



Approved
SNA
15/1/25



THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT- THIRD SESSION
DIRECTORATE OF DEPARTMENTAL COMMITTEES

DEPARTMENTAL COMMITTEE ON LABOUR

**REPORT ON THE APPROVAL HEARINGS OF PERSONS NOMINATED FOR
APPOINTMENT AS VICE-CHAIRPERSON AND MEMBERS OF THE PUBLIC
SERVICE COMMISSION**

VOLUME I

**CLERK'S CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI**

JANUARY, 2025


 THE NATIONAL ASSEMBLY PAPERS LAID			
DATE:	16 JAN 2025	DAY:	THUR
TABLED BY:	HON ERIC MUCHANGI (CHAIRPERSON)		
CLERK-AT THE TABLE:	A- SHIBUKO		

TABLE OF CONTENTS

LIST OF ANNEXURES (VOLUME II OF THE REPORT)	4
CHAIRPERSON’S FOREWORD.....	5
1.0 PREFACE	7
1.1 INTRODUCTION	7
1.2 ESTABLISHMENT AND MANDATE OF THE COMMITTEE	7
1.3 COMMITTEE SUBJECTS	7
1.4 COMMITTEE MEMBERSHIP.....	8
1.5 COMMITTEE SECRETARIAT	8
2.0 BACKGROUND	10
2.1 LEGAL FRAMEWORK.....	10
2.2 NOTIFICATION OF NOMINATIONS	12
2.3 NOTIFICATION TO THE HOUSE AND REFERRAL TO THE COMMITTEE.....	12
2.4 NOTIFICATION TO THE PUBLIC.....	13
2.5 NOTIFICATION TO THE NOMINEES	13
2.6 CLEARANCE AND COMPLIANCE REQUIREMENTS.....	13
2.7 ISSUES FOR CONSIDERATION DURING THE APPROVAL HEARINGS.....	14
2.8 MEMORANDA FROM MEMBERS OF THE PUBLIC IN RESPECT OF THE NOMINEES	15
3.0 APPROVAL HEARINGS (VETTING) OF THE NOMINEES	17
3.1 MRS. MARY WANJIRA KIMONYE, NOMINEE AS VICE-CHAIRPERSON OF THE PUBLIC SERVICE COMMISSION	18
3.1.1 ORAL SUBMISSIONS	19
3.2 MR. HARUN MAALIM HASSAN (PWD), EBS, NOMINEE FOR MEMBER.....	21
3.2.1 ORAL SUBMISSIONS	22
3.2.2 Observations	23
3.3. MS. MWANAMAKA AMANI MAMBRUKI, CBS, NOMINEE FOR MEMBER OF THE PUBLIC SERVICE COMMISSION	24
3.3.1 ORAL SUBMISSIONS	25
3.3.2 Observations	26
3.4 MR. FRANCIS MEJA, NOMINEE FOR MEMBER OF THE PUBLIC SERVICE COMMISSION	27
3.4.1 ORAL SUBMISSIONS	28
3.4.2 Observations	29
3.5 DR. IRENE CHEROTICH ASIENGA, OGW NOMINEE FOR APPOINTMENT AS MEMBER OF THE PUBLIC SERVICE COMMISSION	30
3.5.1 ORAL SUBMISSIONS	31
3.5.2 Observations	32
3.6 MR. BOYA MOLU, NOMINEE FOR MEMBER, PUBLIC SERVICE COMMISSION	33
3.6.1 ORAL SUBMISSIONS	34
3.6.2 Observations	34
3.7 MS. JOAN ANDISI MACHAYO, OGW NOMINEE FOR APPOINTMENT AS MEMBER OF THE PUBLIC SERVICE COMMISSION	36
3.7.1 ORAL SUBMISSIONS	37
3.7.2 Observations	38
3.8 DR. FRANCIS OTIENO OWINO, CBS NOMINEE FOR APPOINTMENT AS MEMBER OF THE PUBLIC SERVICE COMMISSION.....	39
3.8.1 ORAL SUBMISSIONS	40
3.8.2 Observations	40
3.9 OVERALL COMMITTEE OBSERVATIONS	42
4.0 COMMITTEE FINDINGS ON THE SUITABILITY OF THE NOMINESS FOR APPOINTMENT AS VICE-CHAIRPERSON AND MEMBERS OF THE PUBLIC SERVICE COMMISSION.....	44
5.0 COMMITTEE RECOMMENDATION	45

LIST OF ABBREVIATIONS

HELB	Higher Education Loans Board
PSC	Public Service Commission
KRA	Kenya Revenue Authority
OGW	Order of the Grand Warrior
CBS	Chief of the Order of the Burning Spear
ORPP	Office of the Registrar of Political Parties
AGPO	Access to Government Procurement Opportunities (AGPO)
KPA	Kenya Ports Authority
SAGAS.	Semi-Autonomous Government Agencies
BETA	Bottom-Up Economic Transformation Agenda
GDP	Gross Domestic product
TVET	Technical Vocational Education and Training
PSC	Public Service Commission

LIST OF ANNEXURES (VOLUME II OF THE REPORT)

- Annexure 1: Message from H.E the President regarding nomination of persons for appointment as Vice-Chairperson and Members of the Public Service Commission
- Annexure 2: Message from the Hon. Speaker to the House regarding nomination of persons for appointment as Vice-Chairperson and Members of the Public Service Commission
- Annexure 3: Advertisement notifying the public of the approval hearing and submission of memoranda
- Annexure 4: Memoranda received from the public on the Nominees
- Annexure 5: Letters from the Clerk of the National Assembly inviting the nominees to respond to the Memoranda
- Annexure 6: Nominees response to the Memoranda
- Annexure 7: Letters from the Clerk of the National Assembly inviting the nominees for the approval hearing
- Annexure 8: Letters from the Clerk of the National Assembly to ORPP, KRA, HELB, EACC and DCI requesting for information on the nominees
- Annexure 9: Letters of clearance from ORPP, KRA, HELB, EACC, DCI, ODPP and CUE
- Annexure 10: Nominees' Clearance Certificates from EACC, KRA, DCI, ORPP and HELB
- Annexure 11: Nominees' Curriculum Vitae
- Annexure 12: Report of the Selection Panel
- Annexure 13: Minutes of Sittings of the Committee
- Annexure 14: Committee's Report Adoption Schedule

CHAIRPERSON'S FOREWORD

Pursuant to Article 250 (2) (b) of the Constitution and Section 11 of the Public Service Commission Act (Cap.185), as read together with sections 5 of the Public Appointments (Parliamentary Approval) Act (Cap.7f), His Excellency the President, through a letter by the Head of the Public Service Reference No. EOP/CAB.26/4A/ VOL.V/ (72) dated 19th December 2024, forwarded to the Speaker of the National Assembly a notification of presidential action on nominations to the ranks of the membership of the Public Service Commission, as follows nominating—

- a) Mrs. Mary Wanjira Kimonye, CBS as the Vice-Chairperson of the Public Service Commission; and
- b) The following nominees as members of the Public Service Commission to—
 - i. Mr. Harun Maalim Hassan (PWD), EBS;
 - ii. Ms. Mwanamaka Amani Mambruki, CBS;
 - iii. Mr. Francis Meja;
 - iv. Dr. Irene Cherotich Asienga, OGW;
 - v. Mr. Boya Molu, EBS;
 - vi. Ms. Joan Andisi Machayo, OGW; and
 - vii. Dr. Francis Otieno Owino, CBS

On **Friday, 20th December 2024**, the Speaker of the National Assembly transmitted the Message from H.E. the President to the Members and referred the nominees' names together with their curriculum vitae to the Departmental Committee on Labour for Approval Hearing (Vetting) and reporting to the House on **15th January 2025**.

Consequently, and in accordance with Section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011, the Clerk invited the public to submit memoranda by way of written statements on oath (affidavits) on the suitability or otherwise of the nominees. Submissions of Memoranda were to be received by **3rd January 2025 by 5.00 pm**. By close of the deadline, the Committee had not received any memoranda.

However, on **7th January 2025**, the Committee received a Memorandum from Dr. Magare Gikenyi J Benjamin, contesting the nomination for appointment of Mrs. Mary Wanjira Kimonye, CBS; Mr. Boya Molu, EBS; Dr. Irene Cherotich Asienga and Mr. Francis Meja. The Committee resolved to seek responses from the nominees on the Memorandum

Further, on **24th December 2024**, the Clerk wrote to the nominees notifying them of the date, time and place of the Approval Hearing which was scheduled to be conducted on **Thursday 9th January, 2025**, in the **Committee Room 9, First Floor, Main Parliament Buildings** starting at **8.30 am**.

To fulfil the requirement on personal integrity, the Clerk on **27th December, 2024** wrote to the Kenya Revenue Authority, the Ethics and Anti-Corruption Commission, the Directorate of Criminal Investigations, the Higher Education Loans Board and the Registrar of Political Parties to ascertain the nominee's integrity and good standing with the said government institutions. The nominee was also required to submit clearance certificates from the said institutions.

The nominees for appointment as Vice-Chairperson and members of the Public Service Commission appeared before the Committee on **Thursday, 9th January 2025** and were orally interviewed under oath/affirmation pursuant to Article 233 of the Constitution, the Public

Appointments (Parliamentary Approval Act, Cap.7F, Public Service Commission Act, Cap. 185 and the National Assembly Standing Orders.

The Committee observed that all the nominees met the integrity threshold; demonstrated knowledge of topical, administrative and technical issues touching on the positions to which they had been nominated; and had the requisite abilities, academic qualifications and professional experience to be approved for appointment as Vice-Chairperson and Members of the Public Service Commission.

The Committee recommends that the House **approves** the appointment of:

- a) Mrs. Mary Wanjira Kimonye, CBS as the Vice-Chairperson of the Public Service Commission; and
- b) The following nominees as members of the Public Service Commission to–
 - i. Mr. Harun Maalim Hassan (PWD), EBS;
 - ii. Ms. Mwanamaka Amani Mambruki, CBS;
 - iii. Mr. Francis Meja;
 - iv. Dr. Irene Cherotich Asienga, OGW;
 - v. Mr. Boya Molu, EBS;
 - vi. Ms. Joan Andisi Machayo, OGW; and
 - vii. Dr. Francis Otieno Owino, CBS

I take this opportunity to thank all the Members of the Committee for their input and valuable contributions during the approval hearings and writing of this report. The Committee also appreciates the Offices of the Speaker and of the Clerk of the National Assembly for the technical support accorded to it during the exercise.

On behalf of the Departmental Committee on Labour, and pursuant to Articles 124 (4) (b) and 233 of the Constitution, Section 8 of the Public Appointments (Parliamentary Approval) Act, Cap. 185 and provisions of Standing Orders 45 and 199, it is now my duty and privilege to present to the House, the Report of the Departmental Committee on Labour on the approval hearings of the nominees for appointment as Vice-Chairperson and Members of the Public Service Commission.

Hon. Eric Muchangi Karemba, MP
Chairperson, Committee on Labour

1.0 PREFACE

1.1 Introduction

1. Pursuant to Article 250 (2) (b) of the Constitution and Section 11 of the Public Service Commission Act (Cap.185), as read together with sections 5 of the Public Appointments (Parliamentary Approval) Act (Cap.7f), His Excellency the President, through a letter by the Head of the Public Service Reference No. EOP/CAB.26/4A/ VOL.V/ (72) dated **19th December 2024**, forwarded to the Speaker of the National Assembly a notification of presidential action on nominations to the ranks of the membership of the Public Service Commission.
2. Article 124(4)(a) of the Constitution provides that when a House of Parliament considers any appointment for which its approval is required under the Constitution or an Act of Parliament, the appointment shall be considered by a Committee of the relevant House.
3. This report details the proceedings of the Departmental Committee on Labour during the approval hearings of persons nominated for appointment as Vice-Chairperson and Members of the Public Service Commission.

1.2 Establishment and Mandate of the Committee

3. The Departmental Committee on Labour is established under Standing Order 216 and is mandated to, among others, **“to vet and report on all appointments where the Constitution or any other law requires the National Assembly to approve, except those under Standing Order 204.**

1.3 Committee Subjects

4. The subject matter of the Departmental Committee on Labour is stated in the Second Schedule of the National Assembly Standing Orders and includes, among others, **“labour, human capita and remuneration, trade union relations and public service”**.
5. In line with the assigned subject matter, and in executing this mandate, the Committee oversees the following Ministries, Departments, and Agencies (MDAs):
 - i) The State Department for Public Service (Under Ministry of Public Service and Human Capital Development) and its Autonomous and Semi-Autonomous Government Agencies which include;
 - a) Kenya School of Government; and
 - b) Institute of Human Resource Management
 - ii) The State Department for Labour and Skills Development (Under the Ministry of Labour and Social Protection) and its Autonomous and Semi-Autonomous Government Agencies, which include;
 - a) National Industrial Training Authority (NITA);
 - b) National Productivity and Competitiveness Centre (NPCC);
 - c) Kenya National Labour Board and the Wages Council;
 - d) National Employment Authority (NEA);
 - iii) Public Service Commission; and
 - iv) Salaries and Remuneration Commission.

1.4 Committee Membership

6. The Departmental Committee on Labour was constituted by the House on 27th October 2022 and comprises the following Members:

Chairperson
Hon. Eric Muchangi Karemba, MP
Runyenjes Constituency
UDA Party

Vice-Chairperson
Hon. Fabian Kyule Muli, MP
Kangundo Constituency
GDDP

Members

Hon. James Onyango K'Oyoo, MP
Muhoroni Constituency
ODM Party

Hon. Ernest Ogesi Kivai Kagesi, MP
Vihiga Constituency
ANC Party

Hon. Richard Kiti Chonga, MP
Kilifi South Constituency
ODM Party

Hon. Joseph Samal Lomwa, MP
Isiolo North Constituency
Jubilee Party

Hon. George Aladwa Omwera,
Makadara Constituency
ODM Party

MP Hon. Catherine Wambiliaga, MP
Bungoma County
FORD-K

Hon. Amina Dika Abdullahi, MP
Tana River County
KANU

Hon. Dorice Aburi Donya, MP
Kisii County
WDM-K

Hon. Patrick Simiyu Barasa, MP
Cherangany Constituency
DAP-K Party

Hon. Mangale Munga Chiforomodo, MP
Lunga Lunga Constituency
UDM Party

Hon. Peter Irungu Kihungi, MP
Kangema Constituency
UDA Party

Hon. Leah Sopiato Sankaire, MP
Kajiado County
UDA Party

Hon. Lilian Chebet Siyoi, MP
Trans Nzoia County
UDA Party

1.5 Committee Secretariat

7. The Committee Secretariat comprises the following technical staff:

Mr. Abenayo Wasike
Principal Clerk Assistant I/Head of Secretariat

Mr. Joseph Ndirangu
Fiscal Analyst I

Mr. Samuel Wanjiru
Clerk Assistant III

Ms. Colletah Sigilai
Senior Legal Counsel

Ms. Josephine Osiba
Hansard reporter III

Ms. Wambui Nyachae
Research Officer III

Mr. Timothy C. Tsungulah
Research Officer III

Ms. Yasmin Hassan
Assistant Serjeant-At-Arms II

Ms. Mercylyn Kerubo
Audio Officer III

Mr. Ambrose Nguti
Media Relations Officer III

Ms. Faith Njiru
Public Communication Officer

Ms. Shirleen Kyalo
Intern

2.0 BACKGROUND

2.1 Legal Framework

8. The Public Service Commission is established pursuant to the provisions of Article 233 of the Constitution.

9. *Article 233(1) There is established the Public Service Commission*

((2) The Public Service Commission consists of a chairperson, a vice chairperson and seven other members appointed by the President with the approval of the National Assembly.

(3) Subject to clause (4), a person is not eligible for appointment as a member of the Commission if the person—

a. has, at any time within the preceding five years, held office, or stood for election as—

(i) a member of Parliament or of a county assembly; or

(ii) a member of the governing body of a political party; or

b. holds any State office;

c. is or has at any time been, a candidate for election as a member of Parliament or of a county assembly; or

d. is, or has at any time been, the holder of an office in any political organisation that sponsors or otherwise supports, or has at any time sponsored or otherwise supported, a candidate for election as a member of Parliament or of a county assembly.

(4) Clause (3) (c) and (d) cease to apply to a person after two general elections for Parliament have been held since the person ceased to be such a candidate or office holder.

(5) There shall be a secretary to the Commission.

(6) The secretary—

a. is the chief executive of the Commission; and

b. shall be appointed by the Commission for a term of five years, and is eligible for re-appointment once.

10. Article 250 of the Constitution provides for the Composition, appointment and terms of office of Commissions and Independent Offices.

11. Article 250(2) of the Constitution provides that the chairperson and each member of a commission, and the holder of an independent office, shall be—

(a) identified and recommended for appointment in a manner prescribed by national legislation;

(b) approved by the National Assembly; and

(c) appointed by the President.

12. Further, Article 250(3) provides that to be appointed, a person shall have the specific qualifications required by the Constitution or national legislation.

13. Article 250(4) provides that appointments to commissions and independent offices **shall take into account the national values referred to in Article 10, and the principle that the composition of the commissions and offices, taken as a whole, shall reflect the regional and ethnic diversity of the people of Kenya.**
14. The Constitution therefore requires the National Assembly to conduct the vetting/approval hearings in the manner prescribed by the Constitution, Public Service Commission Act, Cap. 185 and the Public Appointments (Parliamentary Approval) Act, Cap. 7F.
15. While conducting the approval hearing, the Committee was guided by the following statutes and articles of the constitution of Kenya-
- i) Article 10 of the Constitution on the national values and principles of governance;
 - ii) Chapter 6 of the Constitution on leadership and integrity;
 - iii) Article 77 of the Constitution on restriction on activities of State Officers;
 - iv) Article 78 of the Constitution on dual citizenship;
 - v) Article 118 of the Constitution on public participation;
 - vi) Article 233 of the Constitution on Public Service Commission;
 - vii) Article 250 of the Constitution on Composition, appointment and term of office of Chair and members of Commissions;
 - viii) The Public Service Commission Act (Cap.185), and
 - ix) The Public Appointments (Parliamentary Approval) Act Act, Cap. 7F.

The Public Appointments (Parliamentary Approval) Act Cap. 7F.

16. Section 7 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), provides for issues which the relevant House of Parliament (in this case, the National Assembly) is supposed to consider in relation to any nomination. These issues include:
- i) *the procedure used to arrive at the nominee;*
 - ii) *any constitutional or statutory requirements relating to the office in question; and*
 - iii) *the suitability of the nominee for the appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which nomination is being made.*
17. Section 6 (7) to (10) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011) provides as follows-
- i) *An approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background);*
 - ii) *The criteria specified in the Schedule shall be used by a Committee during an approval hearing for the purposes of vetting a candidate*
 - iii) *Any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated; and*
 - iv) *A candidate may, at any time, by notice in writing addressed to the Clerk, withdraw from the approval process and the candidate's nomination shall end.*

Article 10(2) of the Constitution on national values and principles of governance

18. Article 10(2) of the Constitution provides for the national values and principles of governance which 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.

Chapter 6 of the Constitution (Leadership and Integrity)

19. There are important provisions in Chapter 6 of the Constitution worth pointing out. Article 73 of the Constitution provides that the authority assigned to a State officer (a member of a commission to which chapter fifteen applies being a state officer under Article 260 of the Constitution) “*is a public trust to be exercised in accordance to the Constitution, demonstrate respect for the people, bring honour to the nation and dignity to the office and promote public confidence in the integrity of the office. Also, the State officer shall have the responsibility to serve the people, rather than the power to rule them.*”
20. The guiding principles of leadership and integrity are listed as selection based on personal integrity, competence and suitability, objectivity and impartiality in decision making, selfless service based solely on the public interest, accountability and discipline and commitment in service to the people.

Article 77 of the Constitution (Restriction on activities of State officers)

21. Article 77 of the Constitution provides that a full-time State officer shall not participate in any other gainful employment and that any appointed State officer shall not hold office in a political party.

Article 78 of the Constitution on citizenship and leadership

22. Article 78 of the Constitution states that a person is not eligible for election or appointment to a State office unless the person is a citizen of Kenya. It also provides that a State officer or a member of the defence forces shall not hold dual citizenship.

Article 118 of the Constitution on public access and participation

23. Article 118 of the Constitution provides that *Parliament shall:*
- i) conduct its business in an open manner, and its sittings and those of its committees shall be in public; and*
 - ii) facilitate public participation and involvement in the legislative and other business of Parliament and its committees.*

2.2 Notification of Nominations

24. Pursuant to Article 250 (2) (b) of the Constitution and Section 11 of the Public Service Commission Act (Cap.185), as read together with sections 5 of the Public Appointments (Parliamentary Approval) Act (Cap.7f), His Excellency the President, through a letter by the Head of the Public Service Reference No. EOP/CAB.26/4A/ VOL.V/ (72) dated **19th December 2024**, forwarded to the Speaker of the National Assembly a notification of presidential action on nominations to the ranks of the membership of the Public Service Commission. (*Annexure 1*)

2.3 Notification to the House and Referral to the Committee

11. Pursuant to the provisions of Standing Order 42(2), on **20th December 2024**, the Speaker of the National Assembly transmitted the Message from H.E. the President to the Members and referred the nominees’ names together with their curriculum vitae to the Departmental Committee on

Labour for Approval Hearing (Vetting) and reporting to the House on or before **15th January 2024**. (*Annexure 2*)

2.4 Notification to the Public

14. Article 118 of the Constitution provides that Parliament shall facilitate public participation and involvement in the legislative business and other business of Parliament and its Committees. Further, Section 6(4) of the Public Appointments (Parliamentary Approval) Act, 2011 provides that the Clerk shall notify the public of the time and place for holding approval hearings at least seven days prior to the hearings.
15. Further, Section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011 provides that “*any person may, prior to the approval hearings and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated*”.
16. In fulfilment of the provisions of Article 118(1) (b) and 124 (4) (c) of the Constitution, Section 6(4) of the Public Appointments (Parliamentary Approval) Act and Standing Order 45(3), the Clerk of the National Assembly on **24th December, 2024** placed of an advert (*Annexure 3*), in the print media notifying the public on the date, time and place of the Approval Hearing of the nominees.
17. In compliance with Section 6(9) of the Public Appointments (Parliamentary Approval) Act, the Clerk invited the public to submit memoranda by way of written statements on oath (affidavits) on the suitability or otherwise of the nominees. The Memoranda were to be received by **3rd January 2025** by **5.00 pm**. By close of the deadline, the Committee had not received any memoranda contesting the suitability of the nominees.
18. However, on **7th January 2025**, the Committee received a Memorandum (*Annexure 4*) from Dr. Magare Gikenyi J Benjamin, contesting the nomination for appointment of Mrs. Mary Wanjira Kimonye, CBS; Mr. Boya Molu, EBS; Dr. Irene Cherotich Asienga and Mr. Francis Meja..The Committee resolved to seek responses from the nominees on the Memorandum (*Annexure 5*).

2.5 Notification to the Nominees

19. Further, on **24th December, 2024** the Clerk wrote to the nominees notifying them of the date, time and place of the Approval Hearing which was scheduled to be conducted on **Thursday 9th January, 2025**, in the Committee Room 9, First Floor, Main Parliament Buildings starting at **8.30am**. (*Annexure 7*)

2.6 Clearance and Compliance Requirements

20. Section 6(7) of the Public Appointments (Parliamentary Approval) Act provides that an Approval Hearing shall focus on a candidate’s academic credentials, professional training and experience, personal integrity and background.
21. To fulfill the requirement on personal integrity, the Clerk on **27th December, 2024** wrote to the Kenya Revenue Authority, the Ethics and Anti-Corruption Commission, the Directorate of Criminal Investigations, the Higher Education Loans Board, the Registrar of Political Parties, Director of Public Prosecution and Commission for University Education to ascertain the nominee’s integrity and good standing with the said government institutions. (*Annexure 8*)

22. On ethics and integrity, the Ethics and Anti-Corruption Commission (EACC) through a letter Ref. No. EACC.7/10/5 VOL. XXX (60) dated 7th January 2025, (*Annexure 9*) stated that it had not undertaken any investigations or recommended prosecution against any of the nominees.
23. On tax compliance, the Kenya Revenue Authority, through a letter Ref. KRA/5/1002/5(11811) dated 3rd January 2025 stated that all the nominees were tax compliant.
24. The Directorate of Criminal Investigations (DCI) through a letter Ref. No. DCI/CRO/SEC/6/7/2/A/VOL.XVI/10 dated 7th January 2025 (*Annexure 9*) stated that Mrs. Mary Wanjira Kimonye, CBS had no previous criminal records. The other seven (7) nominees were requested to appear at the offices of Directorate of Criminal Investigation for fingerprints analysis.
25. The nominees presented their clearance certificates from the Directorate of Criminal Investigations (DCI).
26. The Higher Education Loans Board (HELB) through a letter dated 7th January 2025 (*Annexure 9*), stated that all nominees were either compliant, had cleared their higher education loans on various dates or were not beneficiaries of higher education loans.
27. On party affiliation, pursuant to Article 77(2) of the Constitution, the Office of the Registrar of Political Parties (ORPP), through a letter Ref. No. RPP/ORG/34 Vol. VIII (46) dated 30th December, 2024 (*Annexure 9*) indicated that the nominees were not officials of any fully registered political party.
28. The Office of the Director of Public Prosecutions through a letter Ref. ODPP/SPP/GEN, dated 7th January 2025, stated that the office had not received any adverse report, instituted or undertaken criminal investigations regarding the conduct, character, work or any dealings whatsoever touching on the integrity of the nominees.

2.7 Issues for Consideration during the Approval Hearings

29. In conducting the approval hearings, the Committee was guided by Section 6(7) and (8) of the Public Appointments (Parliamentary Approval) Act, 2011 which provides that:
 - (7) *An approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background.*
 - (8) *The criteria specified in the Schedule shall be used by a Committee during an approval hearing for the purposes of vetting a candidate.*
30. Additionally, Section 7 of the Act provides that the issues for consideration by the relevant House of Parliament in relation to any nomination shall be:
 - (a) *the procedure used to arrive at the nominee;*
 - (b) *any constitutional or statutory requirements relating to the office in question; and*
 - (c) *the suitability of the nominee for the appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which nomination is being made.*

2.8 Memoranda from Members of the Public in respect of the Nominees

31. The Clerk of the National Assembly invited the public to submit memoranda by way of written statements on oath (affidavits) on the suitability or otherwise of the nominees. The Memoranda were to be received by **3rd January 2025 by 5.00 pm**. By close of the deadline, the Committee had not received any memoranda contesting the suitability of the nominees.
32. However, on **7th January 2025**, the Committee received a Memorandum (*Annexure 4*) from Dr. Magare Gikenyi J Benjamin, contesting the nomination for appointment of Mrs. Mary Wanjira Kimonye, CBS; Mr. Boya Molu, EBS; Dr. Irene Cherotich Asienga and Mr. Francis Meja. The Committee resolved to seek responses from the nominees on the Memorandum (*Annexure 5*).
33. The petitioner objected to the nomination of **Mrs. Kimonye** as the Vice Chairperson of the Public Service Commission stating that its unconstitutional for the following reasons:
 - (i) Her nomination does not represent the ethnic diversity of the communities of Kenya;
 - (ii) The current Chairperson of the Public Service Commission is Amb. Anthony Mwaniki Muchiri, CBS who is a Kikuyu by ethnic orientation;
 - (iii) Mrs Kimonye is also a Kikuyu by ethnic orientation though she is married in Meru County;
 - (iv) It is not fair and right and neither is it just to have both the Chairperson and Vice Chairperson of the Public Service Commission from the same ethnic community to the detriment of more than 40 ethnic communities in Kenya;
 - (v) Her nomination has been disguised to represent the Meru ethnic community when she is in fact not a Meru by ethnicity but a Kikuyu;
 - (vi) The Kikuyu ethnic community has already been represented by the current Chairperson of the Commission;
 - (vii) Nominating another Kikuyu disenfranchises other ethnic communities from positions of leadership and power in this Country and should be rejected;
 - (viii) Nominating another Kikuyu will result in the Kikuyu ethnic community being over-represented in the Public Service Commission at the expense of other ethnic communities. It promotes ethnic dominion in the public service.
34. Her nomination therefore violates Articles 10, 232, 249(1), 250(3) & (4) of the Constitution among other legal provisions; Parliament should reject her nomination since there are other qualified Kenyans from other ethnic Communities who were shortlisted and interviewed for the same position.
35. The petitioner further submitted that Article 250(6)(a) of the Constitution provides that a member of a commission, or the holder of an independent office shall be appointed for a single term of six years and is not eligible for reappointment.
36. Therefore, one can only serve one constitutional commission in his or her lifetime and then leave and give other qualified Kenyans to serve in other Constitutional Commissions and Independent Offices.
37. The petitioner submitted that **Mr. Boya Molu and Dr. Irene Cherotich Asienga**, nominees for appointment as members of the Public Service Commission, have served their constitutional full term of six (6) years as commissioners of Independent and Electoral and Boundaries Commission (IEBC) and Commission for Revenue Allocation (CRA) respectively.
38. Having served full terms of six (6) years as Commissioners of constitutional Commissions, two nominees are not eligible for re-appointment as Commissioner of any other constitutional Commission.

39. In addition, the petitioner submitted that Article 233 of the Constitution of Kenya provides in clear terms as follows:

(3) Subject to clause (4), a person is not eligible for appointment as a member of the Commission if the person—

- i. has, at any time within the preceding five years, held office, or stood for election as—
 - 1. a member of Parliament or of a county assembly;*
 - 2. or a member of the governing body of a political party;*or*
- ii. holds any State office;*
- iii. is, or has at any time been, a candidate for election as a member of Parliament or of a county assembly; or*
- iv. is, or has at any time been, the holder of an office in any political organisation that sponsors or otherwise supports, or has at any time sponsored or otherwise supported, a candidate for election as a member of Parliament or of a county assembly.*

40. Clause (3)(c) and (d) cease to apply to a person after two general elections for Parliament have been held since the person ceased to be such a candidate or office holder.

41. The Petitioner submitted that **Mr. Francis Meja** was a member of the United Democratic Alliance Party whose Presidential candidate won the last general elections.

42. Further, Mr. Francis Meja participated in the activities and campaigned for the UDA Party in Kajiado Gubernatorial and other electoral seats. He was also a candidate.

43. Mr. Meja is therefore disqualified for appointment as a member of the Public Service Commission by virtue of Article 233(3)(iii) & (iv) of the Constitution and other applicable laws.

3.0 APPROVAL HEARINGS OF THE NOMINEES

38. The Committee conducted the approval hearing on Thursday, 9th January, 2025.

39. The Committee noted the following:

(i) **THAT**, none of the nominees had notified the Clerk of the National Assembly of their withdrawal from the approval process as outlined under section 6(10) of the Public Appointments (Parliamentary Approvals) Act, 2011.

(ii) **THAT**, the Committee would examine the nominees against the criteria set out in Section 7 of the Public Appointments (Parliamentary Approval) Act, 2011.

- (a) Academic qualifications;
- (b) Employment record;
- (c) Professional affiliations;
- (d) Potential conflict of interest;
- (e) Knowledge of the relevant subject;
- (f) Overall suitability for the position;
- (g) Integrity;
- (h) Vision and leadership; and
- (i) Expectations and key priorities.

44. The eight nominees appeared before the Committee on Thursday, 9th January 2025. The proceedings of the appearances are recorded hereunder:

3.1 MRS. MARY WANJIRA KIMONYE, NOMINEE AS VICE-CHAIRPERSON OF THE PUBLIC SERVICE COMMISSION

45. Mrs. Mary Wanjira Kimonye, CBS, nominee for Vice-Chairperson appeared before the Committee on Thursday, 9th January 2025 and was orally interviewed under oath pursuant to Article 233 (2) of the Constitution, the Public Appointments (Parliamentary Approval Act, Cap 7F, Public Service Commission Act, Cap.185 and the National Assembly Standing Orders. The Committee noted the following:

Citizenship, Date and Place of Birth

45. The nominee is a Kenyan Citizen of ID Number 16126195 from Meru County and was born in the former Kirinyaga District in 1960.

Academic and Professional Qualifications

46. The nominee holds a Bachelor of Commerce Degree from the University of Nairobi and a Master of Business Administration from the same University. She has also undertaken additional training at the Institute for Public Sector Administration in London and the Mississippi Consortium for International Development.

Work and Professional Experience

47. The nominee is currently the head of governance and public service reforms and re-engineering at the Executive Office of the President.
48. Previously, she served as a principal administrative secretary at the State Department for Public Service (2018-2020), as advisor of special projects and strategic initiatives at the Ministry of Public Service, Youth and Gender (2017-2018) and as principal secretary at the State Department for Public Service (2020-2023). The nominee has also served as a chief executive officer at Brand Kenya Board and a technical advisor at the Public Sector Reform Secretariat at the Office of the President.

Honours and Awards

49. The nominee was awarded the following:
- i. The Chief of the Order of the Burning Spear for outstanding service rendered to the nation in 2020.
 - ii. Fellow of Kenya Institute of Management – 2014
 - iii. Presidential Award, Moran of the Burning Spear (MBS) in 2010.

Other Activities and Membership

50. The Nominee is a member of the Kenya Institute of Management, the Marketing Society of Kenya and the Chartered Institute of Marketing. She is also a board member of the Global Peace Foundation, Kenya College of Accountancy and the World-Wide Fund of Nature (WWF).

Pro-Bono/Charity Work/Donation to Charity

51. The nominee involves herself in community service to her church, women's group and mentorship for groups.

Published Writing

52. The nominee has published the following:
- i. National Brand Master Plan (2011)
 - ii. Public Sector Branding Manual (2015)
 - iii. Kenya Country Brand Book (2012)

iv. Public Service Optimization – Wage Bill Conference (2019)

Sources of Income and Net-worth

53. The nominee's income during the calendar year preceding her nomination consists of salary, allowances, dividends and interest income. Her net worth is Ksh. 76,244,000.

Public Office, Political Activities and Affiliations

51. The nominee is not an official of any Political Party.

Potential Conflict of Interest

53. The nominee declared that he does not have any persons or matter that would present a potential conflict of interest. The nominee submitted that she would resolve any political conflict of interest as per the legal and policy frameworks in place.

Integrity

54. The nominee has not been charged in a court or law in the last three years and has not been adversely mentioned in an investigatory report of Parliament or any other Commission of inquiry in the last three years.

3.1. 1 ORAL SUBMISSIONS

55. In order to assess the nominee's overall suitability for the position, the Committee posed questions to the nominee and he responded as recorded hereunder: In order to assess the nominee's overall suitability for the position, the Committee posed questions to the nominee and she responded as follows:

On the question of why the net worth drastically reduced from 242 million in 2020 to 76 million in 2024

56. The nominee submitted that most of the assets listed in the year 2020 were made up of family businesses at 20% ownership. However, the business operations were affected by the outbreak of the Covid-19 Virus resulting to accumulation of debt and eventual closure of business.

On her Ethnic background and whether she is a Kikuyu or a Meru

57. The nominee affirmed to the Committee that according to her National Identification Card, she comes from Meru County and is, therefore, a Meru.

On her Suitability to be vice-chairperson of the Public Service Commission

58. The nominee stated that she meets the requirements of the position citing her integrity, competency and knowledge developed during her career progression and patriotism demonstrated by her involvement in Brand Kenya initiatives.

On implementing reforms in the public service and tapping on her vast experience

59. The nominee stated that there are challenges in the public service such as erosion of ethics and values contrary to the provisions of Articles 10 and 232 of the Constitution. She also highlighted duplication of roles and overlaps, challenges in human resource development resulting from budgetary constraints and mental health issues as the major challenges facing the public service.

The nominee submitted that there is a need for unbundling the mandates of institutions and evaluation of staff establishment to ensure clarity of roles and responsibilities, and revamp the

human capital development by introducing a culture change program and entrenching the values as stipulated under Articles 10 and 232 of the Constitution.

The nominee reiterated the need for robust employee productivity measurement methods to ensure efficiency in public service.

On the public service internship program

60. The nominee stated that she is aware that the program is market-driven and provides experience for the youth. However, she reiterated that the government cannot absorb all interns and therefore there is a need for continuous engagement with the private sector to absorb the interns upon completion of the program, mentoring the interns to use the skills for self-employment and formalization of the informal sector to provide more opportunities for the youth.

On the PSC's role in gender and diversity representation and capacity building for employees

61. The nominee explained that she would ensure that the Public Service Commission fully implement the diversity policy. She submitted that there is a need for collaboration with education institutions to ensure optimal enrolment in disciplines with low representation of the marginalised groups.

Further, the Kenya School of Government and Public Service Commission should work closely to develop programmes that answer to the needs of the public service.

On the negative attitude of the public towards public service

62. The nominee stated that there is a need for accountability to the citizenry in the public service through the establishment and running of public forums that will allow the public to share their views on service delivery.
63. She further reiterated the need for enforcement of the ethics and values of the Public Service stating that they should be fundamental measures of performance. In addition, there should be zero-fault audits to ensure compliance with laws governing resource allocation and utilization.

On the memorandum contesting her nomination based on her ethnic background

64. The nominee stated that she is a Meru by ethnic orientation. Acknowledging the need for diversity in public service, the nominee stated that her nomination and appointment, subject to approval by the National Assembly, will be beneficial to the county and not a specific ethnic group.
65. Further in her written response, the nominee submitted that recognising the breadth of her experience, she had offered herself in service to the nation by aspiring for the position of vice-chairperson. In addition, she was duly identified as suitable candidate and thereafter honoured with a nomination.

3.1.2 Observations

66. The Committee, having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, her curriculum vitae and having heard her oral submissions during the approval hearing, made the following observations on her suitability for appointment as Vice-Chairperson, Public Service Commission

- i) **THAT**, she is a Kenyan Citizen of ID Number 16126195 from Meru County and was born in 1960 and does not hold dual citizenship.

- ii) **THAT** the nominee holds a Bachelor of Commerce Degree from the University of Nairobi and a Master of Business Administration from the same University. She has also undertaken additional training at the Institute for Public Sector Administration in London and the Mississippi Consortium for International Development.
- iii) **THAT**, the nominee is currently the head of governance and public service reforms and re-engineering at the Executive Office of the President.

Previously, she served as a principal administrative secretary at the State Department for Public Service (2018-2020), as advisor of special projects and strategic initiatives at the Ministry of Public Service, Youth and Gender (2017-2018) and as principal secretary at the State Department for Public Service (2020-2023). The nominee has also served as a chief executive officer at Brand Kenya Board and a technical advisor at the Public Sector Reform Secretariat at the Office of the President.

- iv) **THAT**, the nominee had obtained clearance from the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Education Loans Board (HELB). She was therefore compliant with the provisions of Chapter Six of the Constitution.
- v) **THAT**, the nominee demonstrated extensive knowledge of topical, administrative and technical issues touching on the roles of a Vice-Chairperson, Public Service Commission, and therefore has the requisite abilities, qualifications and experience to serve in the office.

3.2 MR. HARUN MAALIM HASSAN (PWD), EBS, NOMINEE FOR MEMBER

- 67. Mr. Harun Maalim Hassan (PWD), EBS, nominee for Member appeared before the Committee on Thursday, 9th January 2025 and was orally interviewed under oath pursuant to Article 233 (2) of the Constitution, the Public Appointments (Parliamentary Approval Act, Cap 7F, Public Service Commission Act, Cap.185 and the National Assembly Standing Orders. The Committee noted the following:

Citizenship, Date and Place of Birth

- 68. The nominee is a Kenyan Citizen of Identification Card (ID) Number 21462033 and was born in Mandera County in 1978.

Academic and Professional Qualifications

- 69. The nominee holds a Bachelor's degree in Environmental Studies from Kenyatta University and a Master of Arts degree in Public Administration from the Indira Gandhi National Open University (IGNOU).

Work and Professional Experience

- 70. The nominee is currently an executive director and chief executive officer at the National Council for Persons with Disabilities since December 2020. The nominee was previously an administrative secretary at the Ministry of Industrialization, Trade and Enterprise Development, a commissioner at the World Disability Union and a district officer (2006-2018). He has also previously as a member of the governing council at the Management University of Africa as a project officer.

Honours and Awards

71. The nominee was awarded the following:
- i. The International Visitors Leadership Programme (IVLP): by the United States Department of State – Bureau of Educational and Cultural Affairs on 5th July 2024
 - ii. Elder of the Order of the Burning Spear (EBS): Awarded on 11th December 2023 by His Excellency the President Dr William S. Ruto CGH
 - iii. The Ford Foundation Fellowship Program; Awarded on 26th November 2019 by the Indiana University Lilly Family School of Philanthropy.

Other Activities and Membership

72. The Nominee is a member of the Association for Research on Non-profit Organizations and Voluntary Action (ARNOVA), and Association for Research on Civil Society in Africa (AROCSA).

Pro-Bono/Charity Work/Donation to Charity

73. The nominee has worked on Pro-Bono as a member of the Governing Council, Management University of Africa (2023 – 2024) and offered free psychosocial support to patients of the National Spinal Injury Hospital in Nairobi for the last 10 years.

Published Writing

74. The nominee has published the following:
- i. Authored the Book ‘Behind the Wheels: Changing the Disability Narrative’ published by the Kenya Literature Bureau in 2021
 - ii. Authored ‘Changing the Horizon: Public Leadership: Guiding Change and Driving Impact’ to be published by Kenya School of Government in April 2025
 - iii. Contributed a Chapter to the Commemorative Publication ‘Celebrating 20 Years of Disability, Diversity and Inclusion in Kenya’ published by the National Council for Persons with Disabilities in November 2024.

Sources of Income and Net-worth

75. The nominee’s income during the calendar year preceding her nomination consists of a salary amounting to Ksh. 10.8 million. His net worth is Ksh. 59.6 million.

Public Office, Political Activities and Affiliations

76. The nominee is not an official of any Political Party.

Potential Conflict of Interest

77. The nominee has no immediate associations that are likely to present potential conflict of interest when he assumes the position.

Integrity

78. The nominee has never been charged in a court or law in the last three years and has not been adversely mentioned in an investigatory report of Parliament or any other Commission of inquiry in the last three years

3.2.1 ORAL SUBMISSIONS

79. In order to assess the nominee’s overall suitability for the position, the Committee posed questions to the nominee and he responded as recorded hereunder:

On challenges affecting the rights and welfare of persons with disabilities (PWDs)

80. The nominee submitted that lack of data on persons with disabilities is a critical challenge. He reiterated the need for continuous sensitization on the benefits of registration in the National Council for Persons with Disabilities (NCPWD) database. This will ensure data driven decision-making and access to benefits and opportunities by people with disabilities.

On his experience in managing budgets, grants, or financial activities at NCPWD and measures to ensure accountability

81. The nominee submitted that having served as an accounting officer of an organization, he had a good understanding of the budgeting process. He advocated for stringent internal control measures to address challenges that may hinder accountability and proper utilization of resources.

On his understanding of the Mandate of the Public Service Commission

82. The nominee submitted that he is aware of the mandate of the Commission as stipulated in Article 233 of the constitution including the promotion of the values and principles referred to in Articles 10 and 232 and reporting on the extent to which the values and principles referred to in Articles 10 and 232 are complied with in the public service.

On his views on the representation of persons with disability in the Public Service

83. The nominee indicated that representation of the marginalised groups in the public service has been progressive citing the enactment of the Persons with Disability Act and affirmative initiatives including Access to Government Procurement Opportunities (AGPO). However, there is a need for more interventions to ensure enhanced representation of the PWDs in the public service.

3.2.2 Observations

84. The Committee, having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, his curriculum vitae and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment as a Member of the Public Service Commission.
- i) THAT*, in accordance with Article 78(1) and (2) of the Constitution, the nominee was eligible for appointment to a State Office since he is a Kenyan Citizen of Identification Card (ID) Number 21462033 and was born in Mandera County in 1978.
 - ii) THAT* the nominee holds a Bachelor's degree in Environmental Studies from Kenyatta University and a Master of Arts degree in Public Administration from the Indira Gandhi National Open University (IGNOU).
 - iii) THAT*, the nominee is currently an executive director and chief executive officer at the National Council for Persons with Disabilities since December 2020. The nominee was previously an administrative secretary at the Ministry of Industrialization, Trade and Enterprise Development, a commissioner at the World Disability Union and a district officer (2006-2018). He has also previously as a member of the governing council at the Management University of Africa as a project officer
 - iv) THAT*, the nominee had obtained clearance from the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and

the Higher Education Loan Board (HELB). He was therefore compliant with the provisions of Chapter Six of the Constitution.

- v) **THAT**, the nominee demonstrated extensive knowledge of topical, administrative and technical issues touching on the roles of a Member of the Public Service Commission and therefore has the requisite abilities, qualifications and experience to serve in the office.

3.3. MS. MWANAMAKA AMANI MAMBRUKI, CBS, NOMINEE FOR MEMBER OF THE PUBLIC SERVICE COMMISSION

85. Ms. Mwanamaka Amani Mambruki, CBS, nominee for Member, appeared before the Committee on Thursday, 9th January 2025 and was orally interviewed under oath pursuant to Article 233 (2) of the Constitution, the Public Appointments (Parliamentary Approval Act, Cap 7F, Public Service Commission Act, Cap.185 and the National Assembly Standing Orders. The Committee noted the following:

Citizenship, Date and Place of Birth

86. The nominee is a Kenyan Citizen of Identification Card (ID) number 8460971 and was born in 1966 in Mombasa County.

Academic and Professional Qualifications

87. The nominee holds a Bachelor of Arts degree in economics and a Master of Arts in Economics from the University of Nairobi and a diploma in Senior Port Management from Galilee Management Institute.

Work and Professional Experience

88. The nominee has vast experience in public service serving as a principal secretary in three state departments, State Departments of Gender Affairs, East Africa Community Affairs, and Devolution. She is currently serving in an independent consultancy as a public policy expert.

In the past, the nominee has served as managing director at the Kenya National Shipping Line, Head of Corporate Development at the Kenya Ports Authority, Principal Planning Officer at the Industrial and Commercial Development Corporation, Senior planning officer at the Kenya Revenue Authority and a planning officer at the Ministry of Finance.

Honours and Awards

89. The nominee has received the Chief of the Order of the Burning Spear for outstanding service rendered to the nation in 2015.

Other Activities and Membership

90. The nominee is a member of the Kenya Institute of Management (KIM) and a member of Women in Maritime Eastern & Southern Africa, Kenya Chapter (WOMESA).

Published Writing

91. The nominee has published the following:
- i. Mabruki, M. (2023): 'The Health Insurance Enrolment and Utilization of Material Healthcare Services Among Women in Kenya', Pathways to African Feminism and Development Journal of the African Women Studies Centre (December), pp.74 - 83
92. The nominee also contributed to the documents below:

- ii. Ministry of Devolution and Planning (October 2016) Policy on Devolved System of Government.
- iii. Ministry Of Devolution and Planning & Council Of Governors (January 2016): County Public Participation Guidelines.

Sources of Income and Net-worth

93. The nominee's income during the calendar year preceding her nomination consists of rental income amounting to Ksh. 3,156,000. Her net worth is Ksh. 120 million.

Pro-Bono/Charity Work/Donation to Charity

94. The nominee is a patron of the Denis Adari Foundation which awards scholarships and support to engineering students.

Public Office, Political Activities and Affiliations

95. The nominee is not an official of any Political Party.

Potential Conflict of Interest

96. The nominee declared that he does not have any persons or matter that would present a potential conflict of interest, and should it arise, she would declare the interest in writing to the appointing authority in accordance with the law.

Integrity

97. The nominee has never been charged in any Court of Law in the last three years, and neither had she been adversely mentioned in any investigatory report of Parliament or any other commission of inquiry in the last three years.

3.3.1 ORAL SUBMISSIONS

98. In order to assess the nominee's overall suitability for the position, the Committee posed questions to the nominee and she responded as recorded hereunder:

On her work experience at KPA and the perennial audit queries on employment casual labourers by the Authority

99. The nominee acknowledged the longstanding issue of deployment of casual labourers at the port. She submitted that KPA is a highly operational and labour-intensive environment and that its operations are different from the other SAGAs.

She reiterated the need for rationalization of labour through the absorption of the casual labourers when opportunities arise.

On challenges at the Public Service Commission

100. The nominee submitted that budgetary constraints is a critical challenge hindering the Commission from optimally discharging its constitutional mandate. The nominee submitted that, leveraging on her experience, she would lobby for more resources to fund the critical programs of the Commission including the public internship program.

On her work experience as a Principal Secretary of the State Department for Gender Affairs, policies or programs initiated to address gender disparities and integration of gender issues into national development plans

101. The nominee stated that she advocated for the integration of gender issues into the national development plans and developed guidelines on how to integrate gender issues and

perspectives into the plans. The nominee also submitted that she oversaw programs to address gender gaps for instance the establishment of gender desks in every SAGA.

102. The nominee acknowledged that gender gaps still persist and that there is a need for training programmes to address the disparities.

On the nominee's most outstanding achievement and her role in Boards

103. The nominee stated that she was in several board appointments and that while she was on the boards on the virtue of being the Principal Secretary, she delegated appointees to represent her.
104. She indicated that her most outstanding achievement is the formulation of the devolution policy which has served as a guide to streamline the relationship between the national and county governments.

On human resources challenges encountered during the transition to devolution while serving as the Principal Secretary

105. The nominee submitted that the transition authority was mandated with the transfer of staff from the public service to the County Governments. The transition experienced significant challenges but the situation has since stabilized. Responding to a concern on the unprocedural recruitment in the Counties, the nominee submitted the need for capacity building of County Service board to address the challenges.

On improving service delivery in the public service

106. The nominee submitted that the Commission should strive to promote productivity management and efficiency. She cited existing Performance contracting tools which are self-moderating. To improve service delivery, there is a need to have behavioural and cultural change programs incorporated in the public service.

On her motivation to join the Commission having served as a Principal Secretary in the various State Departments.

107. The nominee submitted that her interest in joining the Commission had been driven by her career path and her good understanding of public service. She further indicated that this would be an opportunity to serve the public at a different level

On her role in developing County Public participation and the continuous litigation on public participation

108. The nominee acknowledged that some tools of public are limiting including use of newspaper dailies, which are not widely accessible. The nominee stated the need for tools and channels accessible at local levels.

3.3.2 Observations

109. The Committee, having considered the nominee's filled questionnaire pursuant to Section 6(8) of the Public Appointments (Parliamentary Approval) Act, her curriculum vitae and having heard her oral submission during the approval hearing, made the following observations on her suitability for appointment as Member, Public Service Commission.

- i) **THAT**, in accordance with Article 78(1) and (2) of the Constitution, the nominee was eligible for appointment to a State Office since she is Kenyan Citizen of Identification Card (ID) number 8460971 and was born in 1966 in Mombasa County

ii) **THAT** the nominee holds a Bachelor of Arts degree in economics a Master of Arts in Economics from the University of Nairobi and a diploma in Senior Port Management from Galilee Management Institute.

iii) **THAT**, the nominee has vast experience in public service serving as a principal secretary in three state departments, State Departments of Gender Affairs, East Africa Community Affairs, and Devolution. She is currently serving in an independent consultancy as a public policy expert.

In the past, the Nominee has served as managing director at the Kenya National Shipping Line, Head of Corporate Development at the Kenya Ports Authority, Principal Planning Officer at the Industrial and Commercial Development Corporation, Senior planning officer at the Kenya Revenue Authority and a planning officer at the Ministry of Finance.

iv) **THAT**, the nominee had obtained clearance from the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB). She was therefore compliant with the provisions of Chapter Six of the Constitution.

v) **THAT**, the nominee demonstrated an extensive grasp of knowledge of topical, administrative and technical issues touching on the roles of a Member and therefore has the requisite abilities, qualifications and experience to serve as a Member of the Public Service Commission.

3.4 MR. FRANCIS MEJA, NOMINEE FOR MEMBER OF THE PUBLIC SERVICE COMMISSION

110. Mr. Francis Meja, nominee for Member, appeared before the Committee on Thursday, 9th January 2025 and was orally interviewed under oath pursuant to Article 233 (2) of the Constitution, the Public Appointments (Parliamentary Approval Act, Cap 7F, Public Service Commission Act, Cap.185 and the National Assembly Standing Orders. The Committee noted the following:

Citizenship, Date and Place of Birth

111. The nominee is a Kenyan Citizen of ID Number 9208760 and was born in 1968 in Kajiado County. He does not hold dual citizenship.

Academic and Professional Qualifications

112. The nominee holds a Bachelor's degree in economics, public administration and political science from Marathwada University in India (2003) and a Master of Business administration degree from the University of Nairobi (2009).

Work and Professional Experience

113. The nominee is currently a council member at the Murangá University of Technology. He has previously served as a director general at the National Transport and Safety Authority (NTSA) from 2014 to 2020. He also served as a registrar of motor vehicles at the Ministry of Transport and Infrastructure (2010-2014) and a manager at Housing Finance Company of Kenya (1994-2006).

Honours and Awards

114. The nominee has not been awarded or received any honour.

Other Activities and Membership

115. The Nominee is not a member of any professional organization.

Published Writing

116. The nominee has not published any known writing.

Sources of Income and Net-worth

117. The nominee's income during the calendar year preceding his nomination consists of a salary, livestock keeping and farming activities. His net worth is Ksh. 322 million.

Integrity

118. The nominee has never been charged in any Court of Law in the last three years, and neither has she been adversely mentioned in any investigatory report of Parliament or any other commission of inquiry in the last three years.

3.4.1 ORAL SUBMISSIONS

119. In order to assess the nominee's overall suitability for the position, the Committee posed questions to the nominee and he responded as recorded hereunder:

On his achievements at the National Transport and Safety Authority and its relevance to the new role

120. The nominee submitted that he spearheaded the digital transformation at NTSA, being the first institution to onboard onto the E-Citizen platform. He further submitted that he participated in the drafting, enactment and implementation of the NTSA Act and regulations.
121. He noted the need for automation of functions of the public service to ensure efficient delivery of services including timely notification of status of job applications.
122. Further, he advocated for zero fault audits, creation of awareness on the role of the commission and openness to scrutiny. This will enhance the visibility of the Commission to the public.

On the filled Questionnaire being unsatisfactory

123. The nominee acknowledged that he had not adequately furnished the Committee with information including his participation in published writing given his tenure at NTSA. The nominee indicated that he had contributed towards development of key publications including strategic plans, regulations among others.

On his experience in strategic planning or policy formulation.

124. The nominee submitted that he understands strategic planning and has been involved in different areas of strategic planning as the Director General of, National Transport and Safety Authority. He articulated the various stages of crafting and implementing strategic plans that including understanding the environment, analysis of issues, strategic decisions, understanding of stakeholders, development of risk management frameworks, and monitoring and evaluation mechanisms.

On Kenya's unsustainable wage bill and the menace of ghost workers and fake papers.

125. The nominee acknowledged and partly attributed the high wage bill to the issue of ghost workers. The nominee advocated for the enforcement of accountability of the authorised officers charged with human resource functions.

126. Further, he called for the integration of the Kenya National Examination Council interface with the Public Service Commission for timely verification of education documents.

On the state of the continuous professional development programmes available for public servants at the Commission

127. The nominee stated that there's a need for constant, equitable and cost-effective capacity development of the staff of the public service. This will ensure efficiency and better service delivery.

On the proposed Bill to introduce uniform standards in the public service and its effect in the mandate of the Public Service Commission

128. The nominee reiterated the need for consultation with the stakeholders during the consideration of the Bill. Further, the proposed amendments should be in line with the Constitution of Kenya.

On the Memoranda contesting his nomination

129. The nominee stated that the petitioner had misread the law indicating that he had never held office or stood for election as a member of parliament or of a county assembly as provided for under Article 233(3) of the Constitution or held any office in any political organization. The nominee submitted that his political aspirations were limited to Kajiado gubernatorial elections where he later opted out.

3.4.2 Observations

130. The Committee, having considered the nominee's filled questionnaire pursuant to Section 6(8) of the Public Appointments (Parliamentary Approval) Act, her curriculum vitae and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment as Member, Public Service Commission

- i) THAT*, in accordance with Article 78(1) and (2) of the Constitution, the nominee was eligible for appointment to a State Office since he is Kenyan Citizen of ID Number 9208760 and was born in 1968 in Kajiado County. He does not hold dual citizenship.
- ii) THAT* the nominee holds a Bachelor's degree in economics, public administration and political science from Marathwada University in India (2003) and a Master of Business administration degree from the University of Nairobi (2009).
- iii) THAT*, the nominee is currently a council member at the Murangá University of Technology. He has previously served as a director general at the National Transport and Safety Authority (NTSA) from 2014 to 2020. He also served as a registrar of motor vehicles at the Ministry of Transport and Infrastructure (2010-2014) and a manager at Housing Finance Company of Kenya (1994-2006).
- iv) THAT*, the nominee had obtained clearance from the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB). He was therefore compliant with the provisions of Chapter Six of the Constitution.
- v) THAT*, the nominee demonstrated an impressive grasp of knowledge of topical, administrative and technical issues touching on the office of Member, Public Service Commission and has the requisite abilities, qualifications and experience to serve in the office.

3.5 DR. IRENE CHEROTICH ASIENGA, OGW NOMINEE FOR APPOINTMENT AS MEMBER OF THE PUBLIC SERVICE COMMISSION

131. Dr. Irene Cherotich Asienga, OGW, nominee for member, appeared before the Committee on Thursday, 9th January 2025 and was orally interviewed under oath pursuant to Article 233 (2) of the Constitution, the Public Appointments (Parliamentary Approval Act, Cap 7F, Public Service Commission Act, Cap.185 and the National Assembly Standing Orders. The Committee noted the following:

Citizenship, Date and Place of Birth

132. The nominee is a Kenyan Citizen of Identification Card (ID) Number 11526413 and was born in 1973 in Kericho County. The nominee does not hold dual citizenship.

Academic and Professional Qualifications

133. The nominee holds a Bachelor of Arts with a major in Economics from the University of Nairobi, a Master of Arts in Economics from the University of Malawi and a PhD in Economics from the University of Strathclyde in the United Kingdom.

Work and Professional Experience

134. The nominee is an advisor of Budgets and Fiscal Policy at the Executive Office of the President, where she has served since 2023.
135. Previously, she served as a Commissioner at the Commission on Revenue Allocation (2016-2022), director of Kabarak University Nairobi Campus (2013-2016) and was the dean, School of Business, Kabarak University (2003-2008).

Honours and Awards

136. The nominee was awarded the following:
- i. Order of the Grand Warrior of Kenya (O.G.W) by His Excellency the President of the Republic of Kenya and Commander-in-Chief of the Defence Forces, William Samoei Ruto on 12th Dec. 2024.
 - ii. Won a Ford Foundation Scholarship to attend an executive course on extractives at the University of Oxford (UK)-2018.
 - iii. Best Paper International Academy of African Business and Development (IAABD)- May 2013.

Other Activities and Membership

137. The Nominee is a member of the Royal Club Member No.01735 and the Christ is The Answer Ministries (CITAM).

Pro-Bono/Charity Work/Donation to Charity

138. The nominee is the Chairperson of Kenya Highlands University (KHU) Governing Council (At least one meeting per quarter) and a member of Kiriri Women's University of Science and Technology Governing Council (At least one meeting per quarter).

Published Writing

139. The nominee has published the following:
- i. Lihanda A.; Ngaruko D.; Asienga I.;(2024) Effect of Procurement Devolution Process of Medical Supplies on the Technical Efficiency of Public Health Facilities in Nakuru and Baringo Counties of Kenya; Journal of Business and Entrepreneurship; Vol 3.No.1, April 2024.pp492

- ii. Lihanda A.; Ngaruko D.; Asienga I.;(2024) Effect of Human Capital Devolution Process on the Technical Efficiency of Public Health Facilities in Nakuru and Baringo Counties of Kenya; Journal of Business and Entrepreneurship; Vol 6.No.1, April 2024.pp479
- iii. Cheboi T.; Asienga I.; Otuya R.(2024) Financial Structure and Financial Sustainability of Microfinance Institutions in Kenya; Journal of Management Science(JMAS); Vol 7.No.2, April 2024,pp 301-308.
- iv. Bosire M.; Owuor G.; Asienga I.; Kalui F.(2018) Effects of Demographic Factors on Value of Investments of Teachers in Kisii County, Kenya: Research Journal of Finance and Accounting; Vol,9 No 20

Sources of Income and Net-worth

140. The nominee's income during the calendar year preceding her nomination consists of salary and gratuity amounting to Ksh. 13,359,130.60. Her net worth is Ksh. 102.5 million

Potential Conflict of Interest

141. The nominee declared that she does not have any persons or matter that would present a potential conflict of interest, and should it arise, she would declare the interest in writing to the appointing authority in accordance with the law.

3.5.1 ORAL SUBMISSIONS

142. In order to assess the nominee's overall suitability for the position, the Committee posed questions to the nominee and she responded as recorded hereunder:

On the relevance of her skills set in the Public Service Commission

143. The nominee submitted that being an economist, she would employ her skills to promote productivity -and mobilize resources to fund the programmes of the Commission.
144. Further nominees indicated that she has a good understanding of the Bottom-up Economic Transformation Agenda Model and that there is a need to streamline and align the functions of the Public Service Commission to the BETA programmes.

On lessons learnt at CRA

145. The nominee submitted that there is a duplication of mandates occasioned by different legislations. She underscored the need for collaboration between commissions and other offices including the Parliamentary Budget Office, to address emerging issues like the perennial stalemate on division of revenue.
146. She also reiterated the need for stakeholder management and engagement to address funding gaps in the Commission, including resource mobilization from development partners.

On her views on the current fiscal space.

147. Acknowledging the current challenging space occasioned by fiscal consolidation, the nominee submitted that there have been positive developments in the country including the progressive reduction of the debt-to-GDP ratio and inflation.

On how the nominee will improve the public service

148. The nominee stated that there is a need for digitalization of the payroll system to promote efficiency, improve compliance and establish actual establishment in the public service.

On the interplay between politics and technical objectivity

149. The nominee submitted that she has gained experience to navigate the political dynamics in the country and maintain technical objectivity in her assignment as an advisor, Budget and Fiscal Policy.

On the memorandum contestation her nomination on grounds of serving in another Commission.

150. The nominee explained that the drafter of the memorandum misinterpreted the law, indicating that the provisions of Article 250(6(a) of the Constitution do not restrict individuals from being appointed to a Commission or Independent office having previously served in another Commission or Independent Office.

3.5.2 Observations

151. The Committee, having considered the nominee's filled questionnaire pursuant to Section 6(8) of the Public Appointments (Parliamentary Approval) Act, her curriculum vitae and having heard her oral submission during the approval hearing, made the following observations on her suitability for appointment as Member, Public Service Commission.

- i) THAT*, in accordance with Article 78(1) and (2) of the Constitution, the nominee was eligible for appointment to a State Office since she is a Kenyan Citizen of Identification Card (ID) Number 11526413 and was born in 1973 in Kericho County. The nominee does not hold dual citizenship
- ii) THAT*, the nominee an advisor of Budgets and Fiscal Policy at the Executive Office of the President, where she has served since 2023. Previously, she served as a Commissioner at the Commission on Revenue Allocation (2016-2022), a director at the Kabarak University Nairobi Campus (2013-2016) and a subsequent employee of Kabarak University (2003-2008).
- iii) THAT*, the nominee had obtained clearance from the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB). She was therefore compliant with the provisions of Chapter Six of the Constitution.
- iv) THAT*, the nominee demonstrated an impressive grasp of knowledge of topical, administrative and technical issues touching on the Office of Member of the Public Service Commission and has the requisite abilities, qualifications and experience to serve in the office.

3.6 MR. BOYA MOLU, NOMINEE FOR MEMBER, PUBLIC SERVICE COMMISSION

152. Mr. Boya Molu, EBS, nominee for member, appeared before the Committee on Thursday, 9th January 2025 and was orally interviewed under oath pursuant to Article 233 (2) of the Constitution, the Public Appointments (Parliamentary Approval Act, Cap 7F, Public Service Commission Act, Cap.185 and the National Assembly Standing Orders. The Committee noted the following:

Citizenship, Date and Place of Birth

153. The nominee is a Kenyan Citizen of Identification Card (ID) number 22253516 and was born on 1978 in Marsabit County. The nominee does not hold dual citizenship.

Academic and Professional Qualifications

154. The nominee holds a Bachelor of Arts degree in Business Administration from Karnataka University in India, and a Master of Business Administration in Human Resource Management from the Periyar University in India.

Work and Professional Experience

155. The nominee was recently a consultant on Election, Democracy and Governance, International IDEA (Seconded to IGAD Mission in South Sudan). He has previously served as a Commissioner at the Independent Electoral & Boundaries Commission (IEBC), Kenya (2017 to 2023), a Deputy Director of, the Human Resources and Administration Directorate at the Judiciary of Kenya, (2014 to 2017) and a Senior HR Officer, HR & Admin Dept, Central Bank of Kenya (2008 2013).

Honours and Awards

156. The nominee was conferred the Presidential National Honours Award in the order of the Elder of Burning Spear (EBS) in December 2022.

Other Activities and Membership

157. The Nominee is a member of the Institute of Human Resources Management, Kenya (IHRM-K).

Pro-Bono/Charity Work/Donation to Charity

158. The nominee has engaged in charity works by assisting the needy.

Published Writing

159. The nominee has developed the following: policy documents:
i. Judiciary Human Resource Management and Administration Policy – 2015
ii. IEBC Human Resource Management and Administration Policy, 2019

Sources of Income and Net-worth

160. The nominee's income during the calendar year preceding his nomination consists of rental income, interests and consultation fees. Her net worth is Ksh. 160,515,650.

Public Office, Political Activities and Affiliations

161. The nominee is not an official of any Political Party.

Potential Conflict of Interest

162. The nominee declared that he does not have any persons or matter that would present a potential conflict of interest.

3.6.1 ORAL SUBMISSIONS

163. To gauge the nominee's overall suitability for the position, the Committee posed questions to the nominee and he responded as follows:

On the nullification of the elections in 2017

164. The nominee submitted that it is a good thing that our constitution is vibrant enough to challenge administrative issues and that the election process was the main problem and not the results. The nominee indicated that the Commission had implemented the guidelines of the Supreme Court and this enhanced the credibility of the subsequent elections.

On the public service adopting a performance-based approach

165. The nominee explained that the performance-based approach can be embedded in the public service and that it can borrow the reskilling, retooling and other useful initiatives from the private sector.
166. The nominee advocated for mainstreaming of rewarding of good performance, sanctioning of poor performance and enhanced funding to bridge the skills gap in the public service.

On the reforms applicable to transform PSC

167. The nominee stated that he would improve productivity and efficiency, identify the areas prone to misuse and ensure digitalization and enhance the staff establishment at the Commission. He further stated that he is results-oriented and, therefore, will aim to resolve the personnel stagnation in the Public Service, borrowing from a similar undertaking during his stint at the Judicial Service Commission.

On aligning PSC goals with Vision 2030 and national goals

168. The nominee stated that he will ensure the goals are centred on ensuring transparency and accountability. He reiterated the need for a motivated, efficient and well-trained public service.

On the memorandum contesting his nomination

169. The nominee stated that there was a misreading and misinterpretation of the law. He submitted that Article 250(6) does not restrict him from being nominated for appointment to a Commission or Independent Office having previously served in another Commission or Independent Office.
170. Further, the phrase ' 'single term of six years' ' in Article 250(6)(a) relates to a particular office in a particular Commission or Independent Office.

3.6.2 Observations

171. The Committee, having considered the nominee's filled questionnaire pursuant to Section 6(8) of the Public Appointments (Parliamentary Approval) Act, his curriculum vitae and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment as Member, Public Service Commission.

- i)* **THAT**, in accordance with Article 78(1) and (2) of the Constitution, the nominee was eligible for appointment to a State Office since he is a Kenyan Citizen of Identification Card (ID) number 22253516 and was born on 1978 in Marsabit County. The nominee does not hold dual citizenship.
- ii)* **THAT** the nominee was recently a consultant on Election, Democracy and Governance, International IDEA (Seconded to IGAD Mission in South Sudan). He has previously served as a Commissioner at the Independent Electoral & Boundaries Commission (IEBC), Kenya (2017 to 2023), a Deputy Director of, the Human Resources and Administration Directorate at the Judiciary of Kenya, (2014 to 2017) and a Senior HR Officer, HR & Admin Dept, Central Bank of Kenya (2008 2013).
- iii)* **THAT**, the nominee had obtained clearance from the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB). she was therefore compliant with the provisions of Chapter Six of the Constitution.
- iv)* **THAT**, the nominee demonstrated an impressive grasp of knowledge of topical, administrative and technical issues touching on the Office of Member, Public Service Commission and has the requisite abilities, qualifications and experience to serve in the office.

3.7 MS. JOAN ANDISI MACHAYO, OGW NOMINEE FOR APPOINTMENT AS MEMBER OF THE PUBLIC SERVICE COMMISSION

172. Ms. Joan Andisi Machayo, OGW, nominee for member, appeared before the Committee on Thursday, 9th January 2025 and was orally interviewed under affirmation pursuant to Article 233 (2) of the Constitution, the Public Appointments (Parliamentary Approval Act, Cap 7F, Public Service Commission Act, Cap.185 and the National Assembly Standing Orders. The Committee noted the following:

Citizenship, Date, and Place of Birth

173. The nominee is a Kenyan Citizen of Identification Card (ID) Number 8717928 and was born in 1966, TransNzoia County. The nominee does not hold a dual citizenship.

Academic and Professional Qualifications

174. The nominee holds a Bachelor of Arts degree in Political Science and Literature from the University of Nairobi and a Master's in Business Administration in human resource management from the University of Nairobi.

Work and Professional Experience

175. The nominee is currently a deputy commission secretary at the Public Service Commission. The nominee has over 15 years of experience at the Commission serving in different positions including a director and assistant director at the human resource management development department (2007-2024). She also served at the Kenya Medical Training College as both a principal and administration officer in the human resource department. previously a director, a commissioner at the World Disability Union and a district officer.

Honours and Awards

176. The nominee was awarded the following:

- i. Order of the Grand Warrior (OGW) 2024- H.E. The President of the Republic of Kenya
- ii. Australia Awards Fellowship 2023-Department of Foreign Affairs and Trade/ The University of Newcastle, Australia.

Other Activities and Membership

177. The Nominee is a member of the Institute of Certified Secretaries (ICS), Institute of Human Resource Management (IHRM) and African Association of Public Administration (AAPAM).

Pro-Bono/Charity Work/Donation to Charity

178. The nominee is a contributor to the Tongaren Welfare Association.

Published Writing

179. The nominee has published the following:

- i. Prime Journal of Business Administration and Management: Brain Drain among health professionals in Kenya; A case of poor working conditions- a critical review of the causes and effects. 2013: ISSN: 2251-1261
- ii. Mount Kenya University Journal: Leadership challenges for sustainable change in public sector organizations. <http://www.ac.ke/research/>

Sources of Income and Net-worth

180. The nominee's income during the calendar year preceding her nomination consists of a salary, dividends, interests and allowances. Her net worth is Ksh. 203,960,744 million

Public Office, Political Activities and Affiliations

181. The nominee is not an official of any Political Party.

Potential Conflict of Interest

182. The nominee stated that he has no immediate associations that are likely to present potential conflict of interest.

Integrity

183. The nominee had neither been charged in a court of law nor mentioned in any investigatory reports of Parliament or any Commission of Inquiry in the last three (3) years. She had also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

3.7.1 ORAL SUBMISSIONS

184. In order to assess the nominee's overall suitability for the position, the Committee posed questions to the nominee and she responded as recorded hereunder:

On the nominee's major challenges and achievements

185. The nominee submitted that one of her achievements at PSC was the automation of the performance management system whereby the performance rewards and sanctions policy were digitized. She also played an important role in the development of a human resource master plan and the public service excellent awards scheme.
186. The nominee also stated that the major challenges at the Commission included not being well funded and that HR planning is not well covered as a result.

On the Public Service Internship Program

187. The nominee submitted that she is charge internship program and indicated that the programme has benefited over 30,000 individuals. Acknowledging that the government cannot absorb all the interns, the nominee underscored the need for a Management Trainee programme in the public service. There is also a need to onboard the TVET sector into the programme

On the issue of ghost workers

188. The nominee stated the need for a multiagency approach that includes the EACC, and DCI to address the issue of ghost workers. She also advocated for automation and payroll audits to identify discrepancies.

On how to cope with the flow of new ideas to the Commission from the incoming Members of the Commission.

189. Subject to approval by the National Assembly, the nominee submitted that a diversity of skills exhibited by the incoming commissioners would be beneficial to the Commission.
190. She underscored the need for an agile and diverse composition of the Membership of the Commission to respond the evolving needs of the public Service.

3.7.2 Observations

191. The Committee, having considered the nominee's filled questionnaire pursuant to Section 6(8) of the Public Appointments (Parliamentary Approval) Act, her curriculum vitae and having heard her oral submission during the approval hearing, made the following observations on her suitability for appointment as Member, Public Service Commission:

- i)* **THAT**, in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to a state office since she is a Kenyan Citizen of Identification Card (ID) Number 8717928 and was born on 1966, TransNzoia County. The nominee does not hold a dual citizenship.
- ii)* **THAT**, the nominee holds a Bachelor of Arts degree in Political Science and Literature from the University of Nairobi and a Master's in Business Administration in human resource management from the University of Nairobi.
- iii)* **THAT**, the nominee currently a deputy commission secretary at the Public Service Commission. The nominee has over 15 years of experience at the Commission serving in different positions including a director and assistant director at the human resource management development department (2007-2024). She also served at the Kenya Medical Training College as both a principal and administration officer in the human resource department. previously a director, a commissioner at the World Disability Union and a district officer.
- iv)* **THAT**, the nominee meets the requirements of Chapter Six of the Constitution on leadership and integrity having obtained clearance from the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB).
- v)* **THAT**, the nominee demonstrated an impressive grasp of knowledge of topical, administrative and technical issues touching on the Office of Member of the Public Service Commission and has the requisite abilities, qualifications and experience to serve in the office.

3.8 DR. FRANCIS OTIENO OWINO, CBS NOMINEE FOR APPOINTMENT AS MEMBER OF THE PUBLIC SERVICE COMMISSION

192. Dr. Francis Otieno Owino, CBS, nominee for member, appeared before the Committee on Thursday, 9th January 2025 and was orally interviewed under oath pursuant to Article 233 (2) of the Constitution, the Public Appointments (Parliamentary Approval Act, Cap 7F, Public Service Commission Act, Cap.185 and the National Assembly Standing Orders. The Committee noted the following:

Citizenship, Date, and Place of Birth

193. The nominee is a Kenyan Citizen of Identification Card (ID) Number 8579204 and was born in 1964, Siaya County. The nominee does not hold a dual citizenship.

Academic and Professional Qualifications

194. The nominee holds a Bachelor of Arts degree in Business Administration from the University of Nairobi, and a Master of Business Administration in Strategic Management from the Kenya Methodist University. He also holds a PhD in Peace and Conflict Studies from the Masinde Muliro University of Science and Technology.

Work and Professional Experience

195. The nominee currently is a consultant at the Kenya School of Government. He has previously served as a principal secretary to three state departments of fisheries, aquaculture and blue economy, industrialization and youth affairs. He was also an acting principal secretary to the state department of crop development and agricultural research and a director at the Directorate of National Cohesion and Values.

196. The nominee has worked at the Ministry of Labour and Human Development and as a district officer from 1992 to 2006.

Honours and Awards

197. The nominee was awarded the following:

- i. Chief of the Order of the Burning Spear (CBS) on 12th December, 2018
- ii. Honorary Canon Diocese of Southern Nyanza

Other Activities and Membership

198. The Nominee is a member of the Kenya Association for Public Administration and Management (KAPAM).

Pro-Bono/Charity Work/Donation to Charity

199. The nominee has engaged in various community projects and initiatives within Migori County. He is also the Chair Board of Management Oruba Girls High School in Migori County.

Published Writing

200. The nominee has published the following:

- i. Book on Understanding National Cohesion in Kenya –Owino F. and Oita E (2017), Jomo Kenyatta Foundation Publishers
- ii. 2013 - Applying Sports to National Cohesion and Integration in Kenya
- iii. 2008 – An Assessment of the Dominant Work Ethics among Public Sector Employees in Kenya:

201. The nominee has contributed to the publication of the following documents:

- i. 2019 – Kenya Youth Development Policy
- ii. 2013 – Sessional Paper No. 8 On National Values and Principles of Governance
- iii. Sessional Paper No. 9 On National Cohesion and Integration

3.9 COMMITTEE OBSERVATIONS

211. The Committee, having considered the nominees' filled questionnaires pursuant to Section 6(8) of the Public Appointments (Parliamentary Approval) Act, their curricula vitae and having heard their oral submissions during the approval hearings, made the following general observations:
- a. All the nominees are Kenyan citizens and do not hold dual citizenship. Thus, they satisfy the dictates of Article 78(1) and (2) of the Constitution which bars state officers from holding dual citizenship.
 - b. All the nominees presented their academic credentials and professional certificates and, during the approval hearings, demonstrated their suitability in accordance with the provisions of Section 6(7) of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011.
 - c. None of the nominees held office in any political party, a requirement under Article 77(2) of the Constitution and the Schedule to the Public Appointment (Parliamentary Approval) No. 33 of 2011.
 - d. None of the nominees had been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75 (1) (conflict of interest), 76 (financial probity), 77 (restriction of State officers) and 78 (2) (dual citizenship) of the Constitution;
 - e. The nominees meet the requirements of Chapter Six of the Constitution on leadership and integrity having obtained clearance from the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Education Loans Board (HELB).
212. In addition, the Clerk of the National Assembly invited the public to submit memoranda by way of written statements on oath (affidavits) on the suitability or otherwise of the nominees. The Memoranda were to be received by **3rd January 2025** by **5.00 pm**. By close of the deadline, the Committee had not received any memoranda contesting the suitability of the nominees.
213. However, on **7th January 2025**, the Committee received a Memorandum from Dr. Magare Gikenyi J Benjamin, contesting the nomination for appointment of Mrs. Mary Wanjira Kimonye, CBS; Mr. Boya Molu, EBS; Dr. Irene Cherotich Asienga and Mr. Francis Meja. The Committee resolved to seek responses from the nominees on the Memorandum.
214. The petitioner objected to the nomination of **Mrs. Kimonye** as the Vice Chairperson of the Public Service Commission stating that its unconstitutional arguing that her nomination does not represent the ethnic diversity of the communities of Kenya;
215. The petitioner submitted that **Mr. Boya Molu and Dr. Irene Cherotich Asienga**, nominees for appointment as members of the Public Service Commission, had served their constitutional full term of six (6) years as commissioners of Independent and Electoral and Boundaries Commission (IEBC) and Commission for Revenue Allocation (CRA) respectively and therefore not eligible for re-appointment as Commissioner of any other constitutional Commission.
216. The Petitioner submitted that **Mr. Francis Meja** should be disqualified for appointment as a member of the Public Service Commission by virtue of Article 233(3)(iii) & (iv) of the Constitution and other applicable laws. The Petitioner submitted that Mr. Francis Meja was a member of the United Democratic Alliance Party whose Presidential candidate won the last general elections. Further, Mr. Francis Meja participated in the activities and campaigned for the UDA Party in Kajiado Gubernatorial and other electoral seats. He was also a candidate.

217. The Committee observed the following on the Memorandum;
- i. On the Memorandum contesting the suitability of the nomination of Mrs. Mary Wanjira Kimonye, CBS, the Committee observed that she was a Meru as documented in her identification document and not Kikuyu as alleged by the Petitioner
 - ii. On the contestation of the suitability of the nomination of Mr. **Boya Molu and Dr. Irene Cherotich Asienga** the Committee observed that the provisions of Article 250(6)(a) of the Constitution do not restrict individuals from being nominated for appointment to a Commission or Independent Office by virtue of having previously served in an office in another Commission or Independent Office.

Further, the phrase "single term of six years" in Article 250(6)(a) relates to a particular office in a single Commission or Independent Office but not different Commission.

- iii. On the contestation of the suitability of the nomination of Mr. **Francis Meja**, the Committee observed that Article 233(3) of the Constitution of Kenya 2010 provides that:

"(3) Subject to clause (4), a person is not eligible for appointment as a member of the Commission if the person-

(a) has, at any time within the preceding five years, held office, or stood for election as-

- i. a member of Parliament or of a county assembly; or
- ii. a member of the governing body of a political party; or
 - (b) holds any State office;
 - (c) (c) is, or has at any time been, a candidate for election as a member of Parliament or of a county assembly; or
 - (d) (d) is, or has at any time been, the holder of an office in any political organisation that sponsors or otherwise supports, or has at any time sponsored or otherwise supported, a candidate for election as a member of Parliament or of a county assembly."

218. The petition submitted that the nominee had contested for gubernatorial position which is not restricted by the provisions of the Article 233(3). In addition, the nominee is not an official of any political party as documented by the Office of the Registrar of Political Parties.

219. Further, the Independent Electoral and Boundaries Commission, in a response to request for verification on the nominees as documented in the report of the selection panel, stated that the nominee had not participated in the past two general elections.

4.0 FINDINGS

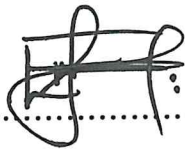
220. The Committee, having considered the nominees' academic credentials and professional qualifications, work and professional experience, personal integrity, as well as their performance during the approval hearing, made the following general findings:
- 1) All the nominees are Kenyan citizens and do not hold dual citizenship in conformity with Article 78 of the Constitution regarding their eligibility for appointment to a State office.
 - 2) The nominees have the requisite academic and professional qualifications recognized in Kenya.
 - 3) According to the records and information availed to the Committee by all Nominees and the various clearing agencies, the nominees meet the requirements of chapter six of the Constitution on leadership and integrity
 - 4) All candidates demonstrated extensive knowledge and experience on topical issues including public management, finance and administration, human resource management and the status of public service sector including the challenges and emerging issues.
 - 5) In accordance with Article 77(2) of the Constitution and the Schedule of the Public Appointment (Parliamentary Approval) Cap 7F, none of the nominees holds office in any political party.
 - 6) The nominees are compliant with Articles 75 and 76 of the Constitution on the conduct and financial probity of State officers. They indicated the nonexistence of potential conflict of interest and committed to declare any should it arise.
 - 7) On the memorandum contesting suitability of *Mrs. Mary Wanjira Kimonye, CBS for appointment as the Vice-Chairperson of the Public Service Commission*, the committee based on her national identification found that contrary to the allegations by the petitioner, the nominee is a Meru from the Ameru community hailing from Meru Central District; Abothuguchi 'W' Division; Katheri 'Cen' Location; and Kathita Sub-location. Further, the issue regarding composition of a commission was settled by the High Court in *Legal Advice Centre aka Kituo Cha Sheria attorney General, Cabinet Secretary for the National Treasury, Commission for the Implementation of the Constitution (CIC) & National Cohesion and Integration Commission (2015) KEHC 7141 (KLR)*, that it is not enough to allege that the composition of one public body is ethnically skewed, a wholesome view of the public service ought to be taken before complaints can genuinely arise about ethnic balance.
 - 8) On the memorandum contesting the appointment of *Mr. Francis Meja, nominee for member of the Public Service Commission*, the Committee found that the nominee has never held office in a political party or stood for election as a member of parliament or of a county assembly as provided for under Article 233(3) of the Constitution.
 - 9) On the memorandum contesting the nomination *Mr. Boya Molu, EBS and Dr. Irene Cherotich Asienga, OGW for appointment as members of the Public Service Commission*, the committee found that the provisions of Article 250(6)(a) of the Constitution do not restrict individuals from being nominated for appointment to a Commission or Independent Office by virtue of having previously served in another Commission or Independent Office.
 - 10) The nominees are suitable for appointment as vice-chairperson and members of the Public Service Commission.

5.0 COMMITTEE RECOMMENDATION

221. Having conducted the approval hearings pursuant to Articles 118(1), 124 (4) and 233 of the Constitution; the Public Appointments (Parliamentary Approval) Act; Cap.7F, Public Service Commission Act, Cap. 185 and Standing Order 216 (5) (f), the Committee recommends that the House **approves** the appointment of:

- a) Mrs. Mary Wanjira Kimonye, CBS as the Vice-Chairperson of the Public Service Commission; and
- b) The following nominees as members of the Public Service Commission:-
 - 1) Mr. Harun Maalim Hassan- Member;
 - 2) Ms. Mwanamaka Amani Mambruiki, CBS- Member;
 - 3) Mr. Boya Molu, EBS- Member;
 - 4) Dr. Irene Cherotich Asiega - Member;
 - 5) Dr. Francis Otieno Owino- Member;
 - 6) Ms. Joan Andisi Machayo - Member;
 - 7) Mr. Francis Meja - Member.


SIGNED:



DATE:

14/1/2025

HON. ERIC MUCHANGI KAREMBA M.P.
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON LABOUR

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 15 JAN 2025	DAY: THUR
TABLED BY:	HON ERIC MUCHANGI (CHAIRPERSON)
MEMBER OF THE TABLE:	A. SHIBUKO

