

REPUBLIC OF KENYA



THE SENATE

PAPERS LAYED	
DATE	29/07/2021
TABLED BY	Chairperson
COMMITTEE	Labour
CLERK AT THE TABLE	Kavata

TWELFTH PARLIAMENT – FIFTH SESSION

STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE

REPORT ON THE STATEMENT ON THE DISMISSAL OF STAFF BY EWASO  
NG'IRO NORTH DEVELOPMENT AUTHORITY

Clerk's Chambers,  
The Senate,  
Parliament Buildings,  
NAIROBI

*Rt. Hon. Speaker  
You may approve  
for tabling.  
28/7/21*

*Approved*

July, 2021

*[Signature]*  
28/7/2021

*COS  
Forwarded & recommended for Processing for  
approval  
For DC EG  
27/07/2021*

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## **ABBREVIATIONS AND ACRONYMS**

MEAC&RD – Ministry of East African Community and Regional Development

ENNDA – Ewaso Ng'iro North Development Authority

HR – Human Resource

NHIF – National Hospital Insurance Fund

NSSF – National Social Security Fund

CEO – Chief Executive Officer

PWDs – Persons with Disabilities

KCSE – Kenya Certificate of Secondary Education

## PREFACE

**Mr. Speaker, Sir**

The Standing Committee on Labour and Social Welfare was constituted during the first session of the twelfth (12<sup>th</sup>) Parliament pursuant to the provisions of Senate Standing Order 187. The Committee is mandated to consider all matters related to: *manpower and human resources planning, pension, gender, culture and social welfare, youth, National Youth Service, children's welfare; national heritage, betting, lotteries and sports, public entertainment, public amenities and recreation.*

In executing its mandate, the Committee oversees the Ministry of Labour and Social Protection; the Ministry of Public Service, Youth and Gender Affairs; and the Ministry of Sports Culture and the Arts. The membership of the Committee includes -

- |   |                   |
|---|-------------------|
| 1) Sen. Sakaja Johnson Arthur, CBS, MP  | -Chairperson      |
| 2) Sen. Mwaruma Johnes, MP              | -Vice Chairperson |
| 3) Sen. Madzayo Stewart Mwachiru, MP    | -Member           |
| 4) Sen. Mwangi Paul Githiomi, MP        | -Member           |
| 5) Sen. Kihika Susan Wakarura , MP      | -Member           |
| 6) Sen. Makori Beatrice Kwamboka, MP    | -Member           |
| 7) Sen. (Dr.) Milgo Alice Chepkorir, MP | -Member           |
| 8) Sen. Masitsa Naomi Shiyonga, MP      | -Member           |
| 9) Sen. (Dr.) Mwaura Isaac, CBS, MP     | -Member           |

The statement on the alleged unlawful dismissal of staff by the Ewaso Nyiro Northern Development Authority was requested by Senator Fatuma Dullo, MP on 8<sup>th</sup> October, 2020 pursuant to Standing Order No.47(1). At its sitting held on Monday, 23<sup>rd</sup> November, 2020, the Committee considered the statement and response from the Cabinet Secretary, Ministry of East African Community and Regional Development (MEAC&RD). Given the weighty issues arising from the response, the Committee resolved to hold follow up meetings with the various stakeholders to address the emerging issues and gaps from the response. The Committee engaged following stakeholders:-

- (i) The Cabinet Secretary, Ministry of East African Community and Regional Development (MEAC&RD); and
- (ii) The representatives of the Ewaso Ng'iro Northern Development Authority (ENNDA); and
- (iii) Some affected staff of ENNDA.

The Committee held six (6) sittings on the issue upon which it received submissions from the MEAC & RD and ENNDA. In making its observations, the Committee noted -

1. THAT, for the longest time, ENNDA and the five other regional authorities have continued to experience a myriad of challenges among them financial, institutional and management weaknesses resulting in an inefficient human capital thereby hampering performance. However, ongoing reforms by the MEAC & RD to address the inefficiencies have been noted.
2. THAT, reforms at ENNDA are ongoing for instance in October 2019, ENDDA competitively recruited a managing director, the development of a human resource policy and procedure manual and the updating and reorganization of the organisational structure, among others. The Committee therefore opines that these reforms ought to be cascaded to other regional authorities.
3. THAT, ENNDA management has taken specific steps to address the existing human resource gaps, a chain of events that culminated in the unfortunate dismissal of eight (8) staff who were among those on contractual employment.
4. THAT, the above notwithstanding, employee dissatisfaction within ENNDA persists. Complains and allegations ranging from breakdown in communication between management and employees; continuous intimidation and victimization of staff; irregular transfers and promotions including career stagnations; irregular approval of annual leave days; employee discrimination; nepotism, tribalism and cronyism, flouting of labour laws, among other malpractices.
5. THAT, discrepancies in the specific human resource information shared by ENNDA was noted raising the questions on ENNDA's capacity to manage employee data, among other human capital issues.
6. THAT, recognising that ENNDA is a body corporate as per the Section 3 of the ENNDA Act and should not be seen to be micro managed, the Senate's intention is to ensure that the MEAC&RD and management of ENNDA address the issues conclusively. Further, that the MEAC& RD and ENNDA resolves and updates the Senate on the same. However, the Senate will endeavour to ensure due process is followed regarding the general well-being of employees at ENNDA in particular and other regional authorities regarding issues such as appointment, compensation, dismissal, transfer and promotions.

The Committee therefore recommends –

1. THAT, the MEAC & RD and the management of ENNDA in the next three (3) months present a comprehensive report detailing specific milestones on the status of human capital reforms within ENNDA and all the other five regional development authorities within its purview.
2. THAT, the MEAC & RD in one (1) month of tabling the report present specific remedial measures taken to address the HR issues raised both in the statement and by the affected staff.
3. THAT, the Committee on Labour and Social Welfare upon receiving the two reports will undertake a site visit for further engagement and offer additional recommendations.

**ACKNOWLEDGEMENT**

**Mr. Speaker Sir,**

The Committee wishes to acknowledge the time and considerable effort made by all stakeholder involved in addressing the matter in question. I also wish to express my gratitude to my colleagues for their thoughtful input and engaged contributions. Further, the Committee is indebted to the Offices of the Speaker and the Clerk of the Senate for facilitating all virtual meetings and subsequent activities that led to the production of this report. The Committee also wishes to recognize the commitment and dedication of the staff serving the Committee and that made its work and the production of this report possible.

**Mr. Speaker Sir,**

It is now my pleasant duty, pursuant to Standing Order 51 (1) (a) to table the report of the Standing Committees of Labour and Social Welfare on the Statement on the dismissal of staff at ENNDA.



**SIGNATURE:** .....  
**(CHAIRPERSON: SEN. JOHNSON SAKAJA, CBS)**

**STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE**

**DATE: Wednesday, 30<sup>th</sup> June, 2021**

## CHAPTER ONE: BACKGROUND

### 1.1 Unpacking the Statement

The Statement on the alleged dismissal of staff by the Ewaso Ng'iro Northern Development Authority was requested by Senator Fatuma Dullo, MP on the 8<sup>th</sup> October, 2020, pursuant to Standing Order No.47(1). While presenting the statement before the Senate, the Senator argued that ENNDA had dismissed 56 casual labourers who had served the Authority for over 10 years without notice or benefits contrary to the prevailing laws. Further that, the Authority proceeded to externally advertise the vacant positions. The Statement noted that ENNDA displays a poor work environment characterized by impunity, nepotism, tribalism and violation of the rights of staff over the years. The Statement also made reference to reports of staff being transferred from one department to another without due process and their positions taken up by junior staff lacking prerequisite qualifications.

In the Statement, the Senator required the Committee on labour and social welfare to -

- (1) Investigate the unfair and illegal dismissal of staff at the ENNDA without due process and ethical procedures;
- (2) Conduct a probe into the poor working conditions at ENNDA including unprocedural transfers and unmerited promotions;
- (3) Intervene and disallow the dismissal of 46 staff from lower level cadre.

### 1.2 The Underlying Issues in the Statement

Following the debate by Members regarding the substantive issues therein, specific themes emerged as follows -

- (a) The need to investigate and address the un-procedural dismissal of staff within parastatals and other government agencies in general and ENNDA in particular;
- (b) Regional balancing as a consideration for employment of staff within parastatals;
- (c) The rights of casual labourers and contract staff as per the laws of Kenya; and
- (d) Adherence and enforcement of labour laws.

Further, while appearing before the Committee on Labour and Social Welfare on 11<sup>th</sup> March, 2021, the Senator emphasized on the following issues as what ought to be investigated –

- (a) Intimidation of staff;
- (b) Irregular transfers and promotions;
- (c) Lack of clear HR policies and regulations for example regulations on annual leave, among others;
- (d) Irregularity in the process of reabsorbing the 56 staff initially on contract. Employees were initially employed as casuals then given one year contracts, then dismissed; Some of whom are qualified graduates; and
- (e) Ongoing recruitment despite earlier layoffs.



## CHAPTER TWO: INTRODUCTION

### 2.1 About Ewaso Ng'iro North Development Authority

ENNDA was established on 1<sup>st</sup> December, 1989 through the Ewaso Ng'iro North River Basin Development Authority Act, CAP 448 of the Laws of Kenya. The latter was, however revised following the promulgation of the Constitution. ENNDA is therefore anchored on the Ewaso Ng'iro North Development Authority Act, 2012, which aligns the Authority to the devolved units. ENNDA is amongst the six basin development authorities. Others are the Lake Basin Development Authority (LBDA), Kerio Valley Development Authority (KVDA), Tana and Athi Rivers Development Authority (TARDA), Coast Development Authority (CDA) and Ewaso Ng'iro South Development Authority (ENSDA).

The authority covers the Ewaso Ng'iro North river basin from the upper catchment areas of Mt. Kenya /Aberdares Ranges and the Nyambene hills to the lower catchment regions of Garissa, Wajir, Moyale and Mandera. The total area in question is approximately 209,576km<sup>2</sup>. In terms of county coverage, ENNDA covers the following 10 counties: Isiolo ( 89.64%), Laikipia ( 90.22%), Samburu (77.95%) , Marsabit ( 84.38%) , Wajir (100%), Mandera (100%), Garissa (32.5%), Nyandarua (27.1%), Nyeri (29.8%), and Meru (46.37%).

The Authority's mandate is to plan, co-ordinate and implement development projects and programmes, in the Ewaso Ng'iro North basin and catchment areas. The principal function being to coordinate and promote integrated development projects for the purpose of sustainable utilization, conservation and protection of the natural resources within the ENNDA region<sup>1</sup>.

### 2.2 The Strategic Position of ENNDA

To undertake its mandate in the following programmes<sup>2</sup>, Gums and Resin Development Program, ENNDA Catchment and Riparian Conservation Project and a Resource Centre, the Authority is implementing the ENNDA 2018-2022 strategic plan. As such its strategic direction as articulated in its plan is to address the regional challenges through multi-sectoral programmes and projects that are well suited to provide solutions and coping mechanisms. Further to achieve the foregoing, in 2019 ENNDA embarked on reforms that were geared towards addressing challenges that hampered its performance. This include addressing the financial limitations, human and technical capacity, organizational and administrative challenges among others. To address the setbacks, the parent ministry, that is, MEAC& RD embarked on reforms geared toward enhancing efficiency. Among the strategic decisions taken was the appointment of the current board of directors in February 2019 and the competitive recruitment of the managing director in October 2019 among other reforms.

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<sup>1</sup> ENNDA Website at <http://www.ennnda.go.ke/strategic-plan/>. Retrieved on 24th June 2021

<sup>2</sup> Opcit.

## **CHAPTER THREE: SUBMISSIONS AND COMMITTEE ENGAGEMENT WITH STAKEHOLDERS**

Chapter three of the report provides the highlights of the responses as submitted by the MEAC&RD. Further, the chapter also captures the specifics on the issues raised in the Statement as substantiated by the representatives of ENNDA. This section also outlines the substantive issues in the Statement from the perspective of the affected staff.

### **3.1 Submission by the Cabinet Secretary, MEAC&RD and ENNDA**

The Committee received submissions on the matter canvassed in the statement on 11<sup>th</sup> November, 2020. Further, the Committee also received additional submissions with additional information on 1<sup>st</sup> December, 2020, 22<sup>nd</sup> February, 2021 and 9<sup>th</sup> June, 2021. In that regard, the Committee held virtual meetings with the MEAC&RD on 17<sup>th</sup> March, 2021 and 31<sup>st</sup> June 2021. The reports and deliberations addressed the following: (i) unfair and illegal dismissal of staff at the ENNDA without due process and ethical procedures; (ii) the poor working conditions at ENNDA including unprocedural transfers and unmerited promotions; and (iii) the dismissal of 46 staff from lower level cadre.

As regards **the unfair and illegal dismissal of staff at the ENNDA without due process and ethical procedures**, the Ministry noted as follows.

- (a) The current board of directors and the management with the full support of the MEAC&RD are in the process of undertaking reforms within ENNDA. This follows years of mismanagement and dysfunctional operations occasioned by lack of a staff establishment and outdated human resource frameworks among other failures and gaps;
- (b) The management is in the process of implementing a raft of measures including the implementation of the new human resource management instruments developed consultatively between the ENNDA management, ENNDA board of directors, MEAC&RD, State Corporation Advisory Committee (SCAC), and the Salaries and Remuneration Commission (SRC);
- (c) ENNDA has developed and is currently operationalizing the following human resources tools: an updated staff establishment from 2019, Human Resource Policies and Procedure Manual, Career Progression Manual, Organizational Structure, Staff Grading and Establishment.
- (d) In so doing, the management took into consideration the provisions of the Constitution as regards ethnic diversity, non-discrimination, the rule of law among other provisions related to the bill of rights and workers' rights.
- (e) The management is committed to developing the capacity of the authority in delivering its mandate by strengthening staff capacity through training, development of human resource tools and instruments and succession planning among others.

- (f) Pursuant to the Ewaso Ng'iro North Development Authority Act, 2013, the board of directors define policy and the strategic direction of the authority including its operations.
- (g) The existing staff establishment is deemed bottom heavy and that rationalisation is ongoing. Further, that it consists of an in-post of two hundred and six (206) staff against an establishment of two hundred and ninety-eight (298) hence a staffing gap of ninety-two (92).
- (h) On 1<sup>st</sup> November, 2019, the Authority issued fifty-six (56) staff on contract, a one-year additional contract pending reforms.
- (i) Subsequently, the Authority issued a one-month notice on 24<sup>th</sup> September 2020 indicating the expiry of contract agreement between the employees and authority. Further the authority internally advertised the vacancies in October, 2020 and staff whose contracts were expiring were encouraged to apply.
- (j) The following internal vacancies were advertised and applicants were expected to submit applications by 15<sup>th</sup> October, 2020. Further, staff whose contract was expiring on the 30<sup>th</sup> October 2020 were encouraged to apply. The following designations were advertised.

No.	Designation	Quantity
1	Accountant	1
2	Economist	1
3	Community Development Assistant	1
4	Clerical Officers	2
5	Office Assistants ( Regional)	6
	<b>Security Officers</b>	
1	Wajir Regional Office	3
2	Garissa Desk Office	2
3	Marsabit Regional office	2
4	Samburu Desk Office	2
5	Headquarter/ Isiolo Desk Office	6
	<b>Machinery Unit</b>	
1	Plant Mechanic	1
2	Plant Operator	4
3	Plant Operations / Drilling Assistant	3
	<b>TOTALS</b>	<b>34</b>

Source: ENNDA

- (k) The ongoing restructuring adhered to existing labour and employment laws and human resource policies and procedures of the public service. Further, that the Statement on the dismissal of staff at ENNDA was requested by the Senator on (8<sup>th</sup> October 2020) before expiry of contracts on October 30<sup>th</sup> 2020.
- (l) Upon expiry of the contracts and following competitive recruitment process, eight (8) applicants out of fifty (50) staff were not successful. The 56 staff on contract possessed the following qualifications -

No.	Qualifications Held	Quantity
1.	Degree and above	2
2.	KCSE certification and Diploma	12
3.	KCSE certification or KSCE certification and Driver's license	15
5.	KSCE certification only	9
6	No qualifications	18
	<b>TOTAL</b>	<b>56</b>

Source: ENNDA<sup>3</sup>

- (m) None of the staff was dismissed but the contract of the 56 expired on the 30<sup>th</sup> October, 2020.
- (n) Upon expiry of the contracts, the Authority received fifty-one (51) applications (one (1) applicant misapplied), out of which, forty-two (42) were successful while 8 applicants failed to meet the threshold. The unsuccessful applicants are as shown below -

No	Name	Qualification	Designation	County	Years served
1.	Hassan Galgalo Ebo	Driving Licence	Sub staff III	Isiolo	2
2.	Joseph Ngoroko Rocho	None	Sub staff III	Isiolo	2
3.	Dekow Abdi Dagane	None	Sub staff III	Wajir	2
4.	Mohammed Hussein	Driving Licence	Sub staff III	Isiolo	2
5.	Charles Nyerere	Driving Licence	Sub staff III	Kisii	2
6.	Lokoro Lumunyin	None	Sub staff III	Isiolo	2
7.	Eliphas Bundi Mutea	KSCE	Clerical Officer	Meru	5
8.	Denis Mugo Nthiga	KCSE, Driving Licence	Sub staff III	Embu	2

Source: ENNDA

- (o) The basis for determining success was availability of vacancy as per the new organization structure, merit, equity, aptitude and suitability, prescribed qualifications for holding the relevant positions including the ability, skills, knowledge, experience and personal qualities relevant in carrying out the relevant duties and regional representation, diverse communities and persons with disabilities.
- (p) In terms of regional and county representation, of the forty-two (42) successful applicants, twenty-four (24) hailed from Isiolo County, five (5) from Wajir, and four (4) from Garissa. Laikipia, Marsabit and Meru had two (2) applicants each.

<sup>3</sup> as submitted on 22<sup>nd</sup> February, 2021

- (q) The management followed due process in not renewing contractual obligation with the eight (8) as all employment contracts are time bound.

**As regards the poor working environment at ENNDA including unprocedural transfers and unmerited promotions,** the Ministry negated the allegations that the working conditions at ENNDA are not employee friendly. The Ministry argued that -

- (a) Attempts have been made to develop new human resource tools with clear provisions to promote a positive and motivating work environment.
- (b) Article 232 of the Constitution on the values and principles of public service were dully followed and applied.
- (c) In a bid to rationalise staff following the ongoing reforms at ENNDA and in line with the recently developed staff establishment, the management undertook partial transfers of employees across Ewaso Ng'iro North River Basin and catchment areas. Further that these were procedurally done and in compliance with the laws and upon extensive consultations.
- (d) In terms of statutory obligations, the Authority has submitted gratuity of 31 percent of basic salary to the pension scheme. Further, that the Authority has directed the scheme to process and make payment to the twelve (12) (*whose contract lapsed and those who applied but whose application failed to meet the threshold*). Further, the same has been done for NHIF and NSSF.

**On the issue of the dismissal of 46 staff from lower level cadre,** the Statement before the Senate argued that ENNDA had dismissed fifty-six (56) casual labourers who had served the Authority for over ten (10) years without notice or benefits contrary to the prevailing laws. While responding to the issue, MEAC& RD opined that -

- (a) ENNDA has never employed any staff as a casual worker. Further, that all employees are either on permanent, contract or (temporary) terms. As such, the 56 in question were employed on contract.
- (b) Only one (1) external staff has been hired forthwith on 1<sup>st</sup> November, 2020. Washington Omondi Muga, who is designated as a plant mechanic with qualifications in National Trade Test Certificate Grade1 and hails from Siaya County.

### **3.2 Meeting with Some Affected Staff**

The Committee held a virtual meeting with some selected employees of ENNDA on the 11<sup>th</sup> March, 2021. One of the eight employees who were allegedly dismissed, Mr. Eliphaz Bundi Mutea, was present. The following are excerpts of the broad issues raised by the affected employees.

1. Long-term service to ENNDA on a temporary and casual basis;
2. Irregular promotions of persons deemed junior to senior within the organisation;
3. Irregular transfers including to positions one is not deemed qualified to work;
4. Frustration and intimidation by the management with non- Somalis targeted including failure to assign duties;
5. Lack of clear reporting channels, while the existing ones are ignored; and
6. Lack of professionalism in handling employee issues with rampant nepotism and tribalism while addressing the same.

## CHAPTER FOUR: COMMITTEE OBSERVATIONS & RECOMMENDATIONS

### 1.1 Committee Observations

The Committee makes the following observations-

**A. On the unfair and illegal dismissal of staff at the ENNDA without due process and ethical procedures -**

1. THAT, in view of the review and subsequent implementation of the ENNDA 2018-2022 strategic plan, the institution embarked on reforms that were geared to addressing challenges that continued to hamper its performance in previous years. This culminated in the appointment of the current board of directors in February, 2019, and the competitive recruitment of the managing director in October, 2019;
2. THAT, prior to 2019, ENNDA operated its human resource function without the requisite human resource tools including the human resource policies and procedure manual and career progression manual. Others are an outdated organizational structure, staff grading and establishment;
3. THAT, bearing in mind (2) above, ENNDA employees have for the longest time been subjected to labour malpractices and injustices. Among the most noticeable are prolonged appointment of ENNDA staff on temporary or contract and casual basis, some for more than five years; unmerited promotions and transfers and possible opportunities for vices like nepotism, tribalism and cronyisms among others;
4. THAT, in a bid to address some of the existing gaps in managing the existing human capital at ENNDA, the management set out to implement reforms through a chain of events that culminated to the dismissal of eight (8). For instance;
  - (a) On 1<sup>st</sup> November 2019, the management issued a one-year additional contract to the 56 staff on contract (casual);
  - (b) Subsequently, the management issued a one-month notice on 24<sup>th</sup> September, 2020 indicating the expiry of contract agreement between the employees and ENNDA by the 30<sup>th</sup> October, 2020;
  - (c) Further, internally advertised the (13 designations, that is 34 vacancies in October, 2020 and staff whose contract were expiring were encouraged to apply by deadline of the 15<sup>th</sup> October, 2020; and
  - (d) upon the expiry of the contracts and following competitive recruitment process, 42 were deemed to be successful and hence rehired;
5. THAT, taking into consideration the foregoing events, the Statement was read before the Senate on 8<sup>th</sup> October, 2020, a time when the 56 employees on a one year extended contract (from November 2019) had an opportunity to reapply for the already advertised positions. Hence at that point, none had been dismissed but the contracts were expected to lapse on the 30<sup>th</sup> October 2020;
6. THAT, while forty-two (42) of out of the fifty-six (56) employees were re-hired, a copy of the available vacancies only provided for thirty-four (34) vacancies across thirteen (13)

designations. With the foregoing fact, it is unclear how the internal advertisements effectively catered for the forty-two (42).

7. THAT, of the fifty-six (56) employees on contract, eighteen (18) did not possess any sort of qualifications, and fifteen (15) were KCSE certification holders with an additional driver's license. Seven (7) of the eight (8) that were allegedly dismissed possessed KCSE certification, drivers licence while one (1) qualified with a diploma in front office.
8. THAT, the Committee noted discrepancies in the information shared and as such questions ENNDA's intentions and capacity to manage employee data. For instance-
  - (a) The staff establishment of 298, in post of 206 and hence available vacancies of 92. The payroll provided shows an en existing in post of 190 staff at ENNDA.
  - (b) The authorised staff establishment shows designations and employee scales of (Scale 1 through 9). The in-post as provided under the authorised staff establishment does not add up to 190 employees as justified in the payroll as such questions on the staff establishment remain unanswered.
  - (c) The authorised staff establishment as provided shows that 'scale 5' is attributed to designation at the level of 'Principal'. However, an annex of an employee by the name Mr. Abdullahi Sadik Hillowe employed on 22<sup>nd</sup> March, 2005 was further appointed on a year contract to scale 5 as a driver effective 1<sup>st</sup> November, 2019.
  - (d) The Committee could not verify the allegations pertaining to ENNDA employee, Mr. Gachucha David Muriithi, ENNDA/PER/ 00314/13 and Gerald Kiuji Wanja, ENNDA/PER/00316/11. It was alleged that the two were not rehired yet their names do not appear among the 8 provided. The fact as provided by ENNDA is that 14 staff out of the 56 were not rehired (8 did not qualify, 5 failed to reapply and 1 applied for a non-existent positions). It is not clear whether the two were among those that failed to apply.

**B. As regards the poor working environment at ENNDA including unprocedural transfers and unmerited promotions -**

9. THAT, significant attempts by ENNDA to address the existing human resource challenges by developing new human resource tools and frameworks with clear provisions to promote a positive and motivating work environment.
10. THAT, as at 2019, ENNDA boasts of a fully constituted 25-member board comprising of 13 independent and 12 alternate directors and a functional management headed by a competitively recruited managing director. Further, that the mandate of the board of directors is to define policy and the strategic direction of the Authority including its operations.
11. THAT, (9) and (10) above notwithstanding, employees' dissatisfaction within ENNDA persists. Complains range from breakdown in communication between management and employees; continuous intimidation, victimization of staff; irregular transfers and promotions including career stagnations; irregular approval of annual leave days; employee discrimination; nepotism, tribalism and cronyism, flouting of labour laws among other malpractices.

### **C. On the issue of the dismissal of 46 staff from lower level cadre –**

12. THAT, as at 8<sup>th</sup> October, 2020 when the Statement on the dismissal of staff at ENNDA was read in the Senate, no staff had been dismissed. However, the fifty-six (56) employees on contract had been issued with letters indicating the lapse in their contracts as at 30<sup>th</sup> October 2020. Further, the said staff were offered an opportunity to apply for existing vacancies with deadline set for 15<sup>th</sup> October 2020;
13. THAT, the vacant positions were internally and not externally advertised as alleged so as to offer the 56 staff whose contract was expiring on the 30<sup>th</sup> October, 2020 to take up the positions;
14. THAT, the contracts of the 56 employees of ENNDA lapsed on the 30<sup>th</sup> October, 2020, following one-year additional contract as issued on 1<sup>st</sup> November, 2019;
15. THAT, there were contradictions as to whether the 56 staff having served ENNDA prior to the one-year extension of contract on November, 2019 were appointed on contract or casual basis. While ENNDA alludes that all employees are either on permanent, contract or (temporary) terms, this was refuted by some staff at the institution who indicated their appointments as casuals but transformed to permanent and pensionable; and
16. THAT, ENNDA, a body corporate as per the Section 3 of the ENNDA Act must not be seen to be micro managed. However, the Senate will ensure due process is followed regarding the general well-being of employees at ENNDA in particular their appointment, compensation, dismissal transfer and promotions.

### **4.2 Committee Recommendations**

In that regard, the Committee makes the following recommendations in respect to the Statement by the Senator Fatuma Dullo, MP. -

1. THAT, the Ministry of East African Community & Regional Development, and the management of ENNDA in the next three (3) months of tabling the report, present a comprehensive report detailing specific milestones on the status of human capital reforms within ENNDA and all the other five regional development authorities within its purview;
2. THAT, the Ministry of East African Community and Regional Development in one (1) month of tabling the report, present specific remedial measures taken to address the HR issues raised both in the statement and by the affected staff;
3. THAT, the National Gender and Equality Commission, and the Kenya National Commission on Human Rights conduct an investigation on alleged human rights violations, discrimination and intimidation of staff in ENNDA, and report back to the Committee within three months of tabling this report;
4. THAT, the Committee on Labour and Social Welfare upon receiving the two reports will undertake a site visit for further engagement and offer additional recommendations.



## CHAPTER FIVE: ANNEXURES

Annex 1 Minutes of Committee meetings

### **MINUTES OF THE 39 (ZOOM ONLINE) MEETING OF THE STANDING COMMITTEE ON LABOUR & SOCIAL WELFARE HELD ON WEDNESDAY, 14<sup>TH</sup> JULY, 2021, AT 9.30 AM**

#### **MEMBERS PRESENT**

- |                                     |                    |
|-------------------------------------|--------------------|
| 1. Sen. Sakaja Johnson Arthur, CBS  | - Chairperson      |
| 2. Sen. Mwaruma Johnnes             | - Vice Chairperson |
| 3. Sen. Kihika Susan Wakarura       | - Member           |
| 4. Sen. Makori Beatrice Kwamboka    | - Member           |
| 5. Sen. Masitsa Naomi Shiyonga      | - Member           |
| 6. Sen. (Dr.) Milgo Alice Chepkorir | - Member           |

#### **ABSENT WITH APOLOGIES**

- |                                  |          |
|----------------------------------|----------|
| 1. Sen. Madzayo Stewart Mwachiru | - Member |
| 2. Sen. Mwangi Paul Githiomi     | - Member |
| 3. Sen. (Dr.) Mwaura Isaac, CBS  | - Member |

#### **SENATE SECRETARIAT**

- |                       |                                       |
|-----------------------|---------------------------------------|
| 1. Ms. Mary Chesire   | - Deputy Director, Committee Services |
| 2. Ms. Mwanate Shaban | - Clerk Assistant                     |
| 3. Ms. Marale Sande   | - Senior Research Officer             |
| 4. Mr. Kevin Kibet    | - Hansard Officer/ Clerk Assistant    |
| 5. Mr. Jeremy Chabari | - Legal Counsel                       |
| 6. Mr. Reuben Kimosop | - Senior SAA                          |
| 7. Ms. Fatu Abdi      | - Audio officer                       |

#### **MINUTE SEN/SCLSW/158/2021: PRELIMINARIES**

The Chairperson called the meeting to order at 9.49 am followed by a word of prayer.

#### **MINUTE SEN/SCLSW/159/2021: ADOPTION OF THE AGENDA**

The agenda of the Meeting was adopted after being proposed by Sen. Susan Kihika, MP. and seconded by Sen. Kwamboka, MP. as follows –

#### **AGENDA**

1. Preliminaries (Prayers);
2. Adoption of the Agenda;
3. **Confirmation of Minutes 33, 32, 31 30, 29, 28, 27, 26 and 19;**

4. **Consideration of resolutions of the Report on the Statement by Sen. Fatuma Dullo on Dismissal of Workers by the Ewaso Nyiro North Development Authority;**
5. **Consideration of Committee Stage Amendments of the County Hall of Fame, 2021 Bill, 2021;**
6. **Legislative Business before the Committee**
  - **Correspondence**
  - **Bills**
  - **Petition**
  - **Statements**
7. Any Other Business & Adjournment.

**MINUTE SEN/SCLSW/160/2021: CONFIRMATION OF MINUTES 33, 32, 31 30, 29, 28, 27, 26 AND 19;**

1. The minutes of the 33<sup>rd</sup> Sitting of the Committee which was an online meeting held on Thursday, 24<sup>th</sup> June, 2021 at 10:00 a.m. were confirmed as a true record of the Meeting proceedings of the Committee after being proposed by Sen. Naomi Shiyonga, MP and seconded by Sen. Beatrice Kwamboka, MP.

The Secretariat was tasked to send a letter requesting the Retirement Benefits Authority to provide an update on the general health of all the public corporations schemes under their mandate.

2. The minutes of the 32<sup>nd</sup> Sitting of the Committee which was an online meeting held on Wednesday, 23<sup>rd</sup> June, 2021 at 9:00 a.m. were confirmed as a true record of the Meeting proceedings of the Committee after being proposed by Sen. Naomi Shiyonga, MP and seconded by Sen. (Dr.) Alice Milgo, MP.
3. The minutes of the 31<sup>st</sup> Sitting of the Committee which was an online meeting held on Saturday, 19<sup>th</sup> June, 2021 at 1.00 pm were confirmed as a true record of the Meeting proceedings of the Committee after being proposed by Sen. (Dr.) Alice Milgo, MP and seconded by Sen. Johnnes Mwaruma, MP.
4. The minutes of the 30<sup>th</sup> Sitting of the Committee which was an online meeting held on Saturday, 19<sup>th</sup> June, 2021 at 11:00 a.m. were confirmed as a true record of the Meeting proceedings of the Committee after being

proposed by Sen. (Dr.) Alice Milgo, MP and seconded by Sen. Johnnes Mwaruma, MP.

5. The minutes of the 29<sup>th</sup> Sitting of the Committee which was an online meeting held on Saturday, 19<sup>th</sup> June, 2021 at 9.30 a.m. were confirmed as a true record of the Meeting proceedings of the Committee after being proposed by Sen. (Dr.) Alice Milgo, MP and seconded by Sen. Johnnes Mwaruma, MP.
6. The minutes of the 28<sup>th</sup> Sitting of the Committee which was an online meeting held on Friday, 18<sup>th</sup> June, 2021 at 3.00 p.m. were confirmed as a true record of the Meeting proceedings of the Committee after being proposed by Sen. (Dr.) Alice Milgo, MP and seconded by Sen. Johnnes Mwaruma, MP.
7. The minutes of the 27<sup>th</sup> Sitting of the Committee which was an online meeting held on Friday, 18<sup>th</sup> June, 2021 at 11.00 a.m. were confirmed as a true record of the Meeting proceedings of the Committee after being proposed by Sen. (Dr.) Alice Milgo, MP and seconded by Sen. Johnnes Mwaruma, MP.
8. The minutes of the 26<sup>th</sup> Sitting of the Committee which was an online meeting held on Friday, 18<sup>th</sup> June, 2021 at 9.30 a.m. were confirmed as a true record of the Meeting proceedings of the Committee after being proposed by Sen. (Dr.) Alice Milgo, MP and seconded by Sen. Johnnes Mwaruma, MP.
9. The minutes of the 19<sup>th</sup> Sitting of the Committee which was an online meeting held on Wednesday, 5<sup>th</sup> May, 2021 at 8:00 a.m. were confirmed as a true record of the Meeting proceedings of the Committee after being proposed by Sen. (Dr.) Alice Milgo, MP and seconded by Sen. Naomi Shiyonga, MP.

**MINUTE SEN/SCLSW/161/2021: CONSIDERATION OF THE RESOLUTIONS OF THE REPORT ON THE STATEMENT ON THE DISMISSAL OF STAFF BY EWASO NG'IRO NORTH DEVELOPMENT AUTHORITY**

Members raised concern on intimidation and victimization of staff in the Ewaso Ng'iro North Development Authority (ENNDA), noting an interdiction letter for one of the staff who appeared before the Committee.

The Committee resolved to add a recommendation cautioning the Authority from intimidating and victimizing staff who had raised complaints against the Authority.

**MINUTE SEN/SCLSW/162/2021: CONSIDERATION OF COMMITTEE STAGE AMENDMENTS OF THE COUNTY HALL OF FAME, 2021 BILL, 2021;**

The Committee considered the Committee Stage Amendment on the County Hall of Fame Bill, 2021 and adopted it after being proposed by Sen. (Dr.) Alice Milgo and seconded by Sen. Naomi Shiyonga.

**MINUTE SEN/SCLSW/163/2021: CONSIDERATION OF LEGISLATIVE BUSINESS BEFORE THE COMMITTEE**

The Committee resolved to move this agenda item to the next housekeeping meeting.

**MINUTE SEN/SCLSW/164/2021: ANY OTHER BUSINESS AND ADJOURNMENT**

There being no other business, the Chairperson thanked the participants and the meeting was adjourned at 11.10 am.



**SIGNATURE:** .....  
**(CHAIRPERSON: SEN. JOHNSON SAKAJA, CBS)**

**DATE: Thursday, 22<sup>nd</sup> July, 2021**

**MINUTES OF THE 34 (ZOOM ONLINE) MEETING OF THE STANDING COMMITTEE ON LABOUR & SOCIAL WELFARE HELD ON WEDNESDAY, 30<sup>TH</sup> JUNE, 2021, AT 9.00 AM**

**MEMBERS PRESENT**

- |                                     |                      |
|-------------------------------------|----------------------|
| 1. Sen. Sakaja Johnson Arthur, CBS  | - <b>Chairperson</b> |
| 2. Sen. Madzayo Stewart Mwachiru    | - Member             |
| 3. Sen. Mwangi Paul Githiomi        | - Member             |
| 4. Sen. Kihika Susan Wakarura       | - Member             |
| 5. Sen. Makori Beatrice Kwamboka    | - Member             |
| 6. Sen. Masitsa Naomi Shiyonga      | - Member             |
| 7. Sen. (Dr.) Milgo Alice Chepkorir | - Member             |

**ABSENT WITH APOLOGIES**

- |                                 |                           |
|---------------------------------|---------------------------|
| 1. Sen. Mwaruma Johnnes         | - <b>Vice Chairperson</b> |
| 2. Sen. (Dr.) Mwaura Isaac, CBS | - Member                  |

**SENATE SECRETARIAT**

- |                       |                   |
|-----------------------|-------------------|
| 1. Ms. Mwanate Shaban | - Clerk Assistant |
| 2. Mr. Jeremy Chabari | - Legal Counsel   |
| 3. Mr. Reuben Kimosop | -Senior SAA       |
| 4. Ms. Fatu Abdi      | - Audio officer   |

**MINUTE SEN/SCLSW/141/2021: PRELIMINARIES**

The Chairperson called the meeting to order at 9.26 am followed by a word of prayer.

**MINUTE SEN/SCLSW/142/2021: ADOPTION OF THE AGENDA**

The agenda of the Meeting was adopted after being proposed by Sen. Naomi Shiyonga, MP. and seconded by Sen. Beatrice Kwamboka, MP. as follows –

**AGENDA**

1. Preliminaries (Prayers);
2. Adoption of the Agenda;
3. **Consideration of the draft Report on the Statement by Sen. Fatuma Dullo on Dismissal of Workers by the Ewaso Nyiro North Development Authority;**
4. **Pre-publication scrutiny on the legislative proposal by Sen. Samson Cheragey, MP. on the Employment (Amendment) Bill, 2021;**
5. **Confirmation of Minutes 33, 32, 31 30, 29, 28, 27, 26 and 19; and**
6. Any Other Business & Adjournment.

**MINUTE SEN/SCLSW/143/2021: CONSIDERATION OF THE DRAFT REPORT ON THE STATEMENT BY SEN. FATUMA DULLO ON DISMISSAL OF WORKERS BY THE EWASO NYIRO NORTH DEVELOPMENT AUTHORITY;**

The Committee considered the draft report and made the following observations –

1. THAT, for the longest time, ENNDA, and the five other regional authorities continue to experience a myriad of challenges among them financial, institutional and management weaknesses resulting in an inefficient human capital thereby hampering performance. However, ongoing reforms by the MEAC & RD to address the inefficiencies have been noted;
2. THAT, reforms at ENNDA are ongoing for instance in October 2019, ENDDA competitively recruited a managing director, the development of a human resource policy and procedure manual and the updating and reorganization of the organisational structure among others. The Committee therefore opines that this reforms ought to be cascaded to other regional authorities;
3. THAT, ENNDA management has taken specific steps to address the existing human resource gaps, a chain of events that culminated to the unfortunate dismissal of eight (8) staff who were among those on contractual employment;
4. THAT, the above notwithstanding, employee dissatisfaction within ENNDA persists. Complains and allegations ranging from breakdown in communication between management and employees; continuous intimidation, victimization of staff; irregular transfers and promotions including career stagnations; irregular approval of annual leave days; employee discrimination; nepotism, tribalism and cronyism, flouting of labour laws among other malpractices;
5. THAT, discrepancies in the specific human resource information shared by ENNDA was noted raising the questions on ENNDA's capacity to manage employee data among other human capital issues; and
6. THAT, recognising that ENNDA, is a body corporate as per the Section 3 of the ENNDA Act and must not be seen to be micro managed, the Senate's intention is to ensure that the MEAC& RD and management of ENNDA addresses the issues conclusively. Further, that the MEAC& RD and ENNDA resolves and updates the Senate on the same. However, the Senate will endeavour to ensure due process is followed regarding the general well-being of employees at ENNDA in particular and other

regional authorities regarding issues such as appointment, compensation, dismissal, transfer and promotions.

The Committee made the following recommendations -

1. THAT, the MEAC & RD, the management of ENNDA in the next three (3) months present a comprehensive report detailing specific milestones on the status of human capital reforms within ENNDA and all the other five regional development authorities within its purview;
2. THAT, the MEAC & RD in one (1) month of tabling the report present specific remedial measures taken to address the HR issues raised both in the statement and by the affected staff; and
3. THAT, the Committee on Labour and Social Welfare upon receiving the two reports will undertake a site visit for further engagement and offer additional recommendations.

The Report adopted after being proposed by Sen. Susan Kihika and seconded by Sen. Mwangi Githiomi.

The Secretariat was directed to clean up the Report for Committee's approval before tabling.

**MINUTE SEN/SCLSW/144/2021: PRE-PUBLICATION SCRUTINY ON THE LEGISLATIVE PROPOSAL BY SEN. SAMSON CHERAGEY, MP. ON THE EMPLOYMENT (AMENDMENT) BILL, 2021;**

The Committee considered the legislative proposal on the Employment (Amendment) Bill, 2021 and approved it to proceed for publication.

The Secretariat was tasked to prepare a Research Paper on the matter.

**MINUTE SEN/SCLSW/145/2021: CONFIRMATION OF MINUTES 33, 32, 31 30, 29, 28, 27, 26 AND 19;**

This agenda item was postponed to the next meeting.

**MINUTE SEN/SCLSW/146/2021: ANY OTHER BUSINESS AND ADJOURNMENT**

There being no other business, the Chairperson thanked the participants and the meeting was adjourned at 11.15 am.



**SIGNATURE:** .....  
**(CHAIRPERSON: SEN. JOHNSON SAKAJA, CBS)**

**DATE: Thursday, 22<sup>nd</sup> July, 2021**

**MINUTES OF THE 32 (ZOOM ONLINE) MEETING OF THE STANDING COMMITTEE ON LABOUR & SOCIAL WELFARE HELD ON WEDNESDAY, 23<sup>RD</sup> JUNE, 2021, AT 9.00 AM**

**MEMBERS PRESENT**

1. Sen. Sakaja Johnson Arthur, CBS - **Chairperson (Member)**
2. Sen. Mwaruma Johnnes - **Vice Chairperson (Ag. Chair)**
3. Sen. Madzayo Stewart Mwachiru - Member
4. Sen. Mwangi Paul Githiomi - Member
5. Sen. Kihika Susan Wakarura - Member
6. Sen. Makori Beatrice Kwamboka - Member
7. Sen. Masitsa Naomi Shiyonga - Member
8. Sen. (Dr.) Milgo Alice Chepkorir - Member

**ABSENT WITH APOLOGIES**

1. Sen. (Dr.) Mwaura Isaac, CBS - Member

**IN ATTENDANCE**

1. Sen. Fatuma Dullo – Senator, Isiolo County
2. Mr. Adan Mohammed – CS MEAC & RDAs
3. Dr. Belio Kipsang – PS, State Department of Regional Development Authorities
4. Mr. Ali Hassan – MD ENNDA
5. Dr. Evans Atera – Director, Regional Development Authorities
6. Mr. John Mwendwa – PA to CS

**SENATE SECRETARIAT**

1. Ms. Mwanate Shaban - Clerk Assistant
2. Ms. Marale Sande - Senior Research Officer
3. Mr. Jeremy Chabari - Legal Counsel
4. Mr. Reuben Kimosop - SAA
5. Mr. Frank Mutulu - Media Relations Officer
6. Ms. Fatuma Abdi - Audio Officer

**MINUTE SEN/SCLSW/133/2021: PRELIMINARIES**

The Chairperson called the meeting to order at 9.11 am followed by a word of prayer. This was followed by introductions by all present.



## **MINUTE SEN/SCLSW/134/2021: ADOPTION OF THE AGENDA**

The agenda of the Meeting was adopted after being proposed by Sen. Beatrice Kwamboka, MP. and seconded by Sen. (Dr.) Alice Milgo, MP. as follows –

### **AGENDA**

1. Preliminaries (Prayers & Introductions);
2. Adoption of the Agenda;
3. **Meeting CS MEAC & RDA's on the Statement by Sen. Fatuma Dullo on the Dismissal of Workers by the Ewaso Ng'iro North Development Authority); and**
4. Any Other Business & Adjournment.

### **MINUTE SEN/SCLSW/135/2021: MEETING CS MEAC & RDA'S ON THE STATEMENT BY SEN. FATUMA DULLO ON THE DISMISSAL OF WORKERS BY THE EWASO NG'IRO NORTH DEVELOPMENT AUTHORITY);**

#### **a) Presentation by the CS MEAC & RDAs and ENNDA**

The CS thanked the Committee for the invitation and the Managing Director presented as follows -

1. **Details of the membership of the Board and the compliance of the membership with the provisions of the Constitution on representation of special interest groups, including gender, persons with disability and the youth.**

Pursuant to Ewaso Ng'iro North Development Authority Act Cap 448 section 4(1) of laws of Kenya, the authority to appoint the Chairman of the Board of Directors is vested in the President of Republic of Kenya and other Board members in the Minister in consultation with the President.

The Chairman was appointed on 3<sup>rd</sup> May, 2019, the Managing Director was competitively recruited on 1<sup>st</sup> October, 2019 while all the other Board members were appointed in 7<sup>th</sup> February, 2019. The current Board of directors are twenty-four (24) in number; twelve (12) are independent and are appointed by the Cabinet Secretary as per the Act, four (4) are representatives of Regional Commissioners and the remaining Eight (8) are representatives of Ministries.

According to the ENNDA Act, the Minister has the authority to appoint not more than twelve independent members, in consultation with the President, ten of whom shall be appointed from the area of jurisdiction of the Authority. The Basin has an estimated population of 4 Million and covers an area of 209,576 square kilometers traversing 10 counties namely Nyeri (29.8%), Laikipia (90%), Isiolo (89%), Marsabit (84%), Samburu (77%), Meru (46.3%), Nyandarua (37.1%), Wajir (100%), Mandera (100%), and Garissa (32.5%). Similarly, 80% of the Basin lies in the Arid and Semi-Arid areas where there is poor infrastructure, frequent drought and perennial resource-based conflicts.

The detailed membership of the ENNDA Board of Directors, which is in compliance with both the requirements of the Constitution of Kenya and the ENNDA Act, was attached.

## **2. The organizational Structure of the Authority**

Globally, the human capital has been recognized as a major asset in driving the strategic objectives for any institution. In order for ENNDA to effectively deliver on its mandate, objectives and plan, adequate human resources in terms of numbers and technical expertise are required. However, for many years the Authority did not have staff establishment and the instruments governing Human Resources development were not updated since 90's. It is therefore notable that the Authority had an obsolete staff establishment until 2019. In this regard, the Authority developed Human Resource tools that included Human Resource Policies and Procedures Manual, Career Progression Guidelines, Organization Structure, Staff Grading and Establishment.

The Organization Structure of the Authority was approved by the Board, the parent Ministry, State Corporations Advisory Committee (SCAC) and salaries and Remuneration Commission (SRC) for implementation in May, 2020. The structure has got Three (3) Directorates namely

- i) Planning, Business Development & Investment;
- ii) Infrastructure and Natural Resources; and
- iii) Corporate Services.

Each directorate is headed by a Director. There are ten (10) Managers and several Assistant Managers.

**3. Copies of the payroll for last three (3) months.**

The Authority has One hundred and ninety (190) staff. Copies of the payroll for last three (3) months were attached.

**4. Details of Mr. Garat Abdi, an employee of the Authority, including his qualifications, previous and current designation and date of employment.**

The Authority does not have an employee by the name Mr. Garat Abdi.

**5. The names of eight (8) former employees who were dismissed, their details, qualifications, counties of origin, positions served and years of service.**

In the course of reviewing the new Human Resource Management instruments, the management identified Fifty-six (56) junior staff either on expired contract or on temporary as casuals. The Issue was brought to the board through its Finance & Administration Committee. The Board recommended one-year contract for all staff, pending conclusion of development of Human Resource instruments that included; Human Resource Policy and Procedures manual, Organization Structure and Staff Establishment and Career Guidelines.

The staff were therefore issued with one-year contract effective from 1<sup>st</sup>, November, 2019. As expiry date of the contract was approaching, the matter was brought to the Board for review. The Board directed that all fifty-six (56) staff be given letters of one-month lieu notice of expiry of contract. At the same time the Board asked all the 56 members of staff to apply for the existing vacancies in the approved Organization Structure after the positions were exclusively internally advertised for their consideration.

The applicants were subjected to suitability interview and Forty-two successful staff were absorbed. Out of the remaining fourteen members of Staff, five did not apply for positions internally advertised, one by the name Gachucha David Muriithi who was a Marketing Officer, applied for non-existent position while the remaining Eight (8) were not successful due to poor work performance, chronic absenteeism and failure to meet interview threshold. The names of eight (8) former employees and their details are provided.

**6. Organizational policies on recruitment, promotion, transfer, leave and exit, and on the management of employees living with disabilities.**

The Human Resources Policy and Procedures Manual which has details on the above is hereby attached.

**b) Intervention by Members**

1. There was a discrepancy between the names of the eight who were laid off and the actual eight who are at work;
2. The details of the dismissed workers including the number of years seem inaccurate for some of the affected workers;
3. There is need to scrutinize all the documents that have been submitted; and
4. There is also need to have a site visit to assess the information on the ground.

**c) Way Forward**

The Committee resolved that the Secretariat synthesizes all the information submitted and prepare a draft report for the committee to deliberate on and adopt the following week.

**MINUTE SEN/SCLSW/136/2021: ANY OTHER BUSINESS AND ADJOURNMENT**

There being no other business, the Chairperson thanked the participants and the meeting was adjourned at 10.07 am.



**SIGNATURE:** .....  
**(CHAIRPERSON: SEN. JOHNSON SAKAJA, CBS)**

**DATE: Wednesday, 14<sup>th</sup> July, 2021**

**MINUTES OF THE 18<sup>TH</sup> (ZOOM ONLINE) MEETING OF THE STANDING COMMITTEE ON LABOUR & SOCIAL WELFARE HELD ON WEDNESDAY, 31<sup>ST</sup> MARCH, 2021, AT 9.00 AM.**

**MEMBERS PRESENT**

- |                                     |                           |
|-------------------------------------|---------------------------|
| 1. Sen. Sakaja Johnson Arthur, CBS  | - <b>Chairperson</b>      |
| 2. Sen. Mwaruma Johnnes             | - <b>Vice Chairperson</b> |
| 3. Sen. Mwangi Paul Githiomi        | - Member                  |
| 4. Sen. Madzayo Stewart Mwachiru    | - Member                  |
| 5. Sen. (Dr.) Milgo Alice Chepkorir | - Member                  |
| 6. Sen. Makori Beatrice Kwamboka    | - Member                  |
| 7. Sen. Masitsa Naomi Shiyonga      | - Member                  |
| 8. Sen. Kihika Susan Wakarura       | - Member                  |

**ABSENT WITH APOLOGIES**

- |                                 |          |
|---------------------------------|----------|
| 1. Sen. (Dr.) Mwaura Isaac, CBS | - Member |
|---------------------------------|----------|

**SENATE SECRETARIAT**

- |                       |                           |
|-----------------------|---------------------------|
| 1. Ms. Mwanate Shaban | - Clerk Assistant         |
| 2. Mr. Reuben Kimosop | - SAA                     |
| 3. Mr. Frank Mutulu   | - Media Relations Officer |

**IN ATTENDANCE**

- |                       |                            |
|-----------------------|----------------------------|
| 1. Sen. Fatuma Dullo  | - Senator, Isiolo County   |
| 2. Mr. Adan Mohammed  | - CS MEAC & RD             |
| 3. Dr. Belio Kipsang  | - PS, RD                   |
| 4. Dr. Evans Atera    | - Deputy Director RD       |
| 5. Mr. Mohammed Liban | - Chairperson, ENNDA       |
| 6. Mr. Ali Hassan     | - Managing Director, ENNDA |

**MINUTE SEN/SCLSW/73/ 2021: PRELIMINARIES**

The Chairperson called the meeting to order at 9.30 am followed by a word of prayer. This was followed by introductions from all present.

**MINUTE SEN/SCLSW/74/2021: ADOPTION OF THE AGENDA**

The agenda of the Meeting was adopted after being proposed by Sen. Shiyonga, MP. and seconded by Sen. Kwamboka, MP. as follows –

**AGENDA**

1. Preliminaries (Prayers);
2. Adoption of the Agenda;
3. **Meeting with the Ministry of EAC & RD;**
4. Any Other Business & Adjournment.

**MINUTE SEN/SCLSW/75/2021: MEETING WITH THE MINISTRY OF EAST AFRICAN COMMUNITY AND REGIONAL DEVELOPMENT ON DISMISSAL OF WORKERS BY THE EWASO NG'IRO NORTH DEVELOPMENT AUTHORITY;**

**a) Presentation by the CS, MEAC & RD**

1. Some of the allegations made by the staff are not true;
2. The institution has been around for a long time but has been moribund in its operations;
3. The institutions had more than 80% of its workers as casuals and 20 % technical staff;
4. The new board changed this at the direction of the Ministry;
5. 56 staff members were given a one-year contract and did not meet the necessary threshold and were let go.

**b) Members Interventions**

1. When did the new board come in place;
2. Has there been recruitment of new staff since then?
3. Why were the 9 staff illegally removed from the employment?
4. What is the organizational policy governing recruitment of staff?
5. Could the organization submit the payroll to the Committee?
6. There have been allegations of promotions that are based on ethnicity;
7. What is the organizational policy surrounding promotions and discipline?
8. What is the membership/ and gender composition of the Board; has it taken into account PWDs and Youth?
9. Nyandarua is one of the 10 counties that ENNDA covers, yet there is no staff from Nyandarua; why are some of the surrounding counties not represented?
10. What were the reasons for those who were laid off?
11. What is the relationship of a staff member called Yusuf Abdi Osman to the CEO and what position is he occupying?
12. Is there a category of Kenyans who have been discriminated against?
13. What is the policy and support system of PWDs serving in the organization?
14. How was Mr. Garat Abdi moved from Job Group 9 to 12 without qualifications?
15. What is the leave policy? and
16. Who were the eight who did not get re-absorbed? Their names and details?

**c) Responses from the Ministry**

1. The Chairperson joined the organization in May, 2019 while the rest of the Board came in February, 2019;
2. The MD was competitively hired in November, 2019;
3. The new Board installed manuals and policies in place
4. ENNDA has staff from 26 counties but the Authority only covers 10 counties;
5. The Board extended contracts of the 56 staff and workers and worked on the documents with the help of the Ministry, SCAC and SRC.;
6. Yusuf Abdi has been engaged temporarily on a 3-month contract as a Communications Officer
7. Out of the 56 staff members who were requested to re-apply for their jobs, 5 did not apply for any position while 1 applied for a non-existence position; and
8. Some officers have been hired on temporary engagement as need arises but only one staff has been hired on Permanent and Pensionable terms. The staff is from Siaya county.

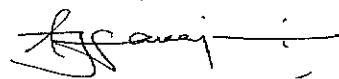
**d) Way Forward**

The Committee resolved that ENNDA should submit the following documents in the next meeting -

1. The Membership of the Board, and its compliance on special interest groups like gender, PWD and Youth.
2. The organizational structure;
3. A copy of the most recent payroll;
4. Details of Mr. Garat Abdi, an employee, including his qualifications, previous and current designation and date of employment;
5. List of the eight former employees who were dismissed, with their details, qualifications and their names, positions served and for how long; and
6. Organizational Policies on the management of PWDs, hiring, recruitment, promotion, leave and exit.

**MINUTE SEN/SCLSW/76/2021: ANY OTHER BUSINESS AND ADJOURNMENT**

There being no other business, the meeting was adjourned at 11.22 am.



**SIGNATURE:** .....  
**(CHAIRPERSON: SEN. JOHNSON SAKAJA, CBS)**

**DATE: Wednesday, 9<sup>th</sup> June, 2021**

**MINUTES OF THE 16<sup>TH</sup> (ZOOM ONLINE) MEETING OF THE STANDING COMMITTEE ON LABOUR & SOCIAL WELFARE HELD ON WEDNESDAY, 17<sup>TH</sup> MARCH, 2021, AT 9.00 AM.**

**MEMBERS PRESENT**

1. Sen. Mwaruma Johnnes - **Vice Chairperson (Chairing)**
2. Sen. Mwangi Paul Githiomi - Member
3. Sen. (Dr.) Milgo Alice Chepkorir - Member
4. Sen. Makori Beatrice Kwamboka - Member
5. Sen. Masitsa Naomi Shiyonga - Member
6. Sen. Kihika Susan Wakarura - Member

**ABSENT WITH APOLOGIES**

1. Sen. Sakaja Johnson Arthur, CBS - **Chairperson**
2. Sen. Madzayo Stewart Mwachiru - Member
3. Sen. (Dr.) Mwaura Isaac, CBS - Member

**SENATE SECRETARIAT**

1. Ms. Mwanate Shaban - Clerk Assistant
2. Ms. Marale Sande - Senior Research Officer
3. Mr. Jeremy Chabari - Legal Counsel
4. Mr. Reuben Kimosop - SAA
5. Ms. Fatuma Abdi - Audio Officer
6. Mr. Frank Mutulu - Media Relations Officer

**IN ATTENDANCE**

1. Sen. Fatuma Dullo
2. Dr. Belio Kipsang - PS, Regional Development Authorities
3. Dr. Evans Atera - Deputy Director, RDAs
4. Mr. Mohammed Liban - Chairperson, ENNDA
5. Mr. Ali Hassan - Managing Director, ENNDA

**MINUTE SEN/SCLSW/65/ 2021: PRELIMINARIES**

The Chairperson called the meeting to order at 9.12 am followed by a word of prayer. This was followed by introductions from all present.

**MINUTE SEN/SCLSW/66/2021: ADOPTION OF THE AGENDA**

The agenda of the Meeting was adopted after being proposed by Sen. (Dr.) Milgo, MP. and seconded by Sen. Shiyonga MP. as follows –

**AGENDA**

1. Preliminaries (Prayers);
2. Adoption of the Agenda;



3. Meeting with Cabinet Secretary, Ministry of East African Community and Regional Development Authorities on the Statement by Sen. Fatuma Dullo on dismissal of workers by the Ewaso Ng'iro North Development Authority;
4. Any Other Business & Adjournment.

**MINUTE SEN/SCLSW/67/2021: MEETING WITH CABINET SECRETARY, MINISTRY OF EAST AFRICAN COMMUNITY AND REGIONAL DEVELOPMENT AUTHORITIES ON THE STATEMENT BY SEN. FATUMA DULLO ON DISMISSAL OF WORKERS BY THE EWASO NG'IRO NORTH DEVELOPMENT AUTHORITY;**

**a) Concerns Raised by Members**

1. From the previous meeting, Members were worried about the institutional memory since Employees who had served the organization for a long time had been sidelined;
2. There seemed to be nepotism and marginalization going on in the organization;
3. Members resolved to seek the current status through the payroll;
4. Members also resolved to go to the ground to ascertain the situation;
5. Members resolved that since the Cabinet Secretary had not graced the meeting, then the Committee meeting should not continue; and
6. The PS, Dr. Belio committed to speak to the CS and make themselves available in the next meeting.


**b) Way Forward**

1. It was resolved that the Current Payroll of the organization be brought to the Committee; and
2. The Legal Counsel to do a summary on all issues pertaining to the Statement.

**MINUTE SEN/SCLSW/68/2021: ANY OTHER BUSINESS AND ADJOURNMENT**

There being no other business, the meeting was adjourned at 10.23 am.

**SIGNATURE:**



**(CHAIRPERSON: SEN. JOHNSON SAKAJA, CBS)**

**DATE: Wednesday, 26<sup>th</sup> May, 2021**

**MINUTES OF THE 15<sup>TH</sup> (ZOOM ONLINE) MEETING OF THE STANDING COMMITTEE ON LABOUR & SOCIAL WELFARE HELD ON THURSDAY, 11<sup>TH</sup> MARCH, 2021, AT 3.00 PM.**

**MEMBERS PRESENT**

- |                                     |                        |
|-------------------------------------|------------------------|
| 1. Sen. Sakaja Johnson Arthur, CBS  | - Chairperson (Member) |
| 2. Sen. Mwaruma Johnnes             | - Vice Chairperson     |
| 3. Sen. Mwangi Paul Githiomi        | - Member (Chairing)    |
| 4. Sen. (Dr.) Milgo Alice Chepkorir | - Member               |
| 5. Sen. Makori Beatrice Kwamboka    | - Member               |
| 6. Sen. Masitsa Naomi Shiyonga      | - Member               |
| 7. Sen. (Dr.) Mwaura Isaac, CBS     | - Member               |

**ABSENT WITH APOLOGIES**

- |                                  |          |
|----------------------------------|----------|
| 1. Sen. Madzayo Stewart Mwachiru | - Member |
| 2. Sen. Kihika Susan Wakarura    | - Member |

**SENATE SECRETARIAT**

- |                       |                   |
|-----------------------|-------------------|
| 1. Ms. Mwanate Shaban | - Clerk Assistant |
| 2. Mr. Jeremy Chabari | - Legal Counsel   |

**IN ATTENDANCE**

1. Sen. Fatuma Dullo

**MINUTE SEN/SCLSW/61/ 2021: PRELIMINARIES**

The Chairperson called the meeting to order at 3.18 pm followed by a word of prayer.

**MINUTE SEN/SCLSW/62/2021: ADOPTION OF THE AGENDA**

The agenda of the Meeting was adopted after being proposed by Sen. Kwamboka MP. and seconded by Sen. Shiyonga MP. as follows –

**AGENDA**

1. Preliminaries (Prayers);
2. Adoption of the Agenda;
3. Meeting with Cabinet Secretary, Ministry of East African Community and Regional Development Authorities on the Statement by Sen. Fatuma Dullo on dismissal of workers by the Ewaso Ng'iro North Development Authority;
4. Any Other Business & Adjournment.

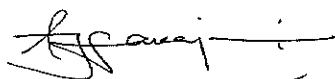
**MINUTE SEN/SCLSW/63/2021: MEETING WITH CABINET SECRETARY, MINISTRY OF EAST AFRICAN COMMUNITY AND REGIONAL DEVELOPMENT AUTHORITIES ON THE STATEMENT BY SEN. FATUMA DULLO ON DISMISSAL OF WORKERS BY THE EWASO NG'IRO NORTH DEVELOPMENT AUTHORITY;**

1. Members also noted that the Ministry had sent apologies for the meeting;
2. The Committee noted with concern on the alleged treatment of the workers of Ewaso Ng'iro North Development Authority;
3. The Committee resolved to involve the relevant oversight institutions to investigate the matters in ENNDA;
4. The Committee resolved to invite the CS, MEAC and RDA, for the final time on the matter; and
5. The Committee also stressed on the need of the presence of the Media.

**MINUTE SEN/SCLSW/64/2021: ANY OTHER BUSINESS AND ADJOURNMENT**

There being no other business, the meeting was adjourned at 3.42pm.

**SIGNATURE:**



**(CHAIRPERSON: SEN. JOHNSON SAKAJA, CBS)**

**DATE: Wednesday, 26<sup>th</sup> May, 2021**

**MINUTES OF THE 10<sup>TH</sup> (ZOOM ONLINE) MEETING OF THE STANDING COMMITTEE ON LABOUR & SOCIAL WELFARE HELD ON WEDNESDAY, 24<sup>TH</sup> FEBRUARY, 2021, AT 9.00 AM.**

**MEMBERS PRESENT**

1. Sen. Sakaja Johnson Arthur, CBS - **Chairperson**
2. Sen. Mwangi Paul Githiomi - Member
3. Sen. Masitsa Naomi Shiyonga - Member
4. Sen. Kihika Susan Wakarura - Member
5. Sen. (Dr.) Milgo Alice Chepkorir - Member
6. Sen. Makori Beatrice Kwamboka - Member
7. Sen. (Dr.) Mwaura Isaac, CBS - Member

**ABSENT WITH APOLOGIES**

1. Sen. Mwaruma Johnnes - **Vice Chairperson**
2. Sen. Madzayo Stewart Mwachiru - Member

**IN ATTENDANCE**

1. Sen. Fatuma Dullo – Senator for Isiolo County

**SENATE SECRETARIAT**

1. Ms. Mwanate Shaban - Clerk Assistant
2. Mr. Reuben Kimosop - SAA
3. Mr. Jeremy Chabari - Legal Counsel
4. Ms. Fatuma Abdi - SAA

**MINUTE SEN/SCLSW/40/ 2021: PRELIMINARIES**

The Chairperson called the meeting to order at 9.15 am followed by a word of prayer.

**MINUTE SEN/SCLSW/41/2021: ADOPTION OF THE AGENDA**

The agenda of the Meeting was adopted after being proposed by Sen. Paul Mwangi Githiomi, MP. and seconded by Sen. (Dr.) Alice Milgo, MP. as follows –

**AGENDA**

1. Preliminaries (Prayers);
2. Adoption of the Agenda;
3. **Consideration of the Statement by Sen. Fatuma Dullo on the Dismissal of workers by the Ewaso Nyiro North Development Authority (ENNDA);**
4. **Confirmation of Minutes 7;**
5. Any Other Business & Adjournment.

**MINUTE SEN/SCLSW/42/2021: CONSIDERATION OF THE STATEMENT BY SEN. FATUMA DULLO ON THE DISMISSAL OF WORKERS BY THE EWASO NYIRO NORTH DEVELOPMENT AUTHORITY (ENNDA);**

1. The Committee, through its letter to the Ministry of East African Community and Regional Development Authorities, dated 17<sup>th</sup> February, 2021 invited the Ministry to a meeting on 24<sup>th</sup> February, 2021 to respond to the following concerns about Ewaso Nyiro North Development Authority -
  - a) The initial staff establishment with names and designations and qualifications;
  - b) The letters of appointment of the staff together with their contracts of employment;
  - c) The process of dismissal and the basis of retaining staff; and
  - d) Whether regional balance was taken into account during the process.
  
2. The Cabinet Secretary, MEAC & RD requested for the meeting to be rescheduled and ENNDA responded as follows -
  - a) ENNDA submitted a document containing the initial staff establishment with the names, designations and qualifications;
  - b) The organization also submitted the contracts of the staff
  - c) The organization insisted that the 8 staff were not fired but their contracts expired and 56 staff were given an opportunity to apply. Out of the 56, 8 were not successful while one did not make any application;
  - d) The organization maintained that the basis for retaining staff was based on availability of vacancies as per the new organizational structure, merit, equity, aptitude and suitability, qualifications, efficiency of service delivery, regional representation and special interest groups; and
  - e) The organization stated that the organization covers 10 counties and applicants were drawn from Isiolo, Laikipia, Marsabit, Wajir, Garissa, Meru and other counties.
  
3. Sen. Fatuma Dullo stated that she responded that response was not satisfactory based on the following -
  - a) The workers had worked in the organization for a long time, some for more than 10 years as casuals, with only one appointment letter. The new Board and CEO introduced a one-year contract to all the 56 and when she raised concerns, some were retained while 9 were sent home;
  - b) From the documentation, the workers seemed to be pensionable terms, therefore the introduction of contracts was an illegal process;

- c) ENNDA only submitted the list of the 56 staff but not of the whole establishment;
- d) The basis of dismissal is not very clear as those dismissed seem to be non-cushitic and non-muslims;
- e) Even after releasing the 9 staff, the organization still seems to be recruiting more staff; and
- f) Promotions are based on nepotism and not qualifications.

**4. Way Forward**

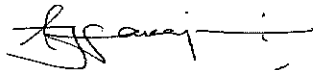
- 1. Submission of the entire staff establishment and regional balance details;
- 2. The Committee to invite the aggrieved staff in the next meeting; and
- 3. The CS together with the Management of the Organization to be admitted in the next meeting after meeting the aggrieved.

**MINUTE SEN/SCLSW/43/2021: CONFIRMATION OF MINUTES 7;**

The Minutes of the 7<sup>th</sup> Sitting of the Committee held on 17<sup>th</sup> February, 2021 at 11.00 am which was a virtual meeting, were confirmed after being proposed by Sen. Susan Kihika, MP. and seconded by Sen. Beatrice Kwamboka, MP.

**MINUTE SEN/SCLSW/44/2021: ANY OTHER BUSINESS AND ADJOURNMENT**

There being no other business, the meeting was adjourned at 10.37 am.



**SIGNATURE:** .....  
**(CHAIRPERSON: SEN. JOHNSON SAKAJA, CBS)**

**DATE: Wednesday, 9<sup>th</sup> June, 2021**



**Republic of Kenya**

**MINISTRY OF EAST AFRICAN COMMUNITY (EAC) AND  
REGIONAL DEVELOPMENT**

**State Department for Regional and Northern Corridor  
Development**

**STATEMENT ON DISMISSAL OF STAFF BY EWASO NG'IRO  
NORTH DEVELOPMENT AUTHORITY (ENNDA)**

---

**June 2021**

## **STATEMENT ON DISMISSAL OF STAFF BY EWASO NG'IRO NORTH DEVELOPMENT AUTHORITY (ENNDA)**

We refer to the meeting of the Standing Committee on Labour and Social Welfare held on 2<sup>nd</sup> June, 2021 in which the Committee further considered the matter of recruitment, promotions, re-designations, leave, transfers and exit of staff of ENNDA and resolved that the Ministry provides a comprehensive report.

The ministry will wish to respond as follows on the issues raised: -

### **1. Details of the membership of the Board and the compliance of the membership with the provisions of the Constitution on representation of special interest groups, including gender, persons with disability and the youth.**

Pursuant to Ewaso Ng'iro North Development Authority Act Cap 448 section 4(1) of laws of Kenya, the authority to appoint the Chairman of the Board of Directors is vested in the President of Republic of Kenya and other Board members in the Minister in consultation with the President.

The Chairman was appointed on 3<sup>rd</sup> May, 2019, the Managing Director was competitively recruited on 1<sup>st</sup> October, 2019 while all the other Board members were appointed in 7<sup>th</sup> February, 2019. The current Board of directors are twenty-four (24) in number; twelve (12) are independent and are appointed by the Cabinet Secretary as per the Act, four (4) are representatives of Regional Commissioners and the remaining Eight (8) are representatives of Ministries.

According the ENNDA Act, the Minister has the authority to appoint not more than twelve independent members, in consultation with the President, ten of whom shall be appointed from the area of jurisdiction of the Authority. The Basin has an estimated population of 4 Million and covers an area of 209,576 square kilometers traversing 10 counties namely Nyeri (29.8%), Laikipia (90%), Isiolo (89%), Marsabit (84%), Samburu (77%), Meru (46.3%), Nyandarua (37.1%), Wajir (100%), Mandera (100%), and Garissa (32.5%). Similarly, 80% of the Basin lies in the Arid and Semi-Arid areas where there is poor infrastructure, frequent drought and perennial resource-based conflicts.

The detailed membership of the ENNDA Board of Directors, which is in compliance with both the requirements of the Constitution of Kenya and the ENNDA Act, is provided as **ANNEX I**.



## **2. The organizational Structure of the Authority**

Globally, the human capital has been recognized as a major asset in driving the strategic objectives for any institution. In order for ENNDA to effectively deliver on its mandate, objectives and plan, adequate human resources in terms of numbers and technical expertise are required. However, for many years the Authority did not have staff establishment and the instruments governing Human Resources development were not updated since 90's. It is therefore notable that the Authority had an obsolete staff establishment until 2019. In this regard, the Authority developed Human Resource tools that included Human Resource Policies and Procedures Manual, Career Progression Guidelines, Organization Structure, Staff Grading and Establishment.

The Organization Structure of the Authority was approved by the Board, the parent Ministry, State Corporations Advisory Committee (SCAC) and salaries and Remuneration Commission (SRC) for implementation in May, 2020. The structure has got Three (3) Directorates namely

- i) Planning, Business Development& Investment;
- ii) Infrastructure and Natural Resources; and
- iii) Corporate Services.

Each directorate is headed by a Director. There are ten (10) Managers and several Assistant Managers as shown in **ANNEX II**.

## **3. Copies of the payroll for last three (3) months.**

The Authority has One hundred and ninety (190) staff. Copies of the payroll for last three (3) months are hereby attached as **ANNEX III**.

## **4. Details of Mr. Garat Abdi, an employee of the Authority, including his qualifications, previous and current designation and date of employment.**

The Authority does not have an employee by the name Mr. Garat Abdi.

## **5. The names of eight (8) former employees who were dismissed, their details, qualifications, counties of origin, positions served and years of service.**

In the course of reviewing the new Human Resource Management instruments, the management identified Fifty-six (56) junior staff either on expired contract or on temporary as casuals. The Issue was brought to the board through its Finance & Administration Committee. The Board recommended one-year contract for all staff, pending conclusion of development of Human Resource instruments that included; Human Resource Policy and Procedures manual, Organization Structure and Staff Establishment and Career Guidelines.

The staff were therefore issued with one-year contract effective from 1<sup>st</sup>, November, 2019. As expiry date of the contract was approaching, the matter was brought to the Board for review. The Board directed that all fifty-six (56) staff be given letters of one-month lieu notice of expiry of contract. At the same time the Board asked all the 56 members of staff to apply for the existing vacancies in the approved Organization Structure after the positions were exclusively internally advertised for their consideration.

The applicants were subjected to suitability interview and Forty-two successful staff were absorbed. Out of the remaining fourteen members of Staff, five did not apply for positions internally advertised, one by the name Gachucha David Muriithi who was a Marketing Officer, applied for non-existent position while the remaining Eight (8) were not successful due to poor work performance, chronic absenteeism and failure to meet interview threshold. The names of eight (8) former employees and their details are provided as **ANNEX IV**.

**6. Organizational policies on recruitment, promotion, transfer, leave and exit, and on the management of employees living with disabilities.**

The Human Resources Policy and Procedures Manual which has details on the above is hereby attached. (**ANNEX V**).

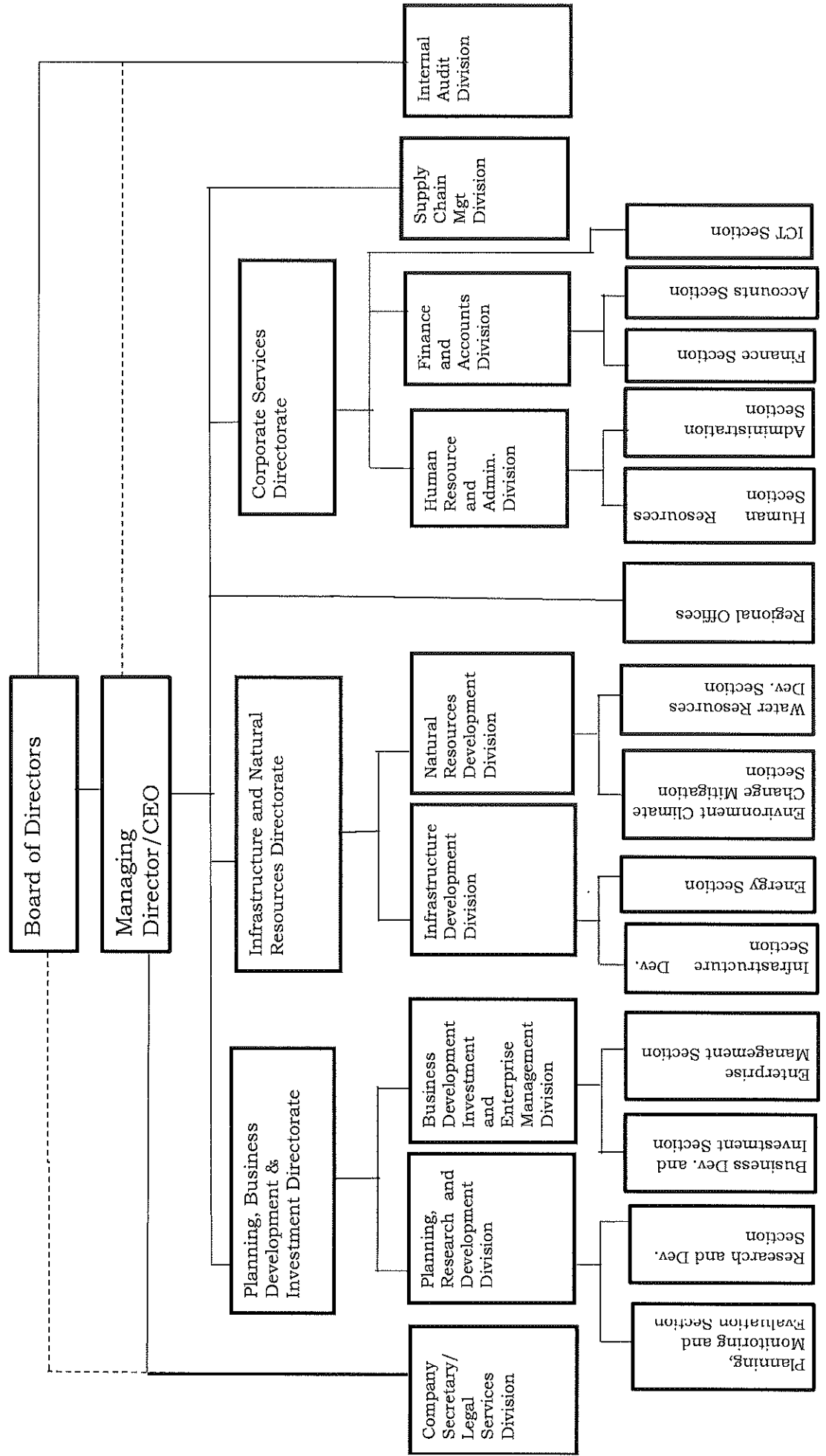
**ANNEX I: DETAILS OF ENNDA INDEPENDENT BOARD OF DIRECTORS**

S/NO.	DIRECTOR'S NAME	POSITION	GENDER	PWD	YOUTH	COUNTY REPRESENTED
1.	MOHAMED LIBAN	CHAIRMAN	M	-	-	ISIOLO
2.	Margaret Mumbi Mwago	Member	F	-	-	Laikipia
3.	Robert Lemerketo	Member	M	√	-	Samburu
4.	Farah Abdikadir Mohamed	Member	M	-	-	Garissa
5.	Thomas Leremore	Member	M	-	-	Samburu
6.	Abdalla Hassan Abdalla	Member	M	-	√	Wajir
7.	Ahmed Ibrahim Hajj	Member	M	-	-	Mandera
8.	Issack Kara Boru	Member	M	-	-	Isiolo
9.	Hon. Nasra Ibrahim Ibren	Member	F	-	-	Marsabit
10.	Paul Rushdie Russo	Member	M	-	-	Marsabit
11.	Christopher Ndegwa	Member	M	-	-	Meru
12.	Ahmed Mohamed Abdi Ogle	Member	M	-	-	Wajir
13.	Ann Kaluki Okech	Member	F	-	√	Nyeri

**ALTERNATE DIRECTORS**

<b>S/NO.</b>	<b>DIRECTOR'S NAME</b>	<b>GENDER</b>	<b>MINISTRY/REGION REPRESENTED</b>
1.	Eng. Richard Kanui	M	MOALFI- Crop Production
2.	Munyembo Mwachala	M	State Department for Livestock
3.	Benson Kinyua	M	MEAC&RD
4.	Dan K. Marangu	M	Energy
5.	Daniel Nyameti	M	Regional Commissioner - Rift Valley
6.	Parnwell Gitongah	M	Regional Commissioner – Central
7.	Michael Odulwa	M	Regional Commissioner - NEP
8.	H. M. Shambi	M	Regional Commissioner – Eastern
9.	Patrick M. Mugo	M	National Treasury
10.	Eng. Samson Peter Gongi	M	Water, Sanitation & Irrigation
11.	Gerald Mwangi	M	State Corporation
12.	Joseph Onyango	M	Office of the Attorney General

# ANNEX II: ORGANIZATION STRUCTURE FOR ENNDA



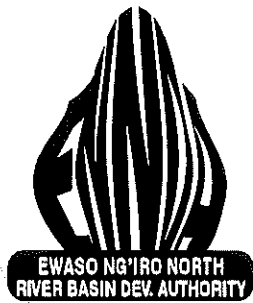


### ANNEX IV: LIST OF FORMER EMPLOYEES

S/NO	P/NO	NAME	QUALIFICATIONS	COUNTY OF ORIGIN	DESIGNATION	GENDER	YEARS OF SERVICE
1	00341	Hassan Galgalo Ebo	Driving License	Isiolo	Sub-Staff III	M	2yrs
2	00343	Joseph Ngoroko Rocho	None	Isiolo	Sub-Staff III	M	2yrs
3	00354	Dekow Abdi Dagane	None	Wajir	Sub-Staff III	M	2yrs
4	00351	Mohamed Hussein	Driving License	Isiolo	Sub-Staff III	M	2yrs
5	00350	Charles Nyerere	Driving License	Kisii	Sub-Staff III	M	2yrs
6	00336	Lokoro Lumunyin	None	Isiolo	Sub-Staff III	M	2yrs
7	00293	Eliphas Bundi Mutea	KCSE	Meru	Clerical Officer	M	5yrs
8	00334	Denis Mugo Nthiga	KCSE, Driving License	Embu	Sub-Staff III	M	2yrs







**EWASO NG'IRO NORTH RIVER BASIN DEVELOPMENT AUTHORITY**

**HUMAN RESOURCE POLICY AND PROCEDURES MANUAL**

**MAY 2020**

FOR SECRETARY, BORA  
STATE HOUSE, BORA  
ADVISOR, BORA  
P.O. BOX 1111  
VAIROBO, BORA

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## ACRONYMS AND ABBREVIATIONS

<b>AA</b>	: Automobile Association of Kenya
<b>AG</b>	: Attorney General
<b>AIDS</b>	: Acquired Immune Deficiency Syndrome
<b>APMC</b>	: Authority's Performance Management Committee
<b>BOD</b>	: Board of Directors
<b>CoC</b>	: Code of Conduct
<b>COTU</b>	: Central Organization of Trade Unions
<b>CPC</b>	: Corruption Prevention Committee
<b>DOSH</b>	: Directorate of Safety and Health Services
<b>EACC</b>	: Ethics and Anti-Corruption Commission
<b>ENNDA</b>	: Ewaso Ng'iro North River Basin Development Authority
<b>FKE</b>	: Federation of Kenya Employers'
<b>GoK</b>	: Government of Kenya
<b>GPA</b>	: Group Personal Accident
<b>HELB</b>	: Higher Education Loans Board
<b>HIV</b>	: Human Immuno-Deficiency Virus
<b>HoD</b>	: Head of Department
<b>HR</b>	: Human Resource
<b>HRMAC</b>	: Human Resource Management Advisory Committee
<b>KRA</b>	: Kenya Revenue Authority
<b>MD</b>	: Managing Director
<b>NHIF</b>	: National Hospital Insurance Fund
<b>NSSF</b>	: National Social-Security Fund
<b>PAYE</b>	: Pay As You Earn
<b>PMC</b>	: Performance Management Committee
<b>PMS</b>	: Performance Management System
<b>PS</b>	: Principal Secretary
<b>PIN</b>	: Personal Identification Number
<b>PSC</b>	: Public Service Commission
<b>RBA</b>	: Retirement Benefits Authority
<b>SACCO</b>	: Savings & Credit Cooperative Society
<b>SCAC</b>	: State Corporations Advisory Committee
<b>SPAS</b>	: Staff Performance Appraisal System
<b>SRC</b>	: Salaries and Remuneration Commission
<b>VCT</b>	: Voluntary Counseling and Testing
<b>WIBA</b>	: Work Injury and Benefit Act

## DEFINITION OF TERMS

The terms in subsequent sub-paragraphs will have meanings specifically assigned to them as follows: -

<b>S/No.</b>	<b>Terms</b>	<b>Meaning</b>
(i)	Act	Refers to the Ewaso Ng'iro North River Basin Development Authority Act, 1989 (Revised 1990).
(ii)	Authority	Means the Ewaso Ng'iro North River Basin Development Authority.
(iii)	Managing Director	Means the Managing Director appointed by the Authority under ENNDA Act.
(iv)	Accounting Officer	The Managing Director of the Authority.
(v)	Authorized Officer	The Managing Director of the Authority for purpose of delegated HRM functions.
(vi)	Authority's Property	Any property that is registered and/or owned by the Authority including property that is entrusted with employees to facilitate their work. This includes records of his/her own work or work for which he or she may be responsible together with any files, lists and notes given to him or her or compiled in the execution of one's duties.
(vii)	Basic Salary	Means pay of an employee exclusive of Allowances.
(viii)	Board	Means the Board of Directors of the Ewaso Ng'iro North River Basin Development Authority.
(ix)	Bondee	An employee who is serving a training bond obligation.
(x)	Cabinet Secretary	Means the Cabinet Secretary for the time being responsible for the Ewaso Ng'iro North River Basin Development Authority.
(xi)	Calendar year	Means the period from 1 <sup>st</sup> January to 31 <sup>st</sup> December

		both days inclusive.
(xii)	Career Progression	Refers to the upward movement or advancement made by employees from one job Grade to another job Grade.
(xiii)	Capacity Building	Involves strengthening the skills, competencies and abilities of people in an organization.
(xiv)	Casual employee	Means a person whose terms of engagement provide for his payment at the end of each day and who is not engaged for a period longer than twenty four (24) hours at a time.
(xv)	Chairperson	Means a person appointed as Chairperson of the Board of Ewaso Ng'iro North River Basin Development Authority under the Act (Chapter 448 of 1990).
(xvi)	Children	The biological offspring or legally adopted children under the age of 25 years who are unmarried and are wholly dependent on the officer. For purposes of record, the names of the children must be declared at the time of birth or adoption if it occurs during employment.
(xvii)	Contracts	These are fixed term engagements with the Authority either on short or long term basis.
(xviii)	Classified Information	This is material that the Authority considers confidential as per the Government of Kenya Security Manual.
(xix)	Delegated Authority	The powers of the Board that have been assigned to any one or more of its members, employee, body or authority to exercise on its behalf.
(xx)	Dependent Child	Means the biological offspring or legally adopted child under the age of twenty-five (25) years who is unmarried and wholly dependent on the Employee. The term dependent child shall also include a child who has permanent disability and is wholly dependent on the employee and duly registered with the National Council for Persons with Disabilities.

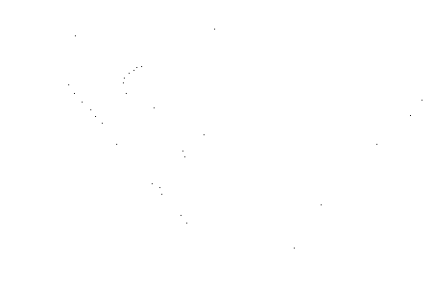
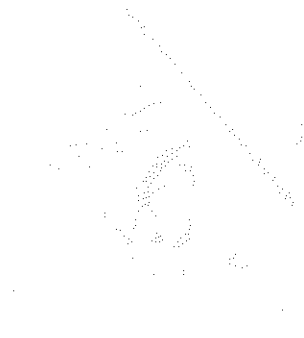
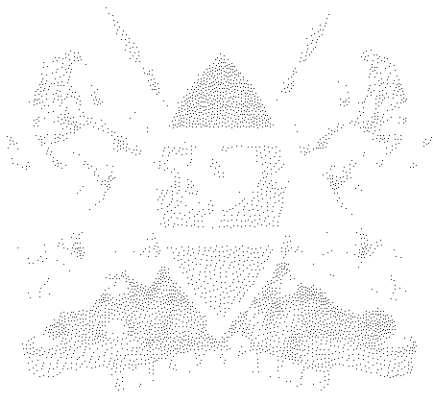
(xxi)	Discrimination	Means the unjust or prejudicial treatment of different categories of people especially on the grounds of race, age sex, color, language, religion, political or other opinion, nationality, ethnic, social origin, disability, pregnancy, mental status or HIV status.
(xxii)	Disability	Means physical, sensory, mental or other impairment and registered with the National Council for Persons with Disabilities.
(xxiii)	Employee	Means any personnel employed by the Authority to carryout assigned task. This includes permanent, contracted and casual workers.
(xxiv)	Employee Separation	The process of ensuring that an employee who leaves the service is exited in accordance with the prescribed law.
(xxv)	Financial Year	Means the period from 1 <sup>st</sup> July to 30 <sup>th</sup> June of the following year.
(xxvi)	Flexi Time	Means a flexible working schedule which does not increase or decrease the total number of hours an employee is scheduled to work in a given day.
(xxvii)	Gross Salary	Means total pay of an employee including all allowances.
(xxviii)	Head of Department	Means any employee for the time being in charge of any designated Department.
(xxix)	Human Resource Policies	Are the formal rules and guidelines that organizations put in place to manage and develop human capital.
(xxx)	Immediate family:	Include the employee, spouse(s), children, the employee's parents and siblings.
(xxxi)	Industrial Attachee	Means a student attached by ENNDA for purposes of gaining practical skills as part of the course requirements by a college.
(xxxii)	Intern	Means a student who has graduated and engaged by

		ENNDA for the purpose of gaining hands-on experience for a period not exceeding twelve (12) months.
(xxxiii)	Interdiction	Means when an employee is required to immediately cease to exercise the powers and functions of a public office where proceedings which may lead to the employee's dismissal are being taken or are about to be taken or criminal proceedings are being instituted against the employee.
(xxxiv)	Job Grade	A job grade is a grouping that encompasses positions with the same or similar values in order to assign compensation rates and structures.
(xxxv)	Leave Year	Refers to the period commencing 1 <sup>st</sup> July to 30 <sup>th</sup> June of each year.
(xxxvi)	Next of Kin	The name of the person provided by the employee for the purpose of contact during emergency and in case of death.
(xxxvii)	Nuclear Family	Refers to Employee, Spouse and Children.
(xxxviii)	Performance	Means an employee's capability to undertake a task.
(xxxix)	Performance Management	Is a systematic process for getting better results from an organization, teams and individuals by managing performance within an agreed framework of planned goals, objectives and standards.
(xl)	Personal Interests	Includes the interests of a spouse, relative or business associate.
(xli)	Probation Period	Means the duration under which newly recruited employees on permanent terms of service have to serve on trial basis to determine their competencies or otherwise leading to confirmation on permanent and pensionable terms of service.
(xlii)	Pro-rata	Means computation of benefits for the period served in relation to the full term entitlement.
(xliii)	Public Officer	Means an employee of ENNDA and meaning assigned

		to it in the Public Officers Ethics Act 2003.
(xliv)	Recruitment	Refers to the overall process of attracting, selecting and appointing suitable candidates to one or more jobs within an organization.
(xlv)	Reimbursable Allowances	Refers to those allowances where an Employee gets reimbursement on the expenditure incurred in the course of duty.
(xlvi)	Remunerative allowances	Refers to those allowances paid to an employee, in addition to salary as a form of Compensation for additional responsibilities.
(xlvii)	Spouse	Refers to the legal marriage partner of an employee specified under the Marriage Act or in accordance with the relevant Customary Law.
(xlviii)	Substance Daily Allowance/Per diem	Means night out allowance paid to an employee when performing duties outside the duty station. The rate of per diem will be determined by the Government from time to time.
(xlix)	Suspension	Means when a public officer is required to immediately cease to exercise the powers and functions of his office pending consideration of a serious criminal offence which the employee has been charged with.
(i)	Surety	Refers to 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.
(li)	Training Bond	Refers to formal agreement between the Government of Kenya and its employees who are selected for approved training that oblige them to serve in the public service for a specific period of time on completion of training.
(lii)	Training and Development	The acquisition of knowledge, skills, and competencies as a result of the technical, vocational or practical skills and knowledge that relate to specific

	useful competencies and has specific goals of improving one's capability, capacity, productivity and performance.
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**Note:** Unless otherwise stated or implied, words in the masculine gender include the feminine gender; words in the plural include the singular and words in the singular include the plural.





## FOREWORD

The Ewaso Ng'iro North River Basin Development Authority is a statutory body established on 1<sup>st</sup> December 1989 by an Act of Parliament (Cap. 448 of the Laws of Kenya). The mandate of the Authority is to promote sustainable and equitable socio-economic development through planning and implementation of integrated multipurpose projects, programmes and resource-based investments in its area of jurisdiction.

In order to effectively discharge and achieve this mandate, the Authority needs robust, well-motivated and qualified human resources guided and managed using current best practices in human resources management and development. In this regard, the Authority has developed a Human Resource Policies and Procedures Manual to provide an appropriate framework for effective and efficient management and development of the human resources in ENNDA.

The Manual will also act as a reference tool for employees to clearly understand their respective roles and obligations, standards of performance and relevant policies and procedures in the Authority. In this regard, staffs of the Authority are therefore expected to acquaint themselves and adhere to the provisions of the Manual and to uphold the highest standards of performance and the values and principles of the public service.

It should be noted that the Constitution of Kenya 2010 has placed tremendous responsibility on the Public Service to deliver speedy and high-quality services to the citizenry. As a public service entity, ENNDA has a responsibility to deliver high quality services to Kenyan citizens. In addition, the Authority has a critical role in the achievement of the Big Four Agenda and the Kenya Vision 2030 which envisages a Public Service that is effective, efficient, result oriented and able to deliver on the a globally competitive and prosperous country with a high quality of life for its citizens. Towards this end, as the Authority seeks to respond to the opportunities that exist under its scope in delivering services, it is important for all employees of the Authority to recognize that the decisions made in pursuing the vision, mission and objectives of Authority shall be the ultimate goal of each and every employee. In this regard, development of a human resource base that subscribes to the core values of the Authority is a key factor in the attainment of its mandate.

Finally, on behalf of the Board of Directors, I wish to affirm our commitment to improve the terms and conditions of service for staff in the Authority in order to

ensure effective discharge of their roles and functions and to accomplish the mission, goals and strategic objectives of the Authority.

**MR. MOHAMED LIBAN**

**CHAIRMAN**

**EWASO NG'IRO NORTH RIVER BASIN DEVELOPMENT AUTHORITY**



## **PREFACE**

The Human Resource Policies and Procedures Manual has been developed and aligned to the Constitution of Kenya 2010, applicable laws and relevant Public Service regulations. The Manual is a summary of policies, procedures and practices related to human resource management in ENNDA. It provides guidelines for the management and development of human resource resources in the Authority in order to achieve the Authority's strategic goals and objectives for an effective and efficient staff.

The Manual also aims at giving adequate opportunity to employees to understand the Authority's operations including provisions of the national values, public service values and principles, performance management as well as the regulations governing the conduct of Authority employees in the discharge of their duties at the workplace.

In this regard, it is reiterated that employees in the Authority should adhere to the provisions of the Human Resource Policies and Procedures Manual to ensure smooth operations and application of the stated best practices across the Authority. Further, it's advised that, since the policies contained in this Manual are not exhaustive of all the rules and regulations governing staff in the Authority in their day to day activities, it should be read alongside other relevant statutes, where applicable for better interpretation, understanding and application.

The Authority shall be guided by this Manual in inducting newly recruited employees, employees on transfer/deployment and those who have been promoted. The Heads of Directorates are expected to guide the implementation of the provisions of this Manual in their respective areas of jurisdiction. My office shall be available to answer any queries or provide clarification on any provision in the Manual.

In conclusion, in order to respond to emerging issues and challenges and to incorporate any policy changes affecting human resource management and development, the Manual will be reviewed from time to time.

**ENG. ALI IBRAHIM HASSAN, PHD**  
**MANAGING DIRECTOR**

## **SECTION 1: GENERAL PROVISIONS**

### **1.1. Introduction**

- 1.1.1. The Human Resource Policy and Procedures Manual has been developed to support service delivery, commitments and obligations of the Ewaso Ng'iro North River Basin Development Authority (ENNDA) to the targeted beneficiaries.
- 1.1.2. Unless otherwise expressly provided, employees of the Authority shall be required to observe the provisions of the policies and procedures provided in this Manual.
- 1.1.3. The Manual shall be read in conjunction with the Constitution of Kenya, relevant and applicable Laws guiding management of staff and Government policy guidelines released from time to time.
- 1.1.4. This Manual will act as a reference document for the Authority. It therefore forms the basis upon which the Authority's working culture and environment will develop.
- 1.1.5. The Manual sets the guidelines on the management and development of human resource in the Authority. It is also the official means for the Authority to communicate its policies on human resource management and development matters.
- 1.1.6. This Manual will be used in conjunction with other approved policies and procedures relating to specific administrative functions of the Authority. It is therefore one of the instruments used in the management processes of the Authority.
- 1.1.7. All copies of this Manual are the property of the Authority and it is the responsibility of each employee to have access to the Manual.
- 1.1.8. All employees of the Authority will also be subject to relevant provisions of other regulations, circulars, rules and instructions as may be issued by the Government from time to time.
- 1.1.9. This Manual will be reviewed as and when necessary but at least every three (3) years so as to be in harmony with legislation and organization and technological changes.

## **1.2. Objectives**

1.2.1. The general objective of this Manual is to summarize human resource management and development policies, procedures, regulations and other administrative processes to act as a common reference document on all human resource management and development matters.

1.2.2. The specific objectives of this Manual are to ensure: -

- (i) Adherence to the Constitution of Kenya, 2010 and other Government guidelines;
- (ii) Harmony, consistency and uniformity in management of human resources;
- (iii) Employees clearly understand their respective roles and obligations, their rights and privileges, standards of performance and relevant policies and procedures in human resource management and development;
- (iv) That human resource policies, organizational structure and individual roles operate in an integrated manner so that the objectives of the Authority are met in a timely and cost-effective manner; and
- (v) Adherence to national values and principals of governance, values and principles of the public service and various professional etiquettes.

## **1.3. Responsibility**

1.3.1. The Manager responsible for Human Resource shall make the Manual available to all employees. Thereafter, it will be the responsibility of all employees to read and understand the Manual and any other subsequent amendments therein.

## **1.4. Interpretation and enforcement**

1.4.1. The Manual should be interpreted in conjunction with the Kenya Labour Laws and other relevant regulations and legislations/Acts including but not limited to;

- a) The Constitution of Kenya, 2010;

- b) The Ewaso Ng'iro North River Basin Development Authority Act, Cap 448 of 1990;
- c) The State Corporations Act, Cap 446;
- d) Fair Administrative Actions Act, 2015;
- e) Public Service Commission Act, 2017;
- f) The Public Service (Values and Principles) Act, 2015;
- g) Prevailing Kenya Labour Laws from time to time including but not limited to:
  - (i) The Occupational Safety and Health Act, 2007;
  - (ii) The Employment Act, 2007;
  - (iii) The Labour Institutions Act, 2007;
  - (iv) The Labour Relations Act, No. 14 of 2007;
  - (v) The Work Injury and Benefits Act, 2007;
- h) Public Officer Ethics Act 2003;
- i) The Anti-Corruption and Economic Crimes Act, 2003;
- j) The Leadership and Integrity Act, 2012;
- k) MWONGOZO: The Code of Governance for State Corporations, 2015; and
- l) Other Government Circulars and Guidelines issued from time to time.

1.4.2. The administration of these regulations shall be vested in the Managing Director in consultation with the Board.

1.4.3. The Managing Director will seek guidance from the Board or any relevant Government institution on any matter that may not be covered by these policies and procedures Manual.

## **1.5. Amendments/Review**

- 1.5.1. The Manual may be amended from time to time as and when necessary. Such changes will require authorization of the Board and relevant Government agencies and will be communicated to employees in writing by a separate communication.

## **1.6. Authority and application**

- 1.6.1. These regulations have been made by the Authority as provided by the State Corporations Act, Cap 446. They embody the fundamental terms and conditions of service and represent the broad principles of human resources policies for the staffing and administration of the Authority.

## **1.7. Delegation**

- 1.7.1. The Board may delegate any of its powers and functions under this Manual to the Managing Director provided that he remains accountable to the Board for the proper discharge of those powers and functions.

## **1.8. Functions of the Authority**

- 1.8.1. The Ewaso Ng'iro North Development Authority is established under an Act of Parliament of 1989 revised 1990. According to the Act, the core mandate of ENNDA is to plan and coordinate the implementation of development projects in Ewaso Ng'iro North River Basin and catchment areas.

- 1.8.2. The core functions of ENNDA are to:

- (i) Plan for the development of the Area and initiate project activities identified from such planning in the Area through Government;
- (ii) Develop an up-to-date long-range development plan for the Area;
- (iii) Initiate such studies, and carry out such surveys, of the Area as may be considered necessary by Government or the Authority, and to assess alternative demands within the Area on the natural resources thereof, and to initiate, operate or implement such projects as may be necessary to exploit those natural resources including agriculture (both irrigated and rain fed), forestry, wildlife and tourism industries, electric power generation, mining and fishing, and to recommend economic priorities;

- (iv) Co-ordinate the various studies of schemes within the areas such that human, water, animal, land and other resources are utilized to the best advantage and to monitor the design and execution of planned projects within the Area;
- (v) Effect a programme of both monitoring and evaluating the performance of projects within the Area so as to improve such performance and establish responsibility thereof, and to improve future planning;
- (vi) Co-ordinate the present abstraction and use of natural resources, especially water, within the Area and to set up an effective monitoring of abstraction and usage;
- (vii) Cause and effect the construction of any works deemed necessary for the protection and utilization of water and soils of the Area;
- (viii) Ensure that landowners in the Area undertake all the measures specified by the Authority to protect the water and soils of the Area;
- (ix) Identify, collect, collate and correlate all such data related to the use of the water and other resources and also economic and related activities within the Area as may be necessary for the efficient planning of the Area;
- (x) Maintain a liaison between the Government, the private sector and other interested agencies in the matter of the development of the Area with a view to limiting the duplication of effort and to ensuring the best use of the available technical resources;
- (xi) Examine the hydrological and ecological effects of the development programmes and evaluate how they affect the economic activities of the persons dependent on the river environment; and
- (xii) To consider all aspects of the development of the Area and its effects on the river inflow and outflow.



## **SECTION 2: GOVERNANCE STRUCTURE AND OFFICIAL COMMUNICATION**

### **2.1. Introduction**

- 2.1.1. This section provides a summary of matters related to the governance structure and official communication in the Authority. It spells out the basic rules for effective communication through correspondence and other means. It provides for the expeditious treatment of communication within the prescribed rules and gives a brief guide for use of a variety of other communication media.
- 2.1.2. It shall be read alongside the Constitution of Kenya 2010 and the relevant legal statutes and Government Policies.

### **2.2. National Values and Principles of Governance**

- 2.2.1. The Authority will be bound by the national values and principles of governance as stipulated in Article 10 of the Constitution.
- 2.2.2. The National Values and Principles of Governance include; Patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people; Human dignity, equity, social justice, inclusiveness, equality, human rights, non- discrimination and protection of the marginalized; Good governance, integrity, transparency and accountability; and sustainable development.

### **2.3. Public Service Values and Principles of Governance**

- 2.3.1. The Authority shall be responsible for implementation of policies and programmes as guided by the following values and principles of public service as stipulated in Article 232 of the Constitution:
- (i) High standards of professional ethics;
  - (ii) Efficient, effective and economic use of resources;
  - (iii) Responsive, prompt, effective, impartial and equitable provision of services;

- (iv) Involvement of the people in the process of policy making;
- (v) Accountability for administrative acts;
- (vi) Transparency and provision to the public of timely, accurate information;
- (vii) Fair competition and merit as the basis of appointments and promotions;
- (viii) Representation of Kenya's diverse communities;
- (ix) Affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service, of;
  - (a) Men and women;
  - (b) The members of all ethnic groups; and
  - (c) Persons with disabilities.

2.3.2. The values and principles of public service shall apply to all employees of the Authority.

### 2.3.3. **Governance Structure**

### 2.3.4. **Role and Functions of the Board**

The following are the Roles and Functions of the Board: -

- (i) Determine the vision, mission, purpose and core values of the Authority;
- (ii) Set and oversee the overall strategy and approve significant policies of the Authority;
- (iii) Ensure that the strategy of the Authority is aligned to the long-term goals of the Authority;
- (iv) Approve the organizational structure of the Authority;
- (v) Monitor the performance of the Authority and ensure its sustainability;

- (vi) Enhance the corporate image of the Authority;
- (vii) Ensure availability of adequate resources for the achievement of the objectives of the Authority; and
- (viii) Ensure effective communication with stakeholders.

#### **2.3.5. Role and Functions of the Managing Director**

- (i) Be responsible for the day to day operations of the Authority;
- (ii) Provide leadership to senior management and staff;
- (iii) Prepare annual budgets and establish proper internal controls;
- (iv) Be responsible for execution and communication of the Board's strategies, decisions and policies;
- (v) Develop and recommend to the Board annual business plan for the Authority;
- (vi) Ensure the Authority has an effective management structure;
- (vii) Ensure that all Board papers are accurately written, are relevant and availed to the Board Members in good time;
- (viii) Serve as the link between the Board and the Management;
- (ix) Be responsible for the achievement of the objectives of the Authority;
- (x) Put in place effective administrative structures, processes and systems;
- (xi) Provide regular, thorough and prompt communication to the Board on key technical, financial and administrative issues; and
- (xii) Be responsible to stakeholders' management and the enhancement of the corporate image of the Authority.

## **2.4. Official Communication**

- 2.4.1. All communication with the Authority shall be addressed to the Managing Director, or the Chair of the Board in exceptional circumstances.
- 2.4.2. Unless expressly provided for, all communication from the Authority shall be signed by the Managing Director or with express permission of the Managing Director.
- 2.4.3. Importance is attached to the expeditious treatment of all communication received by the Authority. Every communication requiring a response but which cannot be responded to immediately should be acknowledged promptly on receipt. The necessary consultations should then be finalized and appropriate reply dispatched in not more than seven (7) days unless it can be established that such consultations require a longer period.
- 2.4.4. Correspondence within and outside the Authority should be as concise as possible, indicating the general background to the issue and advice or decision sought on the issue:
- (i) Each correspondence should be confined as far as possible to a single subject under an appropriate and summarized heading. Invariably, the reference number and date of the last communication, if any, from the writer and from the person addressed on the same subject should be given.
  - (ii) Enclosures in foreign languages should be accompanied by a certified translation or in the case of documents of minor importance, by a summary of the contents.
  - (iii) Documents received in foreign languages should be referred to the State Department responsible for Foreign Affairs for official translation, if necessary.
  - (iv) Any information relating to Authority's business should not be communicated to the general public without the sanction of the Managing Director.
  - (v) When decisions of the Authority have to be conveyed to non-governmental bodies or to members of the public, they should be communicated as the decisions of the Authority and not as those of an individual officer or Department.

- (vi) The responsibility of ensuring that correspondence reaches its destination rests with the sender.

#### **2.4.5. Communication by officers of the Authority**

An officer of the Authority shall;

- (i) Communicate to the Board members through the Managing Director;
- (ii) Communicate to the Managing Director through his/her head of department; and
- (iii) Not be allowed to take extracts or make copies of minutes or correspondence, unless such correspondence is expressly addressed to the officer personally or unless authorized by the Managing Director.

#### **2.4.6. Classified Correspondence**

- (i) The Authority shall adopt the provisions of the Government of Kenya Security Manual containing instructions regarding classified correspondence;
- (ii) The appropriate classification should be clearly marked at the top and bottom of every page of all classified documents; and
- (iii) The Managing Director will be held responsible for ensuring that the most careful attention is paid to security matters in all offices of the Authority. The attention of all officers having access to classified information should be particularly drawn to the Security Manual regularly.

#### **2.4.7. Publicity**

- (i) The department of corporate communications will prepare materials for publicity in a form most suitable to the media but it will be the responsibility of the Head of Department concerned to ensure accuracy before any material is issued; and
- (ii) An officer of the Authority shall not issue statement(s) to the media on official matters without prior approval of the Managing Director.

#### **2.4.8. Use of modern means of communication**

For faster communication, the Authority shall use modern means of communication such as e-mail, telephones and any other means whose security can be ascertained.

#### **2.4.9. Use of Password**

Where data is of a confidential nature and electronically stored, officers to whom passwords are entrusted shall take precautions to keep them confidential and safeguarded and shall be held individually responsible for misuse of such passwords.

#### **2.4.10. Annual Reports**

Quarterly and Annual reports are intended to be records of work done during the period under review and should be concerned with assessing whether the Authority programs, performance contracts, functions and activities have led to the achievement of stated objectives or goals during the quarter or year in question. Quarterly and Annual Reports should therefore, include the following information:

- (i) A descriptive statement giving background information about a programme, function or an activity which should include elements such as cost, time span, size and schedule;
- (ii) A statement of intended objectives which were to be achieved after implementation;
- (iii) Environmental influences/factors during implementation;
- (iv) Outcomes/Impacts in relation to the originally stated objectives;
- (v) An analysis on whether the activity in question has been managed efficiently and effectively as planned; and
- (vi) Recommendations and suggestions for future improvement of Authority's policies and programs.

#### **2.4.11. Research Approvals**

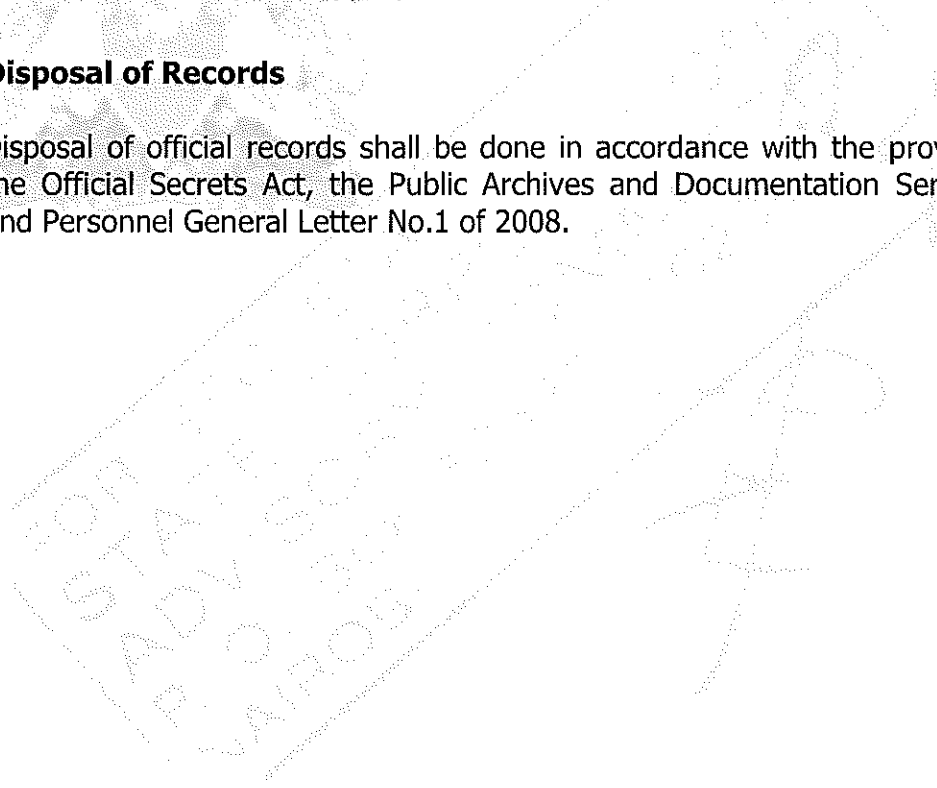
An officer or a member of the public wishing to undertake research on any aspect of the Authority will be required to seek approval from the relevant Government body.

#### 2.4.12. **Official Seals and Stamps**

- (i) The use of official seal and stamp in all Authority offices must be confined strictly to official requirements and under the direction of the Managing Director. Misuse of the Authority's seal and stamp is a serious breach of discipline which shall lead to disciplinary proceedings being initiated against the concerned officer;
- (ii) Applications by private persons for impressions of official seals shall not be allowed; and
- (iii) The official seal and stamp must be kept under the custody of the Managing Director or designated officer who shall be accountable for their custody and appropriate use.

#### 2.4.13. **Disposal of Records**

Disposal of official records shall be done in accordance with the provisions of the Official Secrets Act, the Public Archives and Documentation Services Act and Personnel General Letter No.1 of 2008.



## **SECTION 3: RECRUITMENT, SELECTION AND APPOINTMENT**

### **3.1. Introduction**

- 3.1.1. The Authority is an equal opportunity employer and will at all times during the recruitment process observe and comply with the requirements of the Constitution of Kenya 2010 and other relevant legislation.
- 3.1.2. Recruitment in the Authority will be undertaken on the basis of fair competition and merit; representation of Kenya's diverse communities; adequate and equal opportunities to all gender, youth, members of all ethnic groups, persons with disabilities and minorities.

### **3.2. Human Resource Plans**

- 3.2.1. Human Resource Planning is the process of identifying the Human resource requirements in terms of numbers, skills and competencies required within the organization and ensuring that plans are made to satisfy the requirements. The Head of Human Resource shall develop annual human resource plan to support achievement of goals and objectives in the Strategic Plan. The plans shall be based on comprehensive job analysis and shall be reviewed every year to address emerging issues and needs.
- 3.2.2. On the basis of the Human Resource plan, the Managing Director shall submit the Plan to the Board for approval at the beginning of each financial year.

### **3.3. Declaration of Vacancies**

- 3.3.1. The Managing Director shall bring to the attention of the Board all vacant posts in the Authority that may require to be filled. Filling of vacancies shall be subject to the approved establishment and budgetary allocation.
- 3.3.2. The declaration of vacancies shall include;
  - i. The approved grading of the post and designation
  - ii. Number of vacant positions;
  - iii. Reason for the vacancy(ies);
  - iv. A Statement of minimum qualification for the respective positions;
  - v. Duties and responsibilities;
  - vi. Terms of Service;
  - vii. Duration of appointment;



- viii. Remuneration and benefits; and
- ix. Draft Indent(s).

### **3.4. Advertisement of Vacant Posts**

- 3.4.1. The Authority shall advertise all vacant posts in a manner that reaches the widest pool of potential applicants by placing the advert in at least two (2) newspapers with wide national circulation or as per the existing Government guidelines. The advert should provide for at least twenty (21) days application period before closure.
- 3.4.2. The advertisement shall also be posted in the notice boards and website of the Authority.
- 3.4.3. The advert shall have the title of the post and grading, number of vacancies, job description, person specification, terms of service and instructions for application and the closing date.
- 3.4.4. The Board shall consider requests for approval of declaration of vacancies. Such requests shall be forwarded to the Board by the Managing Director upon recommendation by the HRMAC.

### **3.5. Appointments**

- 3.5.1. Appointments to posts in Grades ENNDA 1 to 4 shall be made by the Board.
- 3.5.2. Appointments to posts in Grades ENNDA 5 to 11 shall be made by the Managing Director on advisory of the HRMAC.
- 3.5.3. The Managing Director shall however, submit such appointments to the Board in its subsequent meeting for noting.

### **3.6. Human Resource Management Advisory Committee (HRMAC)**

- 3.6.1. In exercising the delegated authority, the Managing Director shall constitute a Human Resource Management Advisory Committee (HRMAC). The Committee shall be responsible for advising the Managing Director on all human resource management and development issues as may be delegated by the Board. The Committee's responsibilities shall include making recommendations to the Managing Director on the following issues;

- (i) Recruitment, Selection and Appointment for Grades ENNDA Job Grade 4-11;
- (ii) Confirmation in appointment;
- (iii) Promotions;
- (iv) Re-designations;
- (v) Staff establishment and Complement Control;
- (vi) Training and development;
- (vii) Training impact Assessment;
- (viii) Management of Skills Inventory;
- (ix) Performance management;
- (x) Payroll Management;
- (xi) Deployment;
- (xii) Promotion of values and principles of public service and ensuring compliance;
- (xiii) Administration of declaration of income, assets and liabilities;
- (xiv) Review of career guidelines;
- (xv) Retirement under 50-year rule;
- (xvi) Retirement on medical grounds;
- (xvii) Engagement of interns and attachees;
- (xviii) Renewal of contracts;
- (xix) Pensions management;
- (xx) Staff welfare, health and safety; and
- (xxi) Disciplinary control.

3.6.2. The Committee shall comprise of six (6) Members, one of whom shall not be below Job Grade ENNDA 3 to be appointed by the Managing Director as the chair and five (5) other members not below the Job Grade ENNDA 4. The quorum of the Committee shall be four (4) Members. There shall be no alternate members.

3.6.3. The Committee may co-opt any other Member(s) in writing from time to time with the approval of the Managing Director.

- 3.6.4. The decision of the Committee shall be by consensus or voting. The Chairperson shall be a non-voting member of the committee but shall cast vote in case of a tie. The Head of HR shall be the Secretary to the Committee.
- 3.6.5. The HRMAC shall make recommendations to the Managing Director for consideration and approval. In the event the Managing Director does not approve the recommendations, he/she shall refer the matter back to the Committee with guidance for review.
- 3.6.6. HRMAC shall meet on a monthly basis or as may be necessary.
- 3.6.7. The Secretary to HRMAC shall issue notice for the meetings and circulate the agenda at least seven (7) days before the meeting.
- 3.6.8. HRMAC shall maintain a record of all its meetings and decisions in form of Minutes.

### **3.7. Managing Applications**

- 3.7.1. The Head HR shall maintain a record of all applications received for every post advertised in a database that can be accessed for audit purposes.
- 3.7.2. A profile for each applicant shall be prepared to include: the Name, National Identity number, KRA PIN number, Birth Certificate number, age,, gender, ethnic group, disability status, vacancy number, grade, qualifications and experience.
- 3.7.3. Such records may be disposed of upon expiry of a period of three (3) years from the date of completion of the exercise.
- 3.7.4. For every advertised position, the Authority shall constitute a shortlisting panel and interviewing panel.
- 3.7.5. The applicants profile shall be scrutinized by the panel and a short list prepared in line with criteria established beforehand derived from the job advertisement. The shortlist must comply with Articles 10, 27, 54, 55, 56, 232 and Chapter Six (6) of the Constitution and other applicable legislation.
- 3.7.6. Short listing and interview for posts in ENNDA Grades 1 to 4 shall be done by the Board. The two (2) Panels shall be constituted by the Board.
- 3.7.7. Short listing and interview for posts in ENNDA Grades 4 to 11 shall be done by the HRMAC for consideration and approval by the Managing Director. The

two (2) Panels shall be constituted by the Managing Director from the HRMAC.

- 3.7.8. The interview panel shall be composed of different members from the short listing panel.
- 3.7.9. The interview panel shall have powers to co-opt any person whose expertise shall be required during the interview.
- 3.7.10. For promotional positions, all qualified serving officers as per the advert shall be shortlisted and given an opportunity to compete for available vacancies.
- 3.7.11. The short listing report shall be submitted to the Managing Director within a period of three (3) days from the date of commencement of the exercise.
- 3.7.12. The shortlisted candidates to be invited for interview shall be given a notice of at least seven (7) days before the interview date through invitation letters, e-mail, SMS and phone calls.
- 3.7.13. The interview report shall be submitted to the Managing Director within a period of three (3) days from the date of completion of the interviews.
- 3.7.14. The interview panel shall develop a scoring criteria and an agreed way of ranking candidates.
- 3.7.15. The recommendation of the Selection Panel shall be forwarded to the Managing Director for consideration and approval in respect of posts in ENNDA Grades 4 - 11.
- 3.7.16. Shortlisting, Interview and Selection Panels shall preserve a full and accurate record of all its proceedings including applications, shortlisting criteria, score sheets and minutes for a period of three (3) years.

### **3.8. Offer of appointment**

- 3.8.1. Before taking up duty, a person appointed to any office will be issued with the appropriate letter of offer of appointment.
- 3.8.2. Letters of offer of appointment shall be prepared by the Head of HR upon receipt of the necessary approvals from the Managing Director.
- 3.8.3. The successful candidate has to signify in writing his/her acceptance of the offer of appointment within thirty (30) days from the date it is sent.
- 3.8.4. An offer of appointment may be withdrawn if the candidate does not accept in writing and take up the appointment within thirty (30) days of the offer.

### **3.9. Application for Employment**

3.9.1. A candidate applying for employment shall do so online or manually.

### **3.10. Categories of Appointment**

3.10.1. Appointment in the Authority shall fall in to three (3) categories:

- (i) Pensionable
- (ii) Contract
- (iii) Casual

### **3.11. Letters of Appointment**

3.11.1. An employee appointed to a position in the Authority shall be issued with a letter of appointment specifying the terms and conditions of service.

3.11.2. A letter of appointment shall state particulars of employment which should include the name and address of the employee, job title, date of commencement of appointment, duration of employment, place of work, remuneration, terms and conditions of employment and terms of separation.

### **3.12. Date of Appointment**

3.12.1. The date of appointment shall be the date of assumption of duty.

### **3.13. Appointment documents**

3.13.1. 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;
- (v) Police Clearance Certificate;
- (vi) Color Passport size photograph;
- (vii) Next of Kin Details; and
- (viii) Bank account details.

- 3.13.2. In addition, the Managing Director shall ensure that newly appointed officers are duly vetted as per the existing vetting policy.
- 3.13.3. The officer shall also make an initial declaration of income, assets and liabilities by completing the prescribed form.
- 3.13.4. Where hired employees have not registered with NSSF, NHIF, KRA or any other statutory body, the Head of Human Resource will facilitate the employees to register.

#### **3.14. Next of Kin**

- 3.14.1. All employees shall provide the particulars of the next-of-kin using the prescribed format and notify the Head of Human Resource of any change in name and address of the next-of-kin for updating of the records.
- 3.14.2. In addition, employees shall declare their spouse(s) and dependant, unmarried, school-going children under the age of twenty five years (25).

#### **3.15. Record of Previous Employment**

- 3.15.1. It is the responsibility of the Managing Director, when making new appointments to ensure that a candidate's record of previous employment is satisfactory in all respects.

#### **3.16. Medical Examination**

- 3.16.1. All candidates on new appointment shall be required to undergo a medical examination by a Government Medical Officer who must complete the prescribed form. The purpose of the medical examination shall be to guide deployment of the employees. The completed Medical Form should be filed in the officer's personal file.
- 3.16.2. A candidate with a record of conviction should be employed only with the concurrence of the Board.
- 3.16.3. A candidate whose appointment in the Authority had been terminated for any reason including resignation shall not be employed without prior approval of the Board.

### **3.17. Staff Identification Card**

- 3.17.1. Every employee shall be issued with an official staff identification card by the Authority.
- 3.17.2. On exit from the Authority's appointment, the employee shall surrender his/her staff identification card to the Authority.

### **3.18. Age of Admission to Pensionable Establishment and Determination of Date of Birth**

- 3.18.1. Appointment to the pensionable establishment should be restricted to officers who will be in a position to complete the ten years service before reaching the age of compulsory retirement.
- 3.18.2. For the purposes of this Manual and for the officer's subsequent retirement from the service, a birth certificate and National Identity card issued after the date of first appointment will not be accepted unless the date of birth shown in the birth certificate/identity card tallies with the date of birth declared by the officer in the Application for Employment Form completed and signed by him/her prior to or immediately after first appointment.

### **3.19. Confirmation in Appointment and Admission to Pensionable Establishment**

- 3.19.1. An officer appointed to the Authority in a pensionable post will be confirmed in appointment and admitted into the permanent and pensionable establishment on completion of probationary period of six (6) months satisfactory service.
- 3.19.2. Service on contract terms may be taken into account in full as probationary service, in the case of an officer who has been appointed on probation to pensionable establishment without a break in service.

### **3.20. Procedure for Confirmation in Appointment**

- 3.20.1. The powers of confirmation of all officers in their appointments are delegated to Managing Director and will be exercised on the advice of the respective HRMAC.
- 3.20.2. The Supervisor will make a report on the officer's suitability for confirmation or otherwise at least one (1) month before the end of the probationary period and inform the officer accordingly.

- 3.20.3. Where the Supervisor fails to submit a report at the end of the probationary period, the officer shall be confirmed in appointment.
- 3.20.4. Where an officer's performance is unsatisfactory, he/she shall be informed in writing and the probation period may be extended to a maximum period of three (3) months.
- 3.20.5. Should the officer's performance fail to improve on expiry of the extended probation period, his/her probationary appointment shall be terminated in accordance with the set regulations.

### **3.21. Appointment on Contract Terms**

- 3.21.1. Appointment on contract terms will be made under the following circumstances:
  - (i) Where officers are appointed to serve on fixed term projects;
  - (ii) Appointments at senior levels, as may be determined by the ENNDA Board from time to time; and
  - (iii) Where capacity in the Authority service is lacking or specific skills are required.
- 3.21.2. Appointment of officers on contract and renewal of such contracts shall be made on authority of the Board.
- 3.21.3. The Managing Director shall report to the Board all cases of appointment on contract terms which require renewal at least three (3) months before expiry of such contracts.
- 3.21.4. All officers serving on contract, and whose services are still required, will be informed in writing at least six (6) months before the expiry of the contract. On acceptance of the offer, the case will be referred to the Board for renewal.
- 3.21.5. Contract appointments will be limited to a maximum period of three (3) years, renewable subject to demonstrable performance and other terms of the contract.



### **3.22. Short Term Contract**

- 3.22.1. A Short Term Employment Contract is an agreement, in writing, to employ or to serve as an employee for a period not exceeding six (6) months.
- 3.22.2. The Procedure for engagement on Short term employment contracts will only be awarded in instances where there is need to mitigate emergency situations and/or where specific expertise is required.
- 3.22.3. The Board shall authorize the appointment of persons on short term employment contracts in respect of Grades ENNDA 1 – 3 while the Managing Director shall authorize appointment on short term contract for ENNDA Grades 4 – 11 based on the staffing needs of the Authority.
- 3.22.4. The Managing Director shall provide the relevant job descriptions and job specifications in respect of the specific positions and, source of the funds.
- 3.22.5. Upon approval by the Board or the Managing Director, as the case may be, the candidates shall be competitively recruited.
- 3.22.6. The Managing Director shall verify the authenticity of the qualifications for the candidates to be employed on the short term contract.
- 3.22.7. The terms and conditions of employment for staff on short term contracts shall be determined by the Government from time to time.
- 3.22.8. Persons appointed on short term employment contract shall sign a Contract of Employment tenable for a period of six (6) months
- 3.22.9. The short term contract may be terminated at one month's notice by either party or payment of one month salary in lieu of notice.
- 3.22.10. The Authority reserves the right to terminate the services of an employee on short term contract at any point during the contract period. Notice for the termination of the contract will be as per the requirements set out in the contract.
- 3.22.11. The short term employment contract shall have the following particulars:
  - (i) the name, age, permanent address and sex of the employee;
  - (ii) the name of the employer;

- (iii) the job description of the employment;
- (iv) the date of commencement of the employment;
- (v) duration of the contract;
- (vi) the place of work;
- (vii) the hours of work;
- (viii) the remuneration;
- (ix) the intervals at which remuneration is paid; and
- (x) Termination Clause.

### **3.23. Employment of Casuals**

- 3.23.1. The Managing Director will be responsible for approving the hiring of casual workers after ascertaining that there is need to hire them and that funds are available within their budgetary provisions to meet the resultant expenditure.
- 3.23.2. The Casual Workers should be hired on piece rated or time rated jobs and should be paid in accordance with the minimum wage guidelines issued by the Government from time to time. Due care should be taken to avoid hiring the same casual workers repeatedly to avoid breaching existing Labour Laws on the same.

### **3.24. Career Progression Guidelines**

- 3.24.1. The grading structure, qualifications and other requirements for recruitment into the Authority are laid down in the various Career Progression Guidelines and the same must be followed in processing appointments and promotions of officers in the Authority.

### **3.25. Re-grading**

- 3.25.1. Re-grading of positions may be done to correct staffing imbalances and other critical needs arising from succession management, review of career progression guidelines or restructuring.

### **3.26. Promotions**

- 3.26.1. Promotions in the Authority will be based on qualifications and other requirements for appointment as stipulated in the career progression guidelines.
- 3.26.2. In selecting candidates for promotion, regard shall be given to affording adequate and equal opportunities to all gender, youth, members of all ethnic groups, persons with disabilities and minorities.

### **3.27. Promotion to posts in common establishment**

- 3.27.1. Promotion to posts within a common establishment shall cover the first two (2) grades at entry level or as determined by the Authority from time to time.

### **3.28. Dates of Promotion**

- 3.28.1. The effective date of an officer's promotion will be the date of the HRMAC meeting subject to approval of the Managing Director, or the date of the Board's decision as the case may be.
- 3.28.2. Promotion within common establishment posts shall be effective from the date the officer qualifies.
- 3.28.3. If an officer has been appointed by the Authority 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.

### **3.29. Seniority**

- 3.29.1. Seniority of officers shall be determined as follows:
  - (1) 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, by reference to their seniority on the day immediately preceding that day; and
    - (iii) If any officers who entered the same grade on the same day did so by appointment and not by promotion, then seniority relative to each other shall be determined by reference to their respective ages.

(2) As between officers of different grades on the same salary scale or the same flat rate of salary, by reference to the dates on which they respectively entered their grades.

(3) 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.

### **3.30. Re-designation**

3.30.1. The Managing Director shall have power to re-designate officers in Job Grades ENNDA 4 – 11 upon recommendation of HRMAC, subject to suitability interview for those moving to non-related cadres.

3.30.2. Re-designation of staff in Job Grades ENNDA 1 – 3 shall be the responsibility of the Board.

3.30.3. Re-designation of officers shall be subject to the following conditions:

- (i) Suitability interview for officers who are moving from one cadre to another;
- (ii) Suitability Interview shall not apply for posts which fall within the same job family;
- (iii) Shall be limited to positions in the first two (2) entry levels in any cadre;
- (iv) Shall take effect from the date of the decision;
- (v) The Managing Director shall be required to promote qualified officers before processing the re-designation requests;
- (vi) Re-designation with continuous service will be allowed only for technical cadres whose job specifications are similar for both graduate and non-graduate officers; and
- (vii) Shall be subject to existence of vacancies.

3.30.4. The above notwithstanding, re-designations will be based on an officers' demonstration of competence, merit and ability in performance.

### **3.31. Non-Discrimination in Employment**

- 3.31.1. The Authority shall promote equality of opportunity in employment and will not discriminate directly or indirectly against an employee on any grounds including race, sex, pregnancy, marital status, health status, ethnic or social origin, color, age, disability, religion, conscience, belief, culture, dress, language or birth.
- 3.31.2. The Authority will endeavor to have a gender balanced workforce by ensuring that not more than two thirds (2/3) of positions in its establishment are filled by either gender.

### **3.32. Rights and Privileges of Persons with Disabilities**

- 3.32.1. Persons with disability shall be accorded equal opportunities for employment provided they have the necessary qualifications and are suitable for such employment.
- 3.32.2. The Authority shall implement the principle that at least five (5) percent of all appointments shall be for persons with disabilities.
- 3.32.3. The Authority 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.

### **3.33. Recruitment of Non-Citizens**

- 3.33.1. It is the policy of the Authority not to employ non-citizens where there are citizens with the appropriate qualifications. The Authority shall seek authorization from the Public Service Commission in circumstances where a need for such recruitment arises, clearly giving adequate justification for the same for the consideration and authorization of the Commission.
- 3.33.2. Appointment of non-citizens will only be on contract terms not exceeding three (3) years, renewable once.
- 3.33.3. In applying for authority to recruit a non-citizen, the Managing Director shall confirm that there is no citizen with the required qualifications available for appointment and the candidate has complied with the provisions of the Immigration Act and regulations.
- 3.33.4. Recruitment from outside Kenya will also be subject to the following: -

- (i) That the candidate is prepared to accept an appointment on contract terms;
- (ii) That the Government of the country to which the candidate belongs raises no objection to his/her recruitment; and
- (iii) The candidate complies with the requirements of the Immigration Act.

3.33.5. Non-citizen employees are also subject to the policies and regulations applicable in the Authority.

### **3.34. Secondment**

3.34.1. Secondment of officers from the Authority to other organizations is applicable to pensionable officers, for a period not exceeding three (3) years.

3.34.2. Approval for secondment for officers moving from ENNDA to other public Institutions shall be the responsibility of the Board on recommendation of the Managing Director.

3.34.3. Approval for secondment for officers moving from the other public administrations to the Authority shall be granted by the Board.

3.34.4. To maintain an officer's pensionable status, the officer or the organization to which the officer is seconded will be required to make pension contribution at the prevailing rate. Where the organization pays the pension contribution for the officer, such amount shall be deducted from the officer's service gratuity.

3.34.5. Officers on secondment will be paid their salaries and other allowances by the organizations in which they are deployed.

### **3.35. Transfers**

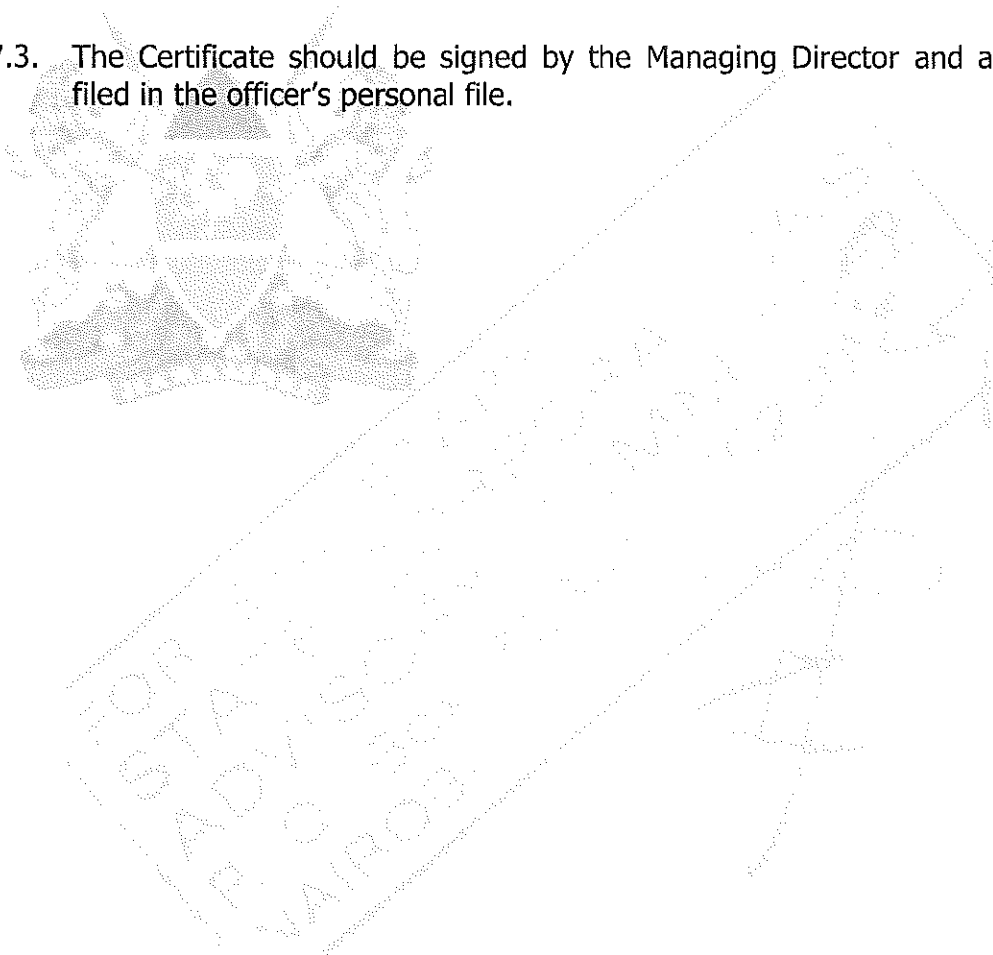
3.35.1. Transfers within Authority shall be made by the Managing Director.

### **3.36. Transfer of Service**

3.36.1. Transfer of service between the Authority and other Public Organizations or Institutions shall be approved by the Board.

**3.37. Certificate of Service**

- 3.37.1. Certificate of Service will be given to an officer, on request, upon his retirement, resignation, dismissal or termination of appointment.
- 3.37.2. When completing the Certificate, the Managing Director should bear in mind that its main purpose is for use as a reference covering the officer's period of service with the Authority.
- 3.37.3. The Certificate should be signed by the Managing Director and a copy be filed in the officer's personal file.



## **SECTION 4: SALARIES AND ADVANCES**

### **4.1. Introduction**

4.1.1. The Authority will remunerate the employees in a manner that motivates them and which supports and develops a high performance workforce required to provide quality service efficiently and effectively.

4.1.2. The remuneration policy is based on the following guiding principles: -

- (i) Provision for adequate pay differentials to recognize responsibility, levels, skills, competencies, attitudes, experience and performance in relation to the goals and objectives of the Authority;
- (ii) Achievement of equity, transparency and competitiveness in the remuneration packages based on Job Evaluation;
- (iii) Adoption and implementation of best human resource management practices in regard to compensation;
- (iv) Maintenance of a salary structure that will enable the Authority to attract, retain and motivate qualified employees;
- (v) Focus on the value of total compensation, which includes basic salary, allowances and other benefits; and
- (vi) Adherence to salary and remuneration guidelines issued by the Government from time to time.

### **4.2. Salary Grades**

4.2.1. There shall be such salary grades as the Board may, from time to time, determine with approval of Government.



4.2.2. The Managing Director may conduct periodic salary surveys to determine changes in cost of living and terms of employment being offered by comparable organizations. Such surveys shall form the basis of consultation by the Board with the relevant Government authority for salary reviews.

4.2.3. The current salary structure consists of twelve (12) salary grades.

#### **4.3. Advice on Salary and Benefits**

4.3.1. The salary for each employee will be specified in the appointment letter.

4.3.2. Basic salary and benefits will be communicated to the employee in writing on appointment, at which time; the employee will also be informed of their grades and designation. Any subsequent change in basic salary, grade or designation shall be communicated to the employees in writing.

4.3.3. Any change in benefits, which affect all or any category of employees, will be communicated through a Circular Letter.

#### **4.4. Payment of Salary**

4.4.1. An employee on first appointment will be paid salary with effect from the date of reporting for duty.

4.4.2. Each employee will have a stated monthly basic salary quoted before any statutory deductions.

4.4.3. Salary will be paid monthly in arrears and will be denominated and paid in Kenya shilling (Ksh.).

4.4.4. The salary of an employee will be net of statutory deductions and other deductions that may be agreed upon or imposed by the employee or the Authority respectively. A statement/payslip indicating the gross salary, deductions made and the resultant net salary will be made available to every employee each month.

4.4.5. Salary will be paid through the Bank and all employees will be required to open Bank Accounts and submit the details to the HoD responsible for HR&A.

4.4.6. Employees of the Authority shall not over-commit their salaries beyond two thirds (2/3) of their basic salaries and the Manager responsible for Human Resource Management should ensure compliance.

- 4.4.7. Statutory deductions such as PAYE, NSSF, NHIF, HELB and other legal taxes, as well as deductions arising from court orders/attachments, will be made from an employee's salary without his authorization.
- 4.4.8. Voluntary deductions such as remittances to co-operatives, insurance firms, among others, will be effected provided the employee gives written authorization.
- 4.4.9. On termination of employment, the final benefits will be made on confirmation that the employee has been cleared and issued with a Clearance Certificate.

#### **4.5. Annual Incremental Dates**

- 4.5.1. The first date of the month shall be an incremental date. An officer's annual incremental date shall be the first date of the month one is appointed.
- 4.5.2. If an employee is granted unpaid leave which is not increment earning, his incremental date will be re-computed based on the month he resumes duty.

#### **4.6. Salary**

- 4.6.1. On first appointment, an employee shall enter the salary structure at the minimum point of the respective salary scale. However, an Employee maybe granted incremental credit for previous remuneration and relevant experience. This shall be at the rate of one increment for each complete year of approved experience provided the maximum salary of the grade assigned to the post is not exceeded. The grant of increments for relevant experience shall be subject to the following conditions:
- (i) Incremental credit shall only be granted in respect of approved experience gained after acquiring the requisite minimum qualifications for the grade;
  - (ii) In granting incremental credit, previously earned remuneration shall be considered;
  - (iii) Incremental credit shall be granted only for previous approved experience in the type of work upon which an Employee will be employed on his appointment to the particular grade;

- (iv) Incremental credit may not be granted on appointment to promotional posts, i.e. posts to which an Employee would not normally be appointed if he had joined the Authority immediately after completing his education; and
- (v) Incremental credit may be granted for the number of years of aggregate approved experience in line with the Authority's Career Progression Guidelines, periods in excess of full years being ignored.

#### **4.7. Determination of Salary on Promotion**

- 4.7.1. Where an employee is promoted from one grade to another and his salary on the effective date of promotion is less than the minimum of the salary scale attached to the new grade and where that employee was earning an annual increment, he shall receive the minimum of the salary scale attached to his new grade on the effective date of his promotion and his incremental date will be the first (1<sup>st</sup>) date of the month in which he is promoted.
- 4.7.2. Where the salary of an employee 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 grade and where that employee was earning an annual increment, he will receive the minimum of the salary scale attached to his new grade on the effective date of his promotion and retain the incremental date.
- 4.7.3. Where the salary of an employee on the day preceding the effective date of his promotion corresponds to or is higher than the minimum of the salary scale attached to the Grade to which he is promoted, his salary on promotion will be determined in accordance with the rules set out below: -
  - (i) Where on the day preceding the effective date of his promotion he had attained the maximum point of the salary scale attached to his previous grade and his service at that salary amount to less than one (1) year, he will enter the salary scale attached to his new grade from the effective date of his promotion at the next point above his salary and his incremental date will be the (1<sup>st</sup>) first date of the month in which he was promoted.
  - (ii) Where on the day preceding the effective date of his promotion he had attained the maximum point of the salary scale attached to his previous grade and his service at that salary amount to more than one (1) year but less than two (2) years, he will enter the salary scale

attached to his new grade from the effective date of his promotion at the next point above his salary and retain his incremental date.

- (iii) Where on the day preceding the effective date of his promotion he had attained the maximum point of the salary scale attached to his previous grade and his service at that salary amount to more than two (2) years but less than three (3) years, the officer will be granted two (2) years' salary increments at the point above his salary. His future incremental date will be the (1st) first date of the month in which he was promoted.
- (iv) 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 first (1st) date of the month in which he was promoted.

4.7.4. Clause 4.7 shall not apply to employees on contract terms.

#### **4.8. Retroactivity of payments**

4.8.1. An employee who has not been receiving an allowance, grant or other payment to which he is entitled shall not receive retroactively such allowance, grant or payment unless he has made a written claim within six months of eligibility.

#### **4.9. Salary Advance**

4.9.1. An advance of not more than one (1) month's basic salary may be granted by the Managing Director to an employee, when the employee owing to circumstances beyond his control, is placed in a difficult financial position requiring assistance.

4.9.2. The Managing Director may, in very exceptional and special circumstances, grant an advance of not more than two (2) months' basic salary.

4.9.3. In applying for the advance an employee should explain the circumstances leading to the situation which he could not have foreseen and therefore planned for.

4.9.4. An advance under this regulation may be granted only when an employee has no other outstanding salary advance i.e. where he/she has completed paying for the one previously taken.

- 4.9.5. Salary advance will be made to an employee who has served for more than one (1) year and has more than one year to serve in the Authority.
- 4.9.6. After repayment of the salary advance, the employee can only qualify for another one after six (6) months except in exceptional situations where that employee is in an unforeseen and absolutely difficult situation to warrant another advance.
- 4.9.7. Recovery of salary advance will be made in reasonable installments for a maximum period of twelve (12) months.

#### **4.10. Payroll Management**

- 4.10.1. The Managing Director shall ensure prudent utilization of the Personal Emoluments budget. The Head Human Resources shall submit monthly reports to the Managing Director. No new staff should be introduced in the payroll without approval of the Managing Director.

#### **4.11. Mortgage and Car Loans**

- 4.11.1. The Authority shall establish a Car Loan and Mortgage Scheme based on prevailing government guidelines.

## **SECTION 5: ALLOWANCES**

### **5.1. Introduction**

- 5.1.1. The Authority is committed to remunerate the employees in a manner that motivates them and which supports and develops a high performance workforce required to provide quality service.
- 5.1.2. While it may be considered that the salary attached to a position 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 employee for 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.

### **5.2. Daily Subsistence Allowance (Local Travel)**

- 5.2.1. Where an employee travelling on duty, is required to stay overnight away from his duty station, he shall be paid accommodation allowance at rates determined by government from time to time.
- 5.2.2. Accommodation allowance will be paid for a maximum continuous period of thirty (30) days. Notwithstanding the provisions of paragraph (1) of this provision, an officer who is required to be away from his duty station for more than thirty (30) days will be paid accommodation allowance for the subsequent additional days at half ( $\frac{1}{2}$ ) rate up to a maximum period of five (5) months. Beyond this period, if the officer continues to work in the same station, this will be treated as a posting and accommodation allowance will cease to be applicable.
- 5.2.3. On transfer from one station to another, an employee may claim accommodation allowance for self and spouse and up to a maximum of four unmarried children under twenty (25) years of age, who are living with and are in full time schooling 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 18 years and above will be the same as that for the employee, and the rate for the children below 18 years will be one-half of the rates payable to the employee.

- 5.2.4. Meal allowance will only be paid to officers travelling on duty within the country but who are not required to spend a night away from the permanent duty station. Meal allowance will not be paid alongside accommodation allowance.
- 5.2.5. 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.
- 5.2.6. Meal allowance shall not be paid as a compensation for officers who are required to work beyond the official working hours.
- 5.2.7. 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 Board. The spouse will be eligible for payment at full rate while four (4) unmarried children who are 16 years and below will be eligible for payment at half rate.
- 5.2.8. At the end of tour, the employee may draw accommodation allowance for a period not exceeding 30 days when it is necessary for him to vacate his rented accommodation in advance of leaving the country.

### **5.3. Provision of Airtime**

- 5.3.1. Employees of the Authority who are eligible for provision of airtime shall be provided with telephone airtime at rates determined by the government from time to time.

### **5.4. Daily Subsistence Allowance (International Travel)**

- 5.4.1. An employee 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.
- 5.4.2. The rates of subsistence allowance which are payable for each complete period of 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.

- 5.4.3. 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.
- 5.4.4. Where an employee's travelling, boarding and lodging expenses are paid in full directly to the hosting institution/hotel by a donor/development partner, a residual allowance of up to one-quarter (1/4) of the standard rate of subsistence allowance may be paid to him to cover incidental expenses. Where only hotel/lodging expenses are covered, subsistence allowance may be paid at three-quarters (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 employee may claim the difference from the Authority.

## **5.5. Acting Allowance**

- 5.5.1. When an officer is eligible for appointment to a higher post and is called upon to act in that post pending advertisement of the post, he is eligible for payment of acting allowance at the rate of twenty percent (20%) of his substantive basic salary. Acting allowance will not be payable to an officer for more than six (6) months.
- 5.5.2. Acting appointments shall not be approved to take effect from a date earlier than one (1) month prior to the date on which the recommendation is submitted to the Managing Director or the Board as the case may be.
- 5.5.3. The payment of acting allowance shall be subject to recommendation by the HRMAC and approval the Managing Director or the Board as the case may be.
- 5.5.4. When a post falls temporarily vacant due to the absence of the substantive holder, an acting appointment shall not be made unless the period of such absence exceeds thirty (30) days.
- 5.5.5. Officers shall not be called upon to act in posts outside their job families.
- 5.5.6. An officer who is appointed to act in a higher post shall be eligible for the duration of his acting appointment for the travelling privileges, accommodation allowance, subsistence allowance or an extraneous allowance and entertainment allowance applicable. However, the officer shall not qualify for house allowance or other remunerative allowances applicable to the higher post.



- 5.5.7. In all cases, an officer must be appointed to act in writing by the Managing Director or such other officer to whom the Managing Director may delegate such responsibility.
- 5.5.8. Appointment on acting basis is a temporary measure pending the substantive filling of the vacant post by either recruitment or resumption of duty by the substantive holder of the post. The appointment shall normally be limited to a continuous period of 6 months or until the vacant post is filled whichever is the earlier, but may be extended by Board/Managing Director if the post remains vacant.

## **5.6. Special Duty Allowance**

- 5.6.1. 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 shall be paid special duty allowance at the rate of fifteen per cent (15%) of the officer's basic salary. The payment of special duty allowance will be subject to recommendation by the HRMAC and approval by the Managing Director or the Board as the case may be.
- 5.6.2. 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.
- 5.6.3. Officers shall not be called upon to perform duties of a post that is more than two (2) grades higher than the officer's substantive grade.
- 5.6.4. Special Duty Allowance will not be payable to an Officer for more than six (6) months.
- 5.6.5. Officers shall not be called upon to perform duties of posts outside their job families.
- 5.6.6. Officers performing duties of a higher post under this provision shall be eligible for travelling privileges, accommodation allowance, subsistence allowance or an extraneous allowance and entertainment allowance applicable. However, the officer shall not qualify for house allowance or other remunerative allowances applicable to the higher post.
- 5.6.7. The maximum period for payment of Special Duty Allowance is 6 consecutive months or until the position is filled, whichever is the earlier. During that period, arrangements should be made to fill the higher post in substantive capacity. Where the position is not filled within this period, the Managing

Director may extend the payment period for a further period not exceeding six (6) months or until the position is substantively filled, whichever is earlier.

## **5.7. Transfer Allowance**

5.7.1. When an employee is transferred from one station to another, he will be eligible for payment of transfer allowance amounting to one (1) month's basic salary immediately he is released to the new station provided the new station is not less than 40 km from the old station.

5.7.2. Transfer allowance will not be paid to: -

- (i) Field employees such as Project Staff when moving from one camp to another;
- (ii) Employees who are posted on temporary basis (i.e. on relief duty) for a period not exceeding three months; and
- (iii) Employees who are transferred on their own request to suit their own convenience.

## **5.8. House Allowance**

5.8.1. All officers are eligible for house allowance applicable to their grades as stipulated in Government Circulars issued from time to time.

5.8.2. Officers occupying institutional houses will pay rent equivalent to the value as shall be determined by the Ministry responsible for Housing or surrender their house allowance whichever is lower.

## **5.9. Commuter Allowance**

5.9.1. All officers in Job Grade ENNDA 2 and below shall be eligible for commuter allowance where they are not provided with official transport.

5.9.2. The rates of the allowances will be determined by the Government from time to time.

5.9.3. It will be an offence for an officer in receipt of commuter allowance to use Authority vehicle from house to office and vice versa.

**5.10. Hardship Allowance**

5.10.1. Officers deployed in designated hardship areas shall be eligible for the applicable hardship allowance as determined by the government from time to time.

**5.11. Leave Allowance**

5.11.1. All officers shall be eligible for leave allowance payable once a year. The rate of leave allowance will be determined by the Government from time to time.

5.11.2. An officer stationed in any designated hardship area and who proceeds on leave twice a year and takes not less than half (1/2) of his entitlement shall be eligible for full payment of leave allowance twice per year. If such an officer does not apply for leave he shall only draw leave allowance once a year.

**5.12. Entertainment Allowance**

5.12.1. An officer in the grade of ENNDA 1 may be required by the nature of his duties to provide hospitality and entertainment to official guests and shall be eligible for a non-accountable monthly entertainment allowance at the rate determined by the government from time to time.

**5.13. Extraneous Allowance**

5.13.1. Extraneous allowance shall be paid to officers who are called upon to undertake extra responsibilities in addition to their normal duties and therefore work over and above the official working hours on a continuous basis. The rates and eligibility for payment shall be determined by the Government from time to time.

**5.14. Risk Allowance**

5.14.1. Employees such as accountants and drivers carrying large sums of cash from or to the bank may be paid risk allowance as determined by the government from time to time.

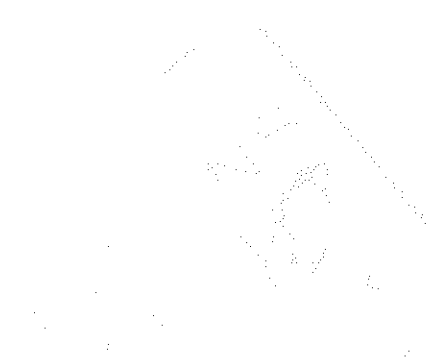
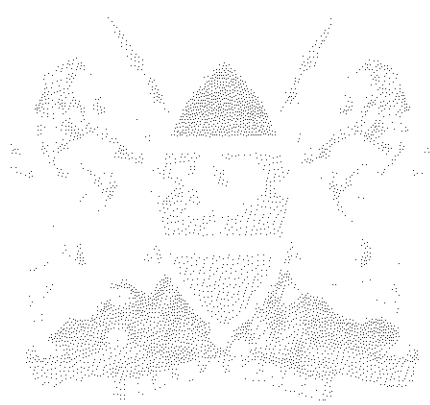
**5.15. Non Practicing Allowance**

5.15.1. The allowance shall be payable to eligible cadres at the prevailing government rates.

## **5.16. Baggage Allowance**

5.16.1. When travelling on first appointment, transfer or termination of appointment, an officer shall be provided with a government vehicle to transport his luggage.

5.16.2. In the absence of a vehicle, the officer will be eligible for a baggage allowance at rates determined by the government from time to time.



## **SECTION 6: MEDICAL BENEFITS**

## **6.1. Introduction**

- 6.1.1 The Authority will make adequate provision for medical benefits to be accorded to all employees except those on casual terms, internship or attachments.
- 6.1.2 The Managing Director through the HR department will manage the administration of the Medical Insurance Scheme.

## **6.2. Medical Benefits**

- 6.2.1. The Authority shall procure a Medical Insurance Cover to provide medical benefits for the employees, their spouses and dependent children.
- 6.2.2. The Medical Insurance Cover will be reviewed annually to ensure that the Authority and its employees get value for money invested in the Scheme.
- 6.2.3. The Authority may provide medical ex-gratia assistance to cover in-patient medical expenses incurred by an officer, spouse and dependent children below twenty-five (25) years, upon exhaustion of the medical cover entitlement within a financial year subject to approval by the Board.
- 6.2.4. The scope, eligibility and the details of the benefits package for the Medical Cover shall be provided in the Contract to be entered with the Provider.

FOR THE  
STAFF OF  
ADV. SOA  
P.O. B.P.  
VAIROBI

## **SECTION 7: LEAVE**

### **7.1. Introduction**

7.1.1. This section addresses the circumstances under which annual leave and other categories of leave are granted.

### **7.2. Categories of Leave**

7.2.1. The following are the categories of leave that shall be applicable to employees:

- (i) Annual leave
- (ii) Maternity leave
- (iii) Child Adoption Leave
- (iv) Paternity leave
- (v) Sick leave/Convalescent
- (vi) Unpaid leave
- (vii) Compassionate leave
- (viii) Terminal Leave
- (ix) Leave for Sportsmen/women
- (x) Terminal leave

### **7.3. Annual Leave**

7.3.1. Annual leave is granted in conformity with provisions of the Labour laws and the timing of the leave is subject to the exigencies of duty.

7.3.2. 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.

7.3.3. 'Leave year' will commence on 1<sup>st</sup> July and end on 30th June the following year.

7.3.4. All officers in the Authority shall be entitled to 30 days annual leave which excludes Saturdays, Sundays and Public Holidays.

7.3.5. Heads of Departments will circulate leave schedules for their employees to provide anticipated leave dates in order to allow proper planning and alignment with the respective work plans. The leave schedules shall be submitted to the HR&A Department in the first month of the fiscal year.

- 7.3.6. Annual leave is not accumulable. 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 case of an emergency.
- 7.3.7. Annual leave must be taken within the leave year it falls due. Deferment of annual leave from one leave year to another shall be permitted subject to the provisions of the Employment Act.
- 7.3.8. An officer stationed in a designated hardship area may avail himself of his annual leave in two portions. Each portion should be taken once every period of six months, i.e. from 1st June to 30th December and from 1st January to 30<sup>th</sup> June.
- 7.3.9. An officer stationed in a hardship area who takes not less than half of his annual leave entitlement once every period of six months, will be granted, in addition to his leave, travelling time of two (2) days each way.
- 7.3.10. Annual leave for a newly appointed officer will be calculated on a pro-rata basis only for the year of his appointment.
- 7.3.11. An officer who has not availed himself for the annual leave due for the year in which his employment ceases will be entitled to annual leave on pro-rata basis. In addition, an officer may be granted the annual leave carried forward from the previous leave year.

#### **7.4. Commutation of Leave**

- 7.4.1. Except in exceptional circumstances, annual leave may not be commuted for cash nor will unutilized leave days be claimed by dependants to the estate of a deceased officer.
- 7.4.2. The Managing Director shall be responsible for authorizing commutation of leave for cash where leave is not taken due to exigencies of service.
- 7.4.3. Commutation of leave will be based on an officer's basic salary for the relevant leave year.
- 7.4.4. The above notwithstanding, it is reiterated that officers should be allowed to utilize their leave in each year.

## **7.5. Maternity Leave**

- 7.5.1. A female officer who is required to be absent from duty on account of confinement shall be granted maternity leave with full salary for a maximum period of ninety (90) calendar days exclusive of the annual leave due for the year.
- 7.5.2. An application for maternity leave should be submitted to the Managing Director. The application should be supported by a medical certificate indicating the date on which maternity leave should commence.
- 7.5.3. Should it be necessary to extend maternity leave beyond the prescribed period of ninety (90) calendar days on grounds of sickness of the mother, the officer will be granted sick leave subject to confirmation by a recognized medical practitioner.
- 7.5.4. Where the extension sought is on the account of the child's sickness the officer will be expected to utilize her annual leave entitlement.

## **7.6. Child Adoption Leave**

- 7.6.1. An employee, who has been granted adoption rights under the Children's Act and wishes to take leave for purposes of bonding and integrating the child into the family, will be entitled to Child Adoption Leave.
- 7.6.2. A female employee is entitled to Child Adoption Leave with full pay upon production of supporting legal documents. The leave shall be granted as follows:
  - (i) Sixty (60) calendar days where the child is under five (5) years and below;
  - (ii) Forty-five (45) calendar days where the child five (5) years to ten (10) years; and
  - (iii) Twenty (20) calendar days where the child is over ten (10) years
- 7.6.3. A female employee on child adoption leave shall not forfeit her annual leave.
- 7.6.4. A male employee is entitled to child adoption leave of up to a maximum of ten (10) working days whenever he and/or his spouse adopt a child.



## **7.7. Paternity Leave**

- 7.7.1. 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.
- 7.7.2. A male officer with more than one wife 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.
- 7.7.3. 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.

## **7.8. Unpaid Leave**

- 7.8.1. Unpaid leave may be granted by the Board on the recommendation of the Managing Director on the following grounds:-
- (i) Urgent private affairs of exceptional nature not exceeding sixty (60) calendar days;
  - (ii) Officers whose spouses are posted to foreign missions during the tour of duty;
  - (iii) 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; and
  - (iv) Spouses of officers appointed under (iii) above, will be granted unpaid leave for a maximum non-renewable period of one (1) year.
- 7.8.2. Unpaid leave will not be increment-earning.
- 7.8.3. During the period of unpaid leave, the Authority will not make a contribution of its portion towards an officer's pension. The officer will however, be free to contribute his portion towards the Contributory Scheme.
- 7.8.4. There shall be no provision for unpaid study leave in the Authority.

## **7.9. Compassionate Leave**

- 7.9.1. An officer, who has exhausted his annual leave entitlement, may be granted compassionate leave for up to ten (10) working days in a leave year.

- 7.9.2. An officer will be eligible for compassionate leave in the event of death of a parent, spouse, child or sibling.

#### **7.10. Special Leave for Sportspersons**

- 7.10.1. An officer who is selected to represent Kenya 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.
- 7.10.2. This special leave will not be counted against annual leave entitlement and will be approved by the Board on recommendation of the Managing Director.

#### **7.11. Sick Leave**

- 7.11.1. Sick leave is the approved absence of an officer from duty on account of illness and includes weekends and public holidays.
- 7.11.2. A medical certificate signed by a medical officer must be produced in every case of absence on account of illness.
- 7.11.3. An officer may be granted sick leave subject to the maximum period indicated below:
- (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 the 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 Managing Director will refer the case to the Director of 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; and

- (v) Where an employee of the Authority is found to be unfit for service by the Medical Board, the case shall be referred to the Board for retirement on medical grounds.

7.11.4. 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.

7.11.5. Sick leave in excess of three (3) months will require confirmation of the Director of Medical Services who will decide if the officer should be examined by a Medical Board with a view to determining whether or not there are reasonable prospects of eventual recovery and fitness for duty.

### **7.12. Terminal Leave**

7.12.1. 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.

### **7.13. Festival Holidays**

7.13.1. 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 Managing Director well in advance of the date on which any particular religious festival is celebrated.

### **7.14. Application for Leave**

7.14.1. Application for leave should be submitted in the prescribed form to the Managing Director.

### **7.15. Public Holidays**

7.15.1. The following days will be observed as public holidays in accordance with Public Holidays Act (Cap 110):

- (i) New Year - 1<sup>st</sup> of January
- (ii) Good Friday - \*

- (iii) Easter Monday - \*
- (iv) Labour day - 1<sup>st</sup> May
- (v) Madaraka day - 1<sup>st</sup> June
- (vi) Mashujaa Day - 20<sup>th</sup> October
- (vii) Jamhuri Day - 12<sup>th</sup> December
- (viii) Christmas Day - 25<sup>th</sup> December
- (ix) Cultural Day - 26<sup>th</sup> December
- (x) Eid-Ul-Fitr - \*

*\* Should be observed in accordance with the relevant religious calendar.*

7.15.2. The Authority will also recognize any other public holiday that may be gazetted from time to time under the Public Holidays Act, Cap. 110 of the Laws of Kenya.

## **SECTION 8: TRANSPORT**

### **8.1. Policy Statement**

- 8.1.1. The Authority shall facilitate the movement of its employees on official duties in a manner that is safe and cost effective.
- 8.1.2. Transport is regulated through the Government Transport Policy which addresses various aspects of transportation of employees while on duty and use of the Authority's vehicles. It also includes travelling privileges to members of the employee's family in certain circumstances and transportation of personal effects.
- 8.1.3. Provisions of vehicles in terms of models and types, will be in accordance with the Government circulars issued from time to time.

### **8.2. Eligibility for Transport**

- 8.2.1. The Authority shall provide transport to an employee travelling on duty outside the duty station.
- 8.2.2. The Authority shall provide free transport to an employee and his family on occasions when the employee is travelling for medical treatment or sick leave or on retirement.
- 8.2.3. However, no transport shall be provided on resignation, summary dismissal or termination or expiry of contract terms before the employee attains 60 years.

### **8.3. Travelling by Public Transport**

- 8.3.1. Where no official vehicle shall be available for an employee travelling on duty outside the duty station, the employee shall be eligible to claim appropriate reimbursement of the amount of fare paid on production of travel tickets.
- 8.3.2. An employee traveling on retirement shall be provided with an official vehicle to transport his belongings. However, in the absence of an official vehicle, the employee shall be eligible for a baggage allowance at rates which will be determined by the Board in consultation with the Government from time to time.

- 8.3.3. An employee will be required to request for transport within six (6) months of his retirement failure to which the privilege will be forfeited.
- 8.3.4. In case of the death of an employee, the next of kin shall be eligible for a baggage allowance at rates determined by the Government from time to time.

#### **8.4. Travelling in Own Car**

- 8.4.1. The Authority shall, where possible, provide its employees with transport when travelling on official duty. In the absence of a more cost-effective means, an employee may use a private vehicle for official duty with prior approval of the Managing Director.
- 8.4.2. Where such permission is granted, the employee shall claim reimbursement based on the prevailing Automobile Association of Kenya (AA) rates. The vehicle capacity will be limited to 2000 c.c.

#### **8.5. Travelling in Official Vehicles**

- 8.5.1. The Managing Director shall be entitled to one official chauffeur driven car.
- 8.5.2. All the other employees shall use pool transport for official work. An employee travelling on duty shall be granted permission to use an official vehicle by the Managing Director or by an officer designated by the Managing Director.
- 8.5.3. Official vehicles are intended for official purposes only and should not be used for private purposes. An employee who makes improper use of a vehicle shall be liable to disciplinary action.
- 8.5.4. Whenever a vehicle is used, the details of the journey shall be indicated in the work ticket. Any driver found operating without a work ticket, authorizing the journey in question or found carrying unauthorized passengers or goods, shall be subject to disciplinary action. The Government Vehicle Check Unit is empowered to stop and check any vehicle and prefer charges, where appropriate, against the driver.

#### **8.6. Travelling by Air**

- 8.6.1. When travelling on duty to another country, employees shall normally travel by air. Air travel within Kenya shall require prior approval by the Managing Director. Such approval may be given when other modes of transport are

unavailable, air travel is economical or where saving on time is paramount.

8.6.2. When required to travel by air, employees shall be governed by the prevailing Government policy in terms of class of travel.

8.6.3. An employee travelling on duty by air shall not be granted any baggage allowance in addition to the free allowance on the air ticket, unless in special circumstances in which excess baggage shall be considered by the Managing Director.

#### **8.7. Travelling by Railway**

8.7.1. An employee traveling on duty by railway shall be entitled to 1st class and will be reimbursed the equivalent of fare upon production of the receipt(s).

#### **8.8. Management of Vehicles**

8.8.1. The Head of Corporate Services shall ensure that a register for all vehicles shall be opened and maintained up to date. The register shall contain the following particulars in respect of each vehicle:

- (i) Description of vehicle;
- (ii) Chassis number;
- (iii) Engine number;
- (iv) Registration mark and number;
- (v) Date vehicle purchased; and
- (vi) Vehicle Insurance particulars and copy of Insurance Disc.

8.8.2. A file shall be opened for each vehicle. The file shall be used to file all relevant documents and correspondence, including, as far as possible, related expenditure records.

8.8.3. It shall be the responsibility of the Head of Corporate Services to ensure that vehicles are used properly. He shall put in place mechanisms for ensuring centralized overnight garaging and parking of the vehicles and arrange for proper custody of ignition keys.

8.8.4. All personnel required to drive official vehicles shall have valid driving licenses appropriate for the particular class of vehicle they are assigned.

8.8.5. Any officer allowing or authorizing improper use of official vehicles shall be

held personally responsible, making him liable to disciplinary action which would include making good for pecuniary loss and dismissal from the service.

- 8.8.6. Drivers shall be required at all times to set the highest standard of road conduct.

### **8.9. Reporting of Accidents**

- 8.9.1. Drivers and all employees using official vehicles shall acquaint themselves with the provisions of the Traffic Act, Cap 403, Laws of Kenya, which requires a driver of a vehicle involved in an accident to stop and give his name and address, the particulars of the vehicle, vehicle insurance particulars and address of its owner to any authorized person or to the Police as soon as possible, and in any case within 24 hours of the occurrence of the accident. This procedure shall be followed at all times in the event of an accident.

- 8.9.2. In addition to providing a report to the Police, if the driver shall not be incapacitated by the accident, he shall submit a preliminary accident report to the Managing Director within 24 hours of the occurrence of the accident.

### **8.10. Transportation for Burial**

- 8.10.1. Transport for a deceased employee and immediate family members will be provided by the Authority to the place of burial when an employee dies while in service and if the spouse or dependant unmarried children aged twenty-five (25) years and below die while the employee is still in the service.
- 8.10.2. Employees who represent the Authority at such a burial shall be provided with official transport and subsistence allowance subject to approval by the Managing Director.



## **SECTION 9: PERFORMANCE MANAGEMENT**

### **9.1. Introduction**

- 9.1.1. This Section provides guidelines for Performance Management in the Authority for enhancement of efficiency and effectiveness in service delivery.
- 9.1.2. The fundamental goal of performance management is to promote and improve employee effectiveness. Employee performance management will focus on establishing a shared workforce understanding on what is to be achieved at the organization level. It is about aligning the organizational objectives with employees agreed measures, skills, competence requirement, development plan and delivery of results.
- 9.1.3. The objective is to ensure a high-performance culture through service improvement, learning and development in order to achieve the overall Authority strategic goals. Performance Management outcomes will inform Human Capital Management actions.

### **9.2. Scope of Performance Management**

- 9.2.1. 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 contracts supported by directorate annual plans; and
  - (iii) Individual performance supported by individual work plans.

### **9.3. Performance Management Process**

- 9.3.1. The performance management system will involve but is not limited to the following process:
- (i) Performance target setting and contracting;

- (ii) Performance implementation;
- (iii) Performance review; and
- (iv) Performance feedback.

#### **9.4. Strategic Planning**

- 9.4.1. This is a process planning for achievement of overall long-term goals of the Organization.
- 9.4.2. The Managing Director shall coordinate development and review of the Strategic Plan in the Authority.
- 9.4.3. The plans will be the basis for setting performance targets for the Authority which shall be cascaded to the individual level.
- 9.4.4. The Authority will take into account individual performance and reward employees for their contribution in a fair and equitable manner. The Performance Management System has therefore been designed to achieve this objective, among others.

#### **9.5. Implementation of Performance Management (PM)**

- 9.5.1. The Board shall have an oversight role in the implementation of PM.
- 9.5.2. The implementation of the Performance Management lies with the Managing Director.
- 9.5.3. Managing Director shall ensure that Performance management good practice is entrenched in all operations of the Authority.
- 9.5.4. PM will be carried out per financial year and will apply to all staff.

#### **9.6. Performance Contracts**

- 9.6.1. Performance Contracting is a negotiated process in which an organization's sets their performance targets based on their mandates, functions and strategic objectives.
- 9.6.2. The State Department responsible for public service shall issue guidelines to Public Service agencies in implementation of performance contracts.

Performance contract should be anchored on national development goals. It should be cascaded to all departments, sections, levels and cadres of employees.

#### **9.7. Annual Work Plans**

- 9.7.1. Each directorate and functional unit will be required to prepare an annual work plan derived from the corporate work plan.
- 9.7.2. Individual work plans will be derived from the functional units work plan, which will indicate the details on timing in the implementation of activities and resource requirements.
- 9.7.3. The Directorate of Corporate Services shall develop a standard template for the work plan.

#### **9.8. Performance Targets**

- 9.8.1. Each Directorate and functional units will develop its performance targets at the beginning of each financial year.
- 9.8.2. The negotiated and agreed targets shall be derived from the objectives in the Strategic Plan and annual work plan and matched to the budget.
- 9.8.3. Performance targets shall be cascaded to all levels in the Authority.

#### **9.9. Signing of Performance Contracts/ Agreements**

- 9.9.1. The Board shall sign a performance Contract with the Cabinet Secretary.
- 9.9.2. The Managing Director shall sign a performance contract with the Board.
- 9.9.3. The Heads of Directorates will sign performance contract with the Managing Director.
- 9.9.4. The Heads of divisions and functional units will sign performance contract with the respective Heads of Directorates.
- 9.9.5. Each individual employee shall sign an individual performance agreement with his supervisor based on the Corporate, Directorate, division or unit

performance contract. The agreement will form a performance management tool binding the officer/staff to perform as agreed.

- 9.9.6. The Directorate of Corporate Services shall develop a standard template for the work plan.

#### **9.10. Staff Performance Appraisal System (SPAS)**

9.10.1. Staff Performance Appraisal system (SPAS) is predicated 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, placement, rewards and sanctions.

9.10.2. In this regard, the Authority shall implement an annual Staff Performance Appraisal System for all employees.

#### **9.11. Objectives Staff Performance Appraisal System**

9.11.1. The main objective of undertaking staff performance appraisal is to measure and improve the performance of all staff with a view to improving overall performance of the Authority.

9.11.2. Objective of SPAS include;

- (i) Link individual performance with organization performance;
- (ii) Enable Appraiser and the Appraisee to continuously assess work progress;
- (iii) Assess the learning and development needs of employee on timely basis;
- (iv) Promote accountability in the Authority;
- (v) Promote communication and encourage continuous feedback between Appraisee and supervisor;
- (vi) Set the basis on which an employee's performance is monitored and evaluated as stipulated in the individual work plan;

- (vii) Align operational and financial performance targets with budgetary provisions;
- (viii) Improve the quality of work through better planning, ongoing discussions and fair participatory appraisal;
- (ix) 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;
- (x) Enhance motivation of employees for increased productivity; and
- (xi) Cultivate a lasting culture of performance to all Authority employees.

### **9.12. Scope of Application**

- 9.12.1. The SPAS shall apply to all categories of employees in the Authority.
- 9.12.2. Employees will set targets on the prescribed Staff Performance Appraisal form which will be agreed upon with their respective supervisors at the beginning of the appraisal period.
- 9.12.3. All newly employed officers will be required to agree on performance targets with their supervisor and complete the Staff Performance Appraisal forms within three (3) months of employment.
- 9.12.4. All promoted/redeployed officers will be required to agree on new performance targets with the supervisor and complete the Staff Performance Appraisal Forms within one (1) month of promotion/ redeployment.
- 9.12.5. The primary responsibility for implementing the SPAS rests with the Managing Director.

### **9.13. Appraisal Period**

- 9.13.1. The appraisal period will cover one (1) year starting from 1st July to 30th June of the following year (financial year). The Performance Appraisal reflects the summation of the year's performance including quarterly and mid-year reviews.

#### **9.14. Mid-Year Performance Review**

- 9.14.1. The main purpose of the mid-year Performance Review is to accord both the Supervisor and Appraisee the opportunity to jointly review the progress made by the Appraisee in accomplishing the assignments agreed on at the beginning of the Appraisal period.
- 9.14.2. The review which should be in the form of discussions, should 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.
- 9.14.3. Any changes, additions or removal of performance targets should 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.
- 9.14.4. The Supervisor should, after discussions with the Appraisee at the Mid-year Performance Review comment on the Appraisee's performance.
- 9.14.5. In the event that the Supervisor leaves the Department/Ministry, he/she will be required to appraise the performance of the Appraisee(s) on pro-rata basis.

#### **9.15. End of Year Appraisal Process**

- 9.15.1. The end of year appraisal shall take place at the end of the reporting period as follows:
  - (i) The Supervisor and appraisee are required to meet at the end of the year to discuss the overall performance for the whole appraisal period;
  - (ii) Prior to the meeting, the appraisee should prepare 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; and

(iii) After the meeting, an evaluation form shall be signed and dated by both the appraisee and Supervisor and forwarded to respective of functional head and to the Managing Director for endorsement.

9.15.2. In cases where the employee's performance is below acceptable standards, management shall put in place a programme to help the employee improve.

9.15.3. The responsibility to have the evaluations completed in time lies with both the appraiser and appraisee.

#### **9.16. Performance Rating Levels**

9.16.1. An employee's performance will be evaluated in accordance with the Authority's prevailing rating guidelines.

#### **9.17. Performance Management Committee (PMC)**

9.17.1. In exercising the delegated authority, the Managing Director shall constitute the Performance Management Committee (PMC).

9.17.2. The Committee shall be responsible for advising and making recommendations to the Managing Director on Performance Management matters including SPAS.

9.17.3. The Committee shall comprise of five (5) Members, one of whom shall not be below Grade ENNDA 2 to be appointed by the Managing Director as the chair and four (4) other members not below the Grade ENNDA 3.

9.17.4. The quorum of the Committee shall be three (3) Members and there shall be no alternate members. The committee shall meet on quarterly basis to consider the following: -

(i) Review the Agencies achievements on its targets as per the Corporate Performance Contract;

(ii) Review individual mid-year and end of year Staff Performance Appraisal reports; and

(iii) Recommend sanctions and rewards.

## **9.18. Rules of Conduct for the Performance Management Committee**

- 9.18.1. Members of the Performance Management Committee shall be expected to perform their duties with diligence, integrity, impartiality and confidentiality.
- 9.18.2. In the event that there is disagreement between the supervisor and an appraisee on assessment of performance, the Committee will moderate the scores based on verifiable performance indicators and make recommendation to the Managing Director.
- 9.18.3. Members of the Performance Management Committee will not discuss or make recommendations in respect of their own performance reports.
- 9.18.4. The Managing Director shall complete the Performance Appraisal reports for the members of the Committee and make appropriate recommendations to the relevant relevant technical committee of the board.
- 9.18.5. Members of the Performance Management Committee may also be eligible for the awards, provided that they excuse themselves from participating in any decision-making regarding any award for which they are being considered.

## **9.19. PMC Recommendations**

- 9.19.1. The Managing Director shall, on the recommendation of the Performance Management Committees, or the relevant technical committee of the board, reward excellent performance and apply the appropriate intervention in accordance with the existing Regulations.
- 9.19.2. The Supervisor may however, recommend other specific interventions depending on the insight gained during the appraisal.
- 9.19.3. The performance appraisal report shall form the basis for placement, promotion and mobility of staff within the Authority.

## **9.20. Appeals**

- 9.20.1. If an employee disagrees with an evaluation and cannot resolve the



disagreement with the supervisor, the employee may appeal to the Managing Director through the Head of Human Resources Division for another review of his performance.

- 9.20.2. The appeal shall be made in writing and submitted to the Head of Human Resources Division within ten (10) days of the initial performance appraisal meeting. The appeal shall be submitted to the PMC for consideration.

### **9.21. Rewards and Sanctions**

9.21.1. The Authority shall have an incentive scheme aimed at rewarding members of staff based on the value they are adding to the Company in relation to their performance, approved experience and professional skills or competence.

9.21.2. The overall goal of the Rewards and Sanctions is to establish a basis for rewarding exemplary performance and administering sanctions for poor performance, motivate employees to have positive attitude to work and to enhance productivity in the public service. This will also create linkages between institutional and individual performance.

9.21.3. The Managing Director will be responsible for the administration of the rewards and sanctions policy.

9.21.4. The Board will also handle cases of appeals after employees have exhausted all review mechanisms.

### **9.22. Types of Rewards and Sanctions**

9.22.1. The provision and types of rewards and sanctions shall be as set out in the Rewards and Sanctions policy of the Authority which may include.

### **9.23. Rewards**

9.23.1. The following are types of rewards in the Authority: -

- (i) Promotions;

- (ii) Bonus payment graduated as per individual score;
- (iii) Nomination for National Honours and Awards;
- (iv) Letters of commendation;
- (v) Distinguished long service awards;
- (vi) Gift vouchers;
- (vii) Roll of honour; and
- (viii) Employee of the year award.

#### **9.24. Sanctions**

9.24.1. The following sanctions may be applied to staff in the Authority in accordance with the SPAS guidelines:-

- (i) Placement on performance improvement plan to attain higher performance for "Good" performance;
- (ii) Placement on performance improvement plan, warning and separation for "Fair" performance; and
- (iii) Warning, separation and non-renewal of service or employment contract for "Poor" performance.

## **SECTION 10: TRAINING AND DEVELOPMENT**

### **10.1. Introduction**

- 10.1.1. The Authority recognizes the need for training and development of all employees. It shall therefore offer training opportunities to all its employees in order to improve their work performance and personal development.
- 10.1.2. The policy on training is to ensure continuous upgrading of core competencies, knowledge, skills and attitudes of employees including their ability to assimilate technology to enable them create and seize opportunities for career growth, social advancement, economic growth and development.
- 10.1.3. Training and development of employees will be directed towards the achievement of the following objectives:
- (i) Enhancement of the organizational performance by helping all employees to improve on their efficiency and effectiveness;
  - (ii) Assisting each employee to gain competences and skills in preparation for more responsibilities and to help each employee prepare for changes as the Authority develops to meet changing and emerging needs; and
  - (iii) Ensure availability of well-trained human resources to meet the Authority's future requirements.
- 10.1.4. All training must be based on identified training needs. All members of staff are eligible for at least five (5) days training in a year while newly recruited or transferred employees must be inducted within one (1) months from the date of the transfer or date of joining the Authority.
- 10.1.5. An employee who has been on training will be eligible for his normal annual leave only for the year he resumes duty in addition to the leave days officially carried forward before proceeding on training.
- 10.1.6. Supervisors will assess the impact of the training by employees during annual appraisal.

## **10.2. Training Needs Assessment**

- 10.2.1. Training in the Authority shall be based on Training Needs Assessment which shall be conducted every three (3) years.
- 10.2.2. All Heads of Departments shall prepare training projections based on Training Needs Assessment to guide the HRMAC in nominating employees for training.
- 10.2.3. Selection of trainees for all training programmes will be based on identified needs and emphasis shall be placed on training for performance improvement.

## **10.3. Course Approval**

- 10.3.1. The Managing Director will grant course approval to employees proceeding on authorized local training in accordance with government service regulations. Employees will be required to obtain course approvals before commencement of training.
- 10.3.2. Course approvals and coordination of foreign training will be undertaken by the Ministry responsible for public service through the parent ministry.

## **10.4. Progress Reports**

- 10.4.1. All members of staff shall provide official performance reports to the Head of HR by the end of each school term or by the end of the course whichever is earlier. The Authority shall not release the next installment (s) of training fees, in case of course sponsorship, unless such a report is satisfactory.
- 10.4.2. Training Evaluation shall be carried out at the end of the training.

## **10.5. In-House Training Programmes**

- 10.5.1. The Human Resource Department will design specific in-house training programmes 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.
- 10.5.2. In designing training programmes, the Head of Human Resources should ascertain the availability of: -
  - (i) Professionally qualified and experienced trainers;

- (ii) Training programmes that are cost-effective;
- (iii) An effective evaluation and feedback system to assess the impact of training on performance; and
- (iv) Selection of trainees for all training programmes will be based on identified training needs with emphasis on training for performance improvement that addresses national, organizational and individual goals.

## **10.6. Guiding Principles in Nomination for Courses**

- 10.6.1. Training is provided based on need, budget availability and strategic alignment.
- 10.6.2. Nomination for training opportunities should adhere to the following guiding principles:
  - (i) gender equity, transparency, meritocracy and other principles provided for in the Constitution and other government policies;
  - (ii) course relevance in addressing performance gaps;
  - (iii) cost effectiveness and availability of funds;
  - (iv) consistency with results of TNA, performance appraisal and the departmental training projections;
  - (v) training plan as communicated through the training projections from the departments as the basis of course nomination by the HRMAC;
  - (vi) Must have completed at least two (2) years of service after first appointment and the minimum prescribed period since completion of the previous course – six (6) months for short courses and two (2) years for long courses; and
  - (vii) Approval to train in foreign based institutions will be granted only in instances where the course applied for is not available in any local institution. Exceptions will be granted where the course is funded by a foreign institution of learning, development partner or where, in

the case of a short programme, attendance of the programme would be of immense strategic benefit to the Authority.

#### **10.7. Sponsorship for Education and Professional Training**

- 10.7.1. Subject to availability of funds, the Authority will endeavor to assist its employees acquire additional qualifications relevant to their jobs through sponsorship for various courses and programmes.
- 10.7.2. The Authority shall undertake Training Needs Assessment and prepare annual training plans for all its employees. Availability of funds and prioritization of the courses will be a key consideration. The Training Needs Assessment will be aligned to the Performance Management System.

#### **10.8. Conditions for Sponsorship**

- 10.8.1. Only permanent employees and those on long-term contracts shall qualify for training sponsorship by the Authority.
- 10.8.2. The Authority will sponsor staff for only courses approved by the HRMAC.
- 10.8.3. Newly appointed officers shall complete at least (2) years before being considered for a long course. They may, however, attend induction, seminars and conferences as approved by the Managing Director.
- 10.8.4. Subject to availability of funds, the Authority shall endeavor to have all its employees acquire requisite knowledge, skills and competence relevant to their jobs.
- 10.8.5. The Authority shall not sponsor staff for first degree courses and second master degree programs. Employees are expected to have met the minimum job requirements at the time of appointment.
- 10.8.6. Staff sponsored by the Authority may be required to share the cost of training at such a ration as may be determined by the HRMAC.
- 10.8.7. Sponsorship of an employee for training, where approved, shall not exceed two (2) years.

#### **10.9. Expenses to be met by the employee**

- 10.9.1. An employee will be responsible for meeting the following expenditure in connection with the course:

- (i) The full cost of his own subsistence during both term time and vacation, whether this takes the form of a fee for a residence at an institution or payment of board and lodging outside the institution;
- (ii) Fares for daily journey between his lodging and place of study;
- (iii) The purchase of all outfit and clothing required for the course;
- (iv) Subsistence when travelling; and
- (v) All other personal commitments including subscriptions (voluntary or compulsory), laundry, recreation, entertainment, etc.

#### **10.10. Expenses to be met by the Authority**

10.10.1. In addition to the payment of salary and allowances, the following items of expenditure will be met by the Authority:

- (i) Pre-departure medical examination, passport, visa, vacation and inoculation fees;
- (ii) All course fees (other than residence fee or other charges for board and lodging) including registration, admission, tuition, examination, project/ dissertation, thesis, laboratory and similar fees – if the same are not met by the sponsor;
- (iii) All transport and travelling necessary in connection with an employee's training (other than the daily commuting between lodgings and an employee's normal place or places of study) at second-class rates;
- (iv) Local transport and traveling to and from the airport of departure and arrival in Kenya at the rates already set.
- (v) Economy class passage to and from the county in which the course is held; and
- (vi) Medical insurance contribution, where applicable.

#### **10.11. Mentorship Programme**

10.11.1. Whenever possible, new employees will be assigned mentors who will

provide them with guidance and ensure that they are properly integrated into the service.

#### **10.11.1 Training Levy**

- 10.11.2. An employee selected to attend a local or external course lasting more than four (4) weeks will be deducted 10% for local and 20% for foreign courses respectively from his basic salary for the full duration of the course. The amount recovered will be treated as the employee's contribution towards the cost of training.
- 10.11.3. The training levy will be paid to the Authority regardless of whether the course is sponsored by the Government of Kenya or by Development Partners through bi-lateral arrangements.

#### **10.12 Management and Co-ordination of Training**

- 10.12.1 The HRMAC will manage and coordinate employee training. This Committee shall be responsible for the following with regard to training;
- (i) Consideration and approval of the Authority's training plans and staff development strategies;
  - (ii) Consideration of training projections and analysis of training needs as well as setting up a hierarchy or priorities within the overall training projections;
  - (iii) Assessment of availability of training resources and their optimum utilization;
  - (iv) Identification and selection of suitable employees for various training programs; and
  - (v) Apportionment of the training funds.
- 10.12.2 The Committee shall hold their meetings on quarterly basis and at least four times in a year. The main meeting shall be in the first quarter of the financial year which shall be the planning meeting. It is this meeting that the annual training allocations shall be done.



## **10.13 Conditions Applicable to Employees on Training**

10.13.1 The following conditions are applicable to employees on training:

- (i) An employee attending a course will be deemed to be on duty and all regulations pertaining to his employment will be applicable.
- (ii) Provided that his study reports and conduct are satisfactory, an employee will be considered for promotion as and when suitable vacancies occur subject to competition and/or the provisions of the respective Career Progression Guidelines.
- (iii) An employee traveling to attend a course will be deemed to be on duty and will be reimbursed any traveling and subsistence expenses incurred.
- (iv) An allowance to purchase books, training instruments and apparatus, among others, shall be provided to an employee in accordance with the prevailing Government regulations.
- (v) An employee will be eligible for house allowance and medical cover during period of approved training.

## **10.14 Provision for Annual Leave**

10.14.1 The following provisions on leave shall apply to officers on training:

- (i) Attendance of a course which has no provision for vacations will count as if an employee will be on duty for the purpose of his eligibility for leave.
- (ii) An employee undertaking fulltime course of study at an academic institution will normally be granted the student's vacation, but may be required to resume duty during vacation provided he is entitled to a minimum of one (1) months' vacation in a year. Such an employee will not be eligible for any additional leave in respect of the period of the course. He will however, be eligible for any days carried forward before proceeding on training.
- (iii) An employee attending a course outside the country shall be eligible for his normal annual leave due only for the year he returns to the country.

- (iv) The employee shall resume duty immediately upon the completion of the course or the expiry of the period of training.

### **10.15 Training Reports**

- 10.15.1 All employees sponsored for training will be required to prepare a report on the training attended. Special attention should be given as to how the skills acquired can be shared with other employees in order to maximize the impact of the training.
- 10.15.2 The Human Resource Department shall maintain reports on all training undertaken.

### **10.16 Self-Sponsored Courses**

Employees undertaking part-time self-sponsored courses will be exempted from paying 10% training levy.

- 10.16.1 In cases where an employee had proceeded on a self-sponsored course approved by the Managing Director and while attending the course the employee manages to secure funding from the Authority, he will be required to pay 10% training levy for the specific duration of the sponsorship. However, sponsorship will not cover any outstanding fees prior to the scholarship.
- 10.16.2 An employee attending an approved course which has an examinable component may be granted days off to sit for main examination. Such a request shall be accompanied by an official time table issued by the examining body or institution.

### **10.17 Reimbursement of Training and Examination Fees**

- 10.17.1 An employee who on his own initiative and at his own time undertakes and passes a professional course relevant for his career growth and which is administered by a recognized training institution, will be eligible for reimbursement of 50% of the amount spent on tuition and examinations provided: -

- (i) The course is relevant to his career progression;
- (ii) The course is recommended by the Human Resource Advisory Committee and approved by the Managing Director;
- (iii) The course is not an undergraduate degree;

- (iv) The employee has not been sponsored for the same course before; and
- (v) The employee avails the original certificate for the course and a training report.

### **10.18 Refund of Training Expenses**

10.18.1 An employee on training may be called upon to refund any sum of money expended on him in case of the following: -

- (i) If through own acts of omission or commission, unacceptable conduct and general indiscipline, the employee displays unsatisfactory progress and is consequently discontinued from the course.
- (ii) If he fails to resume duty at the expiry of the course without reasonable excuse.

### **10.19 Conference, Workshops and Seminars**

10.19.1 Employees attending conferences, seminars, workshops and study tours, whether locally or abroad, usually of up to four (4) weeks duration, shall be regarded as traveling on duty and shall receive appropriate allowances in accordance with prevailing government guidelines.

10.19.2 Workshops which are meant to review, develop and produce reports should be treated as retreats and should be for a maximum duration of ten (10) days.

10.19.3 The duration of workshops and conferences should not exceed three weeks. Any workshop and conference beyond three (3) weeks will be considered as a course and will be subjected to the stipulated provisions for courses.

### **10.20 Training Bond**

10.20.1 The Authority shall bond serving employees proceeding on approved courses of training locally or abroad lasting six (6) months and above to enable the Authority benefit adequately from its investment in training.

10.20.2 An employee, who attends a training lasting more than six (6) months, will be required to enter into a formal agreement binding him to serve the Authority.

10.20.3 The period of the bond will be determined by the duration of the course as follows:

<b>Course Duration</b>	<b>Bond Period</b>
6 months - 1 year	1 year
Above 1 - 2 years	2 years
Above 2 - 3 years	3 years
Above 3 years	As per the duration of the course but should not exceed 5 years

10.20.4 The amount of bond for employees sponsored for full-time courses will be the total cost of the training plus the gross salary for the period, less 10% and 20% recovered as training levy for those attending courses locally and abroad respectively.

10.20.5 In case of default the bondee and /or surety will be required to redeem the bond amount in full or on pro-rata basis.

10.20.6 Details on the administration and implementation of the training bond shall be guided by government policy on bonding issued from time to time.

### **10.21 Monitoring and Evaluation**

10.21.1 The Authority will carry out a cost benefit analysis to determine benefits accruing from its investments of time and money in the training and development of its employees. This is in order to assess achievement and improve future effectiveness. Information on training and development will be reviewed annually. The review will include consideration of: -

- (i) Average training and development investment per employee;
- (ii) Cash investment in training and development as a percentage of employee cost; and
- (iii) Training and development hours per person per annum.

### **10.22 Training Projection**

10.22.1 It will be the responsibility of the Manager responsible for Human Resource to prepare the annual training projections and budget. The annual training budget and training projection will be prepared in consultation with all the Heads of Departments.

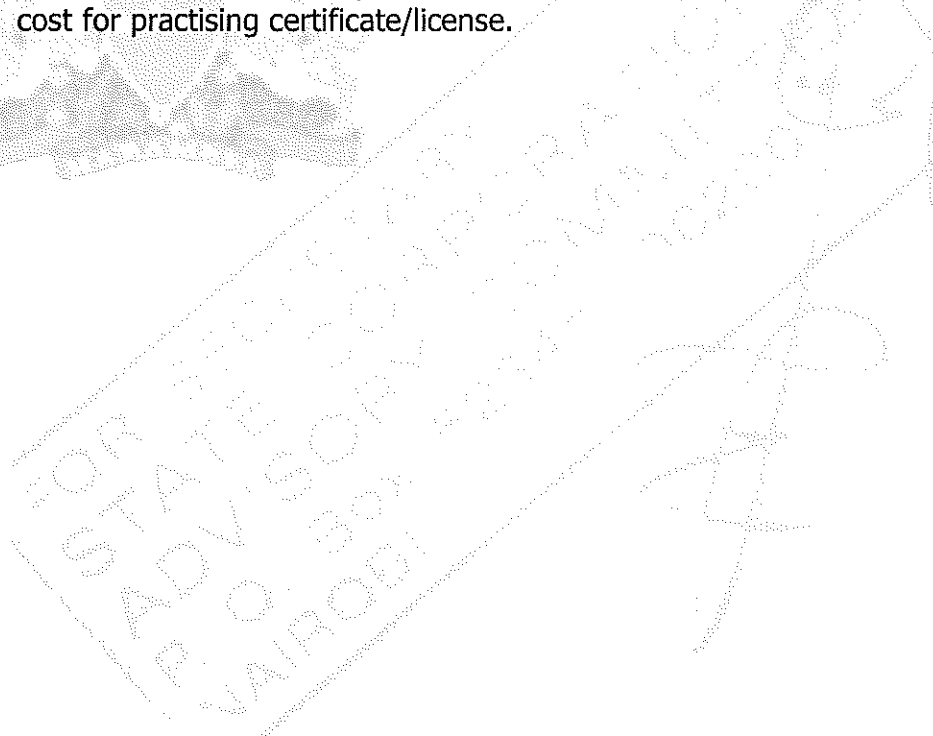
### **10.23 Skills Inventory**

10.23.1 The Authority will develop, update and maintain a skills inventory for all employees for purposes of identifying the available competencies and the required skills in order to plan for training or recruitment to address the identified gaps and for succession management.

### **10.24 Subscription to Professional Bodies**

10.24.1 The Authority will support employees to become members of relevant and approved professional associations.

10.24.2 The employee will meet the cost of registration and the initial subscription. Thereafter, the Authority will meet the subsequent subscriptions and the cost for practising certificate/license.



## **SECTION 11: INTERNSHIP AND ATTACHMENT**

### **11.11 Introduction**

11.11.1 Internship is a planned and structured programme that provides work experience for a specific period of time. It is directed at young people who have completed their college/university studies and are unemployed.

### **11.12 Declaration and Application for Internship Opportunities**

11.12.1 All internship opportunities in the Authority shall be declared to the Board or the relevant Government body.

11.12.2 The declared internship vacancies in the Authority shall be guided by the available opportunities and the budgetary allocation.

11.12.3 Once internship opportunities have been advertised, prospective interns shall apply for the positions.

### **11.13 Eligibility**

11.13.1 The persons eligible for the programme shall:

- (i) Be unemployed Kenyan graduates from recognized training institutions who have completed their degree/diploma courses and have not been exposed to work experience related to their area of study;
- (ii) Be graduates of degree and diploma programmes;
- (iii) Not have retired or exited from formal employment; and
- (iv) Not have benefited from a similar programme.

### **11.14 Duration**

11.14.1 The internship period shall be for a maximum period of one (1) year or the duration prescribed by the Government from time to time.

### **11.15 Advertisement of internship vacancies**

11.15.1 The advertisement for internship vacancies shall include areas of specialization, number of interns required, duration of internship and deadline for application.

11.15.2 The Head of Human Resources will provide guidance on job posting and competency standards/requirements.

11.15.3 The HRMAC will coordinate the interview and placement of interns; and

### **11.16 Selection Criteria**

11.16.1 Selection of interns shall be done through a competitive process and it shall be guided by the following:

- (i) Merit and discipline;
- (ii) Gender consideration;
- (iii) Ethnic representation;
- (iv) Disability status; and
- (v) Minority and marginalized.

11.16.2 Once selected the intern shall sign an internship agreement with the Authority.

### **11.17 Security Vetting**

11.17.1 To ensure confidentiality of Government information and safety of equipment, the intern will be subjected to Government vetting and sign a prescribed security declaration form. In this regard, the intern shall be required to:

- (i) Acquire a valid Police Clearance Certificate;
- (ii) provide general personal information;
- (iii) Submit a copy of National Identity Card (ID) or copy of Passport and a copy of PIN certificate;
- (iv) Two (2) coloured passport size photographs; and
- (v) Sign for tools/equipment issued to them.

### **11.18 Placement**

11.18.1 The Head of Human Resources shall be responsible for posting of interns to

specific departments and units.

11.18.2 Placement shall be done in accordance with the area of specialization.

### **11.19 Responsibility of the Authority**

- (i) Pay the prescribed stipend to interns in accordance with prevailing Government guidelines;
- (ii) Make budgetary provisions for the stipends and subsistence allowance every financial year;
- (iii) Appoint supervisors and trainers/mentors for the interns;
- (iv) Ensure that interns are properly engaged in relevant work assignments;
- (v) Monitor and evaluate the progress of internship programmes;
- (vi) Report to the Board and any other relevant Government body on annual basis, on internship programmes undertaken by the Authority and any challenges experienced; and
- (vii) Issue a letter of completion of internship to interns upon successful completion of the programme.

### **11.20 Responsibility of the Intern**

- (i) Abide by rules, regulations and code of conduct of the Authority;
- (ii) Demonstrate commitment and willingness to fully and actively participate in the learning experiences of the internship programme;
- (iii) Be ready to be deployed to any relevant office/work station in the Authority;
- (iv) Make effort to acquire relevant skills in the area of specialization;
- (v) Complete assignments given by the mentor and/or supervisor;
- (vi) Complete the internship programme as per guidelines provided by the Government from time to time;



- (vii) Provide regular feedback to the line manager through the supervisor on the progress he/she is making and any challenges thereto with regard to the internship programme;
- (viii) Observe confidentiality of information and security of tools/equipment that are placed in their possession in the course of the programme;
- (ix) Hand over all materials and equipment/tools belonging to the Authority at the end of the internship period;
- (x) Submit a copy of the report on internship experience to the Managing Director; and
- (xi) Clear with relevant authorities before leaving the internship station.

#### **11.21 Payment of Stipend to Interns**

11.21.1 Internship shall be non-remunerative. However, interns will be paid a stipend as may be determined by the Government from time to time.

#### **11.22 Leave**

11.22.1 An intern shall:

- (i) Earn 1.25 days per month, translating to 15 working days per annum;
- (ii) Be eligible to benefit from accrued leave days after 3 months of continuous internship; and
- (iii) Be granted up to 30 days' paid sick leave. Any period of sick leave beyond 30 days shall not be considered for the stipend; and be granted a compassionate leave of up to 5 working days.

#### **11.23 Subsistence Allowance**

11.23.1 Subsistence allowance when out of station at the rates determined by the Government from time to time.

#### **11.24 Training**

11.24.1 The Authority shall organize an induction programme for all newly engaged

interns. In addition, line managers shall develop a structured training programme to ensure exposure to different functional areas of the department/unit.

- 11.24.2 Every endeavor shall be made to ensure that the internship programme offers experiential learning activities and hands-on learning experience for the interns, including participation in seminars and workshops.

### **11.25 Protective Clothing/Working Tools**

- 11.25.1 The Authority shall provide interns with relevant working tools/equipment and protective gear where applicable.

### **11.26 Insurance**

- 11.26.1 Interns shall be required to have a valid personal accident insurance cover at the time of engagement to cover the period of internship.

### **11.27 Medical Cover**

- 11.27.1 Interns shall be required to have a valid medical insurance cover from a reputable medical insurance firm for the duration of the internship.

### **11.28 Supervision**

- 11.28.1 The Supervisors shall monitor the performance of interns. Each intern shall be assigned a supervisor and or a mentor to set targets, assign working tools, oversee the day to day work performance, and appraise him/her within the existing performance management framework and/or assessment guidelines as issued by the Government from time to time.

### **11.29 Discontinuation/Termination of Internship**

- 11.29.1 An intern may be discontinued from a programme on any of the following grounds: -
- (i) Absence without permission or reasonable cause for a period exceeding 24 hours;
  - (ii) Reports under the influence of alcohol;
  - (iii) Performance is not satisfactory and not in line with Authority ethos;
  - (iv) Involvement in fighting;

- (v) Charged in a court of law with a criminal offence;
- (vi) Willfully destroys the property of the Authority;
- (vii) If at any time the Authority sustains a loss that is attributable to the neglect or fault of the intern; and
- (viii) Refuses to obey lawful instructions.

### **11.30 Discipline**

11.30.1 In case of gross misconduct, the services of an intern shall be terminated without notice.

11.30.2 Upon termination, an intern shall not be entitled to the stipend.

11.30.3 In case of a charge for a criminal offence, an intern shall be discontinued from the internship programme.

### **11.31 An intern may terminate the contract by:**

- (i) submitting a written letter of resignation/termination of the contract to the Managing Director through the supervisor by giving a one month's notice; or
- (ii) giving a two weeks' notice before taking up employment offered to him/her before the expiry of the agreed internship period.

11.31.1 The Authority reserves the right to terminate a contract with an intern at any point during the specified period. Notice for the termination of the contract will be as per the requirements set out in the contract.

### **11.32 Completion of Internship Programme**

11.32.1 Upon completion of internship an intern shall be:

- (i) Required to present a report/paper to the Managing Director; and
- (ii) Provided with a letter of completion of internship by the Managing Director.

### **11.33 Intern's Liability and Loss of Property**

- 11.33.1 Any loss occasioned by an intern shall be promptly reported to the Managing Director with recommendations to withhold the intern's stipend and letter of completion of internship.
- 11.33.2 At the end of the programme, or upon termination of internship, an shall be required to clear with the Authority and issued with a Clearance Certificate.

### **11.34 Post Internship Gains**

- 11.34.1 The experience gained during internship may be considered as an added advantage while seeking formal employment in the Authority.
- 11.34.2 The Authority shall not be under any obligation to employ the interns on completion of the internship programme. Interns, alongside other applicants, will compete for any vacancies declared for filling by the Authority.

### **11.35 Attachment**

- 11.35.1 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.
- 11.35.2 The Authority will support industrial attachment by providing opportunities to students in tertiary and higher education institutions.
- 11.35.3 A student on seeking attachment will be required to provide the following;
- (i) An introduction letter;
  - (ii) Certificate of Good Conduct; and
  - (iii) Proof of medical insurance cover.
- 11.35.4 Attachment will be undertaken during the course and the duration will be for a maximum period of three (3) months.
- 11.35.5 The attachment shall be in line with the values and principles of public service and the existing labour laws.
- 11.35.6 The Authority shall not pay any stipend to the attachee.



FOR SECRETARY  
STATE CORPORATION  
ADVISORY COMMITTEE  
P.O. BOX 7154  
NAIROBI

## SECTION 12: CODE OF CONDUCT

## **12.11 Introduction**

- 12.11.1 This Section contains general rules of conduct to be observed by officers so as to maintain integrity and uphold the dignity of the public office to which he has been appointed. Every officer occupies a special position in the Authority and should ensure that his conduct both in public and in private life does not bring the Authority into disrepute.
- 12.11.2 In addition, an Employee is required to comply with the provisions of Chapter Six of the Constitution on Leadership and Integrity and Articles 10 and 232 of the Constitution; Leadership and Integrity Act, 2012; Public Officer Ethics Act, 2003; Anti-corruption and Economic Crimes Act, 2003; Labour Relations Act, 2007 and the Employment Act, 2007.
- 12.11.3 Employees are required to adhere to their respective professional codes of conduct. It is imperative that an employee adheres to these rules of conduct, and such other rules which may be promulgated from time to time.
- 12.11.4 All employees shall be required to sign the code of conduct upon employment and they will be bound by any amendments to the code of conduct that shall be made from time to time.

## **12.12 Office Hours**

- 12.12.1 The official hours for the Authority are as follows:

**Monday to Thursday:**

8.00 am to 1.00 pm

2.00 pm to 5.00 pm

**Friday:**

8.00 am to 1.00 pm

2.00 pm to 4.30 pm

- 12.12.2 Though the general office hours will be as stated herein, HoDs will not be restricted to utilize employees outside these hours, when there is any cause requiring their services either earlier or later, as long as the employees put in a maximum of 40 hours per week.
- 12.12.3 For the effective running of the Authority, employees should observe punctuality and regular work attendance. In case an employee is not in a position to report to work or delays, the head of the respective department

should be notified before, as close to the regular starting time as possible. This should not be later than 12.00pm after which the employee will be considered absent.

### **12.13 Official Office Attire**

12.13.1 The employees of the Authority are expected to dress in formal and acceptable office attire between Mondays and Thursdays.

12.13.2 Dress-down policy: staff members are free to dress down on Fridays. It should, however, be noted that the free manner of dressing should also be acceptable and decent.

### **12.14 Core Values, Guiding Values, Principles & Requirements**

12.14.1 The employees of the Authority shall be guided by the national values and principles of governance in Article 10 of the Constitution; provisions of Chapter 6 of the Constitution on Leadership and Integrity; Part II of the Leadership and Integrity Act, 2012, the Public Officers Ethics Act, 2003 revised in 2009, Public Service Commission Act, 2017, as well as The Public Service (Values and Principles) Act, 2015.

12.14.2 The employees of the Authority shall aspire to uphold the national values and principles of governance being;

- (i) Patriotism, national unity, the rule of law, democracy and participation of the people;
- (ii) Human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized;
- (iii) Good governance, integrity, transparency and accountability; and
- (iv) Sustainable development.

### **12.15 Rule of Law**

12.15.1 All employees shall carry out their duties in accordance with the law. In carrying their duties, an employee of the Authority shall not violate the rights and freedoms of any person under Part V of the Constitution.

### **12.16 Conflict of Interest**

12.16.1 An employee shall declare to the Managing Director his/her personal interest

(including the interest of a spouse, relative or business associate); where such interests are likely to interfere with official duties or affect personal judgment on official matters. According to the provisions of the Public Officer Ethics Act, 2003, an employee shall:

- (i) Use his best efforts to avoid being in a position in which his personal interests conflict with his official duties;
- (ii) Not hold shares; corporate, partnership or of another body or through another person that would result to conflict of interest;
- (iii) Declare personal interests to the Managing Director and comply with any directions to avoid the conflict and also refrain from participating in any deliberations where such interest would conflict official duties;
- (iv) Not award a contract or influence the award of such a contract to himself, spouse, close relative, business associate, or a corporation, partnership or other body in which the employee has an interest;
- (v) Not use his office to improperly enrich himself or another person;
- (vi) Not participate in any other gainful employment while serving full time at the authority;
- (vii) Not use or allow use of information acquired through his office that is not public, for his own or other peoples' benefit; and
- (viii) shall not be engaged by or act for a person or entity in a matter in which the employee was originally engaged in authority, for at least two years after leaving the Authority.

12.16.2 Any employee whose personal interests are potentially or actually in conflict with those of his duties shall declare the personal interests to his superior or the Managing Director in writing.

12.16.3 Other situations which constitute a conflict of interest; -

- (i) Soliciting for any help, funds, favours, gifts and sponsorship from persons or institutions associated with the Authority or using the name of the Authority without the knowledge and approval of the Board.

### **12.17 Improper Enrichment or Receiving of Gifts**

12.17.1 Authority employees shall not accept gifts, benefits or favors from a client where these may influence or may be seen to influence his decisions. Gifts



exceeding a threshold of Kshs. 20,000.00 should not be accepted. Gifts in cash should not be accepted under any circumstance.

12.17.2 An Authority employee(s) shall not use their office to improperly enrich themselves or others. In this regard, an Authority employee shall not accept or request gifts or favours from a person who:-

- (i) has an interest that may be affected by the carrying out, or not carrying out, of the employee's duties;
- (ii) Carries on regulated activities with respect to which the Authority has a role; or
- (iii) has a contractual or similar relationship with the Authority;
- (iv) Improperly uses their office to acquire properties for themselves or another person, whether or not the properties are paid for; or
- (v) For their personal benefit or another, use or allow the use of information that is acquired in connection with the employee's duties and that is not public.

12.17.3 Employees are prohibited from receiving valuable presents (other than gifts from personal friends and relatives) and/or other benefits and from giving such presents. This applies for example to Christmas presents or such kind of gifts.

12.17.4 This section applies not only to the employee himself, but also to his family. It is not intended to apply to cases of remuneration for special services rendered and paid for with the consent of the Board.

12.17.5 Presents from public personages which cannot be refused without being offensive will be handed over to the Authority unless prior permission has been obtained from the Managing Director for the employee to retain the present.

12.17.6 When presents are exchanged between employees acting on behalf of the Managing Director in ceremonial occasions with other organizations or their representatives, the presents received will be handed over to the Authority and any present in return will be given at the Authority's expense.

## **12.18 Collections and Harambees**

- 12.18.1 Authority employees shall not preside over a Harambee, play a central role in its organization or play the role of "guest of honour", nor participate in a Harambee in such a way as to reflect adversely on their integrity or impartiality or to interfere with the performance of their official duties.

## **12.19 Declaration of Income, Assets & Liabilities**

- 12.19.1 Every employee shall on first appointment and after every two years thereafter submit a declaration of income, assets and liabilities of himself, spouse(s) and dependent children less than eighteen (18) years to the Public Service Commission in accordance with the Public Officer Ethics Act, 2003. The appropriate form will be supplied as required.

## **12.20 Undue influence**

- 12.20.1 Employees are warned that the practice of seeking the influence of Politicians or other persons in order to be considered for promotion or other favours is viewed with disapproval. Any such attempt to obtain such favours is considered irregular and will not be of advantage to the employee and on the other hand, may actually be detrimental to the employee's interests.

## **12.21 Professionalism and Integrity**

- 12.21.1 All employees shall: -

- (i) Carry out their duties in a manner that treats the public and the fellow employees with courtesy and respect;
- (ii) Seek to improve the standards of performance and level of professionalism in the Authority;
- (iii) Observe the ethical and professional requirements of a professional body of which they are members;
- (iv) Maintain an appropriate standard of dress and personal hygiene; and
- (v) Avoid practices that could lead an individual vulnerable to financial embarrassment.

## **12.22 Confidentiality and the Official Secrets Act, Cap 187**

12.22.1 An employee must not disclose any information concerning the affairs of the Authority or its employees, or show or release any official document to any person not connected with the Authority, or even insiders, unless he is required to do so in the course of his duties, or such disclosure as is authorized by the Managing Director. Individual invitations to give technical advice or present papers should be channeled through the Managing Director.

12.22.2 An employee must not without permission make use of any official document which comes into his possession by virtue of his employment the subject of legal proceedings.

## **12.23 Rule of Law**

12.23.1 Employees shall carry out their duties in accordance with the law. In carrying out one's duty, an employee shall not violate the rights and freedoms of any person as provided for in the Constitution.

## **12.24 Respect and Courtesy**

12.24.1 All employees will be expected to portray utmost respect for one another, irrespective of seniority or personal status.

## **12.25 Discrimination**

12.25.1 The Authority is opposed to all forms of discrimination. Discrimination of any sort will be reported to the Managing Director so that the matter can be investigated and appropriate action taken. Any reported incidences of alleged discrimination will be treated in utmost confidence.

## **12.26 Confidentiality and Trust**

12.26.1 While in the course of their duties, employees will be exposed to confidential information. In such cases, they will be expected to uphold strict standards in regard to confidentiality of information.

12.26.2 Disciplinary action will be taken against any employee proven to have divulged confidential information without the permission of the Authority.

## **12.27 Care of Assets**

12.27.1 Employees are expected to ensure that assets entrusted to them are adequately protected and not misused or misappropriated.

## **12.28 Media Interviews & Interactions with the Media**

12.28.1 An employee shall not, under any circumstances, communicate with the media either in writing or otherwise, or make statements on matters affecting the Authority's programs or policies without specific authority from the Managing Director.

12.28.2 An employee, whether on duty or on leave, shall not do the following without the permission of the Managing Director: -

- (i) Act as the editor of any newspaper or take part directly or indirectly in the management thereof;
- (ii) Publish in any manner anything which may be reasonably regarded as of a political or administrative nature, whether under his own name, under a pseudonym or anonymously; and
- (iii) Allow himself to be interviewed on questions of public policy or on matters affecting the Authority without the permission of the Managing Director.

12.28.3 While it is not desired to interfere with the liberty of free speech, any lack of discretion on the part of an employee in expressing an opinion that may embarrass the Authority, may result in disciplinary action being taken against him.

12.28.4 An employee may however, publish matters relating to other subjects.

## **12.29 Conduct of Private Affairs**

12.29.1 No employee may undertake any private commission in any matter connected with the exercise of his public duties. No employee shall in any manner that may be detrimental to the security interests of the Authority and Kenya at large, be an agent for or further the interests of a foreign Government, organization or individual.

12.29.2 An employee shall conduct private affairs in a manner that maintains public

integrity of the employee; pay taxes due from him within the prescribed period and not neglect their financial or legal obligations.

### **12.30 Political Views**

12.30.1 Though an employee as a Kenyan is entitled to his own political views on political matters, he shall ensure that his utterances do not implicate or compromise the Authority and the government at large.

12.30.2 An employee shall not, in connection with the performance of his duties, do the following:

- (i) Act as an agent for a political party or so as to further the interest of the party; or
- (ii) Indicate support for or opposition to any political party or candidate in an election; or
- (iii) Engage in political activity that may compromise or be seen to compromise the political neutrality of his office; or
- (iv) Use his political stand to intimidate others perceived to be of a different view.

### **12.31 Trading**

12.31.1 Trading on official premises is strictly forbidden except where official permission has been received.

12.31.2 Away from official premises no employee may act as an agent for the sale of any articles or merchandise whilst on duty or in uniform.

### **12.32 Borrowing and Lending Money**

12.32.1 An employee is strictly forbidden:

- (i) To become an agent for a moneylender;

- (ii) To borrow money from the Authority's stakeholders or members of staff of any Company doing business with the Authority, with whom his official duties bring him into contact; and
- (iii) To accept premiums from other staff of the Authority as consideration for instructing them on how to perform their duties.

### **12.33 Harassment and Bullying**

12.33.1 Harassment is generalized as insulting and degrading behavior or statements, which could be verbal, physical, deliberate, unsolicited and unwelcome.

12.33.2 Harassment in any form is prohibited. Examples of harassment include: -

- (i) Verbal harassment in the form of derogatory comments or slurs.
- (ii) Unwelcome sexual advances, requests for sexual favours and other verbal or physical conduct of a sexual nature.
- (iii) Physical harassment in the form of assault, impeding or blocking movement, any physical interference with normal work or movement.
- (iv) Visual harassment through derogatory posters or drawings.
- (v) Making a request or exerting pressure for sexual activity or favours
- (vi) Making intentional or careless physical contact that is sexual in nature; and
- (vii) Making gestures, noise, jokes or comments including innuendos regarding another person's sexuality.

12.33.3 If an employee encounters such behaviour from anyone, including supervisors, fellow employees or other external parties, he should report the incident immediately to the supervisor or to the Manager, Human Resources.

12.33.4 If the harassment is from the Manager, Human Resources or from the Managing Director, an employee will be at liberty to report the incident directly to a member of the Board or to the Chairperson.

### **12.34 Nepotism**

12.34.1 An employee shall not practice undue favouritism to their relations and close relatives at the expense of the service.

### **12.35 Acting through others**

- 12.35.1 An Employee contravenes the code if he causes anything to be done through another person that would constitute a contravention of the code if done by the employee, or allows or directs a person under their supervision or control to do anything that is in contravention of the code.
- 12.35.2 Contravention shall not apply where anything is done without the employee's knowledge or consent or if the employee has taken reasonable steps to prevent it.
- 12.35.3 An Employee who acts under unlawful direction shall be responsible for his action.

### **12.36 Absence from Duty**

- 12.36.1 An employee shall not absent himself from duty during working hours, leave his appointed place of work or proceed to a place other than which he is usually employed, without due permission of his immediate supervisor.
- 12.36.2 An employee who absents himself from duty due to ill health shall be required to produce within forty-eight (48) hours a medical certificate signed by a certified Medical Officer. If such a certificate is not forthcoming, the employee will be regarded as having been absent from duty without leave and may be liable to disciplinary action, which may include summary dismissal, with loss of all benefits.
- 12.36.3 Where an Employee is absent from duty without leave or reasonable or lawful cause for a period exceeding Forty-Eight (48) hours, and is not traced within a period of seven (7) days from the commencement of such absence, the employee's salary shall be stopped and action to dismiss the employee initiated.
- 12.36.4 An employee who, without leave or reasonable cause, absents himself from duty for more than seven (7) days shall be regarded as having vacated his office and is liable to summary dismissal.

### **12.37 Pecuniary Embarrassment**

- 12.37.1 Pecuniary embarrassment from whatever cause will be regarded as impairing the efficiency of the employee and may render him liable to disciplinary action.
- 12.37.2 Employees who may be in financial difficulty will be given assistance to extricate themselves from their problems. However, there is a limit beyond which an employee may be assisted and it may be necessary to terminate the services of anyone who is persistently in financial difficulties to the extent that he either becomes a risk to the Authority or is unable to carry out his duties effectively.

### **12.38 Defense of Employees in Criminal and Civil Suits**

- 12.38.1 When criminal or civil proceedings are instituted against an Employee as a result of an act of omission by him in the course of his official duties, he may apply to the Managing Director for assistance in his defense. If the latter is satisfied that the employee acted in good faith in the execution of his official duties and that it is in the public interest that the employee should be defended, the Managing Director shall immediately report the matter to the Attorney General, who will decide whether or not the employee should be defended.
- 12.38.2 Unless the proper procedure is followed, the Attorney General may decline to provide support to the employee. It is further emphasized that speed is of essence in reporting such cases to the Attorney General.

### **12.39 Civil Proceedings by Employees for Defamation**

Where an Employee 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 Government is also defamed by implication, and may, therefore, agree to give legal aid to the employee. Where such a case occurs, the employee may apply for legal aid through the Managing Director to the Attorney General. Legal aid will not be granted unless:

- (i) The Government has a substantial interest in seeing that the defamatory statement is repudiated;

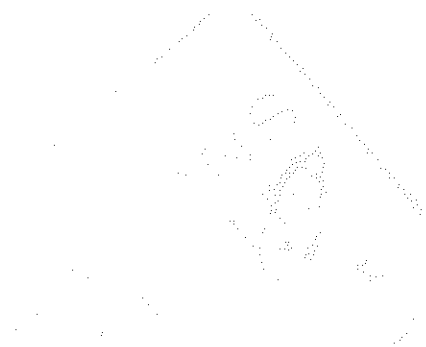
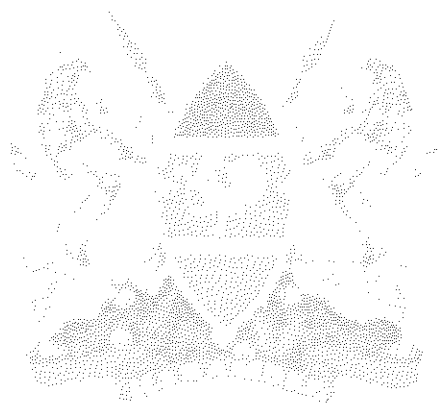


- (ii) There is, in the opinion of the Attorney General, a good prospect of success in the action; and
- (iii) The consent of the Attorney General shall be obtained before proceedings are commenced.



ATTORNEY GENERAL  
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## **SECTION 13: HANDLING OF GRIEVANCES**

### **13.1 Introduction**

- 13.1.1 The Authority is committed to ensuring fair treatment of all employees when dealing with grievances with a view to addressing concerns in the best manner possible. The grievances may include but not limited to; management deficiency, recruitment, promotion, conditions of service, unfair treatment of staff, sexual harassment and concerns about possible improprieties in financial reporting in internal control.
- 13.1.2 In handling grievances, the Authority shall be guided by the following principles:
- (i) Fairness in regard to treatment and hearing
  - (ii) Right of appeal
  - (iii) Right to channel grievances
  - (iv) Confidentiality
  - (v) Prompt action
  - (vi) Involvement of all parties

### **13.2 Grievance procedure**

- 13.2.1 Where an employee has an individual problem or grievance not being a matter of discipline, he should in the first instance approach his immediate supervisor with a view to solving it.
- 13.2.2 The immediate supervisor shall carefully consider any submission made to him and endeavor to settle the matter or refer the case to the Head of Department for appropriate action.
- 13.2.3 If the employee is not satisfied with the proposed decision, he may appeal to the Managing Director through the Head of Department.
- 13.2.4 It is emphasized that employees should desist from presenting their individual problems or grievances to colleagues, other members of staff or members of the public not in a position to solve them.
- 13.2.5 In handling Appeals arising from grievances or the grievances dropped in a suggestion box, the employee responsible for the suggestion box shall record the details of the grievances in a grievance recording form and forward to the Managing Director.

13.2.6 The Managing Director, after considering the nature of the grievance, shall:

- (i) Directly deal with the matter; or
- (ii) Channel to the HRMAC to conduct further investigations on the complaint and submit a report within a specified period.

13.2.7 Upon receipt of the investigation report, the Managing Director shall prepare a written response to the aggrieved employee giving the reason for the decision.

13.2.8 Where an offence has been found to have occurred, the necessary disciplinary procedure shall be instituted against the concerned party.

13.2.9 Where the aggrieved party is dissatisfied with the decision made, he/she shall be accorded the right to appeal to the Board.

### **13.3 Negotiation, Conciliation and Mediation**

13.3.1 The Board may on its own initiative or on request made by any person undertake or facilitate negotiation, conciliation, mediation and arbitration of any issue relating to its statutory functions and encourage the parties to arrive at an amicable decision that may be just in the circumstances of the case.

13.3.2 The Board in carrying out negotiation, conciliation, mediation and arbitration under this paragraph shall accord every party involved an opportunity to make a representation of their case.

## **SECTION 14: DISCIPLINARY CONTROL**

### **14.11 Introduction**

- 14.11.1 Disciplinary procedures shall be used as a corrective measure to foster improvement of individual conduct. It is expected that no punishment shall be inflicted on an officer if it would be contrary to any provision of the law.
- 14.11.2 The objective of disciplinary control is to create motivated and dedicated staffs which uphold the rules of conduct and work ethics for optimal service delivery.
- 14.11.3 Disciplinary cases shall be dealt with expeditiously, efficiently, lawfully and in a procedurally fair manner taking into account constitutional and legislative provisions and other regulations governing disciplinary control in the public service. In particular, attention should be accorded to existing labour laws and the Fair Administrative Action Act when handling disciplinary cases.
- 14.11.4 The general rules of conduct and discipline contained in this Manual are to be observed by all employees. All employees shall demonstrate loyalty and uphold the dignity of the public office to which they are appointed.
- 14.11.5 Failure to adhere to these rules will lead to disciplinary action.

### **14.2. Cooperation and Obedience**

- 14.12.1 Every employee shall cooperate with his/her supervisor in the execution of duties for which they are charged and shall render prompt obedience to persons placed in the Authority over him/her in discharging such duties.

### **14.3. Disciplinary Powers**

- 14.13.1 The power to exercise disciplinary control and removal of employees in the Authority are vested in the Board.
- 14.13.2 The Board shall delegate the following disciplinary powers to the Managing Director to manage disciplinary cases as and when they arise;
- (i) Interdiction of any officers in the Authority;

- (ii) Suspension of any officer in the Authority;
- (iii) Reprimand (including severe reprimand) of any officer;
- (iv) 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;
- (v) Withholding, deferment and stoppage of salary increment; and
- (vi) Dismissal and reduction in rank in respect of officers in Grades ENNDA 4 to 11.

14.13.3 Disciplinary matters for employees in Grades ENNDA 1 to ENNDA 3 shall fall under the purview of the Board.

14.13.4 Disciplinary matters for employees in Grades ENNDA 4 to ENNDA 11 shall be delegated to the Managing Director on recommendation of HRMAC.

#### **14.4 Guiding Principles**

14.14.1 The Authority shall be guided by the following principles in handling disciplinary matters:

- (i) The rules of natural justice:
- (ii) Procedural fairness, where an Employee must be allowed adequate opportunity to prepare and present his/her case;
- (iii) The deciding authority must be unbiased when hearing and making decisions;
- (iv) Decisions must be based upon logical proof or evidential material;
- (v) Fair administrative action which is expeditious, efficient, lawful, reasonable and procedurally fair;
- (vi) Every employee to whom disciplinary action is taken has a right to: Written reasons for any disciplinary action that is taken against him; Prior and adequate notice of the nature and reasons for the intended disciplinary action;

- (vii) An opportunity to be heard and to make representations in that regard;
- (viii) An opportunity to attend proceedings in person or in the company of an expert of his choice, cross examine persons who give adverse evidence against him and request for adjournment of proceedings where necessary;
- (ix) Notice of the right to legal representation, where applicable;
- (x) Notice of a right to an appeal or review against a disciplinary decision; and
- (xi) Information, materials and evidence to be relied upon in making a decision or taking a disciplinary action.

#### **14.5. Institutional Framework**

14.15.1 The institutional framework for handling disciplinary cases in respect of all employees in the Authority is as follows: -

##### **14.15.2 Head of Departments**

- (i) It is the responsibility of each Head of Department to maintain the discipline of his/her immediate employee and, ensure that they observe rules and reasonable instructions.
- (ii) Heads of Departments must be strict about unsatisfactory behaviour and unacceptable standards of work, but must at the same time ensure that any disciplinary action is justified and fairly administered.
- (iii) Heads of Departments shall report the misconduct to the Head of Directorate responsible for human resource matters.

##### **14.15.3 Head of Human Resources**

- (i) The role of the Head of Human Resources is to provide advice on the employee's previous history, where known, to give guidance on precedent and to ensure, as far as possible, that disciplinary measures are applied consistently and fairly throughout the Authority.
- (ii) Other responsibilities include: -

- a.) He/she is the Secretary to the HRMAC and provides technical advice;
  - b.) Analyzes the misconduct and commences the disciplinary action by issuing a show cause letter.
  - c.) Summarizes the cases upon receipt of the employee' representations, if any, and submits the case to the HRMAC.
- i. Implement the decisions of the Board/Managing Director as the case may be.

#### **14.15.4 HRMAC**

The HRMAC shall deliberate and advise the Managing Director on appropriate action against errant employees. Specifically, it shall: -

- (i) Hear charges brought against any employee;
- (ii) Summon and hear any witnesses or consider any documents produced as evidence;
  - a) Summon the employee charged to attend before it, to give his/her defense in relation to the charges made against him/her.
  - b) Appoint an investigation committee where applicable.
  - c) Consider and determine, after conclusion of the hearing, whether or not each charge has been proved;
  - d) Recommend any penalties;
  - e) Hear and consider pleas in mitigation;
  - f) Review appeals from disciplinary measures taken against an employee.

#### **14.15.5 Managing Director**

- a) Considers recommendations of the HRMAC and makes decisions.
- b) He/she also forwards cases with comments and recommendations to the Board for decision where applicable.
- c) Communicate decisions to affected employees as applicable.



### **14.15.6 Board of Directors**

- a) Considers the recommendations of the Managing Director and make decisions related to powers which are not delegated.
- b) Hear and determine appeals and applications for review.
- c) Communicate decisions to the Managing Director for implementation.

### **14.16 General Provisions**

14.16.1 The following shall be observed while processing discipline cases:

- (i) Disciplinary cases shall be processed through the HRMAC.
- (ii) If criminal proceedings are instituted against an employee or where an employee has been acquitted of a criminal charge in a court of law, the Managing Director shall not be prevented from dismissing him or otherwise punishing him on any other charge arising out of his conduct in the matter.
- (iii) Where an employee has been charged with desertion of duty, the letter shall be addressed to his/her last known address by registered mail.
- (iv) There should be proper framing of charges with full particulars of the case including the applicable provision of the Constitution, legislation or code of conduct alleged to have been breached.
- (v) The officer should be notified in writing, be given the particulars of the misconduct as preferred and reasonable opportunity to respond to the allegations.
- (vi) Thorough investigation of an alleged offence shall be undertaken before any disciplinary action is taken.
- (vii) Application of other interventions in resolving discipline cases such as counseling and dispute resolution mechanisms should be applied
- (viii) Disciplinary cases shall be dealt with promptly and finalized within a period of three (3) months unless there are clear circumstances that inhibit this.

## **14.17 Procedure to be followed for Minor Offences**

14.17.1 Counselling should be the first step in a disciplinary procedure. An employee who has committed a minor disciplinary case should be counselled. The supervisor should discuss the matter with the employee and advise him/her to reform.

14.17.2 Alternative discipline interventions in the Authority can take many forms such as counseling, guidance, training or dispute resolution.

### **14.17.3 Verbal and Written Warning**

(i) In the event of initial instance(s) of minor offences committed by an employee, his/her supervisor will issue a verbal warning. The verbal warning should be in form of structured discussion which may entail counseling. The employee should be informed of the alleged offence and what is likely to befall him or her in case the offence(s) is repeated in future. A copy of the record for such a warning indicating that there was a meeting between the supervisor and the officer should be kept by the supervisor.

(ii) In the event the employee repeatedly commits the minor offences irrespective of verbal warning(s), a first written warning should be given by his or her supervisor. The warning letter should state the exact nature of offence(s) and indicate future disciplinary action which will be taken against the officer if the offence is repeated. The employee shall be required to signify in writing that he/she has read and understood the contents of the letter;

(iii) A second written warning shall be given to an employee who having committed a minor offence earlier, shall repeat a similar offence during the period when a first warning shall still be in force; The warning shall be deemed invalid after six (6) months from the date given.

(iv) A third written and final warning shall be issued when the officer commits the same or another offence of similar severity, during the period when a second warning shall still be in force ( six months);

14.17.4 If the offence is repeated or no satisfactory improvement in performance or behaviour is observed or should the employee commit an offence of similar severity even after receiving the third and final warning letter, the

supervisor shall treat the case as a serious offence and refer it to the Head of Human Resources for employees in Grades ENNDA 5 to ENNDA 11 or for employees in Grades ENNDA 2 to ENNDA 4, the supervisor shall refer the matter to the Managing Director for further disciplinary action.

#### **14.18 Offences under Gross Misconduct**

14.18.1 Serious offences that amount to Gross Misconduct and which may lead to summary dismissal are, but not limited to the following:

- (i) Negligence of duty including absence from work without lawful cause
- (ii) Intoxication during working hours;
- (iii) Using abusive or insulting language or behaving in a manner likely to cause a breach of peace;
- (iv) Insubordination;
- (v) Criminal conviction;
- (vi) Incarceration for more than fourteen (14) days following arrest for cognizable offence;
- (vii) Willful destruction of Government property;
- (viii) Theft by Authority's employee;
- (ix) Unauthorized use or disclosure of confidential information;
- (x) Falsification of information, records or references on appointment;
- (xi) Acceptance of any bribe, secret profit or unauthorized commission;
- (xii) Repeated minor offences with three written warnings.

#### **14.19 Disciplinary Procedure**

14.19.1 Upon receipt of a report on a serious offence or repeat offence(s) the Managing Director or Head of the Human Resources as appropriate shall conduct preliminary investigation and take prompt initial administrative action including;

- (i) Issue a Show Cause Letter
- (ii) Stoppage of salary (for absence beyond ten days);
- (iii) Interdiction or;
- (iv) Suspension of the officer pending investigations.

## **14.20 Interdiction**

- 14.20.1 An employee may be interdicted to allow investigations to be conducted in a case where proceedings may lead to his dismissal.
- 14.20.2 An employee who is interdicted shall be eligible for half (1/2) of his/her basic salary with full house allowance and medical benefits.
- 14.20.3 An employee on interdiction should report to his supervisor at agreed intervals.
- 14.20.4 Where disciplinary or criminal proceedings have been taken or instituted against an employee under interdiction and such an employee is neither dismissed nor otherwise punished under these regulations, any salary withheld shall be restored to him upon the termination of such proceedings
- 14.20.5 With effect from the date the salary was stopped.

## **14.21 Suspension**

- 14.21.1 An employee may be suspended from duty under the following circumstances:
- (i) When disciplinary proceedings have been instituted against the employee as a result of which, the Managing Director considers that the employee ought to be dismissed;
  - (ii) When an employee has been charged before a court of law for 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 in the opinion of the Managing Director constitutes gross misconduct.
- 14.21.2 Where an employee is suspended from the exercise of the functions of his public office, he/she shall be eligible for half (1/2) of his/her basic salary with full house allowance and medical benefits.
- 14.21.3 An employee on suspension will be required to report to his supervisor at agreed intervals, if necessary.

14.21.4 Where disciplinary or criminal proceedings have been taken or instituted against an employee under suspension and such an employee 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.

#### **14.22 Show Cause Letter**

14.22.1 The formal disciplinary procedure shall start with a "show cause" letter. The employee shall be informed in writing of the nature of the complaint or allegation. The employee shall be required to submit his/her response within seven (7) days;

14.22.2 Where an employee deserts duty or his/her whereabouts are unknown, the show cause letter shall be addressed to the employee's last known contact address by registered mail and a copy emailed to his/her email shall be given at least twenty one (21) days to respond;

14.22.3 Where the Managing Director or Head of Human Resources as appropriate is satisfied with the response, the matter shall be deemed to be closed and the same shall be communicated to the employee through his/her supervisor; and

14.22.4 Where the Managing Director or Head of Human Resources as appropriate is not satisfied with the response, an investigation into the matter shall commence.

#### **14.23 Investigations and Hearing**

14.23.1 The Managing Director on recommendation of HRMAC shall constitute a committee consisting of not less than three (3) senior employees to the accused to investigate the offence and make a report on the findings and evidences to be presented to the HRMAC.

14.23.2 Where the members are more than three (3), the membership shall consist of an odd number.

14.23.3 In investigating an alleged misconduct, the investigation committee shall:

- (i) Establish and record the issues for investigation;
- (ii) Give every party involved especially the affected officer a chance to produce relevant documents, call and examine witnesses, and, peruse documents produced against him;
- (iii) Record all relevant material oral and documentary evidence;
- (iv) Record details of any matter which may aggravate or mitigate the case;
- (v) Sum up the case and record their comments so as to clearly show their findings and opinion on the issues under investigation in view of the evidence on record.

14.23.4 The Committee may, after having arrived at a finding adverse to the employee, record both mitigating and aggravating factors of the case.

14.23.5 The report of the investigation shall be submitted to the Managing Director Board as appropriate and shall contain:

- (i) Evidence collected by the committee, including any statements by witnesses;
- (ii) Analysis of the evidence and statements;
- (iii) A statement on whether the charges against the employee have been proved; and
- (iv) Details on any matter that may affect the gravity of the case, if any.

14.23.6 The report shall not contain any recommendation on the form of punishment to be inflicted on the accused employee.

14.23.7 The investigation report shall be submitted to the Managing Director who shall refer the case to HRMAC.

14.23.8 HRMAC shall ensure the accused employee is given a fair hearing before the decision or recommendation is made including allowing the employee personal representation during hearings in which the accused should be allowed to present any witnesses.

- 14.23.9 The disciplinary hearing shall be conducted expeditiously, efficiently, lawfully, reasonably and in a procedurally fair manner in accordance with article 47 of the Constitution and the Fair Administrative Action Act No 4 of 2015.
- 14.23.10 HRMAC shall supply to the employee facing the disciplinary action, the entire report and evidence prior to a hearing
- 14.23.11 After considering the facts and evidence of the case presented the HRMAC shall make its recommendation to the Managing Director.
- 14.23.12 The Managing Director shall make decision on employees in Grades ENNDA 4 to ENNDA 11.
- 14.23.13 The Managing Director shall refer cases of officers in Grades 2 to 3 to the Board for decision.

#### **14.24 Communication of Decisions**

- 14.24.1 The Managing Director shall communicate promptly to the accused employee on the disciplinary decision or other recommendation from the reasons necessitating the decision.
- 14.24.2 The employee should be informed of his right to appeal or apply for a review within the stipulated time lines.

#### **14.25 Appeals and Application for Review**

- 14.25.1 An employee in Grades ENNDA 4 to ENNDA 11 who is dissatisfied by a decision made by the Managing Director may appeal in writing to the Board through the Managing Director within a period of thirty (30) days from the date of the letter conveying such decision, provided that the Board may consider an appeal that is made out of time if, in the opinion of the Board, the circumstances warrant such consideration.
- 14.25.2 An employee in Grades ENNDA 1 to ENNDA 3 who is dissatisfied by a decision made by the Board may appeal in writing to the Public Service Commission within a period of thirty (30) days from the date of the letter conveying such decision.
- 14.25.3 Decisions on appeals shall be promptly conveyed and the employee informed of the right of application for review;
- 14.25.4 An employee dissatisfied with the decision on his/her appeal may apply for a review.
- 14.25.5 All applications for review shall be in writing and made within a period of

six (6) months from the date of the letter conveying the decision;

- 14.25.6 Applications for review of disciplinary decision for employees in Grades ENNDA 1 to ENNDA 3 shall be made to the Public Service Commission.
- 14.25.7 Application for review for employees in Grades ENNDA 4 to ENNDA 11 shall be made to the Board.
- 14.25.8 While forwarding his/her appeal or application for review, an employee may submit an advance copy to the Board of Directors;
- 14.25.9 An appeal shall be accompanied by copies of all material evidence or documents that the appellant wishes to rely on;

#### **14.26 Forms of Disciplinary Measures**

- 14.26.1 One or more of the following forms of disciplinary measures shall be taken against an employee found to have committed an offence amounting to Gross Misconduct;
  - (i) Recovery of the cost or part of the cost for any loss or breakage caused by default or negligence;
  - (ii) Reprimand;
  - (iii) Deferment of increment in salary;
  - (iv) Deferment of a promotion for a period not exceeding twelve months;
  - (v) Reduction in rank or seniority, and
  - (vi) Dismissal/ termination of contract.
- 14.26.2 If criminal proceedings are instituted against an employee or where an employee has been acquitted of a criminal charge in a court of law, the Managing Director shall not be prevented from dismissing him or otherwise punishing him on any other charge arising out of his conduct in the matter.



#### **14.27 Absence from Duty Without Leave or Reasonable or Lawful Cause**

- 14.27.1 A supervisor shall report promptly to the Managing Director the absence of any employee who is absent for more than twenty four (24) hours without leave or reasonable or lawful cause.
- 14.27.2 Where an employee is absent from duty without leave or reasonable or lawful cause for a period exceeding twenty four (24) hours, and is not traced within a period of ten (10) days from the commencement of such absence, the salary shall be stopped and action to dismiss the employee initiated by the Managing Director.
- 14.27.3 The employee shall be addressed a 'show cause' letter through his last known address by registered post.
- 14.27.4 If the employee does not resume duty or respond to the 'show cause' letter within a period of twenty-one (21) days from the date of the 'show cause letter', the Managing Director shall initiate investigation into the circumstances of the absence and thereafter refer the case to the Board or the HRMAC as appropriate for summary dismissal proceedings.
- 14.27.5 When an employee has been absent from duty without permission and subsequently resumes duty, he shall not be eligible for payment of salary for the period of absence and any amount erroneously paid to him shall be recovered from his salary. Further appropriate disciplinary action may be taken as per the provisions of this Manual.
- 14.27.6 In cases of delay of stoppage of salary and an employee is subsequently dismissed on account of desertion, the erroneous payment shall be recovered from the employee who occasioned the payment.

#### **14.28 Absence from Duty on Grounds of Illness**

- 14.28.1 An employee who is absent from duty on grounds of illness shall produce proof of sickness/sick leave certified by a registered medical practitioner on resumption of duty. The employee shall also make every effort to notify the office of his sickness.

14.28.2 Should the employee fail to produce a medical certificate or to give satisfactory explanation for the absence, he shall be considered to have been absent without permission and his case shall be dealt with in accordance with the relevant disciplinary provisions.

**14.29 Legal Proceedings by and Against Employees Arising out of Official Duties**

14.29.1 Where a criminal prosecution or civil suit is instituted against an employee in the course of performing duties, the employee may write to seek for legal representation from the Authority immediately he/her is arrested or served with court summons.

14.29.2 Where the Managing Director is satisfied that the employee acted in good faith in the execution of his official duties and that it is in the interest of the Authority that the employee should be defended, the Managing Director may consider meeting expenses incidental to the case from the Authority's funds.

14.29.3 The Authority may hire an advocate to defend the employee in the case. Where any fine, cost of the suit or compensation is ruled by the Court, the Authority may meet the expenses.

## **SECTION 15: EMPLOYEE SEPARATION**

### **15.1 Introduction**

- 15.1.1** The Authority recognizes that from time to time, and for various reasons, employees will leave its employment and that it is important to provide for a smooth and fair separation process.
- 15.1.2** This policy is to provide a process for discharging employees who leave the Authority by:
- (i) Ensuring equitable and consistent application of the policy to all employees.
  - (ii) Ensuring balance between support for individual in transition and interests of the Authority.
  - (iii) Ensuring compliance with applicable laws.
  - (iv) Ensure benefits due are discharged within the required timelines.
- 15.1.3** Except in the case of death, only formal written communication from either employee or the Authority will constitute intention to separate.
- 15.1.4** All employees leaving the services of the Authority will be required to complete a clearance form, an exit interview form and the prescribed declaration of wealth form, the official secret acts form, KRA & HELB clearance and submit the same to the Head of Human Resource Management.
- 15.1.5** Prior to the last day of service, the employee will be expected to clear and handover to the immediate supervisor.
- 15.1.6** The Head of HR&A in liaison with Head ICT will ensure that all applicable information communication & technology system authorizations, access control are deactivated, internal and external financial authorizations, demobilized access to Authority safes is withdrawn (where applicable) with effect from the last working day.
- 15.1.7** Upon termination of an employee's services from the Authority, the immediate supervisor will ensure that the employee has surrendered the following among others: -
- a.) Medical card, employee identity card and any other official card(s) in their possession.

- b.) Office and desk keys and other keys in their possession.
- c.) Tools, equipment, user manual, including CD's & DVDs if any.
- d.) Laptops, mobile phones, modems, and any other portable communication devices.
- e.) Safe codes and transaction codes if any.
- f.) Settle any outstanding Authority debts

**15.1.8** The Authority will issue a certificate of service to all employees leaving the services of the Authority upon complete clearance.

**15.1.9** Benefits including pension contributions under the Retirement Benefits Scheme will be paid in accordance with this Manual, the Trust Deed and Rules and provisions of Retirement Benefits Act.

**15.1.10** In all cases of separation (except death), the Managing Director shall always ensure that exit interviews are conducted.

## **15.2 Forms of Exit**

**15.2.1** There are various forms of exiting from the employment. These could be occasioned by any of the following: -

- a.) Retirement
- b.) Resignation
- c.) Termination of employment
- d.) Expiry of contract
- e.) Dismissal
- f.) Death
- g.) Redundancy/abolition of office

## **15.3 Retirement**

**15.3.1** An employee may retire on the following grounds: -

- a.) On attainment of mandatory sixty (60) year;
- b.) Retirement under '50 year rule';
- c.) Medical grounds;
- d.) Re-organization and abolition of office; and
- e.) Retirement in public interest.

**15.3.2** In all cases of separation (except death), it be shall require that exit interviews are conducted.

## **15.4 Resignation**

- 15.4.1** Employees may resign voluntarily from service by giving at least one (1) month notice or paying equivalent one-month basic salary in lieu of notice. Any employee wishing to resign should submit his intention to resign in writing indicating the effective date of resignation to the Managing Director. Resignation is subject to acceptance. Employees whose resignation has been accepted as explained above will be entitled to benefits, accrued leave, and pension/gratuity as may be applicable;
- 15.4.2** Any employee who resigns will cease to belong to the Authority's medical insurance scheme with effect from the date of resignation;
- 15.4.3** On resignation, an employee will be required to refund all outstanding monies/liabilities owed to the Authority. Any amount due to the employee may be withheld and applied towards any sums due to him;
- 15.4.4** The Authority shall not accept a resignation if the resignation is aimed at avoiding anticipated or ongoing disciplinary case;
- 15.4.5** Where an Employee resigns from the Authority, the employee shall be entitled to benefits in accordance with the:
- a) Terms and conditions applicable or contained in the contract of service;
  - b) Provisions of the relevant law or regulations governing payment of respect of the Managing Director.

## **15.5 Termination of Contract**

- a) The Board reserves terminal benefits;
  - b) The Managing Director will accept or decline resignation in writing for all other employees while the Board will accept/decline resignation in the right to terminate the contract of an employee for various causes including, but not limited to neglect of duty, misappropriation of assets or poor performance, at any time before the expiry of the contract period.
- 15.5.1** An employee whose contract shall be terminated shall be paid service gratuity in accordance with the terms of the employment contract.

## **15.6 Death**

- 15.6.1** The termination of a deceased employee's employment will be effective from the date of death. Accrued benefits will be paid to the deceased legal representative.

## **15.7 Retirement**

The retirement age shall be fifty (50) years. Employees at this age can opt to retire with full benefits without assigning any reason.

### **15.7.1 Mandatory Retirement Age**

The mandatory retirement age shall be sixty (60) years; however, persons living with disabilities will retire on attainment of sixty five (65) years. The mandatory retirement age shall be guided by prevailing government guidelines as may be issued from time to time.

### **15.7.2 Retirement on Medical Grounds**

- a. Where it has been brought to the Managing Director's attention that an Employee is unfit for continued service due to ill-health, the employee may be considered for retirement on medical grounds in terms of clause (b) below.
- b. Where it is necessary to convene a Medical Board to determine an Employee's fitness for further service or otherwise, the Managing Director shall refer the case to the Director of Medical Services.
- c. The Director of Medical Services shall forward a report to the Authority within a period of one (1) month after appearance of the Employee before the medical board.
- d. Retirement on medical grounds will be ratified by the Board.

### **15.7.3 Retirement on Abolition/Re-organization of Office**

An employee may be retired either on the abolition of the office he holds or upon the re-organization of the office for efficiency in service delivery. Such action shall be approved by the Government.

**15.7.4 Death in Services**

**15.7.5** Upon the death of an employee, Administrator of the Estate of the deceased will be paid death benefits.

**15.8 Clearance Certificate**

**15.8.1** Prior to the payment of final dues all employees will be required to obtain a clearance certificate confirming that they have returned all assets to the Authority and cleared all outstanding liabilities.

**15.9 Certificate of Service**

**15.9.1** At the request of an employee exiting service, a Certificate of Service will be issued.

**15.10 Indemnity Certificate**

**15.10.1** On processing of terminal benefits, the employee leaving the employment will be required to sign an Indemnity Certificate confirming that he has received his final dues and that there are no outstanding obligations on the part of the Authority.

**15.11 Exit Interviews**

**15.11.1** Where an employee resigns from the Authority voluntarily, a panel of at least three (3) senior employees shall conduct an exit interview. The employee may request a senior staff member to attend or replace a member of the appointed to undertake the interview. An exit questionnaire will be issued to all staff leaving the employment of the Authority

**15.11.2** The purpose of the exit interview is to seek information from the employee as to their experience of employment with the Authority and to identify areas for improvement.

**15.11.3** The results of the interview shall be documented and kept in the Staff Exit Interviews file for reference by the Authority.

## **15.12 Retirement Benefits Scheme**

- 15.12.1** The Authority in liaison with the relevant Government agencies charged with regulation of Pension Schemes shall establish or allow employees to join a contributory pension Scheme for employees on permanent terms. The employee and the employer shall make contributions to the pension scheme in accordance with the provisions of the approved Trust Deed and Rules (TDR) and as may be amended from time to time.
- 15.12.2** The main purpose of the scheme is to provide for the payment of pensions and other related benefits to members upon attaining retirement age and relief for dependants of deceased members as specified in the Trust Deed and Rules.
- 15.12.3** The scheme shall be managed independently by trustees appointed by the Sponsor and elected by members as per the TDR. The assets of the Scheme shall consist of all contributions paid to the Trustees by the sponsor and the members and any other sums received by the Trustees for the purposes of the Scheme.
- 15.12.4** The Pension Scheme shall be subject to prevailing legislation governing the operations of Pension Schemes or as amended from time to time.

## **15.13 Payment of Service Gratuity**

- 15.13.1** Employees appointed on contract terms will be eligible for service gratuity at the prevailing rates of their annual basic salary upon the expiry of their contract term. Service gratuity will be payable on pro-rata basis where the contract is terminated before the full period.



## **SECTION 16: HEALTH AND SAFETY**

### **16.1 Introduction**

16.1.1 The Authority will recognize and commit itself to the achievement of the highest standards of health and safety in the workplace, and the elimination or minimization of health and safety hazards and risks that may affect its employees. In this regard, it will implement policies and programmes that assure their protection from such hazards and disasters. The policies and programmes will be implemented in compliance with the provisions of Occupational Safety and Health Act, 2007 and other Labour Laws.

### **16.2 Guidelines to General Safety**

16.2.1 The Authority will maintain healthy and safe working conditions to ensure there is no personal injury caused by accidents.

16.2.2 Employees will always consider safety to themselves and others when performing their duties. They will not compromise on quality, cause injury, ill health, loss or environmental damage at all times.

### **16.3 Emergency Preparedness**

16.3.1 The Authority will put in place adequate plans for foreseeable incidents such as accidents, explosions, fires, floods and bomb threats, prepare and outline procedures to be followed in such events.

16.3.2 Heads of Departments will have a responsibility of ensuring that all employees and visitors are informed of and are fully conversant with the emergency procedures.

### **16.4 Fire Precautions**

16.4.1 The Authority will ensure that fire protection facilities provided in the various stations are adequate and maintained as advised by Fire employees and Occupational Safety and Health employees.

16.4.2 The Authority will enforce all necessary fire precaution measures.

### **16.5 Fire Prevention**

16.5.1 No hazardous or highly inflammable materials should be stored in stations without the approval of the Managing Director.

16.5.2 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.

16.5.3 The Authority will ensure that: -

- (i) Health and Safety Committees are formed in all premises used by employees;
- (ii) The Committee members and all employees are trained; and
- (iii) Firefighting drills are conducted in all premises used by employees in accordance with the requirement of the Occupational Safety and Health Act, 2007.

## **16.6 Notification of Fires**

16.6.1 All fires, however small, must be reported to the Principal Fire employee or other Government agencies such as Police or any Administrative employee within a period of twenty four (24) hours. The premises so affected by fire must be guarded and no evidence should be interfered with until investigations are over.

16.6.2 It is the responsibility of whoever detects a fire to initiate alarm, inform the Police and fire brigade and try to control the fire during its initial stages.

16.6.3 All Stations must be fitted with fire detectors, alarms, water storage tanks and pumps dedicated to fire fighting only and separate from the normal water supply.

## **16.7 Compensation to Employees in case of Injury or Death**

16.7.1 The Authority shall undertake to provide the following insurance covers for its employees:

- (i) Group Life Assurance, to include WIBA.
- (ii) Group Personal Accident;
- (iii) Travel insurance; and
- (iv) Benevolent/Last Expense

16.7.2 The Authority will procure an insurance scheme to cover all employees against accidents which may occur anytime, anywhere whether on duty or not.

16.7.3 These insurances shall not in any way affect any personal insurance policy that an individual employee may have taken out for himself.

## **16.8 Reporting of Accident and Occupational Diseases**

16.8.1 Immediately the supervisor is informed of an accident or an occupational disease resulting in death or injury to an employee under whom he is directly deployed, he should make a claim for compensation in accordance with the procedure set out below:-

- (i) In case of an accident resulting in the injury or death of an employee, Part I of the Occupational Safety and Health Services, Accident Notification form (Form DOSH 1) should be completed in triplicate.
- (ii) The forms should then be dispatched to the Occupational Safety and Health employee of the region in which the accident occurred and for non-fatal accident to the Medical Practitioner who is attending to the injured employee.
- (iii) The detailed procedures are contained in the relevant forms which are obtainable from the Director of Occupational Safety and Health Services in the State Department responsible for Labour.

16.8.2 Where the Director of Occupational Safety and Health Services finds anomalies or that the percentage given in the medical report is not in conformity with the provisions of the Work Injury Benefits Act, 2007 (WIBA), he will decline to process the compensation. The Director will inform the Managing Director of that decision giving reasons as to why he has taken the decision and if the employee qualifies for compensation, he will advise on the action that should be taken to enable the employee's compensation to be processed.

16.8.3 The Managing Director may either request the Director of Medical Services to convene a Medical Board for reassessment of the Board's liability to pay compensation or may request the Director of Occupational Safety and Health Services to appoint a medical panel for reassessment on the employee's diagnosis or injury.

## **16.9 Approval and Distribution of Compensation**

16.9.1 If it is considered by the Director of Occupational Safety and Health Services that the Authority is liable to pay compensation, he will send a demand note to the Managing Director indicating the amount of money to be paid to the

injured or sick employee, or the dependent(s) of a deceased employee.

16.9.2 The payment of the money due for compensation to the injured or deceased employee shall be made within ninety (90) days of lodging of the claim.

16.9.3 The injured employee or the dependent(s) of deceased employee will sign a certificate of acknowledgement of payment and complete agreement form in triplicate.

16.9.4 Copies of such certificate and of the appropriate agreement form should then be distributed as follows: -

- a) One copy to be handed to the employee or, in case of fatal accident, to the dependant(s);
- b) One copy to be returned to the Managing Director; and
- c) The other copy to be retained by the Director of Occupational Safety and Health Services.

#### **16.10 Recourse to Court**

16.10.1 Where the employee or the Managing Director is not satisfied with the amount of compensation computed by the Director of Occupational Safety and Health Services they may raise an objection to the said Director.

16.10.2 In case the employee or the Managing Director is not satisfied with the decision of the Director of Occupational Safety and Health Services in response to the objection raised, the aggrieved party may appeal to the Industrial court.

#### **16.11 Compensation Payable during Sick Leave under WIBA**

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

#### **16.12 Source of Funds**

16.12.1 The Managing Director will also budget for funds to pay Work Injury Benefits to the injured employees in compliance with Section 26(4) of the Work Injury Benefits Act, 2007.

### **16.13 Risk Assessment**

16.13.1 There shall be formed a Safety Committee with representatives from all Departments, Divisions, Sections and Units under the Chairmanship of a person appointed by the Managing Director. This Committee will periodically carry out risk assessment of all Stations with the purpose of identifying hazards, analyzing the risk attached to them and initiate preventive action.

### **16.14 Accidents on Duty**

16.14.1 5.5.1 An accident on duty is an accident where the employee suffers personal injury: In the actual discharge of his duty; without his own default and/or on account of circumstances specially attributed to the nature of his duty.

16.14.2 In the event that the employee is unable to make the report of the injury or if fatally injured the Supervising Employee should make the report in writing to the HoD of HR&A department as soon as he learns of the same injury.

16.14.3 Upon receiving the report of the injury in respect to the employee, the Authority shall lodge a claim with the Authority's appointed insurance broker or underwriter, as the case may be, with a view of seeking compensation for the said employee.

16.14.4 Any claim for benefits should be submitted/reported to the Insurance Company immediately or as per the terms of the policy.

16.14.5 If an employee sustains an injury in the execution of his duty and the injury is not due to his negligence or misconduct, the Authority, May at its discretion, authorize that the cost of any special treatment, medical comforts and appliances be borne by the Authority. Application for financial assistance under this regulation should be forwarded to the Human Resources Department.

16.14.6 If the request is approved, the Authority shall bear the whole cost of such treatment and will in turn claim the maximum amount allowed under the Group Personal Accident (GPA) Insurance Underwriters.

## **16.15 Insurance Policies**

16.15.1 The Authority shall undertake to provide, inter alia, the following insurance covers for its permanent and pensionable employees:

- (i) Group Life Assurance, to include WIBA.
- (ii) Group Personal Accident; and
- (iii) Travel insurance.

16.15.2 The Authority will procure an insurance scheme to cover all employees against accident which may occur anytime, anywhere whether on duty or not.

16.15.3 These insurances shall not in any way affect any personal insurance policy that an individual employee may have taken out for himself.

## **16.16 Security**

16.16.1 The Authority will always put in place measures to ensure adequate security for all employees and equipment.

16.16.2 Employees leaving the office should ensure that all the windows are locked; the office equipment and lights are off before leaving.

16.16.3 Keys to filing cabinets, safes and offices containing classified materials shall be kept safely. Any loss or misplacement of keys must be reported to the employee responsible for security.

16.16.4 Employees will be issued with identification cards to facilitate their entry into their work station.

16.16.5 The Authority will not be responsible for loss of money or valuables left unattended while in its premises.

16.16.6 Employees have a responsibility to ensure a safe and secure environment at all times.

## **SECTION 17: EMPLOYEES WELFARE**

### **17.1 Introduction**

17.1.1 The Authority recognizes that, in addition to offering pay benefits, and a healthy working environment to employees, their emotional and social needs should also be catered for as they discharge their duties.

17.1.2 The Authority will undertake social responsibility to promote welfare amongst its employees.

17.1.3 The Authority will pursue a policy that addresses the various social and health challenges confronting employees in the workplace.

### **17.2 HIV/AIDS Policy**

17.2.1 The Authority recognizes the impact of HIV/AIDS in the workplace and its far reaching effects on productivity. The Authority is therefore committed to developing a programme to mitigate the effects of the pandemic. It shall develop a workplace policy on HIV and AIDS. The main objective of the policy will be to provide a framework to address HIV and AIDS issues in the Authority.

### **17.3 Recognition of HIV/AIDS as a Workplace Issue**

17.3.1 HIV/AIDS is a workplace issue and shall be treated like any other serious illness or condition in the workplace. This is necessary not only because it affects the workforce but also the workplace.

### **17.4 Non-discrimination**

17.4.1 No employee will be discriminated and/or stigmatized on the basis of real or perceived HIV status.

### **17.5 HIV Prevention and Management**

17.5.1 The Authority will provide a safe working environment to all employees. All Heads of Departments have a responsibility to minimize the risk of HIV transmission by taking the appropriate first Aid and universal infection control precautions at the workplace. These include: -

- (i) Where fitness to work is impaired by illness, alternative deployment for such employees shall be arranged where possible;
- (ii) Heads of Departments will be required to demonstrate leadership in addressing HIV/AIDS pandemic in the workplace through participation in awareness programmes and counselling for all employees. They will also be expected to be sufficiently informed about the pandemic in order to guide other employees in matters concerning the scourge;
- (iii) The Department responsible for Human Resource will include HIV/AIDS workplace issues in the annual strategic and budget plans;
- (iv) It is the responsibility of the employees to confirm their HIV/AIDS status through voluntary counselling and testing (VCT), take appropriate precautions to protect themselves against infection and infecting others and to seek information and education on the HIV/AIDS pandemic and ways to combat it.
- (v) HIV/AIDS will not be a cause for termination of employment and infected employees will be allowed to work as long as they are fit and available for work.

## **17.6 Privacy and Confidentiality**

- 17.6.1 No employee shall be compelled to disclose his HIV status. In cases where employees with HIV inform Management of their situation, all reasonable precaution will be taken to ensure confidentiality and the employees' right to disclosure will be observed. Access to personal data relating to an employee's HIV status will be bound by the rules of confidentiality.

## **17.7 Information, Education and Communication**

- 17.7.1 The Authority will initiate a peer education programme to inform and educate its employees on HIV and AIDS prevention, care and support.

## **17.8 Care and Support**

- 17.8.1 Employees who are HIV positive will be provided with counselling services to encourage them to cope with the status.
- 17.8.2 Management will allow employees with HIV/AIDS or any of its related conditions to work as long as they are medically able to perform and do not



pose a danger to their own health and safety and the health and safety of others. Co-workers will have no reason to refuse to work with or to withhold their services for fear of contracting HIV/AIDS by working with an HIV/AIDS infected person.

- 17.8.3 Employees who have reservations working with an infected person are encouraged to contact their supervisors or the Manager, Human Resources who will refer them to suitably equipped people to discuss their concerns and receive counselling sessions on the HIV and AIDS.

### **17.9 Counselling Services**

- 17.9.1 Management will ensure that arrangements are made to provide counselling services to the employees for their well-being and in order to develop a psychologically healthy workforce as per the Public Service Policy on Guidance and Counselling.

### **17.10 Drug and Substance Abuse**

- 17.10.1 Addiction to drugs or substance will be treated like any other disease. An employee who is determined to deal with drug and substance abuse problem by engaging in rehabilitation services will be referred to a Medical employee for evaluation.
- 17.10.2 The Authority will provide both in-patient and out-patient rehabilitation services within the limits that will be provided in the Medical Insurance Scheme.

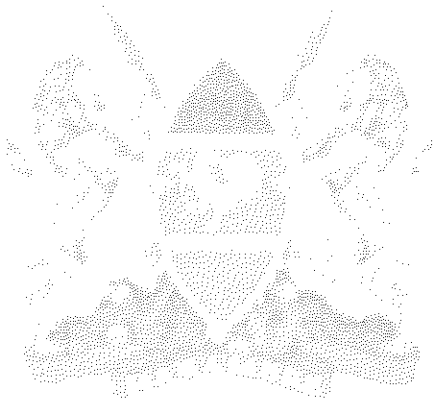
### **17.11 Working Environment**

- 17.11.1 Management will ensure maintenance of a smoke-free working environment. Accordingly, no person shall be permitted to smoke any tobacco or tobacco products while on the Authority's premises except in the designated smoking area.
- 17.11.2 Each employee is duty-bound to maintain a clean and healthy working environment.

### **17.12 Funeral Expenses**

- 17.12.1 The Authority shall procure a comprehensive medical cover for members of staff which shall include last expense cover of not less than Kshs.

100,000.00 for the employee, one spouse and up to four (4) dependent children.



## **SECTION 18: LABOUR RELATIONS**

### **18.1 Policy Statement**

- 18.1.1 The Authority affirms to safeguard the interest of labour by securing the highest level of mutual understanding and goodwill to facilitate achievement of Authority's objectives. Participatory management is encouraged in order to achieve industrial peace and democracy.
- 18.1.2 The Authority shall subscribe to the principles of the Industrial Relations Charter which is a tripartite memorandum of understanding between Federation of Kenya Employers (FKE) representing employers, Central Organization of Trade Unions (COTU) on behalf of employees and the Government aimed at regulating labour relations management in the country.
- 18.1.3 The Authority shall engage Trade Unions representing employees in negotiating Collective Bargaining Agreements. The Authority and the Trade Unions shall negotiate Collective Bargaining Agreements setting out the terms and conditions of service for the employees. The negotiations will be guided by the provisions of the Constitution, relevant legislations and the institutional framework for collective bargaining with public service unions.

### **18.2 Objective of Labour Relations**

- 18.2.1 The objective is to negotiate the terms and conditions of service for unionizable employees between the employer and the workers' representatives as stipulated in the Recognition Agreement.

### **18.3 Recognition Agreement**

- 18.3.1 The Authority shall sign a Recognition Agreement with a Union representing the majority of the employees at fifty one percent (51%) in any particular cadre.
- 18.3.2 The Head of HR & A shall represent the Authority in matters pertaining to the general Terms and Conditions of Service for the unionisable employees with the recognized Union.

### **18.4 Collective Bargaining Agreement**

- 18.4.1 The Authority and the Union shall, as regulated, conduct Collective Bargaining Agreement (CBA) with a view of reaching agreements for a

specified period of time. Such negotiated CBA shall be registered with the Labour and Industrial Relations Court and shall be binding to the Authority.

- 18.4.2 Employees shall not be victimized for being members or participating in trade Union activities unless expressly provided by law.
- 18.4.3 Employees who are appointed as officials of any Union may be granted permission to carry out official Union duties.
- 18.4.4 Employees are not allowed to be officials 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.
- 18.4.5 Union meetings shall be convened to take place during the employees' free time.

#### **18.5 Recovery of Union Dues**

- 18.5.1 The Authority shall deduct trade Union dues from the salaries of union members and pay the monies so deducted into a specified account of the Trade Union.
- 18.5.2 Deductions from an employee who has resigned his/her Union membership and notified the employer in writing shall be stopped.
- 18.5.3 A copy of an employee's notification shall be forwarded to the Union for information.

#### **18.6 Dispute Resolution**

- 18.6.1 The Authority will endeavour at all times to have good working relations with the Unions in order to maintain industrial harmony. However, should a trade dispute arise concerning any aspect of the employer/employee relationship, the resolution of that dispute will be as provided for in the Labour Relations Act.

## **18.7 Employee Participation in Strikes**

18.7.1 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 Managing Director and the Cabinet Secretary responsible for Labour by the representative of the Union.

## **18.8 Institutional Framework for negotiation**

18.8.1 Negotiations with the recognized unions shall be undertaken in accordance with the Public Service Institutional Framework for negotiation with trade unions whose objectives are to:

- (i) Ensure that the collective bargaining process is compliant with the Constitution and the relevant legislations;
- (ii) Identify the parties recognized by law to engage in collective bargaining;
- (iii) Provide consistency and uniformity in the collective bargaining process;
- (iv) Provide a platform for consultations with all stakeholders;
- (v) Provide a standard period for collective bargaining across the public service; and
- (vi) Promote labour relations and industrial peace.

18.8.2 The collective bargaining in the Authority may include salaries, allowances, benefits, and working conditions as shall be agreed upon from time to time.

18.8.3 Labour relations shall be guided by the provisions of the Constitution and the relevant Labour Laws.

## **SECTION 19: MISCELLANEOUS**

### **19.1 Communication of Board's Decision**

- 19.1.1 Any decision of the Board shall be communicated by the Managing Director.
- 19.1.2 Any decision of the Board affecting an individual employee shall be communicated to the employee through the relevant Head of Department, Division, Section or Unit provided that the affected employee or the employee's representative shall be entitled to receive information about the decision or the reasons for the decision from the Board, if a request is made by the employee or such representative.
- 19.1.3 Notwithstanding the provisions of this paragraph, any decision of the Board may be communicated by the Chairperson if circumstances warrant it.

### **19.2 Complaints and Grievances**

- 19.2.1 The Board may on its own initiative or on complaint made by any person investigate any issue relating to its statutory functions and powers and, make such decision as it considers just in the circumstances of the case.
- 19.2.2 The Board in carrying out investigation under this paragraph shall accord every party involved an opportunity to make a representation of their case.

### **19.3 Authority may prescribe Forms**

- 19.3.1 The Authority may prescribe forms for the better carrying out of the provisions of these Regulations.

### **19.4 Gender and Disability Issues**

- 19.4.1 The Authority shall establish a Gender and Disability Mainstreaming Committee. All Gender and Disability mainstreaming guidelines shall be as per the Gender and Disability Mainstreaming Policy. Refer to Gender Mainstreaming and Disability Policy.

## APPENDICES

### Appendix 1: List of Designated Hardship Areas (This may be amended by Government from time to time)

S/No.	Counties
1.	Tana River
2.	Lamu
3.	Garissa
4.	Wajir
5.	Mandera
6.	Marsabit
7.	Isiolo
8.	Makueni
9.	Turkana
10.	West Pokot
11.	Samburu
12.	Elgeyo – Marakwet
13.	Laikipia
14.	Baringo (excluding Koibatek Sub-County)
15.	Tinderet Sub-County in Nandi County
16.	Manyani Area in Ngolia Ward in Taita Taveta County

