ELGEYO MARAKWET COUNTY GOVERNMENT

COUNTY PUBLIC SERVICE BOARD

DRAFT HUMAN RESOURCE POLICIES AND PROCEDURES MANUAL FOR THE COUNTY PUBLIC SERVICE

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DEFINITION OF TERMS

(i)	Accounting Officer	A public officer appointed to take full responsibility on the finances, assets and liabilities of the respective County Department.
(ii)	Authorized Officer	A Public Officer to whom the County Public Service Board has delegated the Human Resource Management function in a County Department or agency
(iii)	Basic Salary	An officer's salary excluding allowances.
(iv)	Bondee	An employee who is serving a training bond obligation
(v)	County executive committee member	A state officer responsible for policy direction, coordination and overall supervision of a department
(vi)	Children	The biological off springs or legally adopted children under the age of twenty five (25) years who are unmarried and are wholly dependent on the officer. For purpose of records, the names of the children must be declared at the time of birth or adoption if it occurs during employment in the public Service. Copies of birth certificates or legal adoption papers will be required in either case.
(vii)	County Public Servants	These are employees of the county Public Service board, Seconded staff from national government and staff of county agencies, entities and county cooperation's.
(viii)	Board	Refers to the Elgeyo Marakwet County Public Service Board.
(ix)	County	Elgeyo Marakwet County Government.
(x)	County Governor	The Chief Executive Officer of Elgeyo Marakwet County Government.
(xi)	Delegated Authority	The powers of the public service board that have been assigned to any one or more of its members, officers in the County, body or Authority to exercise on its behalf.
(xii)	Immediate Family	Includes the officer, spouse(s), children, the officer's parents and siblings.
(xiii)	Leave Year	Refers to the period commencing 1st July to 30th June of each financial year.
(xiv)	Next-of-Kin	The name of the person provided by the officer for the purpose of contact during emergency and in case of death.
(xv)	Nuclear Family	Refers to officer, spouse and children.
(xvi)	Assembly	Refers to the Elgeyo Marakwet County Assembly.
(xvii)	Pro-rata	Is the Computation of benefits for the period served in relation to the full term entitlement.

(xviii)	Public Service	It incorporates the Elgeyo Marakwet County Public Service, seconded staff, and staff of the County Agencies, entities and County Cooperation's.
(xix)	Chief Officer	This is the Administrative head of a County Department.
(xx)	Reimbursable Allowances	Refers to those allowances where an Officer gets reimbursement on the expenditure incurred in the course of duty.
(xxi)	Remunerative Allowance	Refers to those allowances paid to an officer, in addition to salary as a form of Compensation for additional responsibilities.
(xxii)	Spouse	Refers to the legal marriage partner of an officer specified under the Marriage Act or in accordance with the relevant Customary Law.
(xxiii)	County Secretary	Means Public Officer in charge of the Elgeyo Marakwet County Public Service coordination and secretary to the County Executive Committee.
(xxiv)	State Officer	Refers to a person holding a State Office.
(xxv)	Surety	Refers to a person who formally accepts responsibility to locate a bondee and/or redeem the bond obligation of a bondee who defaults or appears in a court of law in respect of the same.
(xxvi)	Tour of Service	Refers to the period of employment contract in the Public Service awarded to a foreign employee.
(xxvii)	Training Bond	Refers to formal agreement between the county government of Elgeyo/ Marakwet and its employees who are selected for approved training that oblige them to serve in the Public Service for a specific period of time on completion of training.
(xxviii)	Vesting Period	Refers to ownership of benefits built up in a Scheme for a member including what has been contributed by the employee and returns thereof.
xxx	PSC	Public Service Commission
xxxi	Advisory committees	Refers to either County Human Resource Management Advisory Committee and Departmental Human Resource Management Advisory Committee
xxxii	CHRMAC	County Human Resource Management Advisory Committee
Xxxiii	DHRMAC	Departmental Human Resource Management Advisory Committee
xxxiv	CPSB	Elgeyo Marakwet County Public Service Board

This Human Resource Policies and Procedures Manual for the County Public Service is formulated with due regard to gender; thus where reference is made either to 'he' or 'she' only, it shall be construed to mean and include reference to both 'he' and 'she'

and where reference is made to spouse, it shall be construed to mean and include reference to both 'husband' and 'wife' where applicable and vice versa.

PREAMBLE

The County Human Resource Policies and Procedures Manual provides guidelines in the management and development of human resource capacity towards the achievement of various County goals and objectives.The Manual incorporates provisions of the Constitution, Labour Laws and other Legislation that govern various aspects of industrial relations in the Public Service. The Manual is also anchored on other policies and guidelines governing the management of the Public Service. It provides the basis for human resource policies and regulations in the wider Public Service. It is important to note that these policies are not exhaustive of all the rules and regulations governing Public Servants in their day to day activities. They should therefore, be read alongside other relevant Statutes, where applicable, for better interpretation and application. The policies will apply to the County Government and other County Government Agencies and will be updated from time to time to reflect policy changes affecting human resource management and development in the Service. The regulations should however, be used as the minimum norms and standards for human resource practice in the County Public Service.

Where clarification on any of these regulations is required, it should be sought from the Board Secretary/Chief Executive Officer, County Public Service Board.

Chairperson,
ELGEYO/ MARAKWET COUNTY PUBLIC SERVICE BOARD,
ITEN.

PART I: GOVERNANCE STRUCTURE AND OFFICIAL COMMUNICATION

This part comprises the instructional framework for Human Resource Management in the County Public Service and official communication.

SECTION A

INSTITUTIONAL FRAMEWORK

A.1 Section A provides a summary of matters related to the administration and management of the County Government. It shall be read alongside the Constitution of Kenya, The County Government Act, Elgeyo Marakwet County Public Service Board Act and Regulations, the Public Service Commission Regulations and other legal statutes.

Values and Principles of Public Service

A.2 (1) The County Public Service shall be responsible for implementation of County policies and programmes as guided by the following values and principles of public service as stipulated in Article 232 of the Constitution:

(i) High standards of professional ethics;
(ii) Efficient, effective and economic use of resources;
(iii) Responsive, prompt, effective, impartial and equitable provision of services;
(iv) Involvement of the people in the process of policy making;
(v) Accountability for administrative acts;
(vi) Transparency and provision to the public of timely, accurate information;
(vii) Fair competition and merit as the basis of appointments and promotions;
(viii) Representation of Kenya's diverse communities; and
(ix) Affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service, of:

(a) men and women;
(b) the members of all ethnic groups; and
(c) persons with disabilities.

(2) The values and principles of public service apply to public service in:-

(i) Elgeyo Marakwet County government; and
(ii) All County Corporations.

National Values and Principles of Governance

A.3 The County Public Service will also be bound by the national values and principles of governance as stipulated in Article 10 of the Constitution. These include:-

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

Functions of County Departments

A.4 The allocation of functions to County Departments shall be as set out by the Chief Executive officer of the County to the service from time to time.

Role of the County Secretary and Head of Public Service

A.5 (1) The County Secretary and Head of the Public Service will be responsible for:

i. General efficiency of the County Public Service;

ii. Co-ordination of the activities of County Public Servants;

iii. Overall organization of the machinery for the execution of the county Government policies; and;

iv. Ensuring that all county government agencies are adequately staffed for the performance of their functions.

(2) All County Chief Officers have a duty to keep the County Secretary and Head of the Public Service informed of staffing, operational and major policy issues in their Departments.

Role of the Chief of Staff

A.5 (2) The Chief of Staff will be responsible for the management of the personal staff of the office of the Governor.

Role of County Executive Members

A.6 County Executive Committee Members are accountable individually and collectively, to the Governor for the exercise of their powers and the performance of their functions concerning a matter for which the County Executive Committee Member is responsible.

These include:

(i) Strategic policy formulation and direction of the department to which they are assigned;

(ii) being the link between the department and the Governor as the case may be; and

(iii) Steering the Strategic Human Resource Management matters in the department.

Role of Chief Officer

A.7 (1) The Chief Officer shall be responsible to the County Executive member for:

i. The day to day operations of the Department;

ii. The administration and management of Human Resource functions in the department;

iii. Co-ordination of the department's performance management;

iv. Advising the County Executive Member on Human Resource matters;

v. Chairing departmental Human resource management advisory committee (DHRMAC) and; departmental Performance Management Committee (DPMC)

vi. Overseeing implementation of departmental programmes;

vii. Efficient utilization of funds and other public resources placed at their disposal; and

viii. Performing any other HR function as directed by the respective County Executive committee member and as delegated by the County Public Service Board.

(2) Chief Officers should always seek advice, guidance and concurrence from their respective County Executive Members on important policy matters.

Role of the County Attorney

A.8 (1) The County Attorney is the principal legal advisor to the County. His responsibilities include ensuring that County Departments are given appropriate legal advice as per the County Attorney's Act, 2016.

(2) The County Attorney shall be the link between County Government and the office of Attorney General on legal matters.

Functions and Powers of the County Public Service Board

A.9 (1) The functions of the County Public Service Board shall be, on behalf of the County Government, to—

(a) Establish and abolish offices in the county public service;

(b) Appoint persons to hold or act in offices of the county public service including in the Boards of cities and urban areas within the county and to confirm appointments;

(c) Exercise disciplinary control over, and remove, persons holding or acting in those offices as provided for under this Part;

(d) Prepare regular reports for submission to the county assembly on the execution of the functions of the Board;

(e) Promote in the county public service the values and principles referred to in Articles 10 and 232;

(f) Evaluate and report to the county assembly on the extent to which the values and principles referred to in Articles 10 and 232 are complied with in the county public service;

(g) Facilitate the development of coherent, integrated human resource planning and budgeting for personnel emoluments in counties;

(h) Advise the county government on human resource management and development;

(i) Advise county government on implementation and monitoring of the national performance management system in counties;

(J) Make recommendations to the Salaries and Remuneration Commission, on behalf of the county government, on the remuneration, pensions and gratuities for county public service employees

Powers of the County Public Service Board

A.9 (2) In the performance of its functions under subsection (1) (e), the County Public Service Board shall have powers to—

(a) Inform and educate county public officers and the public about the values and principles;

(b) Recommend to the county government effective measures to promote the values and principles;

(c) Assist county government in the formulation and implementation of programmes intended to inculcate in public officers the duty to uphold the values and principles;

(d) Advise the county governments on their obligations under international treaties and conventions on good governance in the County Public Service;

(e) Visit any county public office or body with a view to assessing and inspecting the status of compliance with the values and principles;

(f) Investigate, on its own initiative or upon a complaint made by any person or group of persons, the violation of any values and principles;

(g) Recommend to the relevant lawful authority, any necessary action in view of the violation of the values and principles by any person or public body;

(h) Cooperate with other institutions working in the field of good governance in the public service; and
(i) Perform any other functions as the Board considers necessary for the promotion of the values and principles.

Delegation by the County Public Service Board

A.9 (3) The County Public Service Board may delegate, in writing, any of its functions to any one or more of its members and the County Secretary, County Chief Officer, Sub-County or Ward Administrator, Village Administrator, City or Municipal Manager and Town Administrators.

Communication with the County Public Service Board

A.10 All communications with the Board shall be addressed to the Secretary, County Public Service Board. Serving officers may communicate with the Board only in exceptional cases and should channel their letters through their respective Authorized Officers with an advance copy to the Board.

Notification of the Board's Decisions

A.11 (1) The decisions of the Board to County Departments in respect of all cases will be communicated to the respective Authorized Officers in writing by the Secretary to the Board.
(2) The decisions of the Board to PSC in respect of appeals will be communicated to the Commission in writing by the Secretary to the Board.
(3) The decisions of PSC with respect to appeals to the Commission will be communicated to respective officers in writing by the Secretary to the Board.

Role of the Department Responsible for Public Service

A.12 The Public Service Board may delegate some of its functions to the Authorized Officer in the department responsible for Public Service as may be determined and issued through a delegation instrument from time to time.

County Public Service Human Resource Management matters to be considered by the committees (CHRMAC and DHRMAC)

A 13The functions to be considered by the advisory committees entail making recommendations to the authorised officer or the Board as the case may be regarding:
(i) Recruitment, selection and appointment;
(ii) Performance management;
(iii) Promotions;
(iv) Confirmation in appointment;
(v) Training and Development;
(vi) Training Impact Assessment;
(vii) Management of skills inventory;
(viii) Establishment and Complement control;
(ix) Payroll management;
(x) Deployment;
(xi) Promotion of values and Principles of Public Service;
(xii) Recommendation for secondments and unpaid leave;
(xiii) Recommendation for retirement under 50 years rule;

(xiv) Recommendation for retirement on medical grounds;
(xv) Recommendation for re-designation;
(xvi) Recommendation for renewal of contract;
(xvii) Discipline;
(xviii) Pension administration.

County Human Resource Management Advisory Committee

A.14 (1) To ensure effective human resource management, the Board shall constitute a County Human Resource Management Advisory Committee

(2) The committee membership shall comprise all Chief Officers and the quorum shall be two thirds of serving chief Officers, provided that the quorum shall be an odd number.

3) The County Secretary will be the Chair of the County Human Resource Management Advisory committee

4) The County Director Human Resource Management will be the Secretary of the County Human Resource Management Advisory committee

5) The CHRMAC shall meet at least once in each month.

6) The decisions of the Committee shall be by consensus or majority vote of the members present.

7) The CHRMAC shall consider recommendations from Departmental Human Resource Management Committees and conclude matters within their purview or recommend to the CPSB for decision

(8) The Committee may co-opt such members, in writing, as necessary from time to time with the approval of the Committee chair.

Departmental Human Resource Advisory Committee

A.15 (1) To ensure effective human resource management, each County Department shall constitute a County Departmental Human Resource Management Advisory Committee and Departmental performance Management Committee**.**

(2) The committee shall comprise all heads of sections and the quorum shall be two thirds (2/3) of the membership provided it is an odd number. The DHRMAC shall meet at least once in each month.

(3) The Chief Officer shall chair the advisory committees,

(4) The secretary shall be the most senior officer responsible for Human Resource management matters in the department.

(5) The decisions of the Committee shall be by consensus or majority vote of the members present.

(6) The DHRMAC shall consider recommendations from Sectional heads and conclude matters within their purview or recommend to the CHRMAC.

(7) The Committee may co-opt such members, in writing, as necessary from time to time with the approval of the Authorized Officer.

A.16 The DPMC shall consist of the following members:

(i) Chief Officer - Chairperson

(ii) Directors of Technical Departments

(iii) Director Planning

(iv) Director of HRM

(v) The secretary shall be the most senior officer responsible for Human Resource management matters in the department.

A.17 The Functions of the Departmental Performance Management Committee (DPMC) shall be as follows:

(i) Undertake quarterly review of implementation of Strategic Plans and Performance Contracts;

(ii) Ensure linkage between Institutional Performance Contract and Performance
Appraisal System;

(iii) Ensure that the overall assessment of employee performance is within the context of institutional performance as evaluated through staff Performance Appraisal System;

(iv) Ensure that the performance of all officers is evaluated and feedback on performance is relayed in writing at the end of the year;

(v) Hold quarterly performance review meetings;

(vi) Consider performance reports from various sections within the department and make recommendations for improvement;

(vii) Review cases of appeals on appraisal ratings between appraiser and appraisees;

(viii) Make recommendations to the Authorized Officer on the application of Rewards or Sanctions;

(ix) Develop and implement the internal monitoring and evaluation and reporting system; and

(x) Ensure that the integrity and credibility of the overall process of rewards and sanction system is safeguarded and maintained at all times.

COUNTY GOVERNMENT COMMUNICATION

Introduction

A.18 This Section spells out the basic rules for effective communication through correspondence and other means. It provides for expeditious treatment of communication within the prescribed rules and gives a brief guide for use of a variety of other communication media.

Forms of Correspondence

A.19 (1) Great importance is attached to the expeditious treatment of all communication received by the County Government. Every communication requiring a response but which cannot be answered at once should be acknowledged promptly on receipt. The necessary consultations should then be finalized and appropriate reply dispatched in not more than seven (7) days unless it can genuinely be established that such consultations require a longer period.

(2) Correspondence within the County Public Service should be as concise as possible, indicating the general background to the issue and advice or decision sought on the issue.

(3) Each correspondence should be confined as far as possible to a single subject under an appropriate and summarized heading. Invariably, the reference number and date of the last communication, if any, from the writer and from the person addressed on the same subject should be given.
(4) Enclosures in foreign languages should be accompanied by a certified translation or in the case of documents of minor importance, by a summary of the contents.
(5) Documents received in foreign languages should be referred to the State Department responsible for Foreign Affairs for official translation, if necessary.
(6) Any information relating to County Government business should not be communicated to the general public without the sanction of the Authorized Officer of the Department concerned.
(7) When decisions of the County Government have to be conveyed to non-governmental bodies or to members of the public, they should be communicated as the decisions of the County Government, and not as those of an individual officer or Department.
(8) The responsibility of ensuring that correspondence reaches its destination rests with the sender.

Communication by County Public Officers

A.20 (1) a county public officer shall communicate to his Authorized Officer through his head of department/ immediate supervisor.
(2) All communication to the Public Service Board shall be through his Authorized Officer.
(3) An officer is not allowed to take extracts or make copies of minutes or correspondence, unless such correspondence is expressly addressed to the officer personally.

Correspondence with Other Governments or Administrations

A.21 Any correspondence relating to relations between County Government and other administrations shall be governed by existing intergovernmental relations arrangements, bilateral arrangements and other protocols.

Classified Correspondence

A.22 (1) The Government of Kenya Security Manual contains instructions regarding classified correspondence.
(2) The appropriate classification should be clearly marked at the top and bottom of every page of all classified documents.
(3) Authorized Officers will be held responsible for ensuring that the most careful attention is paid to security matters in all offices under their control. The attention of all officers having access to classified information should be particularly drawn to the Security Manual regularly.

Reports and Memoranda to the County Executive Committee

A.23 (1) A memorandum intended for consideration of the County Executive Committee must be signed by the County Executive Member concerned and submitted in original to reach the County Secretary at least seven (7) days before the meeting at which it is to be considered.

(2) County Executive Committee memoranda shall be prepared in accordance with the guidelines contained in the County Government Office Manual.

Publicity/Broadcasts

A.24 (1) County Executive Committee Members shall liaise with the respective department of Public Communications for any information they wish to communicate to the public through the media.

(2) The department of public communications will assist in the preparation of the material for publicity in a form most suitable to the media but it will be the responsibility of the Department concerned to ensure accuracy before any material is issued.

(3) A County Public Officer shall not issue statement(s) to the media on official matters without prior approval of the Authorized Officer.

Use of modern means of communication

A.25 For faster communication, Departments shall adopt modern means of Communication such as use of e-mail, fax and telephones.

Use of Password

A.26 Where data is of a confidential nature and electronically stored, officers to whom passwords are entrusted shall take precautions to keep them confidential and safeguarded.

Annual Reports

A.27 (1) Annual reports are intended to be a record of work done during the period under review and should be concerned with assessing whether County Government programmes, performance contracts, functions and activities have led to achievement of stated objectives or goals during the year in question. Annual Reports should therefore, include the following information:

(i) A descriptive statement giving background information about a programme, function or an activity which should include elements such as cost, time span, size and schedule.

(ii) A statement of intended objectives which were to be achieved after implementation;

(iii) Environmental influences/factors during implementation;

(iv) Outcomes/Impacts in relation to the originally stated objectives;

(v) An analysis on whether the activity in question has been managed efficiently and effectively as planned; and

(vi) Recommendations and suggestions for future improvement of County Government policies and programmes.

(2) The result of research or scientific investigations should be published in scientific journals, or as separate monographs, and not in annual reports. The reports should, however, include a reading list referring to these separate publications.

(3) Annual Reports will be prepared on the basis of a financial year.

(4) Annual Reports should not be published without prior sanction of the Authorized Officer concerned.

Research Approvals

A.28 An officer or a member of the public wishing to undertake research on any aspect of the Public Service in a County Government establishment will be required to seek approval from the office of the County Secretary.

Gazettement

A.29 (1) All communication for publication in the Kenya Gazette should reach the Government Printers not later than Friday of the week before publication is desired.

(2) A Department will be required to meet the cost of advertising in the Kenya Gazette.

Official Seals and Stamps

A.30 (1) the use of official seals and stamps in all County Government offices must be confined strictly to official requirements.

(2) Applications by private persons for impressions of official seals shall not be allowed.

(3) The official seals and stamps must be kept under the custody of a senior officer designated for the purpose by the Authorized Officer who shall be accountable for their custody and appropriate use.

Disposal of Records

A.31 Disposal of official records shall be done in accordance with the provisions of the Official Secrets Act, the Public Archives and Documentation Services Act and Personnel General Letter No.1 of 2008.

PART II: RECRUITMENT, SELECTION, APPOINTMENT AND TRANSFERS

This part addresses recruitment, selection, appointment, promotions and transfer matters in the County Public Service.

SECTION B :RECRUITMENT AND APPOINTMENT

Introduction

B.1 Section B provides rules governing recruitment, appointment, confirmation in appointment and promotion of County Public Officers. It also provides guidelines on career progression, secondments and transfer of officers from one organization to another and other related matters.

Human Resource Plans

B.2 (1) Every Department shall prepare Human Resource Plans to support achievement of goals and objectives in their Strategic plans. The plans shall be based on comprehensive job analysis and shall be reviewed every year to address emerging issues and needs.

(2) On the basis of these Human Resource plans, Departments shall be required to develop annual recruitment plans which will be forwarded to the County Public Service

Board through the office of County Secretary at the beginning of each financial year to enable it plan to fill the vacancies.

Reporting of Vacancies

B.3 (1) An Authorized Officer shall declare all vacant posts to the County Public Service Board in accordance with the procedures set out in the County Public Service Board regulations.

(2) All vacancies will be reported to the County Public Service Board for filling.

(3) The County Public Service Board shall consider requests for approval of declaration of vacancies. Such requests shall be forwarded by the Authorized Officer upon recommendation by the CHRMAC.

(4) Recommendations for filling vacancies in Job Group 'K' and above in an acting capacity shall be submitted to the County Public Service Board. Such recommendations should be accompanied by a draft indent and a seniority list of officers including an account of their performance.

Advertisement of Vacant Posts

B.4 CPSB will advertise all vacant posts in a manner that reaches the widest pool of potential applicants and allow for at least fourteen (14) days before closing the advert. The advert shall have the following details: the title of the post ,job reference number, number of vacancies, job description, person specification and the proposed remuneration.

Recruitment

B.5 Recruitment will be undertaken on the basis of fair competition and merit; representation of Kenya's diverse communities; adequate and equal opportunities to all gender, youth, members of all ethnic groups, persons with disabilities and minorities.

Application for Employment

B.6 A candidate applying for employment shall do so online or manually by completing the prescribed CPSB form.

Offer of Appointment

B.7 (1) Before taking up duty, a person appointed to any office will be issued with the appropriate letter of offer of appointment, as the case may be, which must be signed before he commences his duties.

(2) An offer of appointment may be withdrawn if the candidate does not accept in writing and take up the appointment within fourteen (14) days of the offer.

Categories of Appointment

B.8 Appointments in the county public service will fall into two categories:

(i) Permanent and pensionable;

(ii) Contract.

Appointment Procedures

B.9 (1) The procedures to be followed in filling vacancies within the scope of the Public Service Board are set out in the Board Regulations which may be amended from time to time.

(2) The County Public Service Board may delegate its function to appoint persons to hold office in the public service to an Authorized Officer as determined from time to time.

(3) Appointments made under the functions delegated by the County Public Service Board to Authorized Officer shall be processed through the appropriate County Human Resource Management Advisory Committee in accordance with County Public Service Board Regulations and guidelines issued to the service from time to time.

Letters of Appointment

B.10 (1) An officer appointed to a position in the County Public Service shall be issued with a letter of appointment specifying the terms and conditions of service.

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

Date of Appointment

B.11.The date of appointment shall be the date of assumption of duty.

Appointment documents

B.12 (1) A candidate on first appointment shall provide the following documents:

i. National identity card/Passport;
ii. Birth Certificate;
iii. KRA tax PIN;
iv. Original academic and professional certificates duly authenticated by the issuing authority; Certificate of good conduct from the Directorate of Criminal Investigations;
v. Colour Passport size photograph;
vi. NSSF and NHIF details; and
vii. Bank account details.
viii. Duly filled medical prescribed form

(2) In addition, the CPSB shall ensure that all newly appointed officers are duly vetted as per the existing vetting policy.

(3) The officer shall also make an initial declaration of income, assets and liabilities by completing the prescribed form.

Next of Kin

B.13 An officer will be required to complete a next-of-kin form on first appointment and to update his next-of-kin records and other family details whenever necessary.

Record of Previous Employment

B.14 (1) It is the duty of the Board; and Authorized Officers, when making appointments under delegated authority, or in making recommendations for new appointments, to ensure that a candidate's record of previous employment is satisfactory in all respects.

(2) A candidate with a record of conviction should be employed only with the concurrence of the County Public Service Board.

(3) A candidate whose appointment in the Public Service had been terminated for any reason including resignation shall not be employed without prior approval of the County Public Service Board.

Medical Examination

B.15 All candidates on new appointment shall be required to undergo a medical examination by a Medical Officer who must complete the prescribed form. The purpose of the medical examination shall be to guide deployment of the employees.

Appointment on Probation to Pensionable Establishment

B.16 (1) where vacancies exist in the pensionable establishment, candidates recruited to fill such vacancies shall be appointed on probation for a period of six (6) months.

(2) An officer appointed on probation to the pensionable establishment shall be regarded as being on assessment with a view to learning his/her work and being tested as to his/her suitability for it. It is the duty of the supervisor(s) to ensure that every officer on probation is given adequate opportunities to qualify for confirmation in appointment.

(3) At least one (1) month before the expiry of the probationary period, the Authorized Officer shall consider in the light of the report(s) on the officer's performance, conduct and capabilities whether or not the officer is suitable for confirmation.

(4) Where an officer's performance is unsatisfactory, he shall be informed in writing and the probation period may be extended for a maximum period of three (3) months.

(5) Should the officer's performance fail to improve on expiry of the extended probation period, his probationary appointment shall be terminated in accordance with the County Public Service Board regulations.

(6) Where an officer has served on terms other than pensionable and is subsequently appointed on a pensionable post, the terms of service may be translated to pensionable from the date the officer was placed on a pensionable post. The officer will, however, not be required to serve the probationary period in accordance with this regulation.

Admission to Pensionable Establishment

B.17 (1) Appointment to the pensionable establishment shall be restricted to officers who will be in a position to complete the qualifying period necessary for the grant of a pension in accordance with regulations of the respective pension scheme (Pensions Act Cap 189, the Public Service Superannuation Scheme Act or any other Pensions Law that may be promulgated).

(2) For the purposes of this manual and for the officer's subsequent retirement from the service, a birth certificate and National Identity card issued after the date of first appointment will not be accepted unless the date of birth shown in the birth certificate/identity card tallies with the date of birth declared by the officer in the Application for Employment Form completed and signed by him/her prior to or immediately after first appointment.

Confirmation in Appointment and Admission to Pensionable Establishment

B.18 (1) An officer appointed to the Service in a pensionable post will be confirmed in appointment and admitted into the permanent and pensionable establishment on completion of probationary period of six (6) months satisfactory service.

(2) Service on contract terms may be taken into account in full as probationary service, in the case of an officer who has been appointed on probation to pensionable establishment without a break in service.

Procedure for Confirmation in Appointment

B.19 (1) The Authority of confirmation of all officers in their appointments are delegated to Authorized Officers and will be exercised on the advice of the respective Human Resource Management Advisory Committee. However, extension and termination of probationary appointments will be dealt with in accordance with the Authority delegated by the County Public Service Board.

(2) The Supervisor will make a report on the officer's suitability for confirmation or otherwise at least one (1) month before the end of the probationary period and inform the officer accordingly.

(3) Where the Supervisor fails to submit a report during the probationary period, the officer shall be confirmed in appointment.

(4) Where an officer's performance is unsatisfactory, he shall be informed in writing and the probation period may be extended to a maximum period of three (3) months.

(5) Should the officer's performance fail to improve on expiry of the extended probation period, his probationary appointment shall be terminated.

Appointment on Contract Terms

B.20 (1) Appointment on contract terms will be made under the following circumstances:

(i) Where persons to be appointed may not qualify for pension as per the respective pension scheme.

(ii) Where officers are appointed to serve on fixed term projects.

(iii) Appointments at senior levels as determined by the County Public Service Board from time to time.

(iv) Where capacity in the County Public Service is lacking or specific skills are required.

(v) Personal staff of specified state officers as determined by the Board from time to

time. Such staff shall serve during the tenure of the state officers.

(2) Appointment of officers on contract and renewal of such contracts shall be made on authority of the County Public Service Board. Authorized Officers shall report to the County Public Service Board all cases of appointment on contract terms which require renewal at least three (3) months before expiry of such contracts.

(3) An officer serving on contract, and whose services are still required, will be informed in writing at least three (3) months before the expiry of the contract. On acceptance of the offer, the case will be referred to the Board for renewal.

(4) Contract appointments will be limited to a minimum of 12 months, renewable subject to demonstrable performance and other terms of the contract; and maximum period of five years.

Re-designation

B.21 (1) The Authorized Officer shall have Authority to recommend to the Board for re-designation of officers from Job Group 'A' to 'J' through CHRMAC.

(2) Re-designation of staff in Job Group 'K' and above shall remain the responsibility of the County Public Service Board.

(3) Re-designation of officers shall be subject to the following conditions:

(i) Suitability interview for officers who are moving from one cadre to another;

(ii) Suitability Interview shall not apply for posts which fall within the same job family;

(iii) Shall be limited to positions in the first two (2) entry levels in any cadre;

(iv) Shall take effect from the date of the decision;

(v) The Board shall be required to promote qualified officers before processing the re-designation requests;

(vi) Re-designation with continuous service will be allowed only for technical cadres whose job specifications are similar for both graduate and non-graduate officers; and

(vii) Shall be subject to existence of vacancies.

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

Non Discrimination in Employment

B.22 (1) The County Government shall promote equality of opportunity in employment and will not discriminate directly or indirectly against an employee on any grounds including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth.

(2) The County Government will endeavour to have a gender balanced Public Service by ensuring that not more than $^2/_3$ of positions in its establishment are filled by either gender.

Rights and Privileges of Persons with Disabilities

B.23 (1) Persons with disability shall be accorded equal opportunities for employment provided they have the necessary qualifications and are suitable for such employment.

(2) The County Government shall implement the principle that at least five (5%) percent of all appointments shall be for persons with disabilities.

(3) The County Government shall provide facilities and effect such modification, whether physical, administrative or otherwise, in the workplace as may be reasonably required to accommodate persons with disabilities.

Recruitment of Non-Citizens

B.24 Engagement of non-citizens shall be as per the prevailing policies and regulations of National Government and County Government where applicable.

PROMOTIONS

B.25 (1) Promotions in the County Public Service will be based on qualifications and other requirements for appointment as stipulated in the career progression guidelines.

(2) In selecting candidates for promotion, regard shall be given to affording adequate and equal opportunities to all gender, youth, members of all ethnic groups, persons with disabilities and minorities.

Promotions dependent on examinations

B.26 Where an officer is to be promoted upon satisfying requirements which include the passing of relevant Board's examinations, the officer shall be promoted with effect from the date of the County Public Service Boards decision.

Promotion to posts in common establishment

B.27 Promotion to posts within a common establishment shall cover the first two (2) grades at entry level or as determined by the County Public Service Board from time to time.

Dates of Promotion

B.28 (1) The effective date of an officer's promotion will be the date of the County Public Service Board decision.

(2) Promotion within common establishment posts shall be effective from the date of the Board decision.

(3) If an officer has been appointed by the County Public Service Board to act in a post and is subsequently promoted to it without any interval between the appointment in an acting capacity and the date of his substantive promotion, the effective date of promotion will be the date on which he commenced to act or otherwise approved by the Board.

Seniority

B.29 Seniority of public officers shall be determined as follows:

(1) As between public officers of the same grade:

(i) By reference to the dates on which they respectively entered the grade.

(ii) If the public officers entered that grade on the same day, by reference to their seniority on the day immediately preceding that day.

(iii) If any public officers who entered the same grade on the same day did so by appointment and not by promotion, then seniority relative to each other shall be determined by reference to their respective ages.

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

(3) As between public officers of different grades on different salary scales, by reference to the maximum point on their salary scale, a flat rate of salary being regarded for this purpose as a salary scale with a maximum point equivalent to the flat rate.

Release of Officer(s) Selected for Promotion in Departments

B.30 (1) An officer who is selected for promotion to a Department other than that in which he is serving will be released to take up his appointment on transfer within a period of two (2) months from the date of the letter authorizing the promotion.

(2) If the promotion takes effect before his transfer, salary at the full rate attached to his new appointment will be payable by the receiving Department from the date of his promotion as specified in the County Public Service Board letter.

(3) An officer who is promoted to a post in a different Department while attending a training course will be transferred to that Department from the date of his promotion and the new Department will be required to pay his full emoluments.

(4) It is the responsibility of an officer to take up an appointment on promotion. An officer who fails to take up a promotion in a different Department shall be deemed to have declined the promotion which shall then be rescinded.

TRANSFERS

Transfer from One Department to another

B.31 (1) Employees who wish to move from one department to another will have to apply for vacant positions as and when advertised. Further, deployment of officers in their substantive capacity within a department will be undertaken by the respective Authorized Officer on recommendations of CHRMAC.

(2) In exceptional circumstances, transfers of officers in Job Group 'M' and above shall be approved by County Public Service Board on the recommendation of the County Human Resource Management Advisory Committee.

Transfer of Service

B.32 (1) Transfers to and from the County Public Service and other Administrations or Public Service shall be approved by the County Public Service Board.

(2) An officer will be considered for transfer of service having regard to the provisions of applicable pension schemes.

(3) An officer seeking appointment in another administration should submit his application through his Authorized Officer.

(4) If an officer is offered appointment in another administration, requests for his transfer shall be made to the County Public Service Board.

(5) An officer who wishes to take up appointment in another administration other than in accordance with the procedures set out in this manual shall be required to resign from his position in the County Public Service.

Secondment

B.33 (1) Secondment of officers from the County Public Service to other organizations is applicable to pensionable officers, for a period not exceeding three (3) years and may be renewable once.

(2) Approval for secondment for officers moving from the County Public Service to other public administrations shall be the responsibility of the County Public Service Board.

(3) Approval for secondment for officers moving from the other public administrations to the County Public Service shall be granted by the County Public Service Board.

(4) Secondment of officers from the County Public service to other organizations shall be authorized only in cases where an officer is joining an institution that has not been declared a 'Public Service' for pension purposes.

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

(6) Officers on secondment will be paid their salaries and other allowances by the organizations in which they are deployed or otherwise approved by the Board.

(7) Secondments of officers in the County Public Service will be regulated in the context of the relevant pension legislation.

(8) Officers on secondment to other organizations will be eligible for promotion in the County Public Service.

PART III: TERMS AND CONDITIONS OF SERVICE

Introduction

Terms and conditions of service are the rights and obligations of an employee and an employer in the employment contract. These include; salary, allowances, housing, transport, terminal benefits, leave, conducive work environment, and employee welfare and wellness.

The County Government is committed to ensure that the terms and conditions of service in the County public service are competitive in order to attract, motivate and retain a skilled and productive workforce that ensures quality service delivery. County Public Service Board shall review and make recommendations to the County Government in respect of conditions of service in the County Public Service.

SECTION C : SALARY AND ALLOWANCES

Payment of Salary

C.1 (1) On appointment, an officer will be paid full salary from the date of assumption of duty.

(2) All officers will be paid salary on monthly basis in Kenya currency through their respective bank accounts.

(3) County Public officers shall not over-commit their salaries beyond two thirds ($^2/_3$) of their basic salaries and Heads of Human Resource Units should ensure compliance.

Salary Structure

C.2 (1) The Public Service salary structure will be based on the grading levels spelt out in the various career progression guidelines and as advised by the Salaries and Remuneration Commission from time to time..

(2) On first appointment, an officer will enter the salary structure at the minimum point of the respective salary scale. However, an officer maybe granted incremental credit for previous relevant experience at the rate of one increment for each complete year of approved experience provided the maximum salary of the Job Group assigned to the post is not exceeded. The grant of increments for relevant experience will be subject to the following conditions:

(i) Incremental credit will only be granted in respect of approved experience gained after acquiring the requisite minimum qualifications for the grade. In granting incremental credit, any period of service or experience stipulated as a basic requirement for appointment or promotion to a particular grade will be excluded;

(ii) Incremental credit will be granted only for previous approved experience in the type of work upon which an officer will be employed on his appointment to the particular grade;

(iii) Incremental credit may not be granted on appointment to promotional posts, i.e. posts to which an officer would not normally be appointed if he had joined the County Public Service; and

(iv) Incremental credit may be granted for the number of years of aggregate approved experience, periods in excess of full years being ignored.

Annual Incremental Dates

C.3 The first date of the month shall be an incremental date. An officer's annual incremental date shall be the first date of the month one is appointed.

Determination of Salary on Promotion/ Upgrading

C.4 (1) Where the salary of an officer who is promoted to a higher Job Group is lower than the minimum of the salary scale attached to the higher Job Group, he shall enter the scale of the higher Job Group at the minimum point of the scale on the effective date of his promotion/upgrading. His future incremental date shall be the following year on the first date of the month in which the officer was promoted.

(2) Where the salary of an officer on the day preceding the effective date of his promotion is one point immediately below the minimum of the salary scale attached to his new Job Group and if that officer was earning an annual increment, he shall enter the scale at the minimum salary point attached to his new Job Group on the effective date of his promotion and retain his former incremental date.

(3) In the event that on the effective date of promotion or upgrading the officer was already within the higher salary scale but the officer had not attained the maximum point of his current salary scale, the officer will enter the higher salary scale, at the point next above his current salary on the effective date of his promotion or upgrading and the officer will retain his former incremental date, i.e. incremental date immediately prior to his promotion.

(4) If on the day preceding the effective date of his promotion he had attained the maximum point of the salary scale attached to his former Job Group and his service at that salary amounted to less than one year, he will enter the salary scale attached to his new Job Group from the effective date of his promotion at the point next above his salary. His future incremental date will be the 1st date of the month in which the officer was promoted.

(5) If on the effective day of the promotion an officer had served at the maximum salary point of his present salary scale for one (1) year but less than two (2) years the officer will enter the next salary point above his salary and will retain his former incremental date prior to reaching his maximum salary point.

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

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

Determination of Salary of an officer Transferred from Another Administration

C.5 The salary of an officer who is transferred from another administration shall be determined by application of the provisions contained in this Manual.

Advance of Salary

C.6 (1) An advance of not more than one month's salary may be granted by an Accounting Officer to an officer on permanent and pensionable or contract establishment when the officer, owing to circumstances beyond his control, is placed in a difficult financial position requiring assistance from the County Government.

(2) In applying for the advance, the officer should explain in detail the circumstances leading to the situation which he could not have foreseen and therefore planned for.

(3) An advance under this regulation may be granted only when an officer has no other outstanding salary advance. In very exceptional circumstances, an Accounting Officer may grant an advance of not more than two (2) months' salary in situations

similar to those in paragraph (1) above if he is satisfied that the officer needs assistance in excess of one month's salary advance.

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

Allowances

C.7 (1) Additional payments are made in form of allowances, either to reimburse an officer for the expenses incurred directly or indirectly in the execution of his duties, or to compensate him for services rendered over and above the normal job requirements.

(2) The following are the allowances that are currently applicable in the Service and the circumstances under which they are payable.

House Allowance

C.8 (1) All officers are eligible for house allowance applicable to their grades as stipulated in Salaries and Remuneration Commission Circulars issued from time to time.

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

Commuter Allowance

C.9 (1) All officers in Job Group 'T' and below shall be eligible for commuter allowance where they are not provided with County Government transport.

(2) The rates of the allowances will be determined by the Salaries and Remuneration Commission from time to time.

(3) It will be an offence for an officer in receipt of commuter allowance to use County Government vehicle from house to office and vice versa.

Hardship Allowance

C.10 Officers deployed in designated hardship areas shall be eligible for the applicable hardship allowance as determined by the Salaries and Remuneration Commission from time to time.

Leave Allowance

C.11 (1) All officers shall be eligible for leave allowance payable once a year. The rate of leave allowance will be determined by the Salaries and Remuneration Commission from time to time.

(2) An officer stationed in any designated hardship area and who proceeds on leave twice a year and takes not less than half (½) of his entitlement shall be eligible for full payment of leave allowance twice per year. If such an officer does not apply for leave he shall only draw leave allowance once a year.

Entertainment Allowance

C.12 Public officers in Job Groups 'T' are from time to time required by the nature of their duties to provide hospitality and entertainment to official guests. To enable them

meet such expenses, a non-accountable monthly entertainment allowance may be paid as may be determined by the Salaries and Remuneration Commission from time to time.

Extraneous Allowance

C.13 Extraneous allowance shall be paid to officers who are called upon to undertake extra responsibilities in addition to their normal duties and therefore work over and above the official working hours on a continuous basis. The rates and eligibility for payment shall be determined by the Salaries and Remuneration Commission from time to time.

Acting Allowance

C.14 (1) When an officer is eligible for appointment to a higher post and is called upon to act in that post pending advertisement of the post, he is eligible for payment of acting allowance at the rate of twenty percent (20%) of his substantive basic salary. Acting allowance will not be payable to an officer for more than six (6) months.

(2) Acting appointments shall not be approved to take effect from a date earlier than one (1) month prior to the date on which the recommendation is submitted to the Authorized Officer or the County Public Service Board as the case may be.

(3) The payment of acting allowance shall be subject to recommendation by the County Human Resource Management Advisory Committee and approval by the Authorized Officer.

(4) All recommendations for acting appointments shall be accompanied by a draft indent for advertisement of the vacancy and shall be forwarded to the County Public Service Board.

(5) When a post falls temporarily vacant due to the absence of the substantive holder, an acting appointment shall not be made unless the period of such absence exceeds thirty (30) days.

(6) A recommendation for an acting appointment for a period of thirty (30) days or less will be considered by the County Public Service Board for those cases where the law or regulations require that, in the absence of the substantive holder of a public office, the function of that public office can be exercised only if another officer is appointed in an acting capacity.

(7) An officer who is appointed to act in a higher post shall be eligible for the duration of his acting appointment for the travelling privileges, accommodation allowance, subsistence allowance or an extraneous allowance and entertainment allowance applicable. However, the officer shall not qualify for house allowance or other remunerative allowances applicable to the higher post.

(8) Acting Allowance shall not be paid against any post falling within the common establishment.

(9) In all cases, an officer must be appointed to act in writing by the County Public Service Board .

Special Duty Allowance

C.15 (1) When an officer is called upon to perform duties of a higher post but does not possess the necessary qualifications for appointment to that post, he shall be paid special duty allowance at the rate of fifteen per cent (15%) of the officer's basic

salary. The payment of special duty allowance will be subject to recommendation by the County Human Resource Management Advisory Committee and approval by the Authorized Officer.

(2) When a post falls temporarily vacant due to the absence of the substantive holder, special duty allowance should not be paid to an officer performing duties of such a post unless the period of absence exceeds thirty (30) days.

(3) Officers shall not be called upon to perform duties of a post that is more than two (2) grades higher than the officer's substantive grade.

(4) Special Duty Allowance will not be payable to an Officer for more than six (6) months.

(5) Officers performing duties of a higher post under this provision shall be eligible for travelling privileges, accommodation allowance, subsistence allowance or an extraneous allowance and entertainment allowance applicable. However, the officer shall not qualify for house allowance or other remunerative allowances applicable to the higher post.

Daily Subsistence allowance (Local Travel)

C.16 (1) When an officer is travelling on duty and stays overnight away from his duty station and makes his own arrangements for accommodation, accommodation allowance shall be paid to him at the rates determined by the Salaries and Remuneration Commission from time to time.

(2) Accommodation allowance will be paid for a maximum continuous period of thirty (30) days. Notwithstanding the provisions of paragraph (1) of this provision, an officer who is required to be away from his duty station for more than thirty (30) days will be paid accommodation allowance for the subsequent additional days at half (½) rate up to a maximum period of five (5) months. Beyond this period, if the officer continues to work in the same station, this will be treated as a posting and accommodation allowance will cease to be applicable.

(3) On transfer from one station to another, an officer may claim accommodation allowance for self and spouse and up to a maximum of four (4) unmarried children under twenty five (25) years of age, who are living with and are in full time schooling and dependent on him should they be compelled to spend one or more nights on the journey. The rate of allowance for the spouse and children aged eighteen (18) years and above will be the same as that of the officer. The rate for the children below eighteen (18) years will be half that payable to the officer.

Meal Allowance

C.17 (1) Meal allowance will only be paid to officers travelling on duty within the country but who are not required to spend a night away from the permanent duty station. Meal allowance will not be paid alongside accommodation allowance.

(2) Meal allowance shall be paid at the rate of15% for breakfast, 20% for lunch and 20% for dinner of the daily subsistence rate applicable.

(3) Meal allowance shall not be paid as a compensation for officers who are required to work beyond the official working hours.

Daily Subsistence Allowance while Travelling on Duty outside Kenya

C.18 (1) County public officer who is required to travel on duty outside Kenya will be granted subsistence allowance at the daily rates determined by the Salaries and Remuneration Commission from time to time.

(2) The rates of subsistence allowance are designed to meet the cost of accommodation at good, but not luxury class hotels, meals, including service charges, local travelling (such as taxi, bus or train fare), incidental expenses including any taxes and an element in respect of essential entertainment.

(3) Travelling expenses incurred from the airport to a hotel or other residential place and vice versa, airport charges, fees for vaccination, visas and passport charges will be refunded.

(4) Where an officer's travelling and accommodation expenses are covered in full by the county Government or any other Organization, a residual allowance of up to one-quarter (¼) of the standard rate of subsistence allowance will be paid to him to cover incidental expenses.

(5) In cases where the sponsor does not meet the expenses directly but pays an allowance and such allowance is less than the standard rate of subsistence allowance, the officer may claim the difference from the County Government.

Overtime Allowance

C.19 (1) Where an officer in Job Group 'J' and below is required to work overtime, an allowance may be granted to him with approval of the departmental head for overtime worked in excess of forty (40) hours per week, at the rate of one and a half (1½) times the officer's basic salary during working days and two (2) times the officers basic salary during other days including public holidays.

(2) Overtime allowance will be paid subject to a maximum of ten hours per week.

(3) This provision will not apply to certain categories of staff in County Departments who are required to work overtime regularly and an allowance has been authorized for their compensation.

Transfer Allowance

C.20 (1) When an officer is transferred from one station to another, he will be eligible for transfer allowance amounting to one (1) month's basic salary provided the new station is not less than 40 kilometres from the former station. Transfer allowance will be paid at least three (3) days prior to departure.

(2) Transfer allowance will not be paid to:-

(i) Field officers such as Surveyors, Hydrologists, Engineers, Geologists, and Inspectors of Works, when moving from one camp to another;

(ii) Officers who are deployed on temporary basis (i.e. on relief duty) for a period not exceeding five (5) months; and

(iii) Officers who are transferred at their own request.

Field Allowance

C.21 Field officers such as surveyors, road foremen, prospectors and officers in charge of land development units, whose duties entail continuous field work and who live in movable accommodation (i.e. portable huts, tents or caravans), may be granted a regular field allowance at the rate of 25% of the daily Accommodation Allowance as provided from time to time.

Baggage Allowance

C.22 (1) When travelling on first appointment, transfer or termination of appointment, an officer shall be provided with a County Government vehicle to transport his luggage.

(2) In the absence of a vehicle, the officer will be eligible for a baggage allowance at rates determined by the Department of Roads, Public Works , Transport and Energy and approved by County Public Service Board from time to time.

(3) The officer will be expected to request for transport within three (3) months of appointment, transfer or termination of appointment failure to which, the privilege will be forfeited.

(4) In case of the death of an employee, the next-of-kin shall be eligible for a baggage allowance at rates determined by the Department of Roads, Public Works , Transport and Energy and approved by the County Public Service Board from time to time.

Other Allowances

C.23 The County Government may pay other allowances to different categories of public officers in various circumstances. Such allowances shall be determined and communicated from time to time by the County Public Service Board.

SECTION D :BENEFITS

Introduction

This section deals with various benefits including Housing, medical, transport and terminal benefits provided by the County Government.

Allocation of Government Houses

D.1 (1) The County Government provides government houses for employees who are required to pay rents at prevailing market rates as determined from time to time by the relevant Department responsible for Housing.

(2) County Government institutional houses shall be allocated at the station where an officer is posted for duty. The guidelines for allocation shall be provided by the Department responsible for Housing from time to time.

(3) Applications for County Government housing should be submitted to the County Government department responsible for Housing through the Authorized Officer.

(4) The responsibility for the allocation of housing at Institutions and recovery of rent rests with the respective Authorized Officers.

Occupation of County Government Houses

D.2 On occupation of a County Government quarter, the Authorized Officer responsible for housing shall notify the Authorized Officer of the County Department in which the public officer is serving for the purpose of rent recovery.

County Government Mortgage Scheme

D.3 (1) The County Government through the Department responsible for finance shall establish a Mortgage Scheme for County public officers to facilitate the officers to purchase or construct residential houses.

(2) The scheme shall be managed in accordance with the regulations developed by the Department responsible for Finance in line with County Government regulations and other regulations stipulated from time to time.

MEDICAL BENEFITS

D.4 (1) The County Government shall establish a Medical Insurance Cover to provide medical benefits for County Public Servants, their spouses and dependant children.

(2) The Medical Insurance Cover will be reviewed annually to ensure that the County Government and its employees get value for money invested in the Scheme.

Medical Treatment outside Kenya

D.5 Employees and their dependants will be eligible for medical treatment outside the country in cases where such treatment is not available locally, subject to prior authorization by the Director of Medical Services and the Scheme administrator.

Medical Ex-gratia Assistance

D.6 (1) The County Government will provide medical exgratia assistance to cover in-patient medical expenses incurred by an officer, spouse and dependent children 25 years and below, subject to prevailing limits, upon exhaustion of the medical cover entitlement within a financial year.

(2) All cases for ex-gratia assistance should be referred to the County treasury for consideration and approval.

TRANSPORT

D.7 Transport in the County Public Service is regulated through the County Government Transport Policy. This Section addresses various aspects of the Transport Policy and includes the car loan scheme, transport of officers while on duty and use of Government vehicles. It includes travelling privileges to members of the officer's family in certain circumstances and transportation of personal effects.

Car Loan Scheme

D.8(1)The County Government through the Department Responsible for Finance shall establish the County Public Servants Car Loan scheme to enable public officers purchase cars.

(2) The loan shall be disbursed as per the regulations developed by the Department responsible for Finance.

Eligibility for Transport

D.9 (1) The County Government will provide transport for an officer travelling on duty outside the duty station.

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

Travelling by Public Service Transport

D.10 When travelling by road or railway on transfer or duty outside the duty station, an officer will be eligible to claim applicable reimbursements of the amount of the fare paid on production of travel tickets.

Travelling by Government Vehicles

D.11 All officers in Job Group 'T' and below will use pool transport when travelling on official duty. County Departments will provide officers travelling outside their duty stations with pool transport or imprests to facilitate use of public transport depending on the nature of work and cost implication. Where possible, officers should travel together in one vehicle.

Use of Personal Vehicle

D.12 (1) In the absence of Government vehicle, an officer may with prior authority of the Authorized Officer use his personal vehicle for official duty.

(2) Where such authority is granted, the employee shall claim reimbursement based on the prevailing Automobile Association (AA) of Kenya rates. The vehicle capacity shall be limited to 2,000 c.c.

Travelling by Air

D.13 (1) When travelling on duty to another Country an officer may travel by air. Air travel on duty within Kenya will require the prior approval in writing of the Accounting Officer. Such approval may be given when other modes of transport are unavailable, air travel is economical or where the saving of time is paramount.

(2)All State and County Government officers with the exception of the Governor and the Deputy Governor officers will travel by Economy Class.

(3) When it is necessary to travel by air within Kenya to places not served by any commercial airline, the services of other Government departments/agencies shall be utilized in accordance with the existing transport policy.

Travelling for Interview

D.14 Serving officer who is invited for an interview by the County Public Service Board or a County Department will be regarded as travelling on duty and his travelling expenses will be charged to the appropriate vote of his County Department. This regulation will also apply to serving officers who travel to other stations to sit for examinations conducted by the County Public Service Board.

Travelling on Retirement

D.15 On retirement, the County Government will meet the officer's transport cost to his retirement destination within Kenya. The cost of transport in this case will be

limited to the cost of road and rail transport in respect of the officer, his nuclear family and baggage. The officer will be expected to request for transport within six months of retirement.

Transport Facilities on Bereavement

D.16 (1) Transport facilities for a deceased officer and immediate family members shall be provided at County Government expense to the place of burial when an officer dies while in service and if the spouse or dependant unmarried children aged twenty five (25) years and below die while the officer is still in the service.

The County Government shall provide a token contribution of Ksh.50, 000 to defray funeral expenses for a deceased officer, one spouse and up to four (4) children aged twenty five (25) years and below.

(2) Where County Government transport is not available, a private hearse may be hired at the County Government expense.

(3) An officer who will represent the County Government at the burial of the deceased shall be granted official transport.

EXIT FROM THE SERVICE AND TERMINAL BENEFITS

D.17 The County Government has established various benefits payable to public officers who exit from the service. This Section provides guidelines on various forms of exit from the Service and the benefits payable.

D.18 The various forms of exit from the public service include:

(i) Resignation
(ii) Termination in accordance with the letter of appointment
(iii) Expiry of contract
(iv) Retirement:
    (a) on attainment of mandatory retirement age
    (b) under '50 Year Rule'
    (c) on medical grounds
    (d) on abolition/re-organization of office
    (e) Retirement in public interest
(v) Dismissal
(vi) Death

Resignation

D.19 (1) An officer may resign his appointment by giving one (1) month notice or by paying one month's gross salary in lieu of such notice. An officer on contract may resign his appointment in accordance with the terms of the contract.

(2) On resignation, an officer is required to settle any outstanding liabilities to the County Government. Any amount due to an officer will be withheld and applied to

settle any sum due from him. If any liabilities are outstanding, the matter will be referred to the County Attorney for legal redress.

(3) An officer whose terminal benefits are determined under the Pensions Act will not be eligible for pension or gratuity on leaving the Service except in the specific circumstances defined in the Pensions Act or letter of appointment. An officer who resigns cannot, if subsequently re-employed after a break of service, count his previous service for pension.

(4) An officer shall on resignation, be eligible for terminal benefits in accordance with the terms set out in the relevant Pension Scheme.

Termination of Appointment

D.20 The employment of an officer serving on contract or probationary terms may be terminated by an Authorized Officer in accordance with the provisions of the officer's agreement or by giving appropriate period of notice or gross salary in lieu of notice.

Mandatory Retirement Age

D.21 All officers shall retire from the Service on attaining the mandatory retirement age of 60 years, 65 years for persons with disabilities and/or as may be prescribed by the Government from time to time.

Retirement under the '50 Year' Rule

D.22 (1) An officer on attaining the age of 50 years may opt to retire any time thereafter.

(2) An officer whose pension is determined under the Pensions Act and has completed ten (10) years' service, will be eligible for pension should he retire or opt to retire under'50 year' rule. However, if he has less than ten years' service, he will be eligible for a gratuity in accordance with the Pensions Regulations.

(3) An officer will be required to give one (1) month's notice of his intention to retire under the '50 year' rule.

(4) An officer who opts to retire under the '50 year' rule will be eligible for benefits under the Pension Scheme.

(5) Applications from officers to retire under the '50 year' rule will be approved by the County Public Service Board.

Retirement on Medical Grounds

D.23 (1) Where it appears to an Authorized Officer that an officer is unfit for continued service due to ill-health, the officer may be considered for retirement on medical grounds.

(2) Where it is necessary to convene a Medical Board to determine an officer's fitness for further service or otherwise, the Authorized Officer shall refer the case to the Director of Medical Services.

(3) The Director of Medical Services shall forward a report to the respective County Department within a period of one (1) month after appearance of the Officer before the medical board.

(4) The retirement of an officer on medical grounds will require the authority of the Board.

Retirement on Abolition/Re-organization of Office

D.24 An officer may be retired either on the abolition of the office he holds or upon the re-organization of the County Department in which he holds an office. The retirement shall be approved by the Board.

Dismissal

D.25 (1) Dismissal refers to termination of appointment arising out of disciplinary proceedings.

(2) An officer whose pension is determined under the Pensions Act and is dismissed from the Service, shall not be eligible for pension benefits. However, he will be entitled to Employer's contribution under N.S.S.F. Act and the Widows and Children's Pension Scheme.

(3) An officer who is a member of Public Service Superannuation Scheme/ other pension scheme shall on dismissal be eligible to terminal benefits as provided in the Scheme.

Death

D.26 Upon the death of a public officer, the legal beneficiary shall be paid death gratuity and dependants pension. In addition, in case of death of an officer who was contributing to Widows and Children's Pension Scheme, the legal beneficiary shall be paid the benefits thereof.

National Social Security Fund (NSSF) Benefits

D.27 An officer who is a member of the NSSF shall be eligible for terminal benefits under the NSSF Act.

Widows' and Children Pensions Scheme

D.28 (1) The Widows' and Children's Pensions Scheme, established under the Widows' and Children's Pensions Act of 1965, makes provision for granting pensions to widows and children of deceased public officers with effect from 1st January, 1966. Entry into the Scheme was optional for all male Kenyan citizens who were serving with the Government on pensionable terms of service (confirmed or probationary) on or before 1st January, 1966 and compulsory for those who joined the service thereafter.

(2) A female pensionable officer who is a Kenyan citizen may opt to join the Scheme if she can prove her husband is wholly or mainly dependent on her. If, however, in the event of her husband's death, she remarries, the subsequent marriage and the children thereof shall not be taken into account for the purposes of the Scheme unless she proves while she is still a public officer that her husband by that marriage is wholly or mainly dependent on her.

(3) A monthly contribution of 2% of the officer's salary will be recovered towards the fund.

(4) This Regulation will apply to officers whose pension is determined under the Pensions Act.

Refund of Contributions

D.29 (1) Where an officer who was a member of WCPS has no spouse or children of dependant age on the last day of his service, i.e. he remained unmarried or his

spouse died during his service and all his children have ceased to be dependant and he leaves the service with eligibility for the grant of a pension, the total amount of his contributions shall be refunded to him with interest. Where an officer leaves the service without the grant of a pension i.e. on resignation or dismissal, the total amount of his contributions shall be refunded to him with interest. If an officer retires on any other ground, apart from medical, and he is entitled to receive a service gratuity only, he can opt to be refunded his contributions, instead of benefits under the Scheme.

Conditions Attached to Payment of Benefits

D.30 (1) The widow's pension is payable until her death, remarriage or cohabitation.

(2) A widow's pension will not be granted (except in special circumstances) if the husband dies within twelve (12) months of the marriage and there are no children.

(3) An officer's widow cannot benefit if the marriage took place after he left the service.

(4) In the case of a polygamous officer, if he leaves more than one widow, benefits are divided equally between the widows, subject to the satisfaction of the other conditions.

(5) A divorced wife shall not benefit.

(6) A child's pension is payable in accordance with the Widows and Children's Pension Scheme (WCPS) Act.

(7) Adopted child, or step-child only qualifies for payment of benefit if the child was wholly or mainly dependent on the officer at the time of his death.

(8) An officer whose pension is determined under the Pensions Act becomes eligible for the grant of a pension only if he has completed a minimum period of ten (10) years' service. If however, he has completed less than ten (10) years' service, he becomes eligible for the grant of a service gratuity.

Definitions of Terms used in Pensions

D.31 (1) Pensionable Office means an office to which an officer has been appointed whether on probation or otherwise on terms which include eligibility for the grant of a pension under the Pensions Act.

(2) Pensionable Officer means an officer who is the holder of a pensionable office in which he has been confirmed.

(3) Qualifying Service means service which may be taken into account in determining whether an officer is eligible, by length of service, for pension or gratuity.

(4) Pensionable Service means service which may be taken into account in calculating a pension or gratuity under the Pensions Act e.g.

(i) Probationary service followed by service on permanent and pensionable terms is reckonable in full for the purposes of calculating a pension or gratuity;

(ii) Contract service is reckonable in full if an officer surrenders or refunds the gratuity earned under the contract provided that he was admitted without a break of service to the pensionable establishment;

(iii) Provident Fund service is reckonable in full if an officer surrenders his personal contributions to revenue provided that he was admitted without a break of service to the pensionable establishment;

(iv) Temporary service; normally counts at half (½) rate in calculating a pension or gratuity; and

(v) Unpaid leave is not pension earning.

Eligibility for Pension/Gratuity

D.32 (1) An officer is eligible for the grant of a pension or gratuity under the pensions Act only when he retires from the service of the Government in any of the following circumstances:-

(i) Age not less than 50 years;

(ii) Abolition or re-organization of office; and (iii) Ill-health.

(2) An officer who voluntarily resigns from the service of the County Government or who is dismissed forfeits all claims to the retirement benefits. However, this shall not apply in case of resignation of an officer on or with a view to marriage or on account of circumstances surrounding their marriage. In this event, the resigning officer becomes eligible for the grant of a lump sum marriage gratuity if she fulfils the conditions necessary for the grant of the gratuity under Regulation 6 of the Pensions Act.

Refunds on Termination of Appointment or Dismissal

D.33 (1) On leaving the Service on resignation or dismissal, an officer will be eligible for registration under the National Social Security Fund Act and the County Government will pay the equivalent employers contribution as if the officer was on temporary terms of Service.

(2) Contributors of Widows' and Children Pensions Scheme will be eligible for refund in accordance with the provisions of the Widows' and Children Pensions Scheme Act.

Reporting of Retirements to the Treasury

D.34 (1) In cases where the retiring officer is eligible for retirement benefits under the Pensions Act, a claim for such benefits should be submitted to the Pensions Department, National Treasury on the appropriate Form G.P. 178 or 179 as the case may be, at least nine (9) months before the date of retirement.

(2) The Head of the Human Resource Directorate in a County Department or an officer duly authorized by him to sign notices of retirement will be held responsible for the availability of the relevant service records to facilitate the submission of an acceptable retirement benefits claim to the Director of Pensions, national Treasury within the time limit specified in the sub-section (1) of this regulation. The same officer will be held accountable for the accuracy and timely submission of information to the Director of Pensions, Treasury.

(3) The retiring officer should submit all the documents stipulated in the retirement notice within the time frame.

Retirement Benefits Payable under the Pensions Act

D.35 (1) The retirement benefits payable under the Act are:-

(i) Pensions which include service pension (whether unreduced or reduced), injury pension, killed-on-duty pension and abolition additional pension;

(ii) Gratuities which include commuted pension gratuities, service gratuities, death gratuities, compassionate gratuities and marriage gratuities;

(iii) Other allowances which include annual allowance and maintenance allowance.

(2) The rates and modes of calculation of these benefits are set out in the pensions regulations.

Transfers and Secondments of Pensionable Officers

D.36 (1) When a pensionable officer is transferred to another Government or administration, which is "scheduled" under the Pensions Act, the pension Form GP.178 and the statement of aggregate pensionable emoluments form GP.190 should be completed and forwarded to the Pensions Department of the Treasury for submission to the Government or Administration concerned. Similarly, when an officer is transferred to the service of the Kenya Government, the Pensions Department of the Treasury should be informed.

(2) Transfers of pensionable officers from the Government to organizations which are not "scheduled" under the Pensions Act but which have been declared to be "public service" for the purposes of the Act, need not be notified to the Pensions Department of the Treasury until the eventual retirement from the organizations of such officers.

(3) County Departments are required to ascertain from the County Department responsible for Public Service or the Pension Department of the Treasury whether or not an organization to which their officers are seeking transfer has been declared a "public service".

(4) An officer whose benefits are determined under the Public Service Superannuation Scheme will be able to transfer his terminal benefits to a new organization.

(5) When pensionable officers are seconded from the Public Service to another Public institution, the recipient institution or the officer will pay pension contributions to the Director of Pensions at the prevailing rate of the officer's civil service basic salary for the period of secondment.

County Public Service Pension Scheme

D.37 (1) Staff employed by the CPSB shall subscribe to an existing pension scheme for officers and staff of former Local Government until establishment of a County Pension Scheme or subscription to the Public Service Superannuation Scheme.

Certificate of Service

D.38 (1) Certificate of Service **Form G.P. 31** will be given to an officer, upon his retirement, resignation, dismissal or termination of appointment.

(2) An Authorized Officer, when completing the certificate should bear in mind that its main purpose is for use as a reference covering the officer's period of Government Service.

(3) The certificate will be signed by the Head of the officer's Department and countersigned by the Head of Human Resource Unit. A copy of the certificate will be filed in the officer's personal file.

(4) In the case of an officer who has not rendered satisfactory service during his employment, care should be taken to ensure that the certificate is carefully worded so as to give the officer credit for any good qualities which he may have shown.

Testimonials and Letters of Commendation

D.39 Testimonials and letters of commendation may be awarded to employees by supervisors as a motivation for exemplary service.

SECTION E :LEAVE

Introduction

E.1 This section addresses the circumstances under which annual leave and other categories of leave are granted.

Categories of Leave

E.2 The following are the categories of leave in the public service:

(i) Annual Leave;
(ii) Maternity Leave;
(iii) Child Adoption Leave;
(iv) Paternity Leave;
(v) Unpaid Leave;
(vi) Compassionate Leave;
(vii) Leave for Sportsmen/women;
(viii) Sick Leave; and
(ix) Terminal Leave.

Annual Leave

E.3 (1) Annual leave is a right to every public officer and will be granted for recuperative purposes to enable the officer renew his energies and improve on efficiency. Annual leave is granted by the Authorized Officer, subject to the exigencies of service.

(2) (i) An officer will be eligible for annual leave at the commencement of a 'leave year' except in the case of a newly appointed officer who will be required to serve for a minimum of three (3) months before being granted annual leave.

(ii) Leave year' will commence on 1st July and end on 30th June the following year.

(iii) All public officers shall be entitled to 30 days annual leave which excludes Saturdays, Sundays and Public Holidays.

(iv) Annual leave is not accumulable. However, an officer may, if he so wishes, carry forward from one leave year to another not more than one-half of his annual leave entitlement. This arrangement is intended to enable an officer to reserve a portion of his annual leave to be taken in case of an emergency.

(v) Annual leave must be taken within the leave year it falls due. Deferment of annual leave from one leave year to another shall be permitted subject to the provisions of the Employment Act.

(vi) An officer stationed in a designated hardship area may avail himself of his annual leave in two portions. Each portion should be taken once every period of six months, i.e. from 1st June to 30th December and from 1st January to 30th June.

(vii) An officer stationed in a hardship area who takes not less than half of his annual leave entitlement once every period of six months, will be granted, in addition to his leave, travelling time of five (5) days each way and normal travelling privileges in terms of this Manual.

(viii) Annual leave for a newly appointed officer will be calculated on a pro-rata basis only for the year of his appointment.

(ix) An officer who has not availed himself for the annual leave due for the year in which his employment ceases will be entitled to annual leave on pro-rata basis. In addition, an officer may be granted the annual leave carried forward from the previous leave year.

Commutation of Leave

E.4 (1) Except in exceptional circumstances, annual leave may not be commuted for cash nor will unutilized leave days be claimed by dependants to the estate of a deceased officer.

(2) Authorized Officers shall be responsible for authorizing commutation of leave for cash where leave is not taken due to exigencies of service.

(3) Commutation of leave will be based on an officer's basic salary for the relevant leave year.

(4) The above notwithstanding, it is reiterated that officers should be allowed to utilize their leave in each year.

Maternity Leave

E.5 (1) A female officer who is required to be absent from duty on account of confinement shall be granted maternity leave with full salary for a maximum period of ninety (90) calendar days exclusive of the annual leave due for the year.

(2) An application for maternity leave should be submitted to the Authorized Officer. The application should be supported by a medical certificate indicating the date on which maternity leave should commence.

(3) Should it be necessary to extend maternity leave beyond the prescribed period of ninety (90) calendar days on grounds of sickness of the mother, the officer will be granted sick leave subject to confirmation by a recognized medical practitioner.

(4) Where the extension sought is on the account of the child's sickness the officer will be expected to utilize her annual leave entitlement.

Child Adoption Leave

E.6 (1) An officer who has been granted adoption rights under the Children's Act and wishes to take leave for purposes of bonding and integrating the child into the family, will be entitled to Child Adoption Leave in accordance with the Employment Act, subject to production of an adoption order.

(2) Where the adoption is by both the officer and spouse, and the spouse is also an employee in the service, child adoption leave will only apply to the female officer.

Paternity Leave

E.7 (1) A male officer will be eligible for paternity leave for a maximum period of ten (10) working days during the period of the spouse's maternity leave or child adoption leave.

(2) In this regard, it is clarified that in the case of a male officer with more than one wife, he will be entitled to paternity leave only in respect of the wife registered under the National Hospital Insurance Fund (NHIF) and such leave shall be taken not more than once per year.

(3) To enjoy paternity or adoption leave, a male officer will be required to present a notification of birth of the child or an adoption order.

Unpaid Leave

E.8 (1) Unpaid leave may be granted by the
Authorized Officer on recommendation of the respective County Human Resource Advisory Committee on the following grounds:-

(i) Urgent private affairs of exceptional nature not exceeding sixty (60) calendar days;

(ii) Officers whose spouses are posted to foreign missions during the tour of service;

(iii) Officers who are appointed to international organizations where they cannot transfer their service or be on secondment for a period not exceeding three (3) years;

(iv) Spouses of officers appointed under (iii) above, will be granted unpaid leave for a maximum non-renewable period of one (1) year.

(2) Unpaid leave will not be increment-earning.

(3) During the period of unpaid leave, the County Government will not make a contribution of its portion towards an officer's pension Scheme. The officer will however, be free to contribute his portion towards the Scheme.

(4) The period of unpaid leave will not be pension-earning under the Pensions Act Cap. 189.

(5) There shall be no provision for unpaid study leave in the Public Service.

Compassionate Leave

E.9 (1) An officer, who has exhausted his annual leave entitlement, may be granted compassionate leave for up to ten (10) working days in a leave year.

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

Special Leave for Sportspersons

E.10 (1) An officer who is selected to represent County or Kenya in National, Regional or International fixtures will be granted special leave with full salary for the necessary period of his training and subsequent participation in sports.

(2) This special leave will not be counted against annual leave entitlement and will be approved by the County Secretary on recommendation of the respective County Human Resource Management Advisory Committee, in consultation with the Authorized Officer in the County Department responsible for sports.

Sick Leave

E.11 (1) Sick leave is the approved absence of an officer from duty on account of illness and includes weekends and public holidays.

(2) A medical certificate signed by a medical officer must be produced in every case of absence on account of illness.

(3) An officer may be granted sick leave subject to the maximum period indicated below:

(i) All officers on pensionable or contract terms of service will be granted up to three months leave on full pay followed by three months on half pay and thereafter the officer will not be eligible for salary.

(i) An officer on sick leave as a result of an accident or occupational disease will be entitled to full pay as per the Work Injury Benefits Act. The officer will however, be subject to assessment by the County Medical Board to determine his fitness for further service.

(ii) If the officer is unable to resume duty within first three months of sick leave, the Authorized Officer will refer the case to the Director of Medical Services to convene a Medical Board.

(iii) On the expiry of the six months, the officer shall not be reinstated in the payroll until his case is determined as provided in paragraph (i) above

(iv) Where a public officer is found to be unfit for service by the County Medical Board, the case shall be referred to the County Public Service Board for retirement on medical grounds.

(4) Sick leave may be authorized by registered medical practitioners for upto a maximum of twenty one (21) days. Should it be necessary to allow absence from duty in excess of this period, the medical practitioner shall provide reasons.

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

Terminal Leave

E.12 An officer who is due for retirement will be entitled in addition to his annual leave, thirty (30) calendar days leave pending retirement. This leave must be taken a month preceding retirement or be forfeited. It will neither be commuted for cash nor will the officer qualify for additional leave allowance.

Festival Holidays

E.13 Leave of absence on the occasion of religious festivals may be granted without loss of pay for not more than two (2) days in a leave year, subject to the exigencies of the service. An application for leave on such an occasion should be addressed to the Authorized Officer well in advance of the date on which any particular religious festival is celebrated.

Application for Leave

E.14 Application for leave should be submitted in the prescribed form to the respective Authorized Officer thirty (30) days before.

SECTION F :WORK ENVIRONMENT HEALTH AND SAFETY

Introduction

F.1 (1) This Section provides guidelines and standards for the prevention and protection of officers against accidents and occupational hazards arising at the work place. It also provides for guidelines, procedures and modalities for the administration and payment of compensation for work related injuries and accidents contracted during and outside the course of work.

(2) It further provides for guidance and Counselling and putting in place measures for the management of HIV/AIDS at the workplace and the rehabilitation of officers who may be facing challenges of drugs and substance abuse.

Guidelines to General Safety

F.2 (1) Authorized Officers shall maintain healthy and safe working environments for officers under their respective County Departments.

(2) All officers have the responsibility to ensure safety to themselves and others when performing their duties.

Emergency Preparedness

F.3 (1) Every County Department shall put in place measures to prevent and mitigate against accidents, explosions, fire, floods, earthquakes, bomb threats and prepare procedures to be followed in such events.

(2) Authorized Officers shall have a responsibility of ensuring that all officers and visitors are informed of and are fully conversant with the emergency procedures.

Fire Precautions

F.4 (1) Authorized Officers are responsible for ensuring that fire protection facilities are provided in the buildings used by Departments under their control and are adequate and maintained as advised by Fire Officers and Occupational Safety and Health Officers. They are also responsible for enforcing all necessary fire precaution measures as directed by both the County Departments responsible for Public Works.

(2) General information on fire precautions and fire equipment is contained in publications which are obtainable from the Principal Fire Officer in the County Department responsible for Public Works. Regulations regarding fire safety are obtainable from the County Department responsible for Public Works.

Fire Prevention

F.5 (1) The Principal Fire Officer and the County Fire Officers are responsible for providing advice on all matters concerning fire prevention, fire fighting, fire protection and fire demonstrations in all Government premises.

(2) The County Department responsible for Public Works is responsible for ensuring that all buildings are fitted with fire fighting equipment. Individual State Departments are responsible for the subsequent replacement of portable equipment and provision of refill for such equipment with advice from Fire Officers and the Occupational Safety and Health Officers.

(3) Fire prevention and protection in buildings leased to the Government is the responsibility of both the owner and occupier of the building. The Authorized Officers of the County Department responsible for Public Works and that occupying the premises shall be legally responsible to ensure compliance.

(4) Alterations should not be carried out on buildings without prior consultation with the Fire Officers and the Occupational Safety and Health Officers. Any means of escape from a building should be kept clear of any obstruction which would make it difficult for occupants of the building to escape in case of fire.

(5) No hazardous or highly inflammable materials should be stored in buildings without the approval of the Principal Fire Officer or County Fire Officers.

(6) Positions of fire fighting equipment must not be interfered with nor should fire fighting equipment such as hose reels and extinguishers be used for purposes other than fire fighting.

(7) Each Government building must have a Safety and Health Committee headed by a responsible officer and constituted in accordance with the Factories and Other Places of Work (Safety and Health Committee) Rules;

(8) Fire Officers may recommend any measures which they deem necessary for purposes of safety. It is the responsibility of the officer to whom such recommendations are addressed to ensure that appropriate steps are taken to implement the measures with minimum delay. Any officer who fails to implement such recommendations will be held personally responsible for the consequences and in case

of subsequent fire outbreak; he will be liable for disciplinary action and/or prosecution.

(9) Fire Prevention Committees should be established at the County levels to liaise with National Government Fire Officers.

(10) The Authorized Officers shall ensure that:-

(ii) Health and Safety Committees are formed in all premises used by officers in their County Departments and/or agencies;

(iii) The Committee members and all officers are trained; and

(iv) Fire fighting drills are conducted in all premises used by officers at least once in every twelve months in accordance with the requirement of the Factories and Other Places of Work (Fire Risk Reduction) Rules.

Notification of Fires

F.6 (1) All fires, however small, must be reported to the Principal Fire Officer or County Fire Officers or the Police immediately they are noticed. The building or premises so affected by fire must be guarded and no evidence should be interfered with until investigations are over.

(2) It is the responsibility of whoever detects a fire to initiate alarm, inform the police and fire brigade, and try to control the fire during its initial stages.

(3) All County Government buildings must be fitted with fire detectors, alarms, water storage tanks and pumps dedicated to fire fighting only and separate from the normal water supply.

Medical Examination

F.7 The Authorized Officers shall ensure that all officers working in hazardous occupations undergo periodic medical examination in accordance with the Occupational Safety and Health Act.

Provision of Protective Equipment and Clothing

F.8 Authorized Officers shall ensure that all officers who are employed in any process involving exposure to wet or to any injurious or offensive substances are provided with adequate, effective and suitable protective clothing and appliances.

Safe Use of Potentially Dangerous Equipment

F.9 The Authorized Officers shall ensure that all plants including hoists and lifts, steam boilers, other equipment and pressure vessels are properly maintained and that they undergo the statutory examinations as per the Occupational Safety and Health Act requirements.

Compensation to Government Officers In case of Injury or Death

F.10 The Work Injury Benefits Act (WIBA) provides for compensation for accidents and occupational diseases arising out of and in the course of an officer's employment. Only injury, diseases or death arising from occupational hazards are compensable. Besides the provisions of WIBA the Government shall introduced the **Group Personal Accident (GPA) Scheme** which is administered by The County Treasury.

Reporting of Accident

F.11 (1) Immediately a work place accident, an accident in a County Government vehicle or development of an occupational disease resulting in death or injury to an officer comes to the notice of the officer under whom he is directly deployed, the Supervisor should make a claim for compensation in accordance with the procedure set out below:-

(i) In case of an accident resulting in the injury or death of an Officer Part I of the Directorate of Occupational Safety and Health Services, Accident Notification form (Form DOSH 1) should be completed in triplicate;

(ii) The forms should then be dispatched to the Authorized Officer of the officer's County Department, the Occupational Safety and Health Officer of the region in which the accident occurred and for non-fatal the Medical Practitioner who is attending to the injured officer;

(iii) The detailed procedures are contained in the relevant forms which are obtainable from the Director of Occupational Safety and Health Services in the County Department responsible for Labour.

(2) Where the Director of Occupational Safety and Health Services finds anomalies or that the percentage given in the medical report is not in conformity with the provisions of the Work Injury Benefit Act (WIBA), he will decline to process the compensation. The Director will inform the Authorized Officer of the officer's County Department of that decision giving reasons as to why he has taken the decision and if the officer qualifies for compensation, he shall advise on the action that should be taken to enable the officer's compensation to be processed.

(3) Where the Director denies to process the compensation, the Authorized Officer may either request the Director of Medical Services to convene a Medical Board for reassessment of the County Government's liability to pay compensation or may request the Director of Occupational Safety and Health Services to appoint a medical panel for reassessment on the officer's diagnosis or injury.

Approval and Distribution of Compensation

F.12 (1) If it is considered by the Director that the County Government is liable to pay compensation, he will send a demand note to the Authorized Officer of the County Department employing the injured, sick or deceased officer indicating the amount of money to be paid to the injured/sick officer or the dependants of a deceased officer.

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

(3) The injured officer or the dependant(s) of deceased officer will sign a certificate of acknowledgement of payment and complete agreement form in triplicate.

(4) Copies of such certificate and of the appropriate agreement form should then be distributed as follows:

(i) One copy to be handed to the officer or, in case of fatal accident, to the dependant(s);

(ii) One copy to be returned to the Authorized Officer of the injured/deceased officer's County Department; and

(iii) The other copy to be retained by the Director of Occupational Safety and Health Services.

Recourse to Court

F.13 (1) Where the officer or the County Department is not satisfied with the amount of compensation computed by the Director of Occupational Safety and Health Services, they may raise an objection to the said Director or appeal to the Industrial Court.**Compensation Payable During Sick Leave Under WIBA**

F.14 An officer on sick leave as a result of an accident or occupational disease will be entitled to full pay.

Source of Compensation Funds

F.15 (1) Authorized Officers shall source for funds from the County Treasury to meet the compensation of officers who are injured, develop occupational diseases or die in the course of their employment.

(2) The Accounting Officer in charge of Finance will make appropriate arrangement to ensure that each County Department access adequate funds to pay Work Injury Benefits to injured officers.

Reporting Injury, Serious Illness or Death

F.16 (1) In case of an officer's injury, serious illness or death an immediate report by telephone, or special means including e-mail should be made to the relevant Authorized Officer, stating relevant particulars of the officer.

(2) The next-of-kin must be informed immediately and be made aware of the circumstances under which the officer sustained injuries or met his death.

(3) In addition to the report referred to in paragraph (1), a Death Certificate should be submitted to the relevant Authorized Officer as soon as possible to facilitate processing of final dues.

(4) The accident should also be reported to the Director of Occupational Safety and Health Services within 24 hours in accordance with the requirement of the Occupational Safety and Health Act.

Group Personal Accident Policy

F.17 (1) The GPA covers permanent bodily injury or death arising from bodily injury caused solely by violent external visible means and provided such death occurs not later than six (6) calendar months after the accident.

(2) The GPA provides a 24 hour cover to Civil Servants whether within or outside the country unlike WIBA which covers the hours the officer is at his place of work.

(3) A claimant should not be compensated twice for the same loss under GPA and WIBA.

(4) The GPA offers extended cover to all Civil Servants as follows:-

i. Accident to employees while riding on motor cycles including pillion passengers;
ii. Accident to employees out of exposure to banditry and similar risks in the course of duty;

iii. Government drivers deployed to drive privately registered donor development partner vehicles.

Details on conditions for compensation and exclusions are found in the GPA Policy.

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

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

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

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

Guidance, Counselling and HIV/AIDS Management in the Public Service

F.18 (1) The current challenges in the workplace and family environment affects the performance and wellbeing of an officer. To address these challenges, the County Government shall introduced guidance and counselling in the Service and a policy developed to regulate guidance and counselling.

(2) Every County Department shall establish a unit for provision of guidance and counselling services in order to address the psychological needs of public servants during their entry, stay and exit from service.

(3) Professional Counsellors will be deployed to County Departments to provide guidance and counselling services to public servants.

(4) Counselling Services in the public service shall be free of charge and shall be limited to Public Servants. However, consultation with family members or support system may be extended when deemed necessary.

Counseling Services

F.19 (1) Officers may seek guidance and Counseling when faced with psychological challenges.

(2) A supervisor may refer an officer for Counseling when he notices signs of low productivity, when the officer is a danger to himself and others or incase of an indiscipline problem.

(3) An officer shall have freedom to accept or reject counselling. This includes freedom to remain in the counselling relationship after it has been initiated.

HIV/AIDS Support Programme

F.20 (1) HIV and AIDS is a major challenge facing officers in and out of the office. It poses a big threat to the individual, the family and the public service. It is in cognizance of this that the County Government has put in place care and support programmes for the infected and affected officers to enable them remain productive.

(2) HIV/AIDS shall be treated like any other challenging issue at workplace. All officers shall have a role to play in the wider struggle to mitigate the effects of the pandemic.

(3) Policy guidelines have been developed to address HIV/AIDS challenges affecting Public Servants in the workplace.

Fighting Stigma and Discrimination

F.21 (1) An officer shall not be discriminated or stigmatised on the basis of HIV status. It is an offence for any person to discriminate another on the ground of actual, perceived or suspected HIV status in the work place.

(2) The Authorized Officers shall be expected to be at the forefront in providing a conducive working environment for the infected and affected officers. They shall be required to set up programmes that will instill positive behaviour in the management of HIV and Aids.

(3) It shall be the responsibility of the County Executive Committee Member to minimize the risk of HIV transmission by adopting First Aid/Universal infection control precautions at the workplace.

Screening for Purposes of Employment/ Recruitment

F.22 HIV screening shall not be a requirement for recruitment or for persons in employment. Screening shall be confidential, voluntary and shall be undertaken after counselling. There shall be no disclosure of HIV test results or of any related assessment results to any person without the written consent of the concerned officers.

Continuation of Employment

F.23 Officers with HIV-related illness shall be allowed to work for as long as they are fit to work and HIV infection should therefore, not be a cause for termination of employment

Drug and Substances Abuse

F.24 (1) Addiction to drugs or substance will be treated like any other disease. An officer who is determined to deal with drug and substance abuse problem by engaging in rehabilitation services will be referred by his County Department to a Government doctor for evaluation.

(2) The Government shall provide both in-patient and out-patient rehabilitation services within the limits provided by the prevailing legislation.

Employee Welfare and Wellness

F.25 Authorized Officers shall develop and implement employee welfare and wellness programmes in the work place.

PART IV: PERFORMANCE MANAGEMENT, TRAINING AND DEVELOPMENT

This part addresses matters pertaining to performance management, and training and development of employees in the public service.

SECTION G

PERFORMANCE MANAGEMENT

Introduction

This Section provides guidelines for Performance Management in the Public Service for enhancement of efficiency and effectiveness in service delivery.

G.1 (1) A Performance Management System (PMS) is a systematic process for getting better results from an organization, teams and individuals by managing performance within an agreed framework of planned goals, objectives and standards. A PMS is a set of tools, processes and actions that allows for maximization of the performance of employees and institutions.

(2) PMS also provides employees with a clear understanding of job expectations; regular feedback about performance; advice and steps for improving performance; rewards for good performance; and sanctions for poor performance. The overall goal of a PMS is to measure employee performance and ultimately the achievement of intended results for the organization.

Strategic Planning

G.2 (1) This is a process planning for achievement of overall long term goals of the Organization.

(2) Authorized Officers shall coordinate development and review of strategic plans in their respective County Departments. The plans will be the basis for setting performance targets for the organization which shall be cascaded to the individual level.

Performance Contracting

G.3 (1) Performance Contracting is a negotiated process in which County Departments set their performance targets based on their mandates, functions and strategic objectives.

(2) The County Department responsible for public service shall issue guidelines to Public Service agencies in implementation of performance contracts.

Performance contract should be anchored on County development goals. It should be cascaded to all departments, sections, levels and cadres of employees. For the purpose of complete integration of the process, it will also apply to staff performing County government functions in the Counties. The integration will include linking the Performance Contracts with the Performance Appraisal System (PAS) and the Performance Rewards and Sanctions Framework.

Staff Performance Appraisal System

G.4 Staff Performance Appraisal system (SPAS) is predicated upon the principle of work planning, setting of agreed performance targets, feedback and reporting. It is linked to other human resource systems and processes including staff development, career progression, placement, rewards and sanctions.

Objectives of Performance Appraisal

G.5 (1) Staff Performance Appraisal is a critical component of the human resource management function in the Public Service. The overall objective of the appraisal system is to manage and improve performance in the Public Service by enabling a higher level of staff participation and involvement in planning, delivery and evaluation of work performance.

(2) The specific objectives are to:-

i. Link individual performance targets with organizational strategic objectives and work plan;

ii. Promote communication between Appraisee and Supervisor with continuous feedback on work progress;

iii. Set the basis on which an officer's performance is monitored and evaluated as stipulated in the individual work plan;

iv. Align operational and financial performance targets with budgetary provisions

v. Assess the learning and development needs of staff on a timely basis;

vi. Provide information for decision making on administrative and human resource issues such as renewal of contracts, promotions, delegation of duties, training, deployment, rewards and sanctions.

Scope of Application

G.6 (1) The SPAS shall apply to all categories of staff in the Public Service.

(2) The prescribed appraisal form will be completed by all officers in the Public Service in consultation with the supervisors.

(3) All newly employed officers will be required to agree on performance targets with the supervisor and complete the Staff Performance Appraisal Forms within three (3) months of employment.

(4) All promoted/redeployed officers will be required to agree on new performance targets with the supervisor and complete the Staff Performance Appraisal Forms within one (1) month of promotion/ redeployment.

(5) The primary responsibility for implementing the SPAS rests with the Authorized Officer.

Work Planning and Setting of Performance Targets

G.7 (1) Prior to the beginning of the performance period, Departments will prepare work plans based on their strategic plans. The Departmental Work Plans should include the Departmental priority objectives from which individual performance targets will be derived. Departmental Heads will meet with staff under their direct supervision to discuss and ensure that the objectives and performance targets of the department are understood.

(2) The individual work plans will be derived from the Departmental Work plans and officer's job description. The work plan will briefly describe the performance targets or expected results on specific assignments and activities for which the staff member is responsible during the performance year;

(3) The Appraisee will hold discussions with the immediate Supervisor to agree on the work plan. The performance targets shall thereafter be set as agreed in the discussions by latest 31st July of each year. For each performance target to be assessed there will be performance indicators.

Appraisal Period

G.8 The appraisal period will cover one (1) year starting from 1st July to 30th June of the following year. The Performance Appraisal reflects the summation of the year's performance including quarterly and mid-year reviews.

Staff Performance Appraisal Process

Strategic Objectives

G.9 The strategic objectives will be derived from the County Department's strategic plan and performance contract and cascaded to the department, division and individual employees.

Continuous Performance Appraisal

G.10 Performance appraisal is an on-going process throughout the performance period. Milestones over the review period should be documented and maintained in the Appraisee's personal file.

Performance Measurement

G.11 Performance Measurement shall be undertaken in accordance with the SPAS guidelines issued to the Service.

Mid-Year Performance Review

G.12 (1) The main purpose of the mid-year
Performance Review is to accord both the Supervisor and Appraisee the opportunity to jointly review the progress made by the Appraisee in accomplishing the assignments agreed on at the beginning of the Appraisal period.

(2) The review which should be in the form of discussions, should be centred on what has been achieved, any constraints experienced and whether there is need to vary the initial assignments in order to accommodate any unforeseen circumstances.

(3) Any changes, additions or removal of performance targets should only be made in the event that there have been significant changes in the nature of functions carried out by the Appraisee and which may necessitate revision of performance targets.

(4) The Supervisor should, after discussions with the Appraisee at the Mid-year Performance Review comment on the Appraisee's performance.

(5) In the event that the Supervisor leaves the Department, he will be required to appraise the performance of the Appraisee(s) on pro-rata basis.

End of Year Appraisal Process

G.13 The End of Year Appraisal takes place at the end of the reporting period. The following will constitute the end of year evaluation process.

(i) The Supervisor and Appraisee are required to meet at the end of the year to discuss the overall performance for the whole appraisal period;

(ii) Prior to the meeting, the Appraisee should prepare a preliminary report on the extent to which set targets were achieved as agreed at the beginning of the Performance Year with clear performance indicators.

Rewards and Sanctions

G.14 (1) The overall goal of the Rewards and Sanctions is to establish a basis for rewarding exemplary performance and administering sanctions for poor performance motivate employees to have positive attitude to work and to enhance productivity in the public service. This will also create linkages between institutional and individual performance.

(2) The Public Service Board will be responsible for the administration of the rewards and sanctions policy. The Board will also handle cases of appeals after employees have exhausted all review mechanisms.

Types of Rewards and Sanctions

G.15 The provision and types of rewards and sanctions shall be as set out in the Rewards and Sanctions Framework for the County Public Service.

County Performance Management Committee (CPMC)

G.16 The CPMC shall consist of the following members:

(i) County Secretary – Chairperson

(ii) Directors of Technical Departments – Members

(iii) Director of Administration

(iv) Director Planning

(v) Director of Human Resource Management and Development - Secretary

Rules of Conduct for the Departmental Performance Management Committee

G.17 (1) Members of the County Performance Management Committee shall be expected to perform their duties with diligence, integrity, impartiality and confidentiality.

(2) In the event that there is disagreement between the supervisor and an appraisee on assessment of performance, the Committee will moderate the scores based on verifiable performance indicators and make recommendation to the Authorized Officer.

(3) Members of the Performance Management Committee will not discuss or make recommendations in respect of their own performance reports. The Chief Officer shall complete the Performance Appraisal reports for the members of the Committee and make appropriate recommendations to the County Executive Committee Member.

(4) Members of the Performance Management Committee may also be eligible for the awards, provided that they excuse themselves from participating in any decision-making regarding any award for which they are being considered.

DPMC Recommendations

G.18 (1) Authorized Officers shall, on the recommendation of the Departmental Performance Management Committee, reward excellent performance and apply the appropriate intervention in accordance with the existing Service Regulations. The Supervisor may however, recommend other specific interventions depending on the insight gained during the appraisal.

(2) The performance appraisal report shall form the basis for placement, promotion and mobility of staff within and across the County Public Service.

Appeals on Staff Performance Appraisal process

G.19 Appeals on performance assessment shall be submitted to the Public Service Board for consideration.

SECTION H :TRAINING AND DEVELOPMENT

Introduction

H.1 (1) The County Government policy on training is to ensure continuous upgrading of Public Servants' core competencies, knowledge, skills and attitudes including their ability to assimilate technology to enable them create and seize opportunities for social advancement, economic growth and individual fulfilment.

(2) The mandate to advise the county government on human resources management and Development in the County Public Service is vested in the Board.

(3) Details on the administration and implementation of training in the Public Service are contained in the training policy and guidelines issued by the Board.

(4) Public officers shall be eligible for at least five (5) days training in a year while newly recruited or transferred officers must be inducted within three (3) months of joining public organizations.

(5) All training shall be based on identified training needs.

Management and Co-ordination of Training

H.2 (1) The planning and co-ordination of training and capacity building in the Public Service has been delegated to the Department responsible for Public Service. Human

Resource Management and Development Units, established in County Departments, shall be responsible for the training function.

(2) Authorized Officers shall discharge the function through Human resource management advisory committees.

(3) Nomination and selection for individual and group training shall be based on prioritized training projections. The approved programmes should address national, organizational and individual goals.

(4) Selection of trainees shall be in accordance with the national values and principles of governance, values and principles of public service, leadership and integrity and the Bill of rights.

Training Needs Assessment

H.3 (1) Training Needs Assessment is a performance audit that generates and provides information to assess the inadequacy of knowledge and skills which inhibits an organization from attaining its objectives. Training in the Public Service shall be based on Training Needs Assessment which shall be conducted after every three (3) years in each Department.

(2) Departments are required to prepare training projections based on Training Needs Assessment to guide the human resource management advisory committees in nominating officers for training.

(3) Selection of trainees for all training programmes will be based on identified needs and will emphasize on training for performance improvement that address individual, organizational and County goals.

Training Programmes

H.4 (1) Training programmes comprise both short and long term courses in specific professions that are intended to impart required knowledge, skills and attitudes to enhance staff performance.

(2) Departments may design specific in house training programmes which address the identified training needs. In addition training can be provided under institutional training both locally and abroad.

(3) In designing training programmes, Departments should ascertain the availability of:-

(i)Professionally qualified and experienced trainers;

(ii) Training programmes that are cost effective; and

(iii) An effective evaluation and feedback system to assess the impact of training on performance.

(4) The county government will continually develop its employee's professional knowledge and skills and encourage them to join relevant professional bodies. The county government will establish mechanisms for supporting employees where the career guidelines require them to be members of a professional body.

Training Levy

H.5 (1) Officers undertaking courses lasting more than four (4) weeks and above in local training institutions will be required to contribute to the cost of their training at

the rate of ten percent (10%) of their basic salary per month for the duration of the course.

(2) Officers attending courses lasting more than four (4) weeks in institutions outside the country will contribute at the rate of twenty percent (20%) of their basic salary per month for the duration of the course. This is regardless of whether the courses are sponsored by the Government of Kenya or by Development Partners through bilateral or multilateral arrangements.

(3) Officers undertaking part-time or full time self-sponsored courses are however, exempted from paying the training levy.

(4) Accounting Officers should ensure that the officers' training contributions are remitted in lump sum for the duration of the course to the Department responsible for Public Service before the commencement of the course.

Induction Training

H.6 Induction and orientation training is expected to help an employee familiarize with the work environment and requirements. State Departments are expected to conduct induction training within three (3) months for newly recruited officers and those who have joined the Departments on transfer, promotion and designation.

Eligibility for Training

H.7 (1) Public Officers at all levels will be eligible for at least five (5) days training in a fiscal year.

(2) An officer who attends a long term course lasting six (6) months and above will be required to work for two (2) years before he can qualify for selection for another long course.

Course Approval

H.8 (1) The Authorized Officers will grant course approval to officers proceeding on authorized training in accordance with service regulations. Officers shall obtain course approval before proceeding for training.

(2) Authorized Officers shall be responsible for course approval for local training, on recommendation of the respective Departmental Human Resource Management Committee.

(3) Course approvals and coordination of foreign training will be undertaken by the Department responsible for Public Service.

(4) The Board shall be represented in Committees of the Department responsible for Public Service on decisions relating to foreign training programs under development partners, bilateral and multilateral arrangements.

(5) Quarterly reports on all training undertaken in County Departments and agencies shall be submitted to the Board.

(6) Where an officer is dissatisfied with a decision on award of training opportunities the officer may appeal to the Board for review after exhausting the internal appeals mechanisms at the County Departments and agencies.

Undergraduate Training

H.9 (1) The County Government shall not sponsor serving officers for undergraduate programmes. Where there is need for skills at this level, the County Government will procure the same from the labour market. However, employees who wish to sponsor their training shall be granted approval.

(2) Notwithstanding (1) above and in a bid to ensure the marginalized and minority groups and persons with disabilities are represented at all levels of the public service, public institutions may recommend sponsorship of officers for relevant undergraduate degree programmes, based on identified training needs in line with affirmative action programmes.

(3) Any recommendations made in (2) above shall be forwarded to the County Public Service Board for approval.

(4) The affirmative action for under-graduate degree programmes shall remain in force until such time that a representative public service is achieved.

Masters Programmes

H.10 The county government will continue to support and approve training at Masters Level for officers requiring the skills at this level for performance and career progression as prescribed in the respective career progression guidelines. However, the county government shall not support officers for second Masters Programmes.

PhD Programmes

H.11 (1) PhD training will continue being sponsored and approved for officers in training and research institutions. However, officers wishing to pursue the PhD under the self-sponsorship arrangement will be approved on condition that the area of study is relevant to their duties, has completed two (2) years' service since the last long course and the approval shall not provide for reimbursement of training expenses.

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

Training revolving fund

H.12 (1) The County Government shall set up a Training Revolving Fund to assist public officers' access funds at subsidized interest rates for training in order to enhance knowledge and skills considered critical for performance improvement and achievement of County development goals.

(2) Officers, who have been projected for training in critical areas and the Departments have no funds to sponsor them within the fiscal year, may be advised to seek funds from the training revolving fund.

(3) The County Human Resource Management Advisory Committee will vet candidates who have applied for the loan using the set guidelines.

Training Bond

H.13 (1) The County Government shall bond serving officers proceeding on approved courses of training locally or abroad lasting six (6) months and above to enable the county government to benefit adequately from its investment in training.

(2) Where a Department considers the value/cost of a course lasting less than six (6) months to be high and constraining the organization's training budget, the officers will be bonded for a minimum period of one year but not exceeding five (5) years.

(3) The bond period will be determined by the duration of the course as follows:-

	Training Period	**Bond Period**
i.	Six months up to one year	One year
ii.	More than one year upto two years	Two years
iii.	Between two and three years	Three years
iv.	More than three years	As per the duration of
	the course but not exceeding five (5) years	

(4)The bond amount will be the total cost of the training.

(5)In case of default, the bondee and/or surety will be required to redeem the bond amount on prorata basis.

(6)Details on the administration and implementation of the training bond are contained in the Public Service Training Bond Guidelines.

Skills Inventory

H.14 (1) Authorized Officers are expected to develop, update and maintain a skills inventory for all officers in their respective Departments for purposes of identifying the available, and the required skills. The inventory will guide the training, recruitment and succession management decisions.

(2) It shall be the responsibility of the officers to forward the certificates attained to the Authorized officer for updating of personal files.

Allowances Payable to Government Sponsored Trainees

H.15 (1) Officers undertaking long courses abroad will be paid respective countries' living allowance to cater for subsistence, accommodation, outfit and excess baggage.

(2) Officers attending long courses on full time basis in local institutions and outside their duty stations will be eligible for living allowance.

(3) County sponsored officers attending, part-time, evening, sandwich and holiday module courses will not be entitled to a living allowance or stipend.

(4) Officers sponsored by the County to undertake courses at Government Training institutions are not entitled to any living allowance or stipend.

(5) Other Allowances paid to officers undertaking courses locally and abroad are:-

(i) Research Allowance;

(ii) Dissertation/Thesis Allowance;

(iii) Project Allowance;

(iv) Book Allowance.

The applicable rates are as stipulated in circulars issued by Government.

Donor Funded Courses

H.18 (1) Where a training award/scholarship for a course organized under bilateral/multilateral arrangements caters for only tuition and accommodation but does not include meals, out of pocket and stipend, the officer will be eligible for 25% of the living allowance applicable to the designated country.

(2) Where a medical insurance cover is not provided under a Technical Cooperation Training Award, the County Government will meet the cost of the medical insurance cover for the officer.

Workshops, Retreats and Conferences

H.19 (1) Public officers attending workshops, retreats and conferences may be paid allowances at rates determined by the Salaries and Remuneration Commission from time to time.

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

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

(4) No officer should be involved in more than one role in a seminar/workshop/conference at a given time.

Reimbursement of Tuition and Examination Fees

H.20 (1) An officer who on his own initiative and at his own time undertakes and passes a course relevant for his career growth and which is administered by a recognized training institution will be eligible for refund of 50% of the amount spent on tuition and examinations provided:-

(i) Prior approval of the course had been granted by the Authorized Officer;

(ii) The officer has not been sponsored for the same course before; and

(iii) The officer avails the original certificate for the course and a training report.

(2) Candidates who sit for the examinations administered by the County Public Service Board will be required to pay a prescribed examination fee. The rates of fees and mode of payment for the examinations will be notified when the dates for each examination is announced.

(3) Candidates who pass examinations administered by the County Public Service Board will be refunded the full amount of the prescribed examination fee by their respective Accounting Officers.

Industrial Attachment

H.21 (1) Industrial attachment is an important component of education and training. It provides attachees with opportunities to acquire practical aspects of their respective areas of specialization in a real work place environment. The county government will support industrial attachment by providing opportunities to students in tertiary and higher education institutions.

(2) Attachment will be undertaken during the course and the duration will be for a maximum period of three (3) months.

(3) The attachment shall be in line with the values and principles of public service and the existing labour laws.

Internship

H.22 (1) Trainees graduating from training institutions join the labour market with academic and theoretical approaches to work and hence require practical exposure in a real work environment.

(2) The Public Service uses internship programmes as part of on the job training for the purpose of moulding interns to become responsible citizens who will contribute effectively to the socio-economic development of the country.

Internship programmes shall be guided by the relevant provisions of the Constitution, Elgeyo Marakwet County Internship Policy, relevant professional bodies and other policy guidelines and shall not exceed one (1) year.

PART V: CODE OF CONDUCT, DISCIPLINARY CONTROL AND LABOUR RELATIONS

Introduction

This Part addresses the code of conduct, disciplinary control and labour relations in the public service.

SECTION J

CODE OF CONDUCT

J.1 (1) This Section contains general rules of conduct to be observed by a public officer so as to maintain integrity and uphold the dignity of the public office to which he has been appointed. Every public officer occupies a special position within the Public Service and should ensure that his conduct both in public and in private life does not bring the Service into disrepute.

(2) Regulations governing discipline in the Public Service and the procedure to be followed in cases of breach of discipline are contained in the Public Service Regulations.

In addition, an employee is required to comply with the provisions of Chapter Six of the Constitution on Leadership and Integrity and Articles 10 and 232 of the Constitution; Leadership and Integrity Act, 2012; Public Officer Ethics Act, 2003; Anti-corruption and Economic Crimes Act, 2003; Labour Relations Act, 2007 and the Employment Act, 2007.

(3) Officers are required to adhere to their respective professional codes of conduct. It is imperative that every public officer adheres to these rules of conduct, and such other rules which may be introduced from time to time.

Office Hours

J.2 (1) County Public Officers are required to work 40 hours spread over 5 days in a week. County Government office hours are as follows:

Monday to Friday: 8.00 a.m. to 1.00 p.m.
2.00 p.m. to 5.00 p.m.

(2) Though the general office hours will be as stated above, utilization of staff outside these hours when there is need for their services will not be restricted, provided the officer renders a minimum of 40 hours per week.

Public Holidays

J.3 (1) The following days shall be observed as public holidays in accordance with the relevant parliamentary legislation and include:

New Year's Day..... 1st January

Good Friday..... *

Easter Monday..... *

Labour Day..... 1st May

Madaraka Day..... 1st June

Idd-ul-Fitr.....

Moi Day 10th October

20th October

Mashujaa Day.....

Jamhuri Day..... 12th December

Christmas Day..... 25th December

Boxing Day..... 26th December

* In accordance with the relevant religious calendar.

(2) In addition to the above public holidays, Iddul-Haj and Diwali, will be observed as public holidays by officers professing these faiths.

Rule of law

J.4 A public officer shall carry out his duties in accordance with the law and shall not violate the rights and freedoms of any person enshrined under Chapter Four of the Constitution.

Public trust

J.5 A Public Office is a position of trust and the authority and responsibility vested in a public officer shall be exercised in the best interest of the County.

Performance of duties

J.6 A public officer shall, to the best of his ability carry out the duties of the office efficiently and honestly, in a transparent and accountable manner, keep accurate records and documents and report truthfully on all matters of the organization which he/she represents.

Professionalism

J.7 (1) A public officer shall carry out his duties professionally and treat fellow public officers with consideration and respect. He shall also act in a manner that maintains public confidence in the integrity of the office.

(2) A public officer who is a member of a professional body shall observe the ethical and professional requirements of that body.

Financial integrity

J.8 (1) A public officer shall not use the office to unlawfully or wrongfully enrich himself or any other person.

(2) A public officer shall not maintain a bank account outside Kenya except in accordance with an Act of Parliament or seek or accept a personal loan or benefit in circumstances that compromise his integrity.

Pecuniary Embarrassment

J.9 (1) Pecuniary embarrassment from whatever cause, will be regarded as necessarily impairing the efficiency of an officer and rendering him/her liable to disciplinary proceedings.

Moral and ethical requirements

J.10 A public officer shall:

(i) not engage in activities that amount to abuse of office;

(ii) accurately and honestly represent information to the public; and

(iii) not discriminate against any person.

Gifts or benefits in kind

J.11 (1) A public officer is prohibited from accepting or requesting for gifts whether in the form of money, goods, free passages or other personal benefits and from giving such gifts, unless:

(i) The gift is non-monetary and does not exceed the value prescribed by regulation; or

(ii) The gift is from or to a relative or friend given on a special occasion recognized by custom.

(2) A gift or donation to a public officer on a public or official occasion will be regarded as a gift or donation to the County and shall be delivered to the respective Department unless exempted under an act of Parliament.

(3) When presents are exchanged between public officers acting on behalf of the County in ceremonial occasions with other Counties or their representatives, the presents received will be handed over to the County and any present in return will be given at the County's expense.

Wrongful or unlawful acquisition of property

J.12 A public officer shall not use his office to wrongfully or unlawfully influence the acquisition of property.

Conflict of interest

J.13 (1) A "conflict of interest" involves a conflict between the public duty and the private interests of a public officer in which the officer's private capacity interests would improperly influence the performance of their official duties and responsibilities.

(2) A public officer:

(i) Shall use the best efforts to avoid being in a situation where personal interests conflict or appear to conflict with the public officer's official duties;

(ii) Shall not hold shares or have any other interest in a corporation, partnership or other body, directly or through another person, if holding those shares or having that interest would result in the public officer's personal interests conflicting with his official duties;

(iii) whose personal interest conflict with his official duties shall declare the personal interests to his supervisor or other appropriate body and

refrain from participating in any deliberations with respect to the matter;

(iv)shall not award a contract, or influence the award of a contract to:-

(a) Himself/herself,

(b) A spouse or relative,

(c) A business associate, or

A corporation, partnership or other body in which the officer has an interest;

(v) who is serving on a full time basis shall not participate in any other gainful employment;

(vi)Shall not allow himself to be influenced in the performance of his duties by plans or expectations for or offer of future employment or benefits and shall disclose, in writing to the Board all offers of future employment or benefits that could place him in a situation of conflict of interest; and

(vi) shall not be engaged by or act for a person or entity in a matter in which the officer was originally engaged in as a public officer, for at least two years after leaving the public office.

(3) In this section "personal interest" includes the interest of a spouse, relative, or business associate.

Acting for foreigners

J.14 No public officer shall, in any manner that may be detrimental to

the security interests of County and Country, be an agent for, or further

the interests of a foreign government, organization or individual

Care of property

J.15 A public officer shall take all reasonable steps to ensure that property that is entrusted to his care is adequately protected and not misused or misappropriated.

Misuse of official information

J.16 A public officer shall ensure that confidential or secret information or documents entrusted to his/her care are adequately protected from improper or inadvertent disclosure.

Falsification of records

J.17 A public officer shall not falsify any records or misrepresent information to the public.

Political neutrality

J.18 A public officer shall not, in or in connection with the performance of his/her duties as such act as an agent for, or so as to further the interest of a political party or indicate support for or opposition to any political party or candidate in an election

or engage in political activity that may compromise the political neutrality of his/her office.

Impartiality

J.19 A public officer shall at all times carry out the duties of the office with impartiality and objectivity in accordance with Articles 10, 27, 73(2)(b) and 232 of the Constitution.

Collections and Harambees

J.20 A public officer shall not use his office or place of work as a venue for soliciting, collecting Harambees, either as a collector or promoter of public collection, obtain money or other property from a person using his official position.

Conduct of private affairs

J.21 A public officer shall conduct private affairs in a manner that maintains public integrity of the office; pay taxes due from him within the prescribed period and not neglect their financial or legal obligations.

Bullying

J.22 A public officer shall not bully any person. For the purpose of this section 'bullying' includes repeated offensive behaviour which is vindictive, cruel, malicious or humiliating and is intended to undermine a person.

Sexual Harassment

J.23 A public officer shall not sexually harass a member of the public or fellow public officer. "Sexually harass" includes doing any of the following, if the person doing it knows or ought to know that it is unwelcome:

(a) Making a request or exerting pressure for sexual activity or favours;

(b) Making intentional or careless physical contact that is sexual in nature; and

Making gestures, noise, jokes or comments including innuendos,

regarding another person's sexuality.

Nepotism

J.24 A public officer shall not practice undue favourism to their relations and close relatives at the expense of the service.

Acting through others

J.25 (1) A public officer contravenes the code if he causes anything to be done through another person that would constitute a contravention of the code if done by the public officer, or allows or directs a person under their supervision or control to do anything that is in contravention of the code.

(2) Contravention shall not apply where anything is done without the public officer's knowledge or consent or if the public officer has taken reasonable steps to prevent it.

(3) A public officer who acts under unlawful direction shall be responsible for his action.

Reporting improper orders

J.26 A public officer shall report to the Authorized Officer or the Public Service Board, as the case may be, any order required of him that he shall consider improper or unethical.

Declaration of Income, Assets and Liabilities

J.27 (1) Every public officer shall on initial appointment and bi-annually thereafter submit a declaration of income, assets and liabilities of himself, spouse(s) and dependent children under eighteen (18) years of age to the County Public Service Board. The officer shall also make a similar declaration on exit from the service.

(2) An officer who fails to submit a declaration or clarification as required, or who submits information that he knows is false or misleading, shall be liable to disciplinary action.

(3) If an investigation discloses that the public officer has contravened the Code of Conduct and Ethics, the appropriate disciplinary action will be taken against the officer; or if the Board is of the view that civil or criminal proceedings ought to be considered, the matter may be referred to the County Attorney.

Uniforms for Officers

J.28 (1) Officers offering common services such as Receptionists, Drivers and Support Staff and are required to wear uniforms will be issued with at least two (2) pairs of appropriate uniform on deployment. Issues of uniforms and dates of their issue must be recorded in the Stores Ledger.

(2) All officers who are provided with uniform will be required to maintain them in a clean and decent condition and to wear them at all times while on duty.

(3) Disciplinary action will be taken against any officer who fails to observe this Regulation.

Dress Code

J.29 (1) All public officers are required to be well groomed and decently dressed to maintain an appropriate standard of dress and personal hygiene in public and private.

(2) The dress code for County public Officers will be as per the County dress code policy.

(3) Employees may put on branded corporate attires for their respective Departments.

SECTION K :DISCIPLINARY CONTROL

Introduction

K.1 The objective of disciplinary control is to create a motivated and dedicated Public Service which upholds the rules of conduct and work ethics for optimal service delivery. It is expected that public officers will maintain integrity and uphold the dignity of the office to which they are appointed. Further, discipline cases shall be dealt with expeditiously, efficiently, lawfully and in a procedurally fair manner.

Disciplinary Powers

K.2 (1) The power to exercise disciplinary control and removal of Public Officers are vested in the Public Service Board as stipulated in the Constitution and the County Government Act.

(2) The Public Service Board has delegated the following disciplinary powers to Authorized Officers as per the Public Service Board regulations and instructions issued to the service from time to time:-

(i) Interdiction of all officers in Job Group 'M' and below;

(ii) Suspension of officers in Job Group 'M' and below

(iii) Reprimand (including severe reprimand) of any officer;

(iv) Recovery of the cost or part of the cost of any loss or breakage caused by default or negligence, provided no such cost has been recovered by surcharge action under the appropriate financial instructions or regulations;

(v) Withholding, deferment and stoppage of salary increment.

Disciplinary procedure

General provisions

K.3 (1) Disciplinary cases dealt with under delegated powers shall be processed through the respective County Human Resource Management Advisory Committee.

(2) If criminal proceedings are instituted against an officer or where an officer has been acquitted of a criminal charge in a court of law, the Board shall not be prevented from dismissing him or otherwise punishing him on any other charge arising out of his conduct in the matter.

(3) Where an officer has been charged on desertion of duty, the letter shall be addressed to his last known address by registered mail.

(4) Disciplinary cases should be dealt with promptly and finalized within a period of six (6) months. Where it is found impracticable to do so the Authorized Officer shall report individual cases to the County Public Service Board explaining the reason for the delay.

(5) Where the County Public Service Board has found it impracticable to finalize the case within a period of six (6) months, the Board shall communicate to the officer appropriately.

Specific Provisions

K.4 The procedures to be followed by Authorized Officers in dealing with discipline cases are as follows:-

(1) In respect of officers in Job Group 'M' and above:-

(i) Carry out a preliminary investigation and consultation as to the circumstances surrounding the act of misconduct.

(ii) Issue the public officer with statement of the alleged offence ('show cause' letter) and the charges framed against him/her and invite him/her

to state in writing the grounds, if any, on which he relies to exonerate himself/herself.

(iii) The officer shall respond to the charges within twenty one (21) days from the date of the 'show cause' letter.

(iv) The case shall be presented to the County Human Resource Management Advisory committee for deliberation and recommendation.

(v) If the officer fails to respond within the specified period or if in the opinion of the Authorized Officer, the explanation given is not satisfactory he shall forward the case with copies of the charge and the officer's reply if any, with his comments to the Board for decision.

Conduct of investigations

K.5 (1) While carrying out investigations, the Authorized Officer shall observe the following conditions:-

(i) Constitute a team of not less than three (3) officers to investigate the matter (where the team is more than three members, the team shall consist of an odd number).

(ii) The officers conducting the investigation shall be senior to the accused officer and should not have dealt with the case before.

(2) The report of the investigation shall be submitted to the Board and shall contain:

(i) Evidence collected by the team, including any statements by witnesses;

(ii) analysis of the evidence and statements;

(iii) A statement on whether the charges against the officer have been proved; and

(iv) Details on any matter that may affect the gravity of the case, if any.

(3) The report shall not contain any recommendation on the form of punishment to be inflicted on the accused officer.

(4) In respect of officers in Job Group 'M' and below but who have not qualified for pension:

(i) All the steps in (1) above will be observed and where the Authorized Officer is of the opinion that further investigation is not necessary, he will decide on the punishment to be inflicted on the accused officer.

(ii) Where the Authorized Officer finds it necessary to carry out further investigation, the conditions specified in (1) above shall be observed.

(iii) On receipt of the investigation report the Authorized Officer shall on the recommendations of the County Human Resource Management Advisory Committee decide whether and how the accused officer will be punished.

Interdiction

K.6 (1) The powers of interdiction should be exercised as set out in the Public Service Board Regulations. An officer may be interdicted to allow investigations to be conducted in a case where proceedings may lead to his dismissal.

(2) An officer who is interdicted shall be eligible for half (½) of his/her basic salary with full house allowance and medical benefits.

(3) An officer on interdiction should report to his supervisor at agreed intervals.

(4) Where disciplinary or criminal proceedings have been taken or instituted against an officer under interdiction and such an officer is neither dismissed nor otherwise punished under these regulations, any salary withheld shall be restored to him upon the termination of such proceedings with effect from the date the salary was stopped.

Suspension

K.7 (1) An officer may be suspended from duty under the following circumstances:

(i) When disciplinary proceedings have been instituted against the officer as a result of which, the Authorized Officer considers that the officer ought to be dismissed;

(ii) When he has been convicted of a serious criminal offence where a prison sentence may be imposed other than in default of payment of a fine; or

(iii) Any other offence which in the opinion of the Authorized Officer, constitutes gross misconduct.

(2) Where an officer is suspended from the exercise of the functions of his public office, he/her shall be entitled to full house allowance, medical benefits and no basic salary.

(3) An officer on suspension will be required to report to his supervisor at agreed intervals, if necessary.

(4) Where disciplinary or criminal proceedings have been taken or instituted against an officer under suspension and such an officer is neither dismissed nor otherwise punished under these regulations, the whole or any salary withheld shall be restored to him/her upon the termination of such proceedings with effect from the date the salary was stopped.

Absence from Duty without leave or reasonable or lawful cause

K.8 (1) Where a public officer is absent from duty without leave or reasonable or lawful cause for a period exceeding twenty four (24) hours, and is not traced within a period of ten (10) days from the commencement of such absence, the officer's salary shall be stopped and action to dismiss the officer initiated.

(2) The public officer shall be addressed a 'show cause' letter through his last known address by registered post.

(3) If the officer does not resume duty or respond to the 'show cause' letter within a period of twenty one (21) days, from the date of the show 'cause letter', the case

shall be referred to the respective County Human Resource Management Advisory Committee for summary dismissal.

(4) When an officer has been absent from duty without permission and subsequently resumes duty, he shall not be eligible for payment of salary for the period of absence and any amount erroneously paid to him shall be recovered from his salary.

(5) In cases of delay of stoppage of salary and an officer is subsequently dismissed on account of desertion, the erroneous payment shall be recovered from the officer who occasioned the payment.

Absence from Duty on Grounds of Illness

K.9 (1) An officer who is absent from duty on grounds of illness shall produce proof of sickness/sick leave certified by a medical practitioner on resumption of duty. The officer shall also make every effort to notify the office of his sickness.

(2) Should the officer fail to produce a medical certificate or to give satisfactory explanation for the absence, he shall be considered to have been absent without permission and his case shall be dealt with in accordance with the relevant disciplinary provisions.

Appeals

K.10 (1) An officer who is dissatisfied by a decision made by an Authorized Officer may appeal to the Board within a period of thirty (30) days from the date of the letter conveying such decision, provided that the Board may consider an appeal that is made out of time if, in the opinion of the Board, the circumstances warrant such consideration.

(2) The Board shall entertain only one appeal in each case.

(3) Any person who is dissatisfied by the decision made by the Board may appeal to Public Service Commission within ninety (90) days from the day the decision was made.

Reviews

K.11 An officer may apply for a review of his case within six (6) months after the decision of the County Public Service Board. The Board may entertain an application for review out of time if, in the opinion of the Board, the circumstances warrant it.

Defence of Officers in Criminal and Civil Suits

K.12 (1) When criminal or civil proceedings are instituted against an officer as a result of an act of omission by him/her in the course of his/her official duties, he/she may apply to his/her Authorized Officer for assistance in his/her defence. If the latter is satisfied that the officer acted in good faith in the execution of his/her official duties and that it is in the public interest that the officer should be defended, he/she shall immediately report the matter to the County Attorney, who will decide whether or not the officer should be defended.

(2) Officers who have applied for defence shall not themselves brief their private advocates and subsequently apply for Government assistance. Unless the proper procedure is followed, the County Attorney may decline to provide support to the

officer. It is further emphasized that speed is of essence in reporting such cases to the County Attorney Civil Proceedings by Officers for Defamation

K.13 Where an officer has been defamed in respect of matters arising out of his official position, e.g. in the press or at a political meeting, it may be that the Government is also defamed by implication, and may, therefore, agree to give legal aid to the officer. Where such a case occurs, the officer may apply for legal aid through his Authorized Officer to the County Attorney. Legal aid will not be granted unless:

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

(ii) There is, in the opinion of the County Attorney, a good prospect of success in the action; and

(iii) The consent of the County Attorney shall be obtained before proceedings are commenced.

SECTION L :LABOUR RELATIONS

Introduction

L.1 The County Government shall engage Trade Unions representing County public officers in negotiating Collective Bargaining Agreements through the framework agreed jointly between the CPSBs National Consultative Forum and Council of Governors. County Governments and Unions shall negotiate Collective Bargaining Agreements setting out the terms and conditions of service for employees. The negotiations will be guided by the provisions of the Constitution, relevant legislations and the institutional framework for collective bargaining with public service unions.

Union Membership

L.2 (1) All employees may join any registered and recognized Union of their choice. However, eligibility for an employee to join will depend on the recognition agreement between County Governments and the respective Union.

(2) Employees shall not be victimized for being members or participating in trade Union activities;

(3) Employees who are appointed as officials of any Union may be granted permission to carry out official Union duties;

(4) Employees are not allowed to be officials of more than one Trade Union. However, an official of a Trade Union may also be an official of a Federation to which the Trade Union is affiliated;

(5) Union meetings shall be convened to take place during the employees' free time.

Recovery of Union Dues

L.3 (1) The County Government shall deduct trade Union dues from the salaries of union members and pay the monies so deducted into a specified account of the Trade Union;

(2) Deductions from an employee who has resigned his Union membership and notified the employer in writing shall be stopped; and

(3) A copy of an employee's notification shall be forwarded to the Union for information.

Dispute Resolution

L.4 The County Government will endeavor at all times to have good working relations with the Unions in order to maintain industrial harmony. However, should a trade dispute arise concerning any aspect of the employer/employee relationship, the resolution of that dispute will be as provided for in the Labour Relations Act.

Employee Participation in Strikes

L.5 An employee may participate in a strike if:-

(i) The trade dispute that forms the subject of the strike concerns the; terms and conditions of employment or recognition of a Trade Union to which an employee is a member

(ii) The trade dispute is unresolved after conciliation; and

(iii) Seven days written notice of strike has been given to the County Government and the County Executive Committee Member responsible for Public Service Management by the representative of the Union.

Institutional Framework for negotiation

L.6 (1) An Institutional Framework for negotiation with Trade Unions has been developed whose objectives are to:

(i) Ensure that the collective bargaining process is compliant with the Constitution and the relevant legislations;

(ii) Identify the parties recognized by law to engage in collective bargaining;

(iii) Provide consistency and uniformity in the collective bargaining process;

(iv) Provide a platform for consultations with all stakeholders;

(v) Provide a standard period for collective bargaining across the public service; and

(vi) Promote labour relations and industrial peace.

(2) The collective bargaining in the Public Service may include salaries, allowances, benefits, and working conditions as shall be agreed upon from time to time.

(3) Labour relations shall be guided by the provisions of the Constitution and the relevant labour laws.