of its legislation.”***

The Standing Order 205(1) of the County Assembly Standing Orders provides that every Petition presented or reported pursuant to this Part, shall stand committed to the relevant Sectoral Committee.

Standing Order 205(2) further provides that whenever a Petition is committed to a Sectoral Committee, the Committee shall, in not more than sixty calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the County Assembly and no debate on or in relation to the report shall be allowed, but the Speaker may, in exceptional circumstances, allow comments or observations in relation to the Petitions for not more than twenty Minutes.

3.0 SUBMISSIONS/RESPONSE FROM THE PETITIONERS

The Petitioners appeared before the Committee on 10th December, 2020.

They stated as follows;

(1) THAT, Bomet Early Teachers Association (BETA) was registered under Society's Act on 14th September 2018 and its membership comprises of all ECDE assistants totaling 1200.

The petitioners also stated that the department of Education and Vocational training has not approved a request by the association to effect monthly contributions by its members and members only contribute funds on need basis. They further stated that the officials currently in office were duly elected by members.

(2) THAT on the 100 ECDE teachers who don't have a password used to prepare Unified Payroll Number hence the possibility of missing salary in future, the petitioners stated that the mentioned teachers are using appointment letters given on 2014 and that the said teachers are spread in different workstations across the county.

(3) THAT the teachers who do not qualify for TSC numbers and are already in the payroll be deployed as subordinate staff because they have loans in banks.

(4) THAT the teachers who were below 45 years in 2014 were engaged on contract in the year 2020 instead of permanent and pensionable terms of service. They further requested that those teachers who were below 45 years in the year 2014 be confirmed because on 14th January 2014 they were given appointment letters on permanent and pensionable terms but the letters were un-procedurally withdrawn and instead they were given one year contracts. They also feared that these teachers will never be employed on permanent terms when the contract lapses because of their ages.

(5) THAT all ECDE teachers serve with salary without allowances and that they should be placed in appropriate job groups and be given all allowances and benefits attached to the job groups.

(6) THAT their scheme of service should be provided because CECM failed to give them within 60 days as directed by committee through its report.

(7) THAT there are inadequate permanent ECDE facilities and they requested that all the stalled classrooms be completed. They further stated some learners are taught under trees and that some schools have been forced to combine pp1 & pp2 because of inadequate classrooms.

- (8) THAT there is lack of water in most of the ECDE centres and in some instances, the parent school refuse to share water with ECDE centres.
- (9) THAT there is lack of relevant adequate teaching and learning resources including learning materials. The petitioners further stated that department of Education and vocational training does not supply enough play materials and Competency Based Curriculum designs.
- (10) THAT there is lack of enough manpower and that there is need to employ more teachers and that the employment should follow some clear criteria taking into account the years of experience. They also stated that the number of vacancies available be declared without necessarily mentioning the schools to avoid political interference.
- (11) THAT the department of Education and vocational training has not provided any capacity building to the ECDE teachers and that the department has just started training of trainers on the CBC and no other training for all ECDE teacher has been done.
- (12) THAT the teachers are not facilitated to attend teachers' meetings;

- (13) THAT there is no support provided by the department when a teacher dies;
- (14) THAT the department does not provide any support when a teacher is hospitalized;
- (15) THAT sometimes there is job termination without any given reason;
- (16) THAT, there is no recognition of ECDE teachers during official meetings and during office visit;
- (17) THAT the retiring teachers are not considered for any sendoff package;
- (18) THAT there are corrupt education offices and they request the removal of the said officers and legal action be taken against them.
- (19) THAT the department of Education, Youth and Sports has failed to hear their grievances and that there is lack of good relations with the CECM.

4.0 SUBMISSIONS/RESPONSE FROM THE EXECUTIVE COMMITTEE MEMBER FOR EDUCATION AND VOCATIONAL TRAINING

The Committee invited the Executive Committee Member for Education who submitted as follows: -

1.Confirmation of teachers below 45 years in 2014

THAT Confirmation of teachers is the role of the County Public Service Board which follows the regulations as per the existing laws.

2.Teachers on contract be given fixed term contract

THAT the teachers who are employed on contract have fixed term contracts.

3.Compiled list of teachers recruited by Public Service Board.

THAT The Public Service Board recruited 1 196 ECDE Assistants.

4.Remunerate teachers as per their qualifications by ensuring that the least teacher is paid 24,000

THAT the personal emoluments are not domiciled in the department of Education and that remuneration of employees is the work of the employer who is the Public Service Board.

5.Teachers in Hardship areas be considered for allowances

THAT there are no areas in Bomet County that are gazetted as hardship areas.

6.Equipping all ECDE Centres.

THAT equipping of ECD Centers is an ongoing process and the Department of Education does it as per the available resources.

7.Employ more Teachers

THAT the employment of teachers is done on need basis subject to availability of funds.

8.Remove Corrupt Education Officers and take legal action against them.

THAT there are no reported cases of corrupt Education officers in the Department and that this is just an allegation which has to be proved by way of evidence. She further stated that there is also a procedure of handling such cases by relevant agencies.

9.Provide every ECD Center with Sanitation Facilities

THAT the construction of Sanitation Facilities in ECDE Centers is ongoing and is dependent on the available resources.

10.Facilitate ECDE Teachers' Meetings

THAT the ECDE teachers are facilitated depending on available resources. She further stated that facilitation is done in terms of transport, meals and sometimes accommodation.

11.Capacity Building to ECDE Assistants

THAT capacity building for ECDE teachers is continuous and done per the needs and emerging issues in Education. She stated that currently, the Department has rolled out the training of ECD teachers on the new Curriculum and that 50 Trainers of Trainers{TOTs} are being trained and they will in turn train other teachers at the course of the term.

12.Give Support in Case of Death of not less than KES 100,000

The CECM stated that this is the function of the Department of Human Resource.

13.Appreciate Retiring teachers with not less than KES 1,000,000 and if possible extend their contract for at least 2 years.

She stated that the mandatory retirement age is clearly stipulated in law and that retirement package is not the mandate of the Department.

14.Ensure there is Disciplinary Procedure in place

The CECM stated that disciplinary issues of ECDE Assistants are regulated by HR Manual and the Public Service Board.

15 Pay hospital bills in full for hospitalized teachers.

She stated that payment of Hospital Bills is done as per the County Government approved Medical Scheme.

16. Recognition of Teachers Welfare Association and Officials

The CECM stated that the Department is not aware of any existing Welfare Association that has been formed and the structure of the welfare.

17. Stalled Classrooms in ECDE Centers

She stated that the construction of ECDE classrooms is ongoing and as per the available resources.

18. Remit Monthly Contribution of Ksh.200 per Teacher to BETA Account

The CECM stated that the Department is not mandated to deduct any teachers' salary and that any request in writing by individual teacher will be addressed.

19. Present Supplementary Budget to Bomet County Assembly for approval of the said prayers

She stated that Supplementary Budget in the Department is done as per the priorities of the Department.

5.0 SUBMISSIONS BY THE COUNTY PUBLIC SERVICE BOARD

The Board through its Secretary/CEO presented its submissions in response to the prayers in the petition as follows:

1. In response to prayer 1 and 2, the County Public Service Board stated that it confirmed the appointment of **663** ECDE Assistants through a competitive process. It also stated that most of the ECDE assistants had earlier been appointed by the Executive on a three (3) year renewable contract in the year 2014 and that the offer was an independent offer which the officers had accepted. The offer in the year 2020 was independent of the 2014 offer hence the consideration on qualification for appointment on permanent terms was set at a minimum of a term of ten (10) years in service in the year 2020 offer. As such, the qualifying period for confirmation in appointment for the purpose of permanent appointment therefore commenced on July 2020 – being the time that the County Public Service Board issued letters of appointment specifying the terms of service.

The ECDE Assistants who were at the age of forty-five (45) or above at the time of appointment were then placed on a fixed Contract.

2. In response to prayer number 3, the CPSB annexed the list and marked appendix 1.

3. In response to prayer number 4, on the Scheme of Service for the ECDE Assistants, the Board stated that the scheme is still at its formative stages. It further stated that the Scheme of Service is meant: -

- (i) To provide for a clearly defined career structure which will attract, motivate and facilitate retention of suitably qualified officers in the public Service.
- (ii) To establish standards for recruitment, training, and advancement within the career structure on the basis of qualifications, competence, merit and ability as reflected in work performance and results.
- (iii) To provide for well-defined job descriptions and specifications with clear delineation of duties and responsibilities at all levels within the career structure to enable the officers understand the requirements and demands of their jobs.
- (iv) To ensure appropriate career planning and succession management.

In line with (i) above, the Scheme of Service also determines the entry point to a given profession. Such entry point will therefore determine the salaries and allowances payable to an employee.

The board further stated that it is only upon the availability of the Scheme of Service that the Board shall be able to properly place the ECDE Assistants and compensate them accordingly.

4. In response to prayer number 5, the Board stated that there are no zones in Bomet County which are gazetted as hardship zones.
5. That prayer 6 does not fall within the role of the Board.
6. That the employment of ECDE teachers is a continuous process and the Board will conduct recruitment upon request from the user department and confirmation of availability of funds from the treasury.
7. In response to prayer number 8, the Board stated that it is committed to promote in the county public service the values and principles of governances stated in Articles 10 and 232 of the constitution of Kenya 2010 and that it exercises disciplinary control over and remove persons holding or acting in those offices. It further stated that there is no case of corruption that has been brought to its the attention.
8. That prayer number 9 and 10 is not the mandate of the Board.
9. In response to prayer number 11, the Board stated that it advices the County Government on human resource management and development in accordance with the HR policy and the Law. This is also done after assessment of training

needs which is done at the departmental level to enable the Board recommend the necessary trainings.

10. That prayer number 12, is not the mandate of the Board.
11. In response to prayer number 13, the Board stated that the officers on permanent and pensionable terms will join a pension scheme and the officers on fixed contracts will be paid gratuity upon expiry of the contract. It further stated that it is guided by the law and policies issued from time to time and will adhere to the mandatory retirement age as required.
12. In response to prayer number 14, the Board stated that it will always ensure that it is compliant with the relevant laws and the Human Resource Policies and Manual in carrying out disciplinary cases and that the two teachers indicated to have been terminated have not been mentioned to enable the Board respond comprehensively and no formal complaint has been launched with the Board.
13. That Prayers number 15 to 19 are not within the mandate of the Board.

6.0 SUBMISSIONS BY THE COUNTY SECRETARY

The County secretary through her written submissions responded to the grievances as follows:

1. Confirmation of teachers below 45 years in 2014

THAT confirmation of teachers is the role of County Public Service Board which follows the regulations as per the existing laws.

2. Teachers on contract be given fixed term contract period of three (3) years.

THAT the teachers who are employed on contract have fixed term contract.

3. Compiled list of teachers recruited by Public Service Board.

THAT the County Public Service Board recruited 1196 ECDE assistants.

4. Remunerate teachers as per their qualifications by ensuring that the least teacher is paid 24,000

THAT personal emoluments are not domiciled in the office of the County Secretary and that remuneration of employees is the work of the employer which is the Public Service Board. Teachers with Certificates are paid KES12,000 while those with Diploma get KES 16,000 and those with degrees get 21,000. She stated that this is a temporary arrangement

5. Teachers in hardship areas be considered for allowances

THAT there are no areas in Bomet County that are gazetted as hardship areas.

6. Equipping all ECDE Centres.

THAT equipping of ECD Centers is a continuous process and the Department of Education does it as per the available resources.

7. Employ more Teachers

THAT the employment of teachers is done on need basis subject to availability of funds.

8. Remove Corrupt Education Officers and take legal action against them.

THAT there are no reported cases of corrupt Education officers in the Department. There is also a procedure of handling such cases by relevant agencies. In case such cases are reported

9. Provide every ECD Center with Sanitation Facilities

THAT the construction of Sanitation Facilities in ECDE Centers is ongoing and is dependent on the available resources.

10. Facilitate ECDE Teachers' meetings

THAT the ECDE teachers are facilitated depending on available resources and that facilitation is done in terms of transport, meals and sometimes accommodation.

11. Capacity building to ECDE Assistants

THAT capacity building for ECDE teachers is continuous and is done per the needs and emerging issues in Education. Currently, the

Department has rolled out the training of ECD teachers on the new Curriculum and that 50 Trainers of Trainers{TOTs} are being trained and they will in turn train other teachers at the course of the term.

12.Give Support in case of death not less than 50,000

THAT this is the function of the Department of Human Resource. Currently the County Government of Bomet provides Kshs 50,000 for last expenses to deceased staff or spouse and children up to the age of 25 and below.

13.Appreciate Retiring teachers with not less than 1,000,000 and if possible extend their contract for at least 2 years.

THAT the mandatory retirement age is clearly stipulated in the law. The retirement package is determined by the terms of service of all serving officers.

14.Ensure there is Disciplinary Procedure in place

THAT disciplinary issues of civil servants and ECDE Assistants is regulated by HR policies, procedures and regulations provided for by the Public Service Commission and the Public Service Boards.

15 Pay hospital bills in full for hospitalized teachers.

THAT the payment of Hospital Bills is done as per the County Government approved Medical Scheme. The County Government is in the process of procuring a medical cover for all staff in the county.

16.Recognition of teachers' Welfare Association and Officials

THAT the Office of the County Secretary is not aware of existing Welfare Association that has been formed and the structure of the welfare.

17.Stalled classrooms in ECDE Centres

THAT the construction of ECDE classrooms is ongoing as per the available resources and that 187 have been completed and 50 are ongoing (projected).

18.Remit Monthly contribution of Ksh.200 per teacher to BETA account

THAT the official teacher association to use legitimate process of registration and recognition to allow the employer facilitate deductions. The Department is not mandated to deduct teachers' salary and any request in writing by individual teacher will be addressed.

19.Present Supplementary budget to Bomet County Assembly for approval of the said prayers

THAT the supplementary budget in the Department is done as per the priorities of the Department.

7.0 Committee Observations

Based on the submissions of the petitioners, the County Executive Committee Member for Education and Vocational Training, the County Public Service Board and the County secretary, the committee made the following observations:

- (1) THAT the 100 ECDE teachers missing Unified Payroll Number were issued letters of appointment by the office of the human resource but they had not been selected by the County public service board due to the limited vacancies.

- (2) THAT the ECDE assistants who were employed in the year 2014 were issued with two letters i.e one dated 14th January 2014 from the County secretary and one dated 29th March 2014 from the assistant director human resources.
- (3) THAT all the qualified teachers above 45 years of age have fixed term contracts.
- (4) THAT all the ECDE teachers are given consolidated salaries
- (5) THAT there is indeed inadequate permanent ECDE facilities, teaching/learning materials and lack of water in most ECDE facilities.
- (6) THAT there is shortage of ECDE assistants employed by the county government.
- (7) THAT, the department of education and vocational training has rolled out training and capacity of ECDE teachers and currently they have already trained trainers of trainers.
- (8) THAT the department of Education and vocational training has no provision for facilitation of teachers to their meetings.
- (9) THAT currently the County Government of Bomet provides Kshs 50,000 for last expenses to deceased staff or spouse and children up to the age of 25 and below.
- (10) THAT apart from the NHIF cover all the ECDE teachers have no other medical cover as provided for by the Salaries and Remuneration Commission.
- (11) THAT there is a disciplinary procedure in place for disciplining all the county public officers provided by the Public Service Commission and the Public Service Boards.

- (12) THAT the Bomet Early Teachers Association was registered under Society's Act on 14th September 2018.

8.0 Recommendations

Having considered all the submissions from the Petitioners, the Executive Committee Member for Education, the County Secretary and the County Public Service Board, the Committee made the following recommendations;

- (1) THAT in response to prayer 1 and 2, the committee recommends that all the ECDE Assistants who were appointed in the year 2020 and were then at the age of forty-five (45) and above be placed on a fixed term Contract.
- (2) THAT in response to prayer 3, the committee recommends that the lists in the CPSB, the human resource department and the department of education and vocational training be harmonized.
- (3) THAT in response to prayer 4, the committee recommends that the CPSB in conjunction with the office of the County secretary and the department of education and vocational training should fast-track the development of a scheme of service for ECDE assistants so as to ensure proper placement of ECDE teachers.
- (4) THAT in response to prayer 4, the committee notes that there are no areas in Bomet County that are gazetted as hardship areas.

- (5) THAT in response to prayers 6, 9 and 17, the committee recommends that the department should equip all the ECDE centers with learning/teaching materials, provide adequate clean water, build new ECDE centers and complete all the stalled classrooms progressively when resources are available.
- (6) THAT in response to prayer 7, the CPSB should consider employing more ECDE teachers based on the availability of funds.
- (7) THAT in response to prayer 8, the CPSB, Office of the County Secretary and the department should investigate on its own motion or on a complaint from members of the public all the suspected cases of corruption and take appropriate action.
- (8) THAT in response to prayer 10, the committee recommends the department of education and vocational training should make adequate provision for facilitation of teachers' meetings.
- (9) THAT, in response to prayer 11, the department of education and vocational training should cascade the training and capacity building to all the of ECDE teachers.
- (10) THAT in response to prayer 12, the human resource department should implement the provision of Kenya Shillings 50,000 for last expenses to deceased staff or spouse and children up to the age of 25 and below in all the county departments including but not limited to department of education and vocational training.

- (11) THAT in response to prayer 13, the Board and the human resource department should ensure that all the ECDE teachers on permanent and pensionable terms join a pension scheme and the officers on fixed contracts be paid gratuity upon expiry of their contracts. The committee further recommends that the mandatory retirement age should be adhered to.
- (12) THAT in response to prayer 14, the committee recommends that the disciplinary procedure in place for disciplining all the county public officers as adopted by the CPSB should be adhered to when disciplining all the officers in the county public service.
- (13) THAT in response to prayer 15, the committee recommends that the County executive should fast-track the provision of medical cover to all ECDE teachers as provided for by the Salaries and Remuneration Commission.
- (14) THAT in response to prayer 18, the department of education and vocational training should engage with the officials of the Bomet Early Teachers Association which was registered under Society's Act on 14th September 2018 with a view of ensuring that the willing teacher's deductions are remitted to the welfare association.
- (15) THAT prayer 19 can't be granted.