



ELGEYO MARAKWET COUNTY PUBLIC SERVICE CONTRACT AND CASUAL EMPLOYEES' ENGAGEMENT MANUAL

2024



FOREWORD

In accordance with Section 74 of the County Governments Act, 2012, the regulation of contract and casual employment is entrusted to the County Public Service Board. This regulation adheres to the provisions outlined in Section 17 of the Employment Act, 2007, as well as the minimum wage directives established by the National Government through its Regulation of Wages Order, which is periodically updated.

To facilitate effective management of casual and contract employees, we have developed the County Public Service Contract and Casual Manual. This comprehensive document delineates the procedures for engaging and overseeing contract staff and casual workers, thereby ensuring optimal productivity while addressing staffing shortages where necessary.

The primary objective of this manual is to furnish clear guidelines for the engagement and management of all contract employees and casuals within the county. By meticulously outlining the roles and responsibilities of various stakeholders, we aim to promote accountability and efficiency in the public service.

Through the implementation of this manual, the County Government strives to standardize the engagement processes of contract and casual workers, ultimately contributing to enhanced public service management.

Thank you



DR. SELLY JEMUTAI KIMOSOP

AG. CHAIRPERSON ELGEYO MARAKWET COUNTY PUBLIC SERVICE BOARD

PREFACE

Recruitment of staff in the County Public Service is a function of the County Public Service Board. The County Government Act 2012 allows the Board to delegate any of its functions to the County Secretary, Chief Officers, Sub County or Ward Administrators or Municipal and Town Administrators and these functions may include recruitment. The Board therefore prepared this manual in order to ensure that the process is carried out according to the laid down procedures, for uniformity and well planned and streamlined process for use by any of the offices that carry out recruitment of contract and casual staff.

The document describes the recruitment stages from advertisement to on boarding and the required documentations during the process. The guidelines shall be read alongside other relevant legislations and policy documents applicable.

It is the responsibility of the Accounting Officers to ensure that the procedures outlined in the manual are strictly adhered to.



CS. CHRISTINE NG'ENO
BOARD SECRETARY

Acronyms

CPSB	County Public Service Board
ID	Identification Number
NSSF	National Social Security Fund
KRA	Kenya Revenue Authority
PIN	Personal Identity Number
IT	Information Technology
DOB	Date of Birth

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DEFINITION OF TERMS

A contract: an agreement that specifies certain legally enforceable rights and obligations pertaining to two or more parties.

Contract employee: an agreement in writing to employ or serve as an employee for a specified period of time and remuneration. Contract appointments will be limited to a minimum of 12 months.

Casual employee: a person the terms of whose engagements provide for his/her payment at the end of each day and who is not engaged for a longer period than twenty-four (24) hours at a time.”

A casual employee is an employee who:

- Is engaged to work only on and “as when” required;
- Is under no obligation to accept work offered;
- Is employed for a discrete casual work engagement(s);
- has no expectation of ongoing or further casual work engagements being offered; and is paid in full at the end of each completed casual work engagement.

SCOPE

The County Government of Elgeyo Marakwet Manual applies to the engagement and management of all contract and casual employees.

AIM

The manual aims at regulating the engagement of contract and casual employees.

PART I: ENGAGEMENT OF CONTRACT EMPLOYEES

In accordance with Section 74 of the County Governments Act, 2012 employment and engagement of contract employees shall be regulated by the County Public Service Board. Hiring of contract employees will be undertaken by the County Public Service Board and Authorized Officers of the respective departments in consultation and written Authorization from the CPSB. Contract appointments will be done within the budgetary limits as approved for the financial year.

Procedure for Hiring Contract Employees

Hiring of contract employees will be undertaken using the following laid down procedure:

Job Advertisements

The advertisement shall be as per the contents of the indent which shall outline the following key attributes:

- Department
- Contract period
- Remuneration
- Job description
- Qualification

Interview and Selection

Depending on the nature of the contract engagement, applicants shall be interviewed as part of the hiring procedure. The Board may carry out interviews and selection in collaboration with the respective Department. Questions shall be based on the nature of work applied for.

Appointment of Contract Employees

Successful candidates will be notified in writing. They will be required to appear at the CPSB for verification of documents upon which they will be issued with offer letter and will be required to signify an acceptance in writing. Upon signifying acceptance, the employee will be issued with appointment letter.

Record Keeping

The County Public Service Board and the respective Department shall maintain an official file for contracts. A copy of engagement letter shall be submitted to the Department in charge of Public Service and the relevant Department for record keeping. The authorized officer shall submit quarterly reports to the County Public Service Board on contract employees i.e number, work station, performance.

Appropriate Dress Code

The contract employee shall maintain an appropriate Dress Code and personal hygiene.

Induction

The respective Department shall in consultation with the Board induct the contract employees within three (3) months upon engagement.

Deployment

The relevant chief officer shall have the power to deploy Contract employees within the Department.

RENEWAL OF CONTRACT EMPLOYMENT

The contract of service may be renewed upon expiry depending on the departmental need. The renewal of contract shall be made on authority of the CPSB. Authorized officers shall report to the CPSB all cases of appointment on contract terms which require renewal at least three (3) months before expiry of such contracts. Renewal of contract shall be subject to demonstrable performance and other terms of contract.

TERMINATION OF CONTRACT EMPLOYMENT

Termination of contract employment may arise in the following circumstances:

- a) Either party giving one months' notice in writing or payment of one month's pay in lieu of notice;
- b) Employer terminates the engagement in writing on grounds of misconduct.
- c) Notice period for (a) and (b) above shall be guided by section 35 of the Employment Act, 2007.

PART II: ENGAGEMENT OF CASUALS

In accordance with Section 74 of the County Governments Act, 2012 employment and engagement of casuals shall be regulated by the County Public Service Board. Hiring of casual workers will be undertaken by the Authorized Officers of the respective departments in consultation and written Authorization from the CPSB. Casual workers shall be engaged only on short-term tasks of not more than three (3) months, as stipulated in the Employment Act, 2007.

Casual Workers shall be paid in accordance with section 17 of the Employment Act, 2007, and the minimum wage guidelines issued by the National Government through Regulation of Wages order from time to time. Due care should be taken to avoid hiring the same casual workers repeatedly to avoid breaching existing Labour Laws on the same. Casual appointments will be done within the budgetary limits as approved for the financial year.

Procedure for Hiring Casuals

Hiring of casuals will be undertaken using the following laid down procedure:

Local Job Advertisements

The advertisement shall be placed on the local administrative office notice boards and shall outline the following key attributes:

- Employer
- Approximate number of hours/weeks to be worked
- Location
- Type of shift (day, evening, Night)
- Pay rate
- The duties of the job
- Job specifications

Note: Engagement of casuals for jobs not lasting more than a day need not be advertised however, other regulations shall apply.

Interview and Selection

Depending on the nature of the casual engagement, applicants may be interviewed as part of the hiring procedure. Interviews and selection will be carried out in collaboration with the Department of Public Service Management. Interview questions shall be standardized for all applicants of the same job. Questions shall be based on the nature of work applied for, and previous experience shall be noted in the posting.

Hire of Casuals

Successful candidates will be notified in writing and will be required to sign an acceptance thereupon. (Appendix 1)

The Board will limit the employment of casuals to jobs that are temporary in nature.

Record Keeping

The hiring Department shall maintain an official file for casuals. A copy of engagement letter shall be submitted to the Board and Department Public Service Management for record. The files will contain;

- Job application and resume
- Interview notes
- New Hire request form
- Offer of engagement
- Notes on any performance issues
- Statutory Requirements e.g SHIF, NSSF, KRA PIN and any other
- Police clearance certificate (for casuals engaged for more than one month)
- Master roll

- Notice of Termination of Employment

Borrowing Privileges

All casual workers shall not be entitled to any credit facilities from the County Government.

Appropriate Dress Code

Appropriate Dress Code is:

- Sufficiently modest for a work set-up
- Appropriate for the task/work assigned

Induction

The Hiring Department in consultation with the Board shall induct the casuals upon engagement

Placement

Casual workers will not be deployed to work in sensitive areas such as in financial management, Human Resource, IT, Laboratory, Procurement, etc. where skilled manpower is required.

TERMINATION OF CASUAL EMPLOYMENT

Termination of casual employment may arise in the following circumstances:

- d) Casual terminates the engagement in writing.
- e) Employer terminates the engagement in writing on grounds of misconduct.
- f) Where work is no longer available.
- g) Notice period for (a) and (b) above shall be guided by section 35 of the Employment Act, 2007

APPENDIX I: SAMPLE CASUAL ENGAGEMENT LETTER

(Letter Head)

RE: CONTRACT OF SERVICE

This casual engagement contract is entered into between (*specify*) and;

Name: **ID Number:**

Address: **Tel No:**

Station: **Date:**

Age/DOB: **Gender:**

1. This is an offer of (*specify period*) casual engagement/contract which begins on

(specify) and ends on or before (*Specify*).

2. You will be engaged under this contract as a (*specify*). Your duties and responsibilities will be:

-
-

3. You will work under the supervision of (**specify supervising officer**)

4. You will be expected to work (Specify hours) a day or as instructed by your supervisor.

5. In return of satisfactory performance of the duties assigned, you shall be paid Kshs.per hour/day/month as applicable within the contractual period.

6. This contract may be terminated by either party at any time as guided by section 35 of the Employment Act, 2007

7. You shall not be entitled to any leave within the contractual period.

You shall not be entitled to any pension and/or gratuity under this contract.

8. Unless otherwise expressly provided for under this contract, you shall not be entitled to any other entitlements under this contract.

I acknowledge that this offer represents the entire agreement between me and (*state employer*) and that no verbal or written agreements, promises

or representations that are not specifically stated in this contract letter, are or will be binding upon (*state employer*)

Yours faithfully,

(Signed) AUTHORISED OFFICER

ACCEPTANCE

I am in agreement with the above contract terms and conditions,

Name.....Sign.....Date.....

Witness

Name.....Sign.....Date.....



**THE SECRETARY/CHIEF EXECUTIVE OFFICER
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