



REPUBLIC OF KENYA



GOVERNMENT OF MAKUENI COUNTY

COUNTY PUBLIC SERVICE BOARD
**HUMAN RESOURCE
POLICIES AND
PROCEDURES MANUAL**

"Quality Staff, Quality Service"

FOREWORD

The development of this Human Resource Policy Manual seeks to align the County Public Service Human Resource framework with the Constitution of Kenya (2010) and other applicable public service laws and regulations. The Manual provides guidance to public officers on government operations, national and public service values, performance management, and standards governing the conduct of public officers in the discharge of their duties.

The Constitution of Kenya (2010) places a high responsibility on the Public Service to deliver timely, efficient, and quality services to citizens. In line with Kenya Vision 2030, the Public Service is expected to be efficient, effective, results-oriented, and capable of supporting the aspiration of a globally competitive and prosperous nation with a high quality of life for its people.

This Manual outlines key policies, procedures, and best practices in human resource management within the Kenyan public sector, drawing from applicable laws and relevant best practices from other Commonwealth jurisdictions. It provides clear guidelines to support effective management and development of human resource capacity in line with the strategic goals and objectives of the County Public Service Board (CPSB). All staff are encouraged to refer to this Manual to ensure consistency in the application of organizational standards across departments.

The Manual recognizes and incorporates provisions of the Constitution of Kenya (2010), labour laws, and other legislation governing industrial relations. It is not exhaustive and should therefore be read together with other relevant statutes, regulations, and circulars for proper interpretation and application.

As CPSB continues to strengthen service delivery within its mandate, staff are reminded that all decisions and actions must align with the vision, mission, values, and standards of the Board. Building a cohesive, disciplined, and value-driven workforce remains a core priority.

This Manual shall serve as a reference tool during induction, transfers, and promotions. The Secretary/CEO, departmental heads, and the Human Resource Office shall be responsible for its implementation, enforcement, and interpretation. The policies herein apply to all Makueni County Public Service staff.

CPSB remains committed to periodically reviewing and updating this Manual to respond to emerging needs and the evolving public service environment, while fostering a work environment that promotes diversity, integrity, and both personal and professional growth.



Dr. Nicodemus Muteti, PhD.

Chairperson

MAKUENI COUNTY PUBLIC SERVICE BOARD

ACKNOWLEDGEMENT



CS Redempta Kavindu

Secretary/CEO

MAKUENI COUNTY PUBLIC SERVICE BOARD

Executive Summary

The Constitution of Kenya (2010) introduced a devolved system of government, restructuring governance from centralization to devolution. Under the Fourth Schedule, functions are distributed between the National Government and County Governments. The National Government is responsible for policy formulation, national planning, quality assurance, and establishing norms and standards, while County Governments focus on service delivery and localized policy implementation.

With the transfer of functions to County Governments, it became necessary to establish a County Public Service capable of performing these functions efficiently. To ensure effective management of county human resources, the County Public Service Human Resource Policies and Procedures Manual has been developed. This manual outlines procedures for various HRM functions and guides the management of human resources within the County Government.

The manual aligns with human resource best practices and incorporates relevant Constitutional provisions, the County Governments Act (2012), Labour Laws, and other legislation governing the employer-employee relationship in the public sector. It also reflects other policies and guidelines regulating public service management.

The manual covers, among other areas:

- Organization of Government
- Labour Relations
- Terms and Conditions of Employment
- Performance Management
- Code of Conduct
- Salaries and Advances
- Allowances
- Medical Benefits
- Leave
- Training and Development
- Health and Safety
- Terminal Benefits

Although comprehensive, the manual is not exhaustive and should be read together with other relevant legislation and regulations governing devolution and the public service. It applies to the County Government public service and will be updated periodically to reflect policy and regulatory changes.

Clarification on any part of this manual should be sought from the Secretary, County Public Service Board.

Introduction

This manual provides essential information on conditions of employment for county staff and serves as a general guide outlining County Human Resource policy. Staff should seek further guidance or clarification from the Secretary, CPSB, on matters not covered by general statements or where interpretation of any section of the manual is required.

This Manual also provides a framework for progressive human resource management, including digital HR systems, workforce planning, productivity enhancement, and employee wellness in line with national public service reforms.

Any information not explicitly captured in this manual will be addressed on a need basis through Government procedures, including but not limited to service guidelines, circulars, and internal advisories.

Definition of Terms

In this manual, unless the context otherwise requires, the following words and expressions shall have the meanings assigned to them:

Accounting Officer

A public officer appointed to take full responsibility for the financial management, assets, and liabilities of a County department.

Authorized Officer

A County public officer to whom the County Public Service Board has delegated authority and who exercises supervision over a County department.

Basic Salary

The salary paid to an officer excluding allowances.

Bondee

An employee who is serving a training bond obligation.

County Executive

A person holding the office of County Executive Committee Member within the Government of Makueni, as established under the Constitution of Kenya.

Chief Officer

The officer responsible for the administration of a County department.

Children

Biological or legally adopted children under the age of twenty-two (22) years who are unmarried and wholly dependent on the officer. For record purposes, their names must be declared at birth or adoption. Birth certificates or legal adoption documents are required.

Consultative Committee

A forum for negotiation and cooperation between the County Government (as the employer) and trade unions.

Constitution

The Constitution of Kenya, 2010.

County Public Servant

An employee serving in the County Public Service.

County Public Service

All individuals performing functions within any department or agency of the County Government, excluding the Governor, Deputy Governor, County Executive Committee Members, County Secretary, and members of the County Assembly.

County

A unit established under Article 6(1) of the Constitution and listed in the First Schedule.

County Governor

The Chief Executive Officer of a County Government.

Extended Family

Parents, brothers, and sisters of the officer.

Immediate Family

The officer, the officer's spouse, children, and the officer's parents.

Leave Year

A period running from 1st July to 30th June of each financial year.

Living Allowance

An allowance paid to an officer attending a long-term course abroad, determined according to the destination country. It caters for subsistence, accommodation, outfit, and excess baggage. Officers attending long-term local courses outside their duty station may also qualify.

Next-of-Kin

A person designated by the officer for emergency contact and legal reference in case of death.

Nuclear Family

The officer, spouse, and children.

Public Officer

A government employee, including a County employee, whose remuneration is drawn from the Consolidated Fund.

Pro-rata

A method of computing benefits proportionately to the period served relative to the full entitlement period.

Reimbursable Allowances

Allowances where an officer receives reimbursement for expenditure incurred in the course of duty.

Remunerative Allowances

Allowances paid to an officer, in addition to salary, as compensation for additional responsibilities.

Daily Subsistence Allowance (Local Travel)

A payment to an officer travelling on duty and staying overnight away from their duty station, covering accommodation when the officer makes personal arrangements. Rates are set by Government policy.

Spouse

A legal marriage partner under the Marriage Act or recognized customary law.

County Officer

A person holding a County public office.

Surety

A person who accepts responsibility to trace a bondee and/or satisfy bond obligations if the bondee defaults.

Tour of Service

The duration of an employment contract awarded to a foreign employee in the Public Service.

Training Bond

A formal agreement between the County Government and its employees undertaking approved training, requiring them to serve the County for a specified period after completing training.

Disclaimer

This Human Resource Manual is gender-sensitive; therefore, references to "he" or "she" apply to all genders, and references to "spouse" apply to both husband and wife.

List of Acronyms

Acronym	Meaning
CBA	Collective Bargaining Agreement
CHRAC	County Human Resource Advisory Committee
DHRMAC	Departmental Human Resource Advisory Committee
CPSB	County Public Service Board
DPMC	Departmental Performance Management Committee
DOSH	Directorate of Occupational Safety and Health
GPA	Group Personal Accident
NSSF	National Social Security Fund
NHIF	National Hospital Insurance Fund
PSC	Public Service Commission
TA	Transition Authority
SRC	Salaries and Remuneration Commission
WCPS	Widows and Children's Pension Scheme
WIBA	Work Injury Benefits Act
CGA	County Governments Act
CECM	County Executive Committee Member
CO	Chief Officer
AO	Accounting/Authorized Officer

Purpose and Scope of the Manual

The Human Resources Policies and Procedures Manual provides guidelines to assist Authorized Officers and employees in the effective discharge of their operational responsibilities without impediment or ambiguity. The Manual establishes a framework for consistent decision-making in order to promote equity, fairness, and harmony in the management of Human Resources within the County Public Service.

This Manual shall be read in conjunction with the contract of appointment. Except where expressly stated otherwise, the provisions of the contract of appointment shall take precedence over the terms and conditions contained in this Manual.

The County Public Service Board shall issue, distribute, and amend this Manual from time to time. Any amendments shall be communicated through official circulars indicating the effective date and shall be incorporated into the Manual during the next review.

Applicability of the Rules

Except as otherwise expressly provided, any powers conferred upon an officer under these Rules may also be exercised by a superior officer.

All Staff Notices, Circulars, and Instructions currently in force shall be deemed to form part of the Staff Rules and Regulations.

Except as otherwise expressly provided, these Rules shall apply to all employees of the County Public Service.

Where any provision of these Rules conflicts with the terms of a Collective Bargaining Agreement, an individual contract of employment, or the terms and conditions contained in a letter of appointment, the latter shall prevail.

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SECTION A:

ORGANIZATION OF GOVERNMENT

A.0 Introduction

This section outlines the structure of government in Kenya and provides an overview of national values and principles of governance, values and principles of public service, the functions of national and county governments, the organization of county governments, and the functions and powers of the County Public Service Board (CPSB). It further highlights the role of the CPSB in relation to the County Public Service.

This section shall be read together with the Constitution of Kenya, the County Governments Act, CPSB Regulations, and all other relevant legal statutes.

A.1 Governance, Structure and Official Communication

The National Government comprises the National Executive, the Legislature, and the Judiciary.

(1) National Executive

The National Executive consists of the President, the Deputy President, and the Cabinet. The Cabinet comprises the President, Deputy President, Attorney General, and not fewer than fourteen (14) and not more than twenty-two (22) Cabinet Secretaries.

(2) The Parliament

Parliament is bicameral and consists of two Houses:

- (i) **The National Assembly**, representing constituencies; and
- (ii) **The Senate**, representing counties.

(3) County Government

County Government comprises the County Executive and the County Assembly.

- (i) The County Executive Committee consists of the Governor and ten (10) County Executive Committee Members and County Attorney appointed by the Governor with approval of the County Assembly.
- (ii) The County Assembly is the legislative arm of the County Government.

A.2 The County Public Service

The County Public Service is responsible for the implementation of government policies and programmes as stipulated under the County Governments Act, 2012.

(1) Role of the Public Service

The functions of the County Government are executed through the Public Service, which is a driver of socio-economic development and significantly influences the quality of life of citizens.

(2) Definition of Public Service

Under Article 260 of the Constitution, public service means the collectivity of all individuals, other than County officers, performing a function within a County organ.

(3) Establishment of County Public Service

Under Article 56 of the Constitution and Section 56(1) of the County Governments Act, each County shall have its own public service, known as the County Public Service.

(4) Non-Political Nature

The public service, whether at National or County level, serves the Kenyan public and must be insulated from political interference to the greatest extent possible.

SECTION B: INSTITUTIONAL FRAMEWORK

B.0 Introduction

This section provides a summary of matters related to the administration and management of the County Government. It shall be read together with the Constitution of Kenya, Public Service Regulations, and other relevant legal statutes.

B.1 National Values and Principles of Governance

In performing their functions, County Governments shall be guided by the National Values and Principles of Governance, and the Values and Principles of Public Service.

(1) National Values and Principles of Governance

These include:

- (a) Patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people;
- (b) Human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of marginalized groups;
- (c) Good governance, integrity, transparency and accountability;
- (d) Sustainable development.

(2) Values and Principles of Public Service

These include:

- (a) High standards of professional ethics;
- (b) Efficient, effective, and economic use of resources;
- (c) Responsive, prompt, effective, impartial, and equitable service delivery;
- (d) Involvement of the people in policy-making;
- (e) Accountability for administrative acts;
- (f) Transparency and provision of timely, accurate information to the public;
- (g) Fair competition and merit as the basis for appointments and promotions;
- (h) Representation of Kenya's diverse communities;
- (i) Equal opportunity for:
 - (i) Men and women;
 - (ii) All ethnic groups;
 - (iii) Persons with disabilities.

The County Public Service Board shall promote, evaluate, and report on compliance with these values within the County.

B.2 Functions of the National Government

The functions of the National Government are set out in the Fourth Schedule of the Constitution. These include:

- (i) Foreign affairs, foreign policy, and international trade;
- (ii) Use of international waters and water resources;
- (iii) National defence and use of national defence services;
- (iv) Police services, among others.

Functions of County Governments (Fourth Schedule)

- (i) Agriculture;
- (ii) County health services;
- (iii) Control of air pollution, noise pollution, public nuisances, and outdoor advertising;
- (iv) Cultural activities, public entertainment, and public amenities, among others.

Article 6 (2) of the Constitution provides that national and county governments are distinct and interdependent, and must conduct their relations based on consultation and cooperation.

B.3 Organization of County Governments

County Governments consist of an executive arm and a legislative arm. The County Executive comprises the Governor and the County Executive Committee, appointed by the Governor and approved by the County Assembly. The County Public Service is headed by the County Secretary, who also serves as Secretary to the County Executive Committee.

B.3.0 Role of the County Executive Committee

- 1) Responsible for management and coordination of County administration and departments, including developing and implementing County policies as per Section 37 of the County Governments Act.
- 2) Members are individually and collectively accountable to the Governor for the exercise of their powers and duties.
- 3) They must appear before committees of the County Assembly when required, to answer questions related to their areas of responsibility (Section 39, CGA).

B.3.1 Allocation of Functions to County Departments

Functions shall be allocated to County Departments through Governor's Circulars/Executive Orders issued from time to time.

B.3.2 Communication by Executive Committee Members

- (1) Executive Committee Members may communicate directly with the Governor through minutes, letters, verbal briefings, or other appropriate channels. They may see him/her by arrangement whenever they wish to do so. Executive committee members should inform the Governor at the earliest possible opportunity of any important event connected with administration of functions of their respective county departments.
- (2) Communication among CEC Members shall be through official channels such as letters, memos, emails, official calls, or other approved media. Unmarked file-passing is not permitted.
- (3) Communication with the County Secretary shall be through minutes, emails, calls, or written correspondence.
- (4) Communication to Chief Officers and Heads of Departments shall be in writing or other approved forms.

- (5) Communication to departments outside a Member's portfolio shall be routed through the relevant CEC Member.
- (6) Instructions requiring important decisions shall be confirmed in writing to the Chief Officer or Head of Department. The CEC shall not communicate directly to the staff except in such matters of daily routine as may require direct communication or when special circumstances so require.

B.3.3 Role of the County Secretary

The County Secretary:

- (i) Is the Head of the County Public Service;
- (ii) Serves as Secretary to the County Executive Committee;
- (iii) Arranges business and keeps minutes of the Executive Committee;
- (iv) Conveys Executive decisions;
- (v) Performs any additional duties assigned by the Executive Committee.

The CPSB shall delegate authority in writing to the County Secretary on application as required by Section 86(1) of the County Governments Act.

B.3.4 Role of County Chief Officers and Authorized Officers

- (i) Chief Officers are responsible to their respective CEC Members for administration of their departments as per Section 46 of the County Governments' Act.
- (ii) The Chief Officer serves as the Authorized Officer for delegated powers.
- (iii) Giving effect to lawful directives of CEC keeping them informed of all important activities and Events.
- (iv) Should always seek advise and guidance from the respective CEC on important policy matters.
- (v) Notify CEC and the County Secretary when there is need for absenteeism

B.3.5 Role of the County Attorney

The County Attorney is the principal legal advisor to the County Government and ensures departments/Agencies receive appropriate legal guidance in line with the County Attorney Act, 2020.

B.3.6 Role of the Director, Human Resource Management and Development

The Director HRMD is the Secretary to the County Human Resource Management Advisory Committee (CHRMAC) and is responsible for:

- (i) Coordination of HR records and personnel files;
- (ii) Managing HR functions and conducting staff audits;

- (iii) Payroll administration and onboarding;
- (iv) Preparing HR budgets;
- (v) Administering staff benefits and welfare functions;
- (vi) Ensuring compliance with HR policies, labour laws, and statutes;
- (vii) Establishing performance management systems;
- (viii) Promoting equality, diversity, and inclusivity;
- (ix) Drafting job descriptions;
- (x) Preparing HR transition reports;
- (xi) Processing HR recommendations for Board submission, including recruitment, promotions, training, deployments, restructuring, disciplinary matters, pensions, and welfare.

B.3.7 The County Public Service Board

Section 58 establishes the CPSB, consisting of a Chairperson, Secretary, and three to five members appointed by the Governor with County Assembly approval.

B.3.8 Functions and Powers of the County Public Service Board

Under Section 59(1) of the County Governments Act, the CPSB is mandated to:

- (i) Establish and abolish offices in the County public service;
- (ii) 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;
- (iii) Exercise disciplinary control over, and remove, persons holding or acting in those offices;
- (iv) Prepare regular reports for submission to the County assembly on the execution of the functions of the Board;
- (v) Promote in the County public service the values and principles referred to in Articles 10 and 232 of the Constitution;
- (vi) Evaluate and report to the County assembly on the extent to which the values and principles referred to in Articles 10 and 232 of the Constitution are complied with in the County public service;
- (vii) Facilitate the development of coherent, integrated human resource planning and budgeting for personnel emoluments in counties;
- (viii) Advise the County government on human resource management and development;
- (ix) Advise County government on implementation and monitoring of the national performance management system in counties;

- (x) 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.

B.3.8.1 Powers of the Board

In the performance of its functions pursuant to Section 59A of the County Governments Act (Amendment 2020), the County Public Service Board shall:

- (i) be independent and shall not be subject to the Direction or Control of any other person or authority; and
- (ii) adhere to the Constitution, this Act and any other relevant law.

B.3.9 Delegation by the County Public Service Board

- (1) Pursuant to Section 86(1) of the County Governments' Act or as may be amended from time to time, the County Public Service Board may delegate in writing any of its functions to any one or more of its Members, the County Secretary, County Chief Officer, Sub-County or Ward Administrator, Village Administrator, City or Municipal Manager and Town Administrators.
- (2) The County Public Service Board, may at any time revoke, suspend, vary, or withdraw delegated powers, in whole or in part, under any of the following circumstances:
 - (a) The delegated powers have been exercised contrary to the law, policy, or established procedures;
 - (b) There is abuse, misuse, or misapplication of delegated authority;
 - (c) The officer to whom authority was delegated is unable or unsuitable to continue exercising such authority;
 - (d) Operational, administrative, or organizational exigencies require revocation; or
 - (e) To ensure efficiency, accountability, integrity, or compliance with applicable laws and policies.
- (3) All powers revoked shall revert to the original delegating authority, unless expressly reassigned in writing.
- (4) Actions lawfully undertaken under delegated authority prior to its revocation shall remain valid unless otherwise determined by the delegating authority.
- (5) Revocation of delegated authority shall be communicated in writing through official channels and shall take effect on the date specified in the revocation instrument, or where no date is specified, on the date of communication.

B.3.10 Communication with the County Public Service Board

All communication to the Board within the county public service shall be addressed to; The Secretary/CEO, County Public Service Board through the County Secretary and Head of the County Public Service. 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.

B.3.10 Communication of CPSB Decisions

- (i) The decisions of the Board will be communicated through the Secretary/CEO, County Public Service Board.
- (ii) The Secretary/CEO, County Public Service Board will communicate to the County Chief Officers who will in turn communicate to the affected officer.

B.3.11 Role of the CPSB in Relation to County Public Service

- (1) The County Public Service Board is mandated to hear and determine appeals from the County Public Service.
- (2) The appeals may be in respect of any decision relating to: -
 - (i) Recruitment, Selection, appointment and qualifications attached to any office;
 - (ii) Remuneration and terms and conditions of service;
 - (iii) Disciplinary control;
 - (iv) National values and principles of governance, under Article 10, and values and principles of public service under Article 232 of the Constitution;
 - (v) Retirement and other removal from service;
 - (vi) Pension benefits, gratuity and any other terminal benefits; or
 - (vii) Any other decision the Board considers falling within its constitutional competence to hear and determine an appeal in that regard.

B.3.11.1 Role of the Public Service Commission (PSC)

- i) Act as an appellate body to any county employee who is dissatisfied with any decision of the Board;
- ii) Provide technical assistance to the Board on best Human Resource Practices where applicable;
- iii) Setting standards and guidelines which are uniform for management of Human Resource Management across the public service.

B.3.12 County Management Committees (CMC)

The County shall be required to constitute following Committees to facilitate her operations:

- a) County Human Resource Management Advisory Committee (CHRMAC)
- b) Departmental Human Resource Management Advisory Committee (DHRMAC)
- c) SAGAs and Health Facilities Human Resource Management Advisory Committees
- d) Performance Management Steering Committee (PMSC)

B.3.13 County Human Resource Management Advisory Committee (CHRMAC)

The CHRMAC shall have a membership of nine (9) and the quorum shall be five (5) members. The CHRMAC shall meet at least once in each month.

The CHRMAC shall consist of the following members:

- (a) County Secretary – Chairperson.
 - (b) Director Human Resource Management and Development – Secretary.
 - (c) County Solicitor
 - (d) Six other members drawn from Chief Officers/accounting officers. All County Chief Officers are eligible
- (1) A Chief Officer/Accounting officer may be appointed alternate Chairperson to CHRMAC.
 - (2) Where the requirement of (c) and (i) above are deficient, the Committee may co-opt such members, in writing, as necessary from time to time with the approval of the Authorized Officer.
- (1) The functions of the County Human Resource Management Advisory Committee (CHRMAC) entail making recommendations to the County Public Service Board for officers at Job Group “P” and above regarding:-
 - (i) Recruitment, selection and appointment as applicable;
 - (ii) Promotions;
 - (iii) County Human Resource Planning;
 - (iv) Confirmation in appointment;
 - (v) Training and Development;
 - (vi) Induction of Staff;
 - (vii) Training Impact Assessment;
 - (viii) Management of skills audit and inventory;
 - (ix) Establishment and Complement control;
 - (x) Payroll management;
 - (xi) Deployment and transfers;
 - (xii) Human Resource Audit and staff rationalization;

- (xiii) Promotion and implementation of values and Principles of Public Service and ensuring compliance;
- (xiv) Recommendation for waiver of requirements of the career progression guidelines;
- (xv) Recommendation for review of grading and organization structures;
- (xvi) Recommendation for review of career progression guidelines;
- (xvii) Recommendation for secondments, leave of absence, unpaid leave and transfer of service;
- (xviii) Recommendation for retirement under 50 years rule;
- (xix) Recommendation for retirement on medical grounds;
- (xx) Recommendation for re-designation;
- (xxi) Recommendation for engagement and renewal of contracts;
- (xxii) Recommendation for Public Service Excellence Awards;
- (xxiii) Discipline Control;
- (xxiv) Benefits and Pension Management; and
- (xxv) Staff welfare, health and safety.

The CHRMAC decisions of the Committees shall be by consensus or majority vote of the members present.

B.3.12.1. Departmental Human Resource Management Advisory Committee (DHRMAC)

The DHRMAC committee shall have a membership of a minimum of five (5) members and a maximum of nine (9) and the quorum shall be 2/3 as applicable. This committee shall handle matters for officers at Job Group “N” and below. The DHRMAC shall meet at least once in each month. The decisions of the Committees shall be by consensus or majority vote of the members present.

The Committee may co-opt such members, in writing, as necessary from time to time with the approval of the Departmental Chief Officer.

The DHRMAC shall consist of the following members:

- (a) Chief Officer – Chairperson.
- (b) Human Resource Management and Development officer supporting the department – Secretary.
- (c) Directors and officers Job Group ‘P’ and above.
- (d) In instances where (c) cannot be met within the department, then the Chief officer can co-opt from other departments such members in writing as necessary from time to time.

For Semi-Autonomous Government Agencies (SAGAs) the above criteria shall apply and Chief Executive Officer/Managing Director as the chairperson

B.3.12.2 Health Facilities Human Resource Management Advisory Committees

Health Facilities Human Resource Management Advisory Committees shall have a minimum of five (5) members and a maximum of nine (9) and the quorum shall be 2/3.

The Health Facilities Human Resource Management Advisory Committees shall consist of the following members:

- (a) Medical Superintendent/Sub County Medical Officer for Health – Chairperson.
- (b) Human Resource Management and Development Officer or the Health Administrative Officers supporting the Health facility as the Secretary.
- (c) Respective Technical Heads.
- (d) In instances where the advisory is of an officer of a Job Group above the respective technical heads within the facility, the Committee shall forward the matter to the DHRMAC for processing. The committee minutes and reports shall be reported to the respective Chief Officer.

B.3.12.3 Performance Management Steering Committee (PMSC)

The PMSC shall be constituted by the County Secretary and membership shall be drawn from representation across the County Departments. Quorum shall be 2/3 of the membership.

The PMSC shall consist of the following members:

- (i) Chief officer in charge of Performance Management as the Chairperson;
- (ii) Director Human Resource Management and Development as the Secretary;
- (iii) Technical officers from the County Departments;
- (iv) Director in charge of Planning.

Each Department/SAGA should constitute a Performance Management Committee where the Accounting Officer shall be the Chair.

B.4 GOVERNMENT COMMUNICATION

B.4.0 Introduction

This section sets out the basic rules governing effective communication through correspondence and other media. It provides for the timely handling of communication in accordance with established procedures and offers guidance on the use of various methods of communication.

B.4.1 Forms of Correspondence

1. Great importance is attached to the prompt handling of all communication received by the Government. Any communication requiring a reply but which cannot be answered immediately should be acknowledged promptly upon receipt. Consultations should thereafter be completed and an appropriate response dispatched within seven (7) working days unless it is established that additional time is genuinely required.
2. Correspondence within the Service should be concise and provide the necessary background to the issue, as well as the advice or decision sought.
3. Each correspondence should, as far as possible, be limited to a single subject under an appropriate and summarized heading. The reference number and date of the latest communication on the subject, from both the writer and the addressee, should be indicated.
4. Enclosures in foreign languages should be accompanied by a certified translation or, where the documents are of minor importance, by a summary of their contents.
5. Where untranslated foreign documents are received, they shall be referred to the appropriate authority for translation.
6. Information relating to County Government business shall not be communicated to the general public without the approval of the Authorized Officer of the relevant County department.
7. When decisions of the Government are communicated to non-governmental bodies or members of the public, they shall be conveyed as decisions of the Government—not as those of an individual officer or department.
8. The sender is responsible for ensuring that correspondence reaches its intended destination.

B.4.2 Communication by Public Officers

1. A public officer shall communicate with his or her Authorized Officer through the Head of Department.
2. All communication to the County Public Service Board shall be addressed through the Authorized Officer and forwarded by the County Secretary.
3. An officer shall not extract or make copies of minutes or correspondence unless such correspondence is expressly addressed to the officer personally

B.4.3 Correspondence with Other Governments or Administrations

Any correspondence relating to relations between the County Government, National Government, or other administrations shall be guided by existing laws, regulations, and policies.

B.4.4 Classified Correspondence

1. The County Government shall implement the Kenya Security Manual, which contains instructions regarding the handling of classified correspondence.
2. The appropriate classification must be clearly marked at the top and bottom of every page of classified documents.
3. Authorized Officers shall ensure strict attention to security matters within their areas of responsibility. Officers with access to classified information shall be regularly reminded of the provisions of the National Security Manual.
4. Officers handling classified information shall be vetted and informed of the consequences arising from infringement of established guidelines.
5. Where classified information is leaked, the source shall be held liable and appropriate sanctions shall be taken.
6. All officers in the County Public Service shall take the oath of office.

B.4.5 Reports and Memoranda for the County Executive Committee

1. A memorandum intended for consideration by the County Executive Committee must be signed by the responsible County Executive Committee Member and submitted in original to the County Secretary at least seven (7) days prior to the meeting at which it is to be considered.
2. County Executive Committee memoranda shall be prepared in accordance with guidelines issued by the Office of the County Secretary and Head of the County Public Service.

B.4.6 Publicity/Broadcasts

1. County Executive Committee Members and Chief Officers shall liaise with the Directorate of Public Communications regarding any information intended for public dissemination through the media.
2. The Directorate of Public Communications shall assist in preparing publicity material in a format suitable for the selected media. However, the originating department shall bear responsibility for ensuring the accuracy of the information before release.
3. A public officer shall not issue documents to the media on official matters without prior approval of the Authorized Officer.

B.4.7 Use of Modern Means of Communication

1. For efficient communication, Departments and Agencies shall adopt modern means of communication, including official email, telephone, official websites, and approved social media platforms such as official X, Facebook, Instagram, and others.
2. Authorized Officers shall designate responsible officers to manage official social media platforms and ensure their responsible use.

B.4.8 Use of Passwords

1. Where data of a confidential nature is electronically stored, officers entrusted with passwords shall ensure their confidentiality and safeguarding.
2. Data handlers shall observe full confidentiality in accordance with relevant laws governing information use, data protection, and data management.

B.4.9 Annual Reports

1. Annual Reports provide a record of work undertaken during the review period and assess whether government programmes, projects, performance contracts, functions, and activities contributed to the achievement of County objectives. Annual Reports shall include:
 - (i) A descriptive account providing background information about a programme, function, or activity, including cost, duration, scale, and schedule.
 - (ii) A statement of intended objectives.
 - (iii) Environmental factors or influences affecting implementation.
 - (iv) Outcomes and impacts measured against original objectives.
 - (v) An analysis of efficiency and effectiveness in implementation.
 - (vi) Recommendations for improvement of government policies and programmes.
 - (vii) Compliance with legal guidelines, where applicable.
2. Where feasible, Departments shall prepare a consolidated report covering the Department and its Semi-Autonomous Government Agencies (SAGAs).
3. Results of research or scientific investigations should be published in scientific journals or as separate monographs, not in annual reports. Annual reports may include a reading list referencing such publications.
4. Annual Reports shall be prepared based on the financial year or as guided by applicable regulations.
5. Annual Reports shall not be published without the approval of the Authorized Officer.

B.4.10 Research Approvals

1. Any officer or member of the public wishing to conduct research related to the Public Service within the County Government shall seek approval from the County Secretary and Head of the Public Service.
2. The applicant shall provide details of the research, institutional approval where applicable, and the expected impact of the research on government operations.
3. The applicant shall sign a confidentiality declaration and ensure that collected information is used in accordance with applicable laws on information use and data management.

B.4.11 Publications for Diplomatic and Other Representatives Abroad

1. All printed annual, statistical, or informational reports intended for diplomatic and other representatives abroad shall be transmitted through the County Secretary and Head of the Public Service for approval and dissemination. Addresses of diplomatic representatives shall be included in mailing lists.
2. It is essential that diplomatic representatives receive up-to-date information for purposes of publicity and appropriate response.

B.4.12 Kenya Gazette

1. All communication intended for publication in the Kenya Gazette shall reach the Government Printer no later than Friday of the week preceding the desired publication date.
2. The responsible County Department shall bear the cost of advertising in the Kenya Gazette.

B.4.13 Official Seals and Stamps

1. Use of official seals and stamps in Government offices shall be strictly confined to official purposes.
2. Applications by private persons for impressions of official seals are prohibited.
3. Official seals and stamps shall be kept under the custody of the Authorized Officer, who shall be accountable for their safekeeping and appropriate use.

B.4.14 Disposal of Records

Disposal of official records shall be undertaken in accordance with the Official Secrets Act, the Public Archives and Documentation Services Act, the Records Disposal Act, Personnel General Letter No. 1 of 2008, and any other applicable laws or regulations.

SECTION C:

RECRUITMENT, SELECTION, APPOINTMENT AND TRANSFERS

This section outlines the principles, procedures and regulations governing recruitment, selection, appointment, promotions, and transfers within the public service. It also provides guidance on career progression, secondments, and transfer of service between institutions.

C.0 Introduction

This section provides rules governing recruitment, appointment, confirmation, and promotion of public officers. It further outlines guidelines on career progression, secondment, transfer of service and related human resource matters within the County Public Service.

C.1 Recruitment and Appointment

C.1.0 Human Resource Plans

- 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/SAGAs shall be required to develop annual recruitment plans which shall be forwarded to the County Public Service Board by end of Q2 (December) of each financial year to enable it plan to fill the vacancies.

C.1.1 Reporting of Vacant Posts

- 1) An Authorized Officer shall declare all vacant posts to the County Public Service Board in accordance with the procedures set out in this manual.
- 2) All vacancies at all levels shall be reported to the Board for filling.
- 3) Entry grades for degree cadres shall be Job Group 'J',/'K',/'L',/'M', in accordance with the entry grade for each cadre, or as may be approved by the Board from time to time.
- 4) Entry grades for Diploma cadres shall be Job Group "H" or as may be approved by the Board from time to time.
- 5) Entry grades for Certificate cadres shall be Job Group "G" or as may be approved by the Board from time to time.
- 6) Entry grades for all other cadres below Job Group "G" shall be guided by the respective career progression guidelines.
- 7) The Board shall consider requests for approval of declaration of vacancies. Such requests shall be forwarded by the Authorized Officer upon recommendation by the CHRMAC/DHRMAC/any other authorized office. The requests shall be submitted to the Board through the Head of Public Service with evidence of budget availability by the County Treasury.
- 8) Recommendations for filling vacancies at 'N' and above in an acting capacity shall be submitted to the Board. Such recommendations should be based on seniority and account of their performance and shall be accompanied by a draft indent of officers.

C.1.2 Recruitment

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

C.1.3 Requirement to Declare Vacant Posts

- (i) Before any recruitment is done, a vacancy must exist or the intended recruitment be part of the approved staff establishment and a recruitment budget confirmed by the county treasury.
- (ii) The Director Human Resource Management and Development in liaison with Heads of Departments will identify a vacancy(s) as per its needs and report the vacancies to the Authorized Officer.
- (iii) When reporting the vacancies, the Human Resource Management Directorate shall provide the approved staff establishment, minimum qualifications required for the role and the terms of service.
- (iv) DRMAC shall process the indent as guided by the career progression guidelines recommending whether the vacancies shall be advertised internally or externally.
- (v) The advert shall be delivered in soft copy to the Board for circulation.
- (vi) Consideration should always be given to promote candidates from within the public service so as to meet the employees' career growth expectations and institutional succession management.
- (vii) Where there will be need for specialized services, the Board may outsource professional technical expertise as may be deemed necessary.
- (viii) The Board shall determine whether the vacancies shall be advertised internally or externally pursuant to the career Progression Guidelines or as may be resolved from time to time.

C.1.4 Advertisement of Vacant Posts

- i) While filling vacant posts the Board will advertise all the vacant posts in a manner that reaches the widest pool of potential applicants and allow for at least twenty one (21) days before closing the advert.
- ii) The advert shall have the following details: the title of the post, number of vacancies, job description, person specification, proposed remuneration, terms of service, any considerations that may occasion disqualification, any consideration of affirmative action and an indication that only shortlisted and successful candidates will be contacted.
- iii) The Board shall regulate the engagement of persons on contract, volunteer and casual workers, staff of joint ventures and attachment of interns in its public bodies and offices.
- iv) Advertisements under delegated authority shall be processed as advised by the Board from time to time.

C.1.5 Application for Employment

A candidate applying for employment shall do so online or manually by completing the prescribed CPSB Form as the case may be.

C.1.6 Offer of Appointment

- i) 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, by which s/he must signify acceptance of the offer, before s/he commences his/her duties.
- ii) An offer of appointment may be withdrawn if the candidate does not accept in writing and take up the appointment within thirty (30) days of the offer.

C.1.7 Categories of Appointment

Appointments in the public service fall into the following categories:

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

C.1.8 Appointment Procedures

- (i) The procedures to be followed in filling vacancies within the scope of the County Public Service Board are set out in the Board's **advisories** which may be amended from time to time.
- (ii) The Board may delegate its powers to appoint persons to hold office in the public service to an Authorized Officer as determined from time to time.
- (iii) Appointments made under the powers delegated by the County Public Board to Authorized Officer(s) shall be processed through the appropriate departmental human resource management advisory committees in accordance with County Public Service Board's Regulations and guidelines issued to the service from time to time.

C.1.9 Letters of Appointment

- (i) An officer appointed to a position in the public service shall be issued with a letter of appointment specifying the terms and conditions of service.
- (ii) A letter of appointment shall be issued in duplicate form and County particulars of employment which should include the name and permanent 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.
- (iii) A letter of appointment must be acknowledged in writing by the employee before or on the date of engagement and a copy filed in the employee's personal file.
- (iv) A candidate shall be required to accept the job offer within a period of thirty (30) days, failure to which the offer shall be deemed withdrawn.

C.10 Date of Appointment

The appointment date is the date the officer assumes duty.

C.11 Appointment Documents

A newly appointed officer shall submit:

1. National ID/Passport
2. Birth Certificate
3. KRA PIN
4. Authenticated academic/professional certificates
5. Certificate of Good Conduct
6. Three coloured passport-size photographs
7. Bank details
8. Any other statutory documents required
9. Duly filled certificate authentication consent

The officer shall also make an initial declaration of income, assets and liabilities.

The Board shall authenticate submitted certificates; costs shall be borne by the officer.

C.1.12 Next of Kin

- 1) 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 in the Government Human Resource Information System whenever necessary.
- 2) In addition, an officer appointed to the permanent and pensionable establishment with membership to the Pension Schemes shall complete the nomination of Beneficiaries form under the Scheme.

C.1.13 Record of Previous Employment

- (1) It is the duty of the CPSB, when making new appointments to ensure that a candidate's record of previous employment is satisfactory in all respects.
- (2) A candidate with a record of criminal conviction should be employed only with the concurrence of the County Public Service Board.
- (3) A candidate whose appointment in Makueni Public Service had been terminated for any reason including resignation shall not be employed without prior approval of the County Public Service Board.

C.1.12 Medical Examination

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 guidedeployment of the employees.

C.2 Appointment on Probation to Pensionable Establishment

- (i) 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.
- (ii) An officer appointed on probation to the pensionable establishment shall be regarded as being on assessment with a view to learning his work and being tested as to his suitability for it. It is the duty of the supervisor(s) to ensure that every officer on probation is given adequate opportunities to qualify forconfirmation in appointment.
- (iii) 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.
- (iv) Where an officer's performance isunsatisfactory, he shall be informed in writing and the probation period may be extended for a period not exceeding three (3) months.
- (v) 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 Makueni County Public Service regulations, provided that the officer on probation is givenadequate opportunities by the supervisor to enable him/her qualify for confirmation in appointment.
- (vi) 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 is placed on a pensionable post. The officer will, however, not be required to serve the probationary period in accordance with clause (i) above.

C.2.1 Admission to Pensionable Establishment

- (i) 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 or the Public Service Superannuation Scheme Act).
- (ii) For the purposes of this manual and for the officer's subsequent retirement from the service, the date of birth for a public officer is the date on his/her Certificate of Birth, pursuant to the provisions of the Births and Deaths Registration Act and the Evidence Act, declared by the Officer in the Application for employment form completed and signed by him/her prior to or immediately after first appointment.
- (iii) Where a variance in the date of birth of an officer, as contained in the officer's records, is detected or initiated by an officer for whatever reason, the same shall be forwarded to the Board, together with all available records or evidence, for guidance.

C.2.2 Confirmation in Appointment

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

- (ii) 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.

C.2.3 Procedure for Confirmation in Appointment

- (i) The powers 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.
- (ii) Extension and termination of probationary appointments will be dealt with in accordance with the powers delegated by the County Public Service Board.
- (iii) 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 the officer be informed accordingly.
- (iv) Where the Supervisor fails to submit a report as required during the probationary period, the officer shall be deemed confirmed in appointment.
- (v) Where an officer's performance is unsatisfactory, he shall be informed in writing and the probation period may be extended by a further period not exceeding three (3) months.
- (vi) 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 regulations.

C.2.4 Appointment on Contract Terms

- 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 schemes.
 - (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 public service is lacking or specific skills are required.
 - (v) Personal staff of specified County officers as determined by the Board from time to time.
- 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 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 County Public Service Board for renewal.
- 4) Contract appointments will be limited to a maximum period of three years, renewable for further period(s) subject to demonstrable performance and other terms of the contract.
- 5) Contract appointments shall be pegged to a Job Group as guided by career progression

guidelines and SRC advisory from time to time.

C.2.5 Supernumerary Contract Terms

Persons may be appointed on supernumerary contract terms under the following circumstances:

- (i) Personal staff of specified County officers in which case such staff shall serve for a period tied to the tenure of the specific County officers. In this case:
 - a. Where the tenure of a County officer lapses or where the County officer's service is terminated, the contract of such personal staff shall terminate automatically effective the date the County officer's service lapsed/was terminated; and
 - b. Where a County officer is reassigned another County office and does not require the services of a person appointed as personal staff in the previous County office, the contract of such personal staff shall terminate effective the date the County officer is reassigned.
 - c. Where a County officer is reassigned and requires the services of a person(s) appointed as personal staff in his previous docket, except Personal Assistant, Driver and Office Secretary, the County officer shall submit a request to the Board for consideration of reappointment and reassignment of a new designation(s), provided such persons possess the requirements for appointment.
- 6) Where a County entity requires the services of a technical expert or a support service to enable deliver a particular mandate for a specified period.
- 7) Where the position does not exist in the authorized establishment of a public entity, and the appointment of such a person is viable in the interest of the public entity's service delivery, in the meantime.

C.4 Re-Designation

- 1) The Authorized Officer shall have power to re-designate officers at grades CSG 17/Job Group 'C' to CSG 12/ Job Group 'H', upon recommendation of HRMAC, subject to suitability interview for those moving to non- related cadres.
- 2) Re-designation of staff at grades CSG 11/Job Group 'J' 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 take effect from the date of the decision;
 - (iv) Authorized Officers shall be required to consider promotion of qualified officers, in their current cadres, before processing re- designation requests;
 - (v) 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
 - (vi) Shall be subject to existence of vacancies.

The above notwithstanding, re-designations:

- i) Shall be dependent on an officers' demonstration of competence, merit and ability in performance as demonstrated by the staff performance appraisal; and
- ii) Beyond the common establishment grades may be considered by the Board, under certain circumstances, on a case to case basis.

C.5 Non-Discrimination in Employment

(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 Civil Service by continuously implementing the Constitutional requirement that not more than $\frac{2}{3}$ of positions in its establishment are filled by either gender.

C.6 Rights and Privileges of Persons with Disabilities

(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 continuously implement the Constitutional requirement 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.

C.7 Recruitment of Non-Citizens

(1) It is the policy of the Government of Makeni County not to employ non-citizens where there are citizens with the appropriate qualifications. Recruitment of a non-citizen will require the authority of the County Public Service Board.

(2) The Board will grant such authority once it has established that there are no local candidates with the requisite qualifications to meet the staffing needs. Appointment of non-citizens will only be on contract terms not exceeding three (3) years, renewable once.

(3) In applying for authority to recruit a non-citizen, an Authorized Officer should confirm that there is no citizen with the required qualifications available for appointment and the candidate has complied with the provisions of the Immigration Act and regulations.

(4) Recruitment from outside Kenya will also be subject to the following:-

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

- (5) Non-citizens will not be eligible for appointment to County Offices.
- (6) Non-citizen employees are also subject to the policies and regulations applicable in the County Public Service.
- (7) It is the responsibility of the concerned County Department(s) to facilitate acquisition of work permits for non-citizen employees.

C.8 Promotions

- (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.

C.8.1 Promotions dependent on interviews

- (1) Where an officer is to be promoted upon satisfying requirements which include the passing of Board's interviews the officer shall be promoted with effect from the date he or she passed the interview.
- (2) The date of passing the interview is the date of release of results by the County Public Service Board.

C.8.2 Promotion to posts in common establishment

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

C.8.3 Dates of Promotion

- (1) The effective date of an officer's promotion will be the date of decision by the County Public Service Board or date of the HRMAC meeting.
- (2) Promotion within common establishment posts shall be effective from the date the officer qualifies.
- (3) Promotion within common establishment posts shall fully be processed under delegated authority by the DHRMAC and a report forwarded to the County Public Service Board for issuance of promotion letters.
- (4) 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.

C.8.4 Seniority

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.

C.8.5 Release of Officer(s) Selected for Promotion in County Departments

- (1) An officer who is selected for promotion to a County 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 County Department from the date of his promotion as specified in the County Public Service Board's letter.
- (3) An officer who is promoted to a post in a different County Department while attending a training course will be transferred to that County Department from the date of his promotion and the new County 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 County Department shall be deemed to have declined the promotion which shall then be rescinded.

C. Transfers

C.6.1 Transfer from One County Department to Another

- (1) Employees who wish to move from one County 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 recommendation of DHRMAC/CHRMAC.
- (2) In exceptional circumstances, transfers of officers in Job Group 'P' and above shall be approved by the County Public Service Board on the recommendation of the CHRMAC

C.6.2 Transfer of Service

- (1) Transfers to and from the Civil Service and other Administrations or County Public Service shall be approved by the County Public Service Board.
- (2) An officer shall be considered for transfer of service taking into account the existing guidelines, the terms of service specific to the officer and the provisions of applicable pension schemes as guided by the PSSS Act, RBA Act and specific trust deeds and rules of the pension scheme.
- (3) An officer making application for appointment in another public entity should ensure his Authorized Officer is informed of such application, to enable smooth transfer of service in the event the officer is appointed following such application.
- (4) If an officer is offered appointment in another administration, requests for his transfer shall be made to the County Public Service Board for approval.
- (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.

C.6.3 Deployment

- (1) Any deployment shall:
 - (i) be made to an officer who is qualified and competent to perform the duty by the authorized officer;
 - (ii) not undermine the expeditious appointment or deployment of a competent person to the public office concerned;
 - (iii) Should not undermine the career progression of the deployed officer; and
 - (iv) shall be pegged on hierarchical reporting structure.
- (2) Deployment or secondment of a public officer from one duty station to another in the same grade in the public service shall not be regarded as a re-designation;
- (3) Any authority by unlawful deployment shall be deemed null and void and such affected officers may appeal to the County Public Service for direction.

C.6.4 Intra-departmental Transfers:

Officers must have served in a station of a minimum period of 3 years before any transfer.

C.6.5 Staff Rationalization:

Staff rationalization should be undertaken in line with officers' competences and in consideration with 35% Wagebill to Revenue Ratio.

C.6.6 Secondment

- (1) Secondment of officers from the Public Service to other organizations is applicable to pensionable officers, for a period not exceeding three (3) years and may be renewable once. Approval for secondment for officers moving from the Civil Service to other Public Administrations shall be the responsibility of the County Department responsible for Public Service.
- (2) Approval for secondment for officers moving from the other public administrations to the Civil Service shall be granted by Public Service Board.
- (3) Secondment of officers from the civil 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.
- (4) To maintain an officer's pensionable status, the officer or the organization to which the officer is seconded will be required to make pension contribution at the prevailing rate. Where the organization pays the pension contribution for the officer, such amount shall be deducted from the officer's service gratuity.
- (5) Officers on secondment will be paid their salaries and other allowances by the organizations in which they are deployed.
- (6) Secondments of officers in the Public Service will be regulated in the context of the relevant pension legislation in place.
- (7) Officers on secondment to other organizations will be eligible for promotion in their parent organization during the period of secondment.
- (8) An officer on secondment shall not be seconded to another organization during the period of the secondment

SECTION D:

TERMS AND CONDITIONS OF SERVICE

D.0 Introduction

This section outlines the rights and obligations of both the employee and the employer within the employment contract. It covers matters relating to salary, allowances, housing, transport, terminal benefits, leave, work environment, and employee welfare and wellness within the County Government of Makueni.

D.1 Salary and Allowances

The Salaries and Remuneration Commission will be based on recommendation of the County Public Service Board, advice and regularly review the salary and allowances applicable to officers in the County Public Service, amongst other public officers. Salaries and Remuneration Commission will be guided by the following principles: -

- (i) The need to ensure that the total public compensation bill is fiscally sustainable;
- (ii) The need to ensure that the County public service is able to attract and retain the skills required to execute its functions;
- (iii) The need to recognize productivity and performance;
- (iv) Transparency and fairness; and
- (v) Equal remuneration to persons for work of equal value.

D.2 Payment of Salary

- (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 bankaccounts.
- (3) Public officers shall not over-commit their salaries beyond two thirds ($\frac{2}{3}$) of their basic salaries. It is the responsibility of Heads of Human Resource departments to ensure compliance.

D.2.1 Salary Structure

- (1) The County Public Service salary structure will be based on the grading levels spelt out in the various career progression guidelines and schemes of service and will be reviewed from time to time as guided by SRC and collective bargaining agreements.
- (2) On first appointment, an officer will enter the salary structure at the minimum point of the respective salary scale. However, an officer may be 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 Government Service immediately after completing his education; and
- (iv) Incremental credit may be granted for the number of years of aggregate approved experience. Only complete years will be taken into account, with periods in excess of full years being ignored.

D.3 Annual Incremental Dates

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.

D.2.2 Determination of Salary on Promotion/Upgrading

- (1) Where the salary of an officer promoted to a higher Job Group is lower than the minimum of the new salary scale, the officer shall enter the scale at its minimum point. The new incremental date shall be the first day of the month of promotion.
- (2) Where an officer's salary before promotion is one point below the minimum of the new salary scale and the officer was earning an increment, he/she shall enter the new scale at the minimum point and retain the former incremental date.
- (3) Where the officer is already within the salary scale of the higher Job Group but has not reached the maximum, the officer shall enter the scale at the next point above the current salary and retain the former incremental date.
- (4) Where the officer had reached the maximum of the previous scale but had served less than one year at that point, he/she shall enter the next point above the previous salary and the new increment date shall be the first day of the month of promotion.
- (5) Where the officer had served at the maximum point for one (1) to two (2) years, the officer shall enter the next salary point above and retain the previous increment date.
- (6) Where the officer had served at the maximum point for two (2) to three (3) years, two increments shall be granted above the current salary, and the new increment date shall be the first day of the month of promotion.
- (7) Where the officer had served at the maximum point for more than three (3) years, three increments shall be granted above the current salary, and the new increment date shall be the first day of the month of promotion.

D.3.1 Determination of Salary for Officers Transferred from another Administration

- (2) The salary of an officer who is transferred from another administration shall be determined by application of the provisions contained in this Manual.
- (3) Any advertisement to fill vacancies in the Public Service shall provide for remuneration which shall reflect the salary, allowances and other applicable benefits as the case may be.
- (4) Where an officer has been identified/head-hunted from other external Public Services, Private Sector, International/ Intergovernmental Organizations to enhance technical or professional support due to their skills and expertise in certain specific fields of competence which may not be readily available in the service, such persons shall serve on Fixed Term Contracts; and
- (5) Where positions have been filled competitively through an open competitive process, requests for retention of salary earned in the previous employment shall not be considered.

D.3.2 Determination of Incremental Dates on Appointment or Promotion/Upgrading

Each 1st date of the month is an incremental date. Officers' incremental dates will be the 1st date of the month they are appointed, promoted or upgraded subject to the provisions of Regulation

D.4.3 Conditions for the Grant of Annual Increments

An officer serving on an incremental scale is not entitled to receive an increment as a right. An increment will only be granted based on the performance of the officer.

D.4.4 Advance of Salary

- (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 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) Officers posted to designated hardship areas on new appointment may be granted salary advance by the Accounting Officer, each such case being considered on its own merit.
- (4) 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.
- (5) 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 Government.

D.5 Allowances

- (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.

D.5.1 House Allowance

- (1) All officers are eligible for house allowance applicable to their grades as stipulated in Government Circulars issued from time to time.
- (2) Officers occupying institutional houses will pay rent equivalent to the value as shall be determined by the Ministry responsible for Housing or surrender their house allowance whichever is lower.

D.5.2 Commuter Allowance

- (2) All officers in Job Group 'T' and below shall be eligible for commuter allowance where they are not provided with Government transport.
- (3) The rates of the allowances will be determined by the Government from time to time.
- (4) It will be an offence for an officer in receipt of commuter allowance to use Government vehicle from house to office and vice versa.

D.5.3 Hardship Allowance

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

D.5.4 Leave Allowance

1. All officers shall be eligible for leave allowance payable once a year. The rate of leave allowance will be determined by the Government from time to time.
2. An officer stationed in any designated hardship area and who proceeds on leave twice a year and takes not less than half ($\frac{1}{2}$) of his entitlement shall be eligible for full payment of leave allowance twice per year. If such an officer does not apply for leave he shall only draw leave allowance once a year.

D.5.5 Entertainment Allowance

Public officers in Job Groups 'R', 'S' and '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 shall be paid as may be determined by the government from time to time.

D.5.6 Extraneous Allowance

Extraneous allowance shall be paid to officers who are called upon to undertake extra responsibilities in addition to their normal duties and therefore work over and above the official

working hours on a continuous basis. The rates and eligibility for payment shall be determined by the Government from time to time

D.5.7 Acting Allowance

- (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. And any other benefits and any unlawful benefits should be surcharged to the Appointing Authority. The Appointed officer should indicate in end of term in writing.
- (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/ Departmental Human Resource Management Advisory Committee and approval by the Authorized Officer.
- (4) All recommendations for acting appointments in Job Group 'P' and above 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 Authorized Officer or such other officer to whom the Authorized Officer may delegate such responsibility.

D.5.8 Special Duty Allowance

- (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 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.

D.5.9 Daily Subsistence Allowance – Local Travel

- (2) 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 Government from time to time.
- (3) Accommodation allowance will be paid for a maximum continuous period of thirty (30) days. Notwithstanding the provisions of paragraph (1) of this provision, an officer who is required to be away from his duty station for more than thirty (30) days will be paid accommodation allowance for the subsequent additional days at half ($\frac{1}{2}$) rate up to a maximum period of five (5) months. Beyond this period, if the officer continues to work in the same station, this will be treated as a posting and accommodation allowance will cease to be applicable.
- (4) 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.

D.5.10 Meal Allowance

- (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 of 15% 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.

D.5.11 Daily Subsistence Allowance – International Travel

- (1) A public officer who is required to travel on duty outside Kenya will be granted subsistence allowance at the daily rates determined by the government from time to time.

- (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 Kenya Government or any other Organization, a residual allowance of up to one-quarter ($\frac{1}{4}$) 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 Government.

D.5.12 Overtime Allowance

- (2) 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 ($1\frac{1}{2}$) times the officer's basic salary during working days and two (2) times the officers basic salary during other days including public holidays.
- (3) Overtime allowance will be paid subject to a maximum of ten hours per week.
- (4) 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.

D.5.13 Transfer Allowance

- (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.

D.5.14 Field Allowance

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.

D.5.15 Baggage Allowance

- (1) When travelling on first appointment, transfer or termination of appointment, an officer shall be provided with a 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 government 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 government from time to time.

D.5.16 Telephone Airtime Allowance

- (1) Eligible members of staff of the County shall be provided with telephone airtime at rates determined by Government guidelines from time to time.
- (2) Mobile handsets issued to staff will be expected to have a useful life span of two years

D.7.17 Out-of-Pocket Allowance

- (1) If the accommodation arrangements and costs are being catered for by the County or another institution, the employee will not be eligible for daily subsistence allowance. However, the employee shall be eligible for an out of pocket allowance to cater for incidentals and other personal expenses. The rate of out of pocket allowance shall be payable a $\frac{1}{4}$ (quarter) of the officer's daily subsistence rate.

D.7.18 Uniform Allowance

- (1) Uniform allowance shall be paid to Nurses and any other category of staff as determined by Government circulars.
- (2) All other categories of staff may receive uniforms or protective clothing from the County as may be deemed appropriate depending on the workplace environment.

D.7.19 Non-Practicing Allowance

This allowance shall be paid to officers as shall be determined by the Government from time to time

D.7.21 Other Allowances

The 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.

SECTION E:

BENEFITS

E.0 Introduction

This Section provides guidance on various employee benefits provided by the County Government, including housing, medical cover, transport facilities, mortgage schemes, car loan arrangements, and terminal benefits.

E.1 Allocation of Government Houses

- (1) The Government shall provide institutional houses to eligible employees. Rent shall be paid at prevailing market rates as determined periodically by the Ministry responsible for Housing.
- (2) Allocation of Government institutional houses shall be made at the duty station where an officer is posted. Specific allocation guidelines shall be issued by the Ministry responsible for Housing from time to time.
- (3) Applications for Government housing shall be submitted to the Authorized Officer responsible for Housing through the respective departmental Authorized Officers.
- (4) Responsibility for allocation of institutional housing and recovery of rent lies with the respective Authorized Officers.

E.2 Occupation of Government Houses

Upon occupation of Government quarters, the Authorized Officer responsible for Housing shall formally notify the Authorized Officer of the officer's County Department to facilitate timely and accurate rent recovery.

E.3 Government Mortgage Scheme - Car Loan and Mortgage Scheme

- (1) Eligible County Government staff shall qualify for car loan and mortgage schemes as determined by the Salaries and Remuneration Commission (SRC) from time to time.
- (2) The County Government shall partner with accredited financial institutions to facilitate access to car and mortgage loans for staff.
- (3) Management of both the car loan and mortgage scheme shall follow regulations developed by the County Government.

E.4 Medical Benefits

- (1) The Government has established a comprehensive Medical Insurance Cover administered in accordance with SRC guidelines, providing benefits to Civil Servants, their spouses and dependent children.
- (2) The medical cover is intended to support employees and their immediate families in maintaining good health, thereby enhancing productivity and well-being.
- (3) All eligible employees and their dependents shall be entitled to the following:

- (i) Out-patient medical cover
 - (ii) In-patient medical cover
 - (iii) Maternity cover
 - (iv) Optical benefits
 - (v) Dental benefits
 - (vi) Any additional benefits as provided by the contracted medical provider
- (4) For purposes of this section, “family” refers to a spouse/partner and up to four dependent or adopted children under the age of 21 years. A dependent aged between 21 and 25 years may be included if he/she is still in school and under the care of the employee, subject to submission of proof to the Human Resource office.
- (5) Employees shall promptly notify the Human Resource office of any new eligible dependents or request the removal of dependents. All requests must be submitted in writing to the Head of County Human Resource.
- (6) Medical benefits for an employee and dependents will terminate upon:
- (i) Death of the employee
 - (ii) Retirement or termination of employment
 - (iii) Termination of the medical scheme
 - (iv) When the employee is on an international training package that includes medical cover paid by the training sponsor; in such cases, only the nominated dependents remain eligible

E.4.1 Medical Treatment outside Kenya

Employees and their dependents may access medical treatment outside Kenya where such treatment is unavailable locally. Approval must be obtained in advance from the Director of Medical Services and the Scheme Administrator.

E.4.2 Medical Ex-gratia Assistance

- (1) The Government may provide medical ex-gratia assistance to cover in-patient expenses for an officer, spouse, or dependent children aged 25 years and below, subject to prevailing limits, after exhaustion of the medical cover within a financial year.
- (2) Applications for ex-gratia assistance shall be submitted to the County Department responsible for Public Service for review and approval, in consultation with the County Treasury.

E.4.3 Work Injury Benefits Compensation Insurance Cover

- (1) The County Government shall ensure the safety, health, and welfare of persons at work and safeguard them from risks arising out of work-related activities.

- (2) In accordance with the Work Injury Benefits Act (WIBA) 2007, the County Government shall maintain insurance cover for employees against injuries, accidents, diseases, disability, or death arising out of and in the course of employment. Compensation shall follow the provisions of the Act.

E.4.4 Group Personal Accident (GPA) Insurance Cover

The County Government shall provide a Group Personal Accident policy covering employees in the event of accidents occurring during the course of duty. The scope of the policy will be determined by the County Government, subject to resource availability and statutory minimum standards.

E.13 TRANSPORT

Transport in the 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 and as captured above on in this manual, transport of officers while on duty and use of County Government vehicles. It includes travelling privileges of members of the officer's family in certain circumstances and transportation of personal effects. All officers will be eligible for commuter/transport allowance provided they are not facilitated with Government transport. The rates of the allowances will be determined by the SRC from time to time. It will be an offence for an officer in receipt of commuter allowance to use Government vehicle to and from the office.

E.13.1 Travelling by Public Service Transport

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

E.13.2 Travelling by Government Vehicles

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 imprints to facilitate use of public transport depending on the nature of work and cost implication. Where possible, officers should travel together in one vehicle.

E.13.3 Use of Personal Vehicle

- (1) In the absence of County 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 2,000c.c.

E.13.4 Travelling by Air

- (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) It is recommended that State and Public Officers will travel on Economy Class.

E.13.5 Travelling for Interview

An 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 Department. This regulation will also apply to officers who travel to other stations to sit for examinations conducted by the County Public Service Board.

E.13.6 Travelling on Retirement

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 (6) months of retirement.

E.13.7 Transport Facilities on Bereavement

- (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.
- (2) 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.
- (3) Where County Government transport is not available, a private hearse may be hired at the County Government's expense.
- (4) An officer who will represent the County Government at the burial of the deceased shall be granted official transport.

D.14 Exit from the Service and Terminal Benefits

The Government has established various benefits payable to public officers who exit from the Service. This Section provides guidelines on the various forms of exit from the Service and the terminal benefits payable in each case.

D.14.1 Forms of Exit from the Public Service

The various forms of exit from the Public Service shall 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 the '50 Year Rule'
 - (c) On medical grounds
 - (d) On abolition or re-organization of office
 - (e) In accordance with the provisions of the relevant contributory pension scheme
- v. Dismissal
- vi. Death

D.14.1 Resignation

- (1) An officer may resign from the Service by giving one (1) month's notice or by paying one (1) month's gross salary in lieu of notice.
- (2) An officer serving on contract may resign in accordance with the terms of the contract.
- (3) Upon resignation, an officer shall be required to settle all outstanding liabilities to the Government. Any monies due to the officer shall be withheld and applied to settle such liabilities. Where liabilities remain outstanding, the matter shall be referred to the County Attorney for legal redress.
- (4) An officer whose terminal benefits are determined under the Pensions Act shall not be eligible for pension or gratuity upon resignation, except in the specific circumstances provided for under the Act or the letter of appointment.
- (5) An officer who resigns and is subsequently re-employed after a break in service shall not reckon the previous service for pension purposes.
- (6) An officer who is a member of the Public Service Pension Scheme shall, upon resignation, be eligible for terminal benefits in accordance with the terms of the Scheme.

D.14.2 Termination of Appointment

The appointment of an officer serving on probationary or contract terms may be terminated by the Board in accordance with the terms of the appointment or by payment of salary in lieu of notice, as applicable.

D.14.3 Mandatory Retirement Age

All officers shall retire from the Service upon attainment of the mandatory retirement age of sixty (60) years, or sixty-five (65) years for persons with disabilities, or as may be prescribed by the Government from time to time.

D.14.4 Retirement under the '50 Year Rule'

- (1) An officer may opt to retire upon attaining the age of fifty (50) years.
- (2) An officer whose pension is determined under the Pensions Act and who has completed ten (10) years of service shall be eligible for pension upon retirement under the '50 Year Rule'. Where the officer has served for less than ten (10) years, gratuity shall be payable in accordance with the Pensions Regulations.
- (3) An officer intending to retire under the '50 Year Rule' shall give one (1) month's notice.
- (4) An officer who is a member of the Public Service Superannuation Scheme and retires under the '50 Year Rule' shall be eligible for benefits in accordance with the Scheme rules.
- (5) Applications for retirement under the '50 Year Rule' shall be approved by the Board upon recommendation by the respective Authorized Officer.

D.14.5 Retirement on Medical Grounds

- (1) Where an Authorized Officer determines that an officer is unfit to continue serving due to ill-health, the officer may be considered for retirement on medical grounds.
- (2) Where necessary, the Authorized Officer shall refer the officer to a Medical Board through the Director responsible for Medical Services.
- (3) The Medical Board shall submit its report to the respective County Department within one (1) month of the officer's appearance before the Board.
- (4) Retirement on medical grounds shall be subject to approval by the County Public Service Board.

D.14.6 Retirement on Abolition of Office

An officer may opt to retire where the office held is abolished. Such retirement shall be subject to approval by the County Public Service Board.

D.14.7 Re-organization of Government / Retrenchment and Redundancy

An officer may be retired on account of re-organization of Government where absorption into another department or agency within the County Government is not possible. Such retirement shall be approved by the County Public Service Board.

D.14.8 Dismissal

- (1) Dismissal refers to termination of appointment arising from disciplinary proceedings.
- (2) An officer who is dismissed from the Service shall be eligible for pension or gratuity benefits in accordance with the provisions of the relevant pension scheme or contract of employment. The officer shall also be entitled to benefits under the NSSF Act and the Widows' and Children's Pension Scheme, where applicable.
- (3) An officer who is a member of the Public Service Superannuation Scheme shall, upon dismissal, be eligible for terminal benefits in accordance with the relevant law.

D.14.9 Death

Upon the death of an officer, the legal beneficiary shall be paid death gratuity and dependants' pension. Where the officer was a contributor to the Widows' and Children's Pension Scheme, benefits under the Scheme shall also be payable.

D.14.10 National Social Security Fund (NSSF)

An officer who is a member of the National Social Security Fund shall be eligible for terminal benefits in accordance with the NSSF Act.

D.14.11 Widows' and Children's Pension Scheme (WCPS)

- (1) The Widows' and Children's Pension Scheme provides pensions to widows and children of deceased public officers as established under the Widows' and Children's Pensions Act, 1965.

- (2) Female officers may opt to join the Scheme subject to proof of dependency by the spouse.
- (3) A contribution of two percent (2%) of the officer's salary shall be deducted monthly.
- (4) These provisions apply to officers whose pensions are determined under the Pensions Act.

D.14.12 Refund of Contributions

- (1) Where an officer leaves service without eligible dependants and qualifies for pension, WCPS contributions shall be refunded with interest.
- (2) Where an officer leaves service through resignation or dismissal, WCPS contributions shall be refunded with interest.
- (1) An officer retiring on any grounds may opt for a refund of contributions in lieu of Scheme benefits.

D.14.13 Conditions attached to Payment of Benefits

- (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. 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.

D.14.14 Definitions of Terms used in Pensions

- (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. 50 Human Resource Policies and Procedures Manual for the County Public Service - out
- (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.
 - (i) Probationary service followed by service on permanent and pensionable terms is reckonable in full for the purposes of calculating a pension or gratuity; 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;

- (ii) 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;
- (iii) Temporary service; normally counts at half ($\frac{1}{2}$) rate in calculating a pension or gratuity; and
- (iv) Unpaid leave is not pension earning.

E.14.15 Eligibility for Pension/Gratuity

- (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 County Government in any of the following circumstances: -
 - (i) Attainment of age fifty (50) years or above
 - (ii) Abolition or re-organization of office
 - (iii) Resignation
 - (iv) Dismissal
 - (v) Ill-health
 - (vi) End of contract
- (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 fulfills the conditions necessary for the grant of the gratuity under Regulation 6 of the Pensions Act.

E.14.16 Refunds on Termination of Appointment or Dismissal

- (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.

D.14.17 Reporting of Retirements

In cases where the retirement officer is eligible for retirement benefits under the Pensions Act, such claims for retirement benefits shall be submitted to the appropriate pension authority at least nine (9) months before the effective date of retirement.

The Head of the Human Resource Management and Development or an officer duly authorized by him to sign notices of retirement at the County Government will be held responsible for the availability of the relevant service records to facilitate the submission of an acceptable retirement benefits claim 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

D.14.18 Retirement Benefits Payable under the Pensions Act

The retirement benefits payable under the Act are: -

- (1) Pensions which include service pension (whether unreduced or reduced, injury pension, killed-on-duty pension and abolition additional pension);
- (2) Gratuities which include commuted pension gratuities, service gratuities, death gratuities, compassionate gratuities and marriage gratuities; and
- (3) Other allowances which include annual allowance and maintenance allowance. The rates and modes of calculation of these benefits are set out in the pensions regulations

E.14.19 Transfers and Secondments of Pensionable Officers

- (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 National 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 Department responsible for County 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 County Public Service Contributory Scheme will be able to transfer his terminal benefits to a new organization.
- (5) When pensionable officers are seconded from the civil 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.

E.15 Pension Schemes

The County government shall establish pension scheme in accordance with Retirement Benefits Act or adopt Public Service Superannuation Fund established under Public Service Superannuation Scheme Act, 2012

E.16 County Pension/Gratuity Administrators

The County Government shall administer contributory pension and gratuity arrangements in accordance with approved contribution rates and applicable tax laws.

E.17 County Pension Funds (CPF)

- (i) The Government will contribute 15% of an employee’s monthly basic salary while the employee will contribute 12%.
- (ii) The contributions will be paid into the County Pension Fund.
- (iii) Employees will be allowed to access their own accumulated contributions on leaving the service before retirement age and only 50% of the employer’s contribution.

- (iv) Contributions by employees will be tax exempt up to 30% of the contributions or Ksh.30,000 whichever is lower. The contribution will be deducted from the salary before tax is calculated. This will in effect reduce the tax level and improve the net pay.

E.18 Public Service Superannuation Scheme

- (1) This is a retirement benefits scheme under the Retirement Benefits Act, 1997.
- (2) Membership to the Scheme when it shall take effect will be mandatory for serving employees in the public service below the age of 45 years and optional for those aged 45 years and above. All new employees appointed to the Service will be required to join the Scheme.
- (3) The benefits and contributions under the Public Service Superannuation Scheme will be portable. Portability refers to employee's right to transfer pension benefit credit from a former employer to a current one.

E.18.1 Objectives of the Scheme

- (1) The Scheme shall ensure that every Member receives their retirement benefits as and when they become due. It shall also enhance the social security of Members by promoting savings to support their livelihood during retirement.
- (2) The Scheme shall provide a uniform set of rules, regulations, and standards for the administration and payment of retirement benefits to Members, including access to benefits upon a Member's own request in accordance with the applicable provisions.

E.18.2 Rates of Contribution

- (1) The Government shall contribute fifteen percent (15%) of an employee's monthly basic salary, drawn from the Consolidated Fund, towards the employee's pension, while the employee shall contribute twelve percent (12%) of their monthly basic salary to the Scheme. An employee may, upon request, make additional voluntary contributions to the Scheme.
- (2) The Government shall provide a life insurance policy, inclusive of disability benefits, in favour of every Member of the Scheme, with a minimum cover equivalent to five (5) times the Member's annual pensionable emoluments.
- (3) All contributions shall be paid into the Public Service Superannuation Fund. Employees shall be eligible to access their contributions upon leaving the Service, including any voluntary contributions made to the Scheme together with accrued interest, in accordance with the applicable regulations.

E.18.3 Vesting Period

- (1) Vesting refers to the legal ownership of benefits accumulated in the Scheme by a Member, including both employee and employer contributions and the returns accrued thereon.
- (2) The Scheme shall provide for vesting of benefits on a pro-rata basis as follows:

- (i) Below five (5) years of service: Access to employee contributions only;
- (ii) After five (5) years of service: Access to fifty percent (50%) of Government contributions;
- (iii) After ten (10) years of service: Access to one hundred percent (100%) of Government contributions.

- (3) A Member shall be eligible to access one hundred percent (100%) of the Government contribution after contributing to the Scheme for a minimum period of ten (10) years.
- (4) An employee who resigns or is dismissed from the Service before completion of the five (5) year vesting period shall not be eligible for Government contributions. However, such an employee shall be entitled to their full personal contributions, together with accrued interest.
- (5) Where a Member dies while in Service, all Government contributions made to the Member's retirement account shall vest fully in the Member's dependants.

E.18.4 Transition Modalities

- (1) Upon joining the Scheme, benefits accrued under the non-contributory pension scheme shall be calculated and a Recognition Bond issued to each employee. These accrued benefits shall be payable upon retirement or exit from the Service in accordance with the provisions of the Pensions Act.
- (2) Contributions to the Widows and Children's Pension Scheme (W.C.P.S) shall cease immediately an employee joins the Scheme, in order to avoid double contributions.

E.18.5 Management of the Scheme

- (1) The Scheme shall ensure the involvement of employees and pensioners in the management of their retirement benefits through representation on the Board of Trustees, in accordance with the requirements of the Retirement Benefits Authority.
- (2) The Scheme shall be operated and managed by the Public Service Superannuation Fund Board of Trustees appointed under the Public Service Superannuation Act. The Board shall appoint the Administrator, Fund Manager, Custodian, and other service providers as necessary.
- (3) The Board of Trustees shall comprise the following members:
 - (1)
 - (i) A Chairperson appointed by the Cabinet Secretary, who shall:
 - (a) have at least twenty (20) years' experience, or an aggregate of twenty (20) years' experience, in a senior management position in the Public Service; and
 - (b) not be in the service of, or affiliated to, any employer or worker representative organization represented on the Board;
 - (ii) The Principal Secretary responsible for Finance or their representative;
 - (iii) The Principal Secretary responsible for Public Service or their representative;
 - (iv) The Secretary to the Public Service Commission or their representative;
 - (4) The functions of the Board of Trustees shall include—
 - (i) collecting Members' contributions;
 - (ii) investing contributions optimally;
 - (iii) safeguarding Members' contributions;
 - (iv) providing pension and other benefits to Members and their dependants;
 - (v) advising the Cabinet Secretary responsible for Finance on necessary adjustments to improve the Scheme; and
 - (vi) performing any other functions conferred by the Act.
 - (6) The Retirement Benefits Authority shall regulate the Fund.

E.18.6 Certificate of Service

- (1) A Certificate of Service in Form G.P. 31 shall be issued to an officer upon retirement, resignation, dismissal, completion of tour of duty or termination of appointment.
- (2) In completing the Certificate of Service, the County Public Service shall bear in mind that the primary purpose of the certificate is to serve as a reference covering the officer's period of Government service.
- (3) The certificate shall be signed by the Board Secretary or Chief Executive Officer and countersigned by the Head of the Human Resource Unit. A copy shall be filed in the officer's personal file.
- (4) In cases where an officer has not rendered satisfactory service, the certificate shall be carefully worded to acknowledge any positive qualities or contributions demonstrated during the period of service.

E.18.7 Testimonials and Letters of Commendation

Testimonials and letters of commendation may be issued to employees by supervisors as a form of recognition and motivation for exemplary performance and service.

In conformity with provisions of the Employment Act, Part V, Section 28 annual leave is granted subject to the exigencies of work for recuperative purposes to enable an employee to renew his/her energies leading to improved efficiency. All leave is, therefore, not normally commuted into cash nor is leave allowance payable to the dependants or the estate in the event of an employee's death.

SECTION F:

LEAVE

F.1 Categories of Leave

Leave shall fall into the following categories:

- (a) Annual Leave;
- (b) Unpaid Leave;
- (c) Study Leave;
- (d) Special Leave for Sportsmen and Sportswomen;
- (e) Paternity Leave;
- (f) Maternity Leave;
- (g) Adoption Leave;
- (h) Sick Leave;
- (i) Convalescent Leave;
- (j) Compassionate Leave;
- (k) Rest and Recuperation Leave;
- (l) Special Leave;
- (m) Terminal Leave; and
- (n) Leave of Absence.

F.2 Annual Leave

Annual leave is available at the start of each leave year (1st July–30th June), except for newly appointed employees who must complete seven months of service. Leave applications must be submitted at least two weeks in advance.

(1) Annual leave is a right of every public officer and shall be granted for recuperative purposes to enable the officer to renew energy and enhance efficiency. Annual leave shall be granted by the Authorized Officer, subject to the exigencies of the Service.

(2) An officer shall be eligible for annual leave at the commencement of a leave year, except for a newly appointed officer who shall be required to serve for a minimum period of three (3) months before being granted annual leave.

(3) For purposes of this section, a “leave year” shall commence on 1st July and end on 30th June of the following year.

(4) Every public officer shall be entitled to thirty (30) working days of annual leave in a leave year, excluding Saturdays, Sundays, and public holidays.

(5) Annual leave shall not be accumulative. However, an officer may carry forward to the next leave year not more than one-half of the annual leave entitlement to cater for emergencies.

(6) Annual leave shall be taken within the leave year in which it falls due. Deferment shall be permitted only in accordance with the provisions of the Employment Act.

(7) An officer stationed in a designated hardship area may take annual leave in two portions, each taken once in every six (6) months, namely:

- (a) 1st July to 31st December; and
- (b) 1st January to 30th June.

(8) An officer stationed in a hardship area who takes not less than half of the annual leave entitlement in each six-month period shall, in addition to the leave, be granted travelling time of five (5) days each way and normal travelling privileges in accordance with this Manual.

(9) Annual leave for a newly appointed officer shall be calculated on a pro-rata basis for the year of appointment.

(10) An officer whose employment ceases before taking the annual leave due shall be entitled to pro-rata annual leave, including any leave carried forward from the previous leave year.

F.3 Maternity Leave

(1) A female officer shall be granted maternity leave with full pay for a maximum period of ninety (90) calendar days, exclusive of annual leave entitlement.

(2) An application for maternity leave shall be submitted to the Authorized Officer and shall be supported by a medical certificate indicating the expected date of confinement.

(3) Where it is necessary to extend maternity leave beyond ninety (90) days due to the sickness of the mother, sick leave may be granted upon confirmation by a recognized medical practitioner.

(4) Where an extension is required due to the sickness of the child, the officer shall utilize annual leave entitlement.

F.4 Child Adoption Leave

(1) An officer who has been granted adoption rights under the Children's Act shall be entitled to adoption leave for purposes of bonding and integrating the child into the family, subject to production of a valid adoption order and in accordance with the Employment Act.

(2) Where adoption is by both spouses who are employees in the Service, adoption leave shall apply only to the female officer.

(3) A female officer shall be entitled to adoption leave with full pay upon production of the relevant legal documentation.

(4) An officer on adoption leave shall not forfeit annual leave entitlement.

(5) A male officer shall be entitled to adoption leave of up to a maximum of ten (10) working days where he and his spouse adopt a child.

F.5 Surrogacy Leave

Surrogacy refers to an arrangement in which a woman agrees to carry and give birth to a child on behalf of another person or couple. An officer who acquires a child through surrogacy shall be entitled to maternity or paternity leave, as applicable, in the same manner provided under this Manual for purposes of childcare, upon production of a surrogacy agreement duly commissioned by a Commissioner for Oaths.

F.6 Paternity Leave

- (1) A male officer shall be entitled to paternity leave for a maximum period of ten (10) working days during the spouse's maternity or adoption leave.
- (2) Where a male officer has more than one wife, paternity leave shall be granted only in respect of the spouse registered under the Social Hospital Insurance Fund (SHIF), and such leave shall not be granted more than once in a leave year.
- (3) An officer shall be required to produce a notification of birth or an adoption order to qualify for paternity leave.

F.7 Unpaid Leave

- (1) Unpaid leave may be granted by the Authorized Officer upon recommendation of the Human Resource Management Advisory Committee on the following grounds:
 - (a) urgent private affairs of an exceptional nature not exceeding sixty (60) calendar days;
 - (b) where an officer's spouse is posted to a foreign mission during the tour of service;
 - (c) appointment to an international organization where secondment or transfer of service is not applicable, for a period not exceeding three (3) years;
 - (d) spouses of officers appointed under paragraph (c), for a maximum non-renewable period of one (1) year.
- (2) Unpaid leave shall not be increment-earning.
- (3) During unpaid leave, the Government shall not make pension contributions; however, the officer may continue making personal contributions.
- (4) Unpaid leave shall not be pensionable under the Pensions Act, Cap. 189.
- (5) There shall be no provision for unpaid study leave in the Public Service.

F.8 Study Leave

- (1) Study leave shall be granted based on departmental needs and in the interest of staff development.
- (2) The Authorized Officer may grant an officer up to five (5) days in a year to sit examinations for locally approved job-related courses.
- (3) Study leave shall only be considered where prior approval to undertake the course was granted.
- (4) Study leave for employees proceeding on international courses may be granted for a period not exceeding One (1) year.
- (5) The Authorized Officer and the Board shall have discretion to approve or decline applications for study leave.

F.9 Special Leave for Sportsmen and Sportswomen

The Authorized Officer may grant special leave for participation in County, National, or International sports events for a period not exceeding ten (10) days in a leave year. Such leave shall be with full pay and shall not affect the officer's annual leave entitlement.

F.10 Sick and Convalescent Leave

(1) Sick leave is an approved absence from duty due to illness, injury, or public health requirements and shall be supported by a duly signed medical certificate submitted within two (2) days of absence.

(2) An officer shall be granted sick or convalescent leave for up to three (3) months on full pay and a further three (3) months on half pay in a leave year.

(3) Where illness persists beyond six (6) months, the officer shall be examined by a medical board appointed by the Board to determine fitness for continued service. An officer found unfit shall be retired on medical grounds.

F.11 Compassionate Leave

(1) Compassionate leave not exceeding fourteen (14) calendar days in a leave year may be granted upon the death of a spouse, child, or parent.

(2) An officer may be granted up to two (2) days in a year to attend to a sick child. Any additional days shall be charged against annual leave.

(3) In emergencies other than death, leave may be granted and recovered from annual leave upon approval by the Head of Department in consultation with the Human Resource Manager.

F.12 Festival Holidays

Leave of absence with pay may be granted for religious festivals for a maximum of two (2) days in a leave year, subject to the exigencies of the Service and prior approval by the Authorized Officer.

F.13 Terminal Leave

An officer due for retirement shall be entitled to thirty (30) calendar days terminal leave, in addition to annual leave entitlement. Terminal leave shall be taken in the month immediately preceding retirement and shall not be commuted to cash or attract leave allowance.

F.14 Leave of Absence

(1) The Board may grant leave of absence for a period not exceeding three (3) years, renewable once for a further three (3) years.

(2) Leave of absence may be granted for contractual appointments in public bodies, private corporations, or international organizations where secondment or transfer of service is not applicable, provided the experience gained is of benefit to the public service.

(3) Leave of absence shall not be granted for service within the same County Public Service.

(4) Leave of absence shall not be increment-earning or pensionable.

(5) Upon expiry, the officer shall revert to substantive terms of service and shall not qualify for another leave of absence within three (3) years.

F.15 Commutation of Leave

(1) Annual leave shall not be commuted to cash except in exceptional circumstances arising from exigencies of service.

(2) Authorization for commutation shall be granted by the Authorized Officer.

(3) Commutation shall be based on the officer's basic salary applicable during the relevant leave year.

(4) Officers shall be encouraged to utilize leave annually.

SECTION G

WORK ENVIRONMENT, HEALTH AND SAFETY

G.1 INTRODUCTION

This Section provides guidelines and standards for the prevention of accidents and protection of officers against occupational hazards arising in the workplace. It further outlines the procedures and modalities for the administration and payment of compensation for work-related injuries, diseases, and accidents occurring in the course of employment.

Authorized Officers shall ensure that all officers and visitors are adequately informed and fully conversant with emergency procedures applicable to their respective workplaces.

G.2 Fire Precautions

- (1) Authorized Officers shall ensure that all buildings under their control are adequately fitted with fire protection facilities, which shall be properly maintained in accordance with advice issued by Fire Officers and Occupational Safety and Health Officers.
- (2) Authorized Officers shall enforce all prescribed fire precautionary measures as directed by the Departments responsible for Public Works and Labour.
- (3) Information on fire precautions and firefighting equipment shall be obtained from the County Fire Officers, while regulations on fire safety shall be accessed from the Department responsible for Labour.

G.3 Fire Prevention

- (1) County Fire Officers shall provide professional advice on fire prevention, firefighting, fire protection, and fire safety demonstrations in all County Government premises.
- (2) The Department responsible for Public Works shall ensure that all County Government buildings are fitted with appropriate firefighting equipment. Individual Departments shall be responsible for the replacement, refilling, and maintenance of portable firefighting equipment, in consultation with Fire Officers and Occupational Safety and Health Officers.
- (3) In leased premises, fire prevention and protection shall be the joint responsibility of the building owner and the occupier. Authorized Officers of the relevant Departments shall ensure compliance with all fire safety requirements.
- (4) No alterations shall be undertaken in any building without prior consultation with Fire Officers and Occupational Safety and Health Officers. All escape routes shall be kept clear at all times.
- (5) Hazardous or highly inflammable materials shall not be stored in any County Government building without written approval from the Principal Fire Officer or County Fire Officers.
- (6) Firefighting equipment shall not be interfered with or used for purposes other than firefighting.
- (7) Every County Government building shall establish a Safety and Health Committee constituted in accordance with the Factories and Other Places of Work (Safety and Health Committee) Rules.

- (8) Fire Officers may issue safety recommendations deemed necessary. Officers to whom such recommendations are addressed shall implement them without delay. Failure to comply shall attract personal liability, including disciplinary action and/or prosecution.
- (9) Fire Prevention Committees shall be established across all County Government Departments.
- (10) Authorized Officers shall ensure that:
 - (a) Safety and Health Committees are established in all workplaces;
 - (b) Committee members and officers receive appropriate training; and
 - (c) Fire drills are conducted at least once every twelve (12) months in accordance with the Factories and Other Places of Work (Fire Risk Reduction) Rules.

G.4 Notification of Fires

- (1) All fires, regardless of magnitude, shall be reported immediately to the County Fire Officers or the Police. The affected premises shall be secured, and no evidence shall be interfered with until investigations are completed.
- (2) Any person who detects a fire shall immediately raise the alarm, inform the Fire Brigade and Police, and attempt to control the fire during its initial stages where safe to do so.
- (3) All County Government buildings shall be fitted with fire detectors, alarms, firefighting water storage tanks, and pumps dedicated solely for firefighting purposes.

G.5 Medical Examination

Authorized Officers shall ensure that officers engaged in hazardous occupations undergo periodic medical examinations in accordance with the Occupational Safety and Health Act.

G.6 Provision of Protective Equipment and Clothing

Authorized Officers shall ensure that officers exposed to wet conditions, injurious substances, or offensive materials are provided with suitable, adequate, and effective protective clothing and equipment.

G.7 Safe use of Potentially Dangerous Equipment

Authorized Officers shall ensure that all plants, machinery, hoists, lifts, steam boilers, pressure vessels, and other equipment are properly maintained and subjected to statutory inspections in compliance with the Occupational Safety and Health Act.

G.8 Compensation for Injury or Death

Compensation for work-related injuries, occupational diseases, or death shall be governed by the Work Injury Benefits Act (WIBA). Only injuries, diseases, or deaths arising out of and in the course of employment shall be compensable.

In addition to WIBA, the County Government shall implement a Group Personal Accident (GPA) Scheme administered by the County Treasury in liaison with the National Treasury.

G.9 Reporting of Accidents

- (1) Upon occurrence of a workplace accident, occupational disease, or accident involving a County Government vehicle, the immediate Supervisor shall initiate compensation procedures as follows:
 - (a) Complete the Directorate of Occupational Safety and Health Services Accident Notification Form (DOSH Form 1) in triplicate for fatal or non-fatal accidents;
 - (b) Submit copies to the Authorized Officer of the Department, the relevant Occupational Safety and Health Officer, and the attending Medical Practitioner (for non-fatal cases).
- (2) Detailed procedures shall be as prescribed in the relevant forms issued by the Directorate of Occupational Safety and Health Services.
- (3) Where anomalies are identified, the Director may decline processing and advise on corrective measures, including medical reassessment through a Medical Board or appointed medical panel for reassessment on the officer's diagnosis or injury.

G.10 Approval and Payment of Compensation

- (1) Where liability is established, the Director shall issue a demand note to the Authorized Officer indicating the amount payable.
- (2) Compensation shall be paid within ninety (90) days.
- (3) The injured officer or dependants shall acknowledge receipt through prescribed forms, which shall be distributed to all relevant parties 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 Department; and
 - (iii) The other copy to be retained by the Director of Occupational Safety and Health Services

G.11 Recourse to Court

Where dissatisfied with the compensation awarded, an officer or Department may lodge an objection with the Director of Occupational Safety and Health Services or appeal to the Industrial Court.

G.12 Compensation during Sick Leave Under WIBA

An officer on sick leave arising from a compensable accident or occupational disease shall be entitled to full pay.

G.13 Source of Compensation Funds

- (1) Authorized Officers shall liaise with the County Treasury to secure funds for compensation payments.
- (2) The Accounting Officer responsible for Finance shall ensure adequate budgetary provision for work injury compensation.

G.14 Reporting Injury, Serious Illness or Death

- (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 twenty four (24) hours in accordance with the requirement of the Occupational Safety and Health Act.

G.15 Group Personal Accident (GPA) Policy

- (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; County Government drivers deployed to drive privately registered donor development partner vehicles. Details on conditions for compensation and exclusions are found in the GPA Policy or as maybe communicated otherwise by the National Treasury.
- (5) Any claim submitted after one (1) 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.

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 (basis salary + house allowance) x percentage awarded

E.6 Guidance, Counseling, Chronic Ailments, And Employee Wellness Policy

E.6.1 Guidance and Counseling

- (1) The County Government recognizes that challenges in the workplace and family environment may affect the performance and well-being of public officers. To address these challenges, guidance and counseling services shall be provided through the Department of Health Services in collaboration with other county departments, in accordance with existing policies and legislative frameworks.
- (2) The County Government shall establish a dedicated unit for the provision of guidance and counseling services to address the psychological needs of public officers during entry into service, throughout their tenure, and upon exit from service.
- (3) Guidance and counseling services shall be provided free of charge and shall be limited to public officers. Where necessary, consultations may be extended to family members or other support systems to enhance the effectiveness of the intervention.

E.6.2 Access to Counseling Services

- (1) Public officers may voluntarily seek guidance and counseling services when experiencing psychological, emotional, or work-related challenges.
- (2) A supervisor may refer an officer for counseling where there is evidence of low productivity, risk of harm to self or others, or issues related to indiscipline.
- (3) Participation in counseling shall be voluntary. An officer shall have the right to accept, decline, or discontinue counseling services at any stage.

E.7 HIV and AIDS Support Programme

- (1) HIV and AIDS continue to pose significant challenges to public officers and the public service at large. The County Government shall implement care and support programmes for officers who are infected or affected, with the aim of enabling them to remain productive.
- (2) HIV and AIDS shall be managed as workplace health issues, similar to other chronic conditions. All officers shall contribute to efforts aimed at mitigating the impact of the pandemic.
- (3) Policy guidelines shall be developed and implemented to address HIV and AIDS-related challenges affecting public officers in the workplace.

E.7.1 Prevention of Stigma and Discrimination

- (1) No public officer shall be discriminated against or stigmatized on the basis of chronic illness or HIV status. Discrimination on the grounds of actual, perceived, or suspected HIV status constitutes an offence.
- (2) Authorized Officers shall provide a safe, supportive, and non-discriminatory work environment for officers who are infected or affected. They shall implement programmes that promote positive behavior and responsible management of HIV and AIDS.
- (3) Authorized Officers shall minimize the risk of HIV and other transmissible infections by ensuring adherence to first-aid procedures and universal infection control precautions in the workplace.

E.7.2 Medical Screening for Employment and Recruitment

- (1) HIV screening shall not be a requirement for recruitment, appointment, or continued employment.
- (2) Any medical screening related to HIV shall be voluntary, confidential, and conducted only after appropriate counseling.
- (3) Disclosure of HIV test results or related medical assessments shall not be made without the written consent of the affected officer.

E.7.3 Continuation of Employment

- (1) Public officers with HIV-related or other chronic illnesses shall continue in employment for as long as they are medically certified as fit to work.
- (2) HIV infection or chronic illness shall not, in itself, constitute grounds for termination of employment.

E.8 Drug and Substance Abuse Management

- (1) Drug and substance abuse shall be treated as a health condition. An officer who demonstrates willingness to address such challenges through rehabilitation shall be referred by the respective County Department to a Government medical officer for assessment.
- (2) The County Government shall provide inpatient and outpatient rehabilitation services in accordance with prevailing legislation and available resources.
- (3) Officers recommended for inpatient rehabilitation shall be granted leave to attend a rehabilitation programme of up to ninety (90) days, for a maximum of three (3) occasions. Thereafter, the matter shall be referred to the Human Resource Management Advisory Committee (HRMAC) for recommendation to the County Public Service Board for determination.
- (4) The County Government shall establish aftercare and reintegration programmes to support officers recovering from drug and substance abuse.

E.9 Employee Welfare and Wellness

- (1) Authorized Officers shall design, implement, and monitor employee welfare and wellness programmes aimed at promoting physical, mental, and psychosocial well-being in the workplace.

E.10 Telework and Changing Work Arrangements

- (1) The County Government acknowledges the changing nature of work, including the adoption of teleworking arrangements, which may affect employees' physical and psychosocial health.
- (2) Risks associated with telework include inadequate working environments, job insecurity, poor work-life balance, lack of appropriate work equipment, risk of overwork, and psychosocial stress.

E.11 Flexible Work Arrangements

- (1) Authorized Officers are encouraged to implement flexible work arrangements that promote work-life balance, provided officers maintain performance logs and demonstrate sustained or improved productivity.

E.12 Review of Conditions of Service

- (1) The County Public Service Board, in collaboration with the Department of Health Services, shall periodically review emerging workplace trends and make recommendations on conditions of service to address evolving work environments.

SECTION H

PERFORMANCE MANAGEMENT AND PRODUCTIVITY MAINSTREAMING

H.1 Introduction

This Section provides guidelines for performance management and productivity mainstreaming in the Makueni County Public Service. Performance management is a continuous and systematic process that involves strategic planning, work planning, setting of performance targets, performance monitoring, measurement, evaluation, reporting and feedback.

Performance measurement shall be undertaken in full compliance with the Staff Performance Appraisal System (SPAS) Guidelines as issued and applicable to the Makueni County Public Service from time to time.

Productivity mainstreaming focuses on embedding efficiency, effectiveness, innovation, value for money and continuous improvement in service delivery across all County departments, institutions and levels of operation.

H.2 County Performance Management Framework

(1) The County Executive Committee shall design and implement a County Performance Management Framework to evaluate the performance of the County Public Service and the implementation of County policies, programmes and projects.

(2) The Performance Management Framework shall provide for, among others:

- (i) Objective, measurable and time-bound performance indicators;
- (ii) Clear linkage between performance targets and institutional mandates;
- (iii) Preparation of annual performance reports;
- (iv) Citizen participation in the evaluation of County Government performance; and
- (v) Public sharing and dissemination of performance progress reports.

(3) The Governor shall submit the annual performance reports of the County Executive Committee to the County Assembly for consideration in accordance with the law.

(4) The Performance Management Framework and all reports generated under this Section shall be public documents.

H.2.1 Performance Contracting

(1) Performance Contracting shall be implemented as a strategic performance management tool to enhance accountability, efficiency and effectiveness in service delivery.

- (2) Performance Contracts shall be cascaded from the County Executive Committee to departments, units and individual officers in line with County priorities, strategic plans and annual work plans.
- (3) Performance Contracting shall be monitored, evaluated and reported upon in accordance with guidelines issued by the National Government and the County Government from time to time.

H.3 Staff Performance Appraisal System

H.3.1 Overview

- (1) Staff Performance Appraisal shall be based on the principles of work planning, setting of agreed performance targets, continuous feedback, monitoring and reporting.
- (2) The Appraisal System shall be linked to other human resource systems and processes including staff development, career progression, recruitment, deployment, incentives and sanctions.
- (3) The purpose of staff performance appraisal is to assess, as objectively and comprehensively as possible, an officer's performance against agreed targets, with a view to achieving departmental and County objectives.

H.3.2 Objectives of Staff Performance Appraisal

- (1) The overall objective of the Staff Performance Appraisal System is to manage and improve performance in the County Public Service through enhanced staff participation in planning, implementation and evaluation of work.
- (2) The specific objectives of the appraisal system are to:
 - (i) Link individual performance to organizational performance;
 - (ii) Enable continuous assessment of work progress by supervisors and appraisees;
 - (iii) Identify learning and development needs in a timely manner;
 - (iv) Promote accountability in the County Public Service;
 - (v) Promote communication and continuous feedback between appraisees and appraisers;
 - (vi) Provide a basis for monitoring and evaluation of performance through individual work plans;
 - (vii) Improve the quality of work through effective planning, dialogue and participatory appraisal; and
 - (viii) Provide information for decision-making on administrative and human resource matters including contract renewal, promotions, deployment, training, rewards and sanctions.

H.3.3 Scope of Application

- (1) The Staff Performance Appraisal System shall apply to all categories of staff in the County Public Service.
- (2) The County Government shall develop and operationalize its own performance appraisal instruments in line with SPAS guidelines.
- (3) All newly employed, promoted or redeployed officers shall complete the relevant performance appraisal forms within three (3) months of appointment, promotion or redeployment.
- (4) The primary responsibility for implementation of the Performance Appraisal System shall rest with County Chief Officers and Heads of Departments.

H.3.4 Work Planning and Setting of Performance Targets

- (1) At the beginning of each financial year, every officer shall prepare an individual work plan and sign a performance appraisal form with the immediate supervisor based on agreed performance targets.
- (2) Individual work plans shall be derived from departmental work plans and aligned to the officer's job description.
- (3) Performance targets shall be discussed and agreed upon between the supervisor and appraisee and finalized by 31st July of each year. Targets shall be specific, measurable and time-bound, with clear indicators of success.
- (4) Each officer shall identify at least one training and development goal to be achieved during the appraisal period as part of the staff training and development plan.

H.3.5 Values and Competencies Assessment

- (1) Achievement of performance targets shall be assessed alongside demonstration of required competencies, values and ethical standards.
- (2) The supervisor shall discuss applicable competencies and values with the appraisee at the beginning of the appraisal period to ensure shared understanding and alignment.

H.3.6 Appraisal Period

The appraisal period shall cover one (1) financial year, running from 1st July to 30th June of the following year.

H.3.7 Continuous Performance Appraisal

- (1) Performance appraisal shall be a continuous process throughout the appraisal period.
- (2) Key milestones and performance discussions shall be documented and maintained in the appraisee's personal file.

H.3.8 Mid-Year Performance Review

- (1) A mid-year performance review shall be conducted to jointly assess progress against agreed targets.
- (2) The review shall focus on achievements, challenges encountered and the need for revision of targets where justified by changes in duties or circumstances.
- (3) The supervisor shall provide written feedback following the mid-year review.
- (4) Where a supervisor exits a department, a pro-rata appraisal shall be conducted.

H.3.9 Reporting Frequency

- (1) Appraisees shall submit quarterly performance reports to their supervisors.
- (2) Quarterly reports shall reflect cumulative achievements, with the fourth quarter report serving as the end-year performance report.

H.3.10 End-Year Performance Evaluation

The end-year appraisal shall consist of:

- (i) Submission of a self-assessment report by the appraisee;
- (ii) Joint performance discussion between the supervisor and appraisee; and
- (iii) Assessment of performance targets, core competencies and values by the supervisor.

H.3.11 County Performance Management Steering Committee

- (1) The County Secretary shall constitute a County Performance Management Steering Committee.
- (2) The Committee shall comprise:
 - (i) Chief Officer in charge of Performance Management – Chairperson;
 - (ii) Directors from County Departments;
 - (iii) Director responsible for Planning and Monitoring;
 - (iv) Director, Human Resource Management – Secretary.
- (3) The functions of the Committee shall include:
 - (i) Coordinating performance contracting at County level;
 - (ii) Ensuring integrity and credibility of the appraisal process;
 - (iii) Recommending improvements to performance management systems; and
 - (iv) Performing any other function as may be assigned under County performance guidelines.

H.3.12 Departmental Performance Management Committee

- (1) Each County Department shall establish a Departmental Performance Management Committee.
- (2) The Committee shall:

- (i) Align staff appraisal processes with departmental strategic objectives;
- (ii) Ensure linkage between appraisal, work plans and performance contracts;
- (iii) Ensure timely feedback to officers;
- (iv) Resolve appraisal disputes;
- (v) Compile departmental appraisal reports;
- (vi) Implement internal monitoring and evaluation mechanisms; and
- (vii) Convene quarterly performance review meetings.

(3) The Departmental Human Resource Officer shall serve as Secretary to the Committee.

H.4 Productivity Measurement and Mainstreaming

- (1) Productivity measurement and mainstreaming shall aim at enhancing efficiency, effectiveness, innovation and optimal utilization of resources in service delivery.
- (2) The County Government shall establish productivity indicators and benchmarks for departments and individual officers.
- (3) Productivity improvement initiatives shall include process re-engineering, use of technology, skills development, innovation and adoption of best practices.
- (4) Productivity outcomes shall be integrated into performance appraisal, performance contracting and decision-making processes.

H.5 Rewards and Sanctions

H.5.1 Rewards and Sanctions Framework

- (1) The objective of rewards and sanctions is to motivate employees, recognize exemplary performance, address poor performance and enhance productivity.
- (2) Rewards and sanctions shall create a clear linkage between individual performance and institutional performance.
- (3) The County Public Service Board shall administer the Rewards and Sanctions Framework and handle appeals after internal review mechanisms have been exhausted.

H.5.2 Types of Rewards and Sanctions

The types and application of rewards and sanctions are provided for in the County Public Service Rewards and Sanctions Guidelines.

H.6 Review, Learning and Continuous Improvement

- (1) Performance management processes shall be periodically reviewed to ensure relevance, effectiveness and alignment with County priorities.
- (2) Lessons learned from performance evaluations shall inform policy review, capacity building, service delivery improvements and institutional reforms.

H.7 Appeals on Performance Appraisal

- (1) Any officer dissatisfied with the outcome of the performance appraisal may lodge an appeal with the County Public Service Board.
- (2) Appeals shall be considered and determined in accordance with applicable laws, regulations and guidelines.

SECTION I

TRAINING AND DEVELOPMENT

I.1 Introduction

- (1) This Section provides guidelines for the planning, management, coordination and implementation of training and development in the County Public Service. The County Government shall promote a culture of continuous learning as a key strategy for human capital development and improved service delivery.
- (2) The County Government's training policy is aimed at ensuring continuous upgrading of core competencies, knowledge, skills and attitudes of County Public Officers, including their capacity to assimilate and apply technology in order to enhance performance, career growth, social advancement, economic growth and sustainable development.
- (3) Each County Department shall establish a training vote to finance its approved training programmes. The training vote shall be utilized strictly for job-related courses that enhance performance and service delivery.
- (4) All training programmes shall be based on identified training needs. Every County Public Officer shall be entitled to a minimum of five (5) training days in a financial year. Newly recruited or transferred officers shall be inducted within three (3) months of joining the County Public Service, and an induction report shall be submitted to the Department and the County Public Service Board.
- (5) The Human Resource Management Advisory Committee (HRMAC) shall consider applications for promotional courses including Supervisory Skills Development Course, Senior Management Course (SMC) and Strategic Leadership Development Programme (SLDP) and submit recommendations to the County Public Service Board for approval.

I.2 Management and Co-Ordination of Training

- (1) The overall management and coordination of training in the County Public Service shall be the responsibility of Authorized Officers in consultation with the County Public Service Board.
- (2) All training requests shall be processed through the Human Resource Management Advisory Committee (HRMAC) for review and recommendation before approval by the relevant authority.

I.3 Training Needs Assessment

- (1) Training in the County Public Service shall be informed by a Training Needs Assessment (TNA), which shall be conducted every three (3) years or as may be necessary by each County Department.
- (2) County Departments shall prepare training projections based on the Training Needs Assessment to guide HRMAC in the nomination and prioritization of officers for training.

I.4 Training Programmes

- (1) Training programmes shall comprise both short-term and long-term courses in specific professional areas intended to impart knowledge, skills and attitudes required to enhance staff performance.
- (2) County Departments may design and implement in-house training programmes to address identified training needs. Training may also be undertaken through accredited institutions locally or internationally.
- (3) In designing training programmes, County Departments shall ensure the availability of:
 - a) Professional, qualified and experienced trainers;
 - b) Cost-effective training programmes; and
 - c) An effective evaluation and feedback mechanism to assess the impact of training on performance.
- (4) Selection of officers for training shall be based on identified training needs, with emphasis on performance improvement and alignment to national, county, organizational and individual goals.

I.5 Training Levy

- (1) Officers undertaking approved training courses lasting more than three (3) months, both locally and internationally, shall contribute towards the cost of training as follows:
 - a) Local training: Ten percent (10%) of the officer's basic salary per month for the duration of the course;
 - b) Training outside the country lasting more than four (4) weeks: Twenty percent (20%) of the officer's basic salary per month for the duration of the course.
- (2) The training levy shall apply irrespective of whether the course is sponsored by the Government of Kenya, County Government or Development Partners under bilateral or multilateral arrangements.
- (3) Officers undertaking part-time or full-time self-sponsored courses shall be exempted from payment of the training levy.
- (4) The County Secretary shall ensure that officers' training contributions are remitted to the County Public Service Board for the duration of the course.
- (5) Funds collected under the training levy shall be dedicated solely to staff training and capacity building initiatives.

I.6 Eligibility for Training

- (1) All County Public Officers shall be eligible for at least five (5) days of training in a financial year, subject to availability of funds and identified training needs.

- (2) An officer who undertakes a long-term course lasting six (6) months or more shall be required to serve for a minimum of two (2) years after completion before qualifying for selection for another long-term course.

I.7 Course Approval

- (1) The County Public Service Board shall grant approval for officers proceeding on authorized local and foreign long-term training in accordance with applicable service regulations. Officers shall obtain approval prior to commencement of training.
- (2) The Accounting Officer shall issue approvals for short-term training undertaken within the country upon recommendation of the HRMAC.
- (3) While the County Government shall initiate and sponsor training programmes for officers, employees are encouraged to identify and initiate relevant training programmes in line with their career development needs, subject to approval.

I.8 Sponsorship for Training

- (1) Sponsorship for staff training shall be guided by the County Training Policy, which may be reviewed from time to time.
- (2) Officers sponsored for long-term training shall submit annual progress reports to their immediate supervisors, with a copy submitted to the County Public Service Board.

I.9 Undergraduate Training

- (1) The County Government shall not sponsor serving officers for undergraduate programmes. Where skills at this level are required, such skills shall be sourced from the labour market.
- (2) Officers who wish to pursue undergraduate studies through self-sponsorship shall be granted approval, subject to relevance of the course and work requirements.

I.10 Masters Programmes

- (1) The County Government shall support and approve Masters-level training for officers whose duties and career progression require such qualifications in accordance with approved career progression guidelines.
- (2) The County Government shall not sponsor officers for a second Masters degree.

I.11 PHD Programmes

- (1) PhD training shall be sponsored and approved for officers serving in training and research institutions within the County Public Service.
- (2) Officers pursuing PhD training under self-sponsorship shall be granted approval provided that:
 - a) The area of study is relevant to the officer's duties;
 - b) The officer has served for at least two (2) years since the last long-term course; and
 - c) No reimbursement of training expenses shall be payable.

- (3) The County Government may consider financial assistance or sponsorship for PhD training on a case-by-case basis where the programme addresses county priority areas or strategic organizational needs.

I.12 e-Learning and Digital Training

- (1) The emergence of pandemics and other disasters necessitates adoption of alternative training and service delivery approaches to ensure continuity of public service delivery.
- (2) The County Government shall promote the use of e-learning, digital and virtual training platforms, including remote and flexible working arrangements, to enhance efficiency and cost-effectiveness.
- (3) Public Service Institutions shall institutionalize e-learning platforms and develop guidelines for virtual training, development and tele-counselling for psycho-social support where necessary.

I.13 Subscription to Professional Bodies

- (1) The County Government shall support officers who are members of recognized professional bodies to remain in good standing through sponsorship of Continuous Professional Development (CPD) activities.
- (2) Officers shall meet the cost of initial registration and first subscription.
- (3) The County Government shall meet the cost of subsequent subscriptions, practising certificates and CPD training, limited to a maximum of two (2) professional bodies where membership is a professional requirement and subject to fiscal sustainability.

I.14 Training Revolving Fund

- (1) The County Government shall establish a Training Revolving Fund to enable officers access training loans at subsidized interest rates for programmes critical to performance improvement and achievement of county development goals.
- (2) Officers projected for training in critical areas but whose departments lack funds within a financial year may be advised to seek support from the Training Revolving Fund.

I.15 Training Bond

- (1) The County Government shall enter into a formal training bond agreement with officers undertaking approved local or foreign training lasting six (6) months or more.
- (2) The duration of the training bond shall be determined based on the length of the course in accordance with applicable regulations.

I.15 Training Bond

- (1) The County Government shall enter into a formal training bond agreement with officers undertaking approved local or foreign training programmes lasting six (6) months or more.
- (2) The duration of the training bond shall be determined by the length of the course as follows:

Training Period	Bond Period
Six (6) months up to one (1) year	One (1) year
More than one (1) year up to two (2) years	Two (2) years
More than two (2) years up to three (3) years	Three (3) years
More than three (3) years up to five (5) years	As per course duration, but not exceeding five (5) years

- (3) The bond period, as determined by the cost and duration of training, shall not be less than one (1) year and shall not exceed five (5) years.
- (4) The bond amount shall be determined based on the mode of study and the sponsoring authority. For officers on full-time sponsorship, the bond amount shall comprise the total cost of training plus the gross salary paid during the training period.
- (5) In the event of default, the bondee and/or surety shall be required to redeem the bond amount in a lump sum, in accordance with applicable Government regulations on training in the Public Service.
- (6) The County Public Service Board shall issue guidelines on the administration, enforcement and implementation of training bonds.

I.16 Termination of Approved Training

Approved staff training may be terminated under any of the following circumstances:

- (i) Failure by the officer to submit required progress reports;
- (ii) Involvement of the officer in criminal offences;
- (iii) Failure to complete the training within the approved duration;
- (iv) Recommendation by the training institution;
- (v) Upon the officer's own written request;
- (vi) Exigencies of duty necessitating recall; or
- (vii) Where the officer ceases to be an employee of the County Public Service.

I.17 Skills Inventory

- (1) County Chief Officers shall develop, update and maintain a skills inventory for officers in their respective departments for purposes of identifying existing and required competencies, planning training interventions, addressing skills gaps, and supporting succession planning.
- (2) It shall be the responsibility of each officer to regularly update their personal skills inventory.
- (3) Training on skills inventory management may be conducted for Chief Officers and relevant human resource personnel as required.

I.18 Allowances for County Government-Sponsored Training

- (1) Officers undertaking long-term courses outside the country shall be paid living allowance applicable to the host country to cater for subsistence, accommodation, outfit and excess baggage.
- (2) Officers attending long-term full-time courses within Kenya but outside their duty stations shall be eligible for living allowance to cater for meals, accommodation and related expenses at rates applicable to the respective areas.
- (3) Officers sponsored by the County Government and attending part-time, evening, sandwich or holiday module courses shall not be entitled to living allowance or stipend.
- (4) Officers attending full-time courses within their duty stations shall not be entitled to living allowance or stipend.
- (5) Officers fully sponsored by the County Government to attend Government training institutions shall not be entitled to any living allowance or stipend.
- (6) Officers attending externally organized short courses lasting up to one (1) month and held locally but outside their duty stations shall be eligible for living allowance to cater for accommodation, meals and incidental expenses.
- (7) Other allowances payable to officers undertaking training locally or abroad include:
 - a) Research Allowance;
 - b) Dissertation/Thesis Allowance;
 - c) Project Allowance; and
 - d) Book Allowance.
- (8) Applicable allowance rates shall be as prescribed in circulars issued by the Government from time to time.

I.19 Incidental Expenses

- (1) The County Government shall meet the cost of pre-departure medical examinations, visa fees, vaccination and inoculation for officers undertaking foreign training. Passport expenses shall be met by the officer.
- (2) The County Government shall meet the cost of transport to and from the training institution. However, the officer shall meet the cost of daily commuting between the place of residence and the institution.

I.20 Annual Leave

An officer who has been on training shall be eligible for normal annual leave only in the year of resumption of duty, in addition to any leave days officially carried forward prior to proceeding on training.

I.21 Donor-Funded Courses

- (1) Where a long-term training award under bilateral or multilateral arrangements provides for tuition and accommodation only, the officer shall be eligible for twenty-five percent (25%) of the applicable living allowance for the designated country.
- (2) Where a short course is partially funded under bilateral arrangements, the officer shall be eligible for twenty-five percent (25%) of the applicable subsistence allowance.
- (3) Where medical insurance is not provided under a technical cooperation training award, the County Government shall meet the cost of appropriate medical insurance for the officer.

I.22 Seminars, Workshops, Retreats and Conferences

- (1) Rates payable to officers attending seminars, workshops, retreats and conferences shall be as determined by the Salaries and Remuneration Commission (SRC) from time to time.
- (2) Workshops intended to review, develop or produce reports shall be treated as retreats and shall not exceed ten (10) days. Participation in retreats shall be limited to a maximum of ten (10) participants, excluding secretariat staff.
- (3) The duration of seminars, workshops and conferences shall not exceed three (3) weeks. Any engagement exceeding three (3) weeks shall be treated as a course and subject to provisions governing training courses.
- (4) No officer shall perform more than one role in a seminar, workshop, retreat or conference at the same time.

I.23 Reimbursement of Tuition and Examination Fees

- (1) An officer who, on own initiative and personal time, undertakes and successfully completes a course relevant to career development from a recognized institution shall be eligible for reimbursement of fifty percent (50%) of tuition and examination fees, provided that:
 - a) Prior approval had been granted by the Authorized Officer;
 - b) The officer had not previously been sponsored for the same course; and
 - c) The officer submits the original certificate and a training report.
- (2) Candidates sitting examinations administered by the County Public Service Board shall pay prescribed examination fees, the rates and mode of payment of which shall be communicated upon announcement of examination dates.
- (3) Candidates who successfully pass examinations administered by the County Public Service Board shall be refunded the full prescribed examination fee by their respective Accounting Officers.

I.24 Induction and Orientation Training

Induction and orientation programmes shall be conducted to familiarize officers with the work environment, systems and expectations. Newly recruited officers shall be inducted within three (3) months of appointment. Officers joining through transfer, promotion or re-designation shall be inducted on a needs basis.

I.25 Industrial Attachment

- (1) Industrial attachment shall be supported as part of education and training to provide students with practical exposure in real work environments.
- (2) Attachment opportunities shall be provided to students from recognized tertiary and higher education institutions for a maximum period of three (3) months.
- (3) Industrial attachment shall be conducted in line with public service values and applicable labour laws.

I.26 Internship

- (1) Internship programmes shall be used as a structured on-the-job training mechanism to provide graduates with practical work experience.
- (2) Internship programmes shall be implemented in accordance with the Constitution, applicable policies and guidelines issued by relevant authorities.
- (3) Internship duration shall not exceed one (1) year.

I.27 Volunteerism

1. Departments may engage volunteers to support service delivery for a maximum period of six (6) months.
2. Volunteers shall not be entitled to a monthly stipend or remuneration.
3. Volunteer programmes shall be guided by the Constitution, applicable laws, relevant professional guidelines and policies.
4. Engagement of volunteers shall be in accordance with Section 74 of the County Governments Act, 2012.

SECTION J:

CODE OF CONDUCT, DISCIPLINARY CONTROL AND LABOUR RELATIONS

J.1 Introduction

This Part addresses the code of conduct, disciplinary control, and labour relations in the County Public Service.

J.2 Code of Conduct

- (1) A public officer shall ensure that his or her conduct, both in public and in private life, does not bring the County Public Service into disrepute.
- (2) A public officer who contravenes paragraph (1) shall be liable to disciplinary action as stipulated in this Section and/or the County disciplinary policy, in conjunction with other applicable labour laws.
- (3) Officers must comply with:
 - (i) Chapter Six of the Constitution (Leadership and Integrity)
 - (ii) Articles 10 and 232 of the Constitution
 - (iii) Leadership and Integrity Act, 2012
 - (iv) Public Service (Values and Principles) Act, 2015
 - (v) Public Officer Ethics Act, 2003
 - (vi) Anti-corruption and Economic Crimes Act, 2003
 - (vii) Labour Relations Act, 2007
 - (viii) Employment Act, 2007
- (4) Officers must adhere to their professional code of conduct.
- (5) Officers must comply with these rules and any additional rules as may be introduced from time to time.

J.3 Office Hours

- (1) Officers shall work 40 hours per week: Monday–Friday, 8:00 am–1:00 pm and 2:00 pm–5:00 pm.
- (2) Staff may be required to work outside these hours provided the minimum weekly hours are met.

J.4 PUBLIC HOLIDAYS

The following are observed public holidays:

Holiday	Date
New Year's Day	1st January
Good Friday	*
Easter Monday	*
Labour Day	1st May
Madaraka Day	1st June
Idd-ul-Fitr	*
Idd-ul-Adha	*
Huduma Day	10th October
Mashujaa Day	20th October
Jamhuri Day	12th December
Christmas Day	25th December
Utamaduni/Boxing Day	26th December

In addition to the above, Idd-ul-Haj and Diwali will be observed as public holidays by officers professing these faiths.

J.5 Rule of Law

A public officer shall carry out their duties in accordance with the law and shall not violate the rights and freedoms of any person as provided under Chapter Four of the Constitution.

J.6 Public Trust

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 public.

J.7 Performance of Duties

A public officer shall, to the best of their ability, carry out the duties of the office efficiently and honestly, in a transparent and accountable manner, maintain accurate records and report truthfully on all official matters.

J.8 Professionalism

- (1) A public officer shall carry out their duties professionally and treat fellow public officers with consideration and respect.
- (2) A public officer who is a member of a professional body shall observe the ethical and professional requirements of that body.

J.9 Ethical Principles

J.10 Leadership and Integrity

- (1) A public officer appointed to hold public office shall demonstrate respect for the people, bring honour to the Service and dignity to the office, and promote public confidence and integrity in accordance with Chapter Six of the Constitution of Kenya, 2010.
- (2) All County Public Service employees shall perform their duties with honesty, integrity and diligence, and to the best of their abilities. They shall not allow themselves to be unduly influenced by any person or circumstance. Employees shall communicate openly and honestly and demonstrate commitment to achieving optimal outcomes in the best interest of the County, even under adverse or tempting conditions.
- (3) Employees shall be courteous and obliging to the public and shall provide correct and timely information relating to County services in the performance of their duties. All communications from customers, both internal and external, shall be handled expeditiously and courteously. Employees shall accept accountability for their actions and decisions and appreciate positive and constructive criticism.
- (4) Employees shall serve at such places as the County may determine and shall devote themselves fully to their duties during official working hours. The services an employee may be required to perform are not limited to those specified in the contract or letter of appointment, and may include any other duty for which the employee is qualified, as required by the needs and operations of the County.
- (5) Employees shall utilise their capabilities effectively and continually develop their potential, particularly in return for training received.
- (6) Employees shall not absent themselves from duty during appointed working hours, leave their appointed place of work, proceed to locations other than their duty stations, exchange duties with other employees, or alter working hours without the permission of their supervisor.
- (7) Employees shall disclose and declare any information relating to personal or corporate conflicts of interest in order to avoid compromising situations.
- (8) Employees shall not solicit or accept rewards or bribes before, during or after the performance of their duties.
- (9) Employees shall not disclose confidential information to the press, the public or any unauthorised persons, nor extract, tamper with or destroy official records.
- (10) Employees shall at all times live within their lawful income in order to avoid pecuniary embarrassment.
- (11) Employees shall challenge unethical behaviour, report conduct that conflicts with this Code, and shall not suppress positive or constructive criticism unnecessarily.
- (12) Employees shall give due regard to environmental protection and public health considerations within and around the workplace.
- (13) Employees shall assist senior management in fulfilling the ethical obligations set out in this Code.

- (14) All employees shall uphold and project a positive image of the County Government at all times.
- (15) Employees shall take proper care of County property, including property entrusted to them.
- (16) All employees shall pledge to uphold the policy of zero tolerance to corruption in all its forms.
- (17) Employees shall not engage in trade or commercial undertakings that conflict with the interests of the County, nor render professional assistance to, or accept remuneration from, private persons or firms where such activities conflict with official duties.

J.11 Chief Officers' Obligations

Chief Officers, by virtue of their responsibility for the management and operations of the County, shall be responsible for:

- (1) Communicating this Code and ensuring that it is understood by all employees;
- (2) Ensuring observance of the County's ethical obligations;
- (3) Taking necessary steps to ensure compliance with this Code;
- (4) Promoting awareness among employees on prudent utilisation of County resources, including time;
- (5) Ensuring that County operational costs are maintained at reasonable levels; and
- (6) Avoiding situations where personal interests conflict with official duties, and in particular shall:
 - (i) Not divulge County information or make improper use of such information;
 - (ii) Not carry on prohibited private business activities;
 - (iii) Not accept secret profits, bribes or other corrupt or unconscionable benefits;
 - (iv) Acquire for the County any economic opportunity that is in the best interest of the County's priorities.

J.12 Conflict of Interest

What constitutes conflict of interest or any unethical business practices are both a moral and a legal question. The County recognizes and respects the individual employee's right in activities outside of his/her employment that are private in nature and do not in any way conflict with or reflect poorly on the County Government.

It is a requirement that all officers disclose their personal interests. For the purpose of this regulation, "personal interest" includes the interest of a spouse, relative or business associate which may conflict with official duties.

It is not possible in a general policy statement of this sort to define all the various circumstances and relationships that would be considered "unethical". The list below suggests some type of activities that would reflect in a negative way on the employee's personal integrity or that would limit his/her ability to discharge job duties and responsibilities in an ethical manner.

- (i) Simultaneous employment by another organization or entity, particularly if the entity is a competitor or supplier.

- (ii) In cases where carrying on County business with a company in which the employee, or close relative of the employee, has substantial ownership or interest, staff should disclose their interest and not participate in the decision making. Non-disclosure will constitute unethical conduct.
- (iii) Holding a substantial interest in, or participating in the management of an organization from which the County procures services, materials, equipment, or supplies.
- (iv) Borrowing money from customers or companies, other than recognized loan institutions.
- (v) Accepting substantial gifts or excessive entertainment for certain service.
- (vi) Speculating or dealing in materials, equipment, supplies, services or property purchased by the County.
- (vii) Misusing privileged information or revealing confidential data to outsiders.
- (viii) Using one's position in the County or knowledge of its affairs for outsiders' personal gain.

J.13 Gifts or Benefits in Kind

A public officer shall not receive or give valuable gifts, benefits or favours, except gifts from personal friends or relatives.

- (1) Gifts received on official or public occasions shall be deemed to be gifts to the County Government and shall be surrendered to the County Treasury unless exempted by law.
- (2) Gifts exchanged during official or ceremonial occasions with other governments shall be handed over to the County Government, and any reciprocal gifts shall be given at County expense.

A Public Officer Shall Therefore:

- (i) Avoid holding interests that conflict with official duties;
- (ii) Declare personal interests and comply with directives issued to manage conflicts;
- (iii) Not influence the award of contracts to self, relatives or associates;
- (iv) Not improperly enrich self or others through misuse of office;
- (v) Not misuse non-public information for personal benefit;
- (vi) Not engage in full-time employment elsewhere;
- (vii) Not hold office in a political party;
- (viii) Not act as a private agent in matters related to official duties;
- (ix) Not act as an agent for foreign governments or entities in a manner detrimental to County or national security.

J.14 Post-Retirement Engagement

- (1) A retired public officer who is receiving a pension from public funds shall not hold more than two concurrent remunerative positions as chairperson, director or employee of:-
 - (i) Company owned or controlled by the government at any level;

- (ii) State organ.
- (2) A retired public officer shall not receive remuneration from public funds other than as contemplated in paragraph (1) above.

J.15 Declaration of Income, Assets and Liabilities

- (1) Every officer shall on 1st appointment and bi-annually thereafter submit a declaration of income, assets and liabilities of self, spouse(s) and dependent children under eighteen (18) years to the Board.
- (2) A public officer who fails to submit a declaration or clarification as required, or who submits information that the officer knows is false or misleading, will 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 CPSB is of the view that civil or criminal proceedings ought to be considered, the matter may be referred to the Director of Public Prosecutions.

J.16 Abuse Of Office

A public officer who uses his office to enrich self or confer a benefit to a third party is guilty of an offence in accordance with the Anti-Corruption and Economic Crimes Act.

J.17 Management of Newspapers, Publications and Interviews on Questions of Public Policy

- (1) A public officer shall not act as the editor of any newspaper or take part directly or indirectly in the management thereof or publish anything which may be reasonably regarded as of a political or administrative nature without the express permission of the relevant authority in the County Government.
- (2) A public officer shall not, under any circumstances, communicate with the media either in writing or by granting interview and making statements on matters affecting County Government programs or policies without the specific authority of the relevant authority in the County Government. Where such authority has been obtained, the officer shall communicate with the press through the respective Chief Officer.
- (3) While it is not desired to interfere with a public officer's freedom of speech, any lack of discretion on the part of the officer is likely to embarrass the County government and may result to serious consequences to the officer responsible.

J.18 Confidentiality

- (1) A public officer is bound to uphold confidentiality as stipulated in the Official Secrets Act, 2012 on appointment and on leaving the service of the County government.
- (2) Chief Officers should bring to the attention of all the employees, the provisions of the Official Secrets Act, 2012 on appointment and at any other time as may be deemed necessary.

J.19 Supply of Information and Communication to Members of the County Assembly

A Chief Officer may give information on technical issues related to the duties and activities of a County department for which the officer is responsible to members of the County Assembly through the respective Executive Committee Member.

J.20 Hospitality from Foreign Diplomatic Representatives

A public officer may not accept hospitality from any Foreign Diplomatic Representative, without the prior permission of the County Secretary.

J.21 Membership to Political Associations

Public Officers are not permitted to be officials of any associations of which the objects and functions are in any way political. This does not imply that the Government considers active membership of such associations improper or undesirable, but merely that it considers that active membership of a political association is not consistent with the duties and obligations of a public officer who is required to carry out the County government's policy, unbiased by any political view held.

J.22 Political Neutrality

- (1) Whereas it is the constitutional right of any officer to be involved in political party activities, a public officer shall not use the office held to:-
 - (i) Act as an agent for, or so as to further the interest of a political party;
 - (ii) Indicate support for or opposition to any political party or candidate in an election; and
 - (iii) Engage in political activities that may compromise or be seen to compromise the political neutrality of the office held.
- (2) A public officer should refrain from active participation in politics. In any dealings which the officer may have with members of the County Assembly, the discussions should be restricted to subjects of general interests and County government affairs which fall under the officer's sphere.
- (3) A public officer must at all times preserve the tradition of loyalty to the Government without which no public service can properly function. The officer should also bear in mind the provisions of the Official Secrets Act, 2012 and the penalties which can result due to contravention.
- (4) A public officer who may wish to contest for a political seat will be required to resign from the service unless the officer is eligible for retirement under the Pensions Act.

J.23 Inclusiveness

- (1) The County government will strive to eradicate all forms of discrimination and harassment in order to promote inclusiveness and representation of Kenya's diverse communities and ethnic groups. It will therefore be an offence for officers who will be

found to:

- (i) Discriminate against a person by applying a requirement or a condition that has an effect of segregating a person on ethnic grounds;
 - (ii) Discriminate another person by way of victimization through any act that is injurious to the person's well-being and esteem by treating the person less favorably.
- (2) To ensure that the County Public Service reflects diversity of the Kenyan communities, the County Government will endeavour to address inclusiveness through recruitment, deployment, training and promotion.
- (3) A public officer is liable to be posted to any station within the service of the County government.

J.24 Workplace Violence

Workplace violence will not be tolerated. Any employee who commits an act of violence at work against a person or property will face disciplinary action up to and including discharge. Where appropriate, the matter will be referred to legal authorities for prosecution.

Workplace violence is violence against employers and employees and property that takes place in the workplace. It is committed by persons who either have employment-related connection with the County or are outsiders. It involves:

- (i) Physical acts against persons or employer's property.
- (ii) Verbal threats or various statements that are meant to harm or cause a hostile environment.
- (iii) Written threat and other written conduct of intense distortion that is meant to threaten or create a hostile environment.
- (iv) Visual acts which are threatening or intended to convey injury or hostility.

Workplace violence can and must be prevented. Achieving this goal requires the combined efforts of all employees. Anything less than total commitment for the elimination of workplace violence is unacceptable. The intention is to see that it is stopped or does not occur and all employees must do their part to see to it.

All employees are expected to report any act of violence. Employees should bring their concern directly to the attention of line management or the County secretary. All such reports shall be fully investigated. Any employee who takes any reprisal, regardless of the magnitude of the reprisal, against a person who reports any act of violence or a suspicion of violence shall be subject to immediate discipline, up to and including discharge.

J.25 Sexual Harassment

Sexual harassment will not be tolerated. The County condemns sexual harassment as a direct and unacceptable contravention of its core values. Sexual harassment is defined as unwelcome sexual advances or request for sexual favors and other verbal or physical conduct of offensive

nature.

A public officer should not harass another officer sexually through; direct or indirect request for sexual favors, use of language whether written or spoken of a sexual nature, use visual material of a sexual nature and show physical behavior of a sexual nature which directly or indirectly subjects the person to behavior that is unwelcome or offensive.

Complaints will be conducted fairly with both parties given equal opportunity to put their case forward. Hearings on sexual harassment will be handled confidentially and with sensitivity and due respect to both parties. Care will be taken to protect the careers and reputations of both parties. Sexual harassment is a gross misconduct and where the offender is guilty he will be liable to instant dismissal. Less severe penalties may be applied to minor offenders. Employees subjected to sexual harassment may take legal action. The affected employees will report all cases of sexual harassment directly to the office of County Secretary in confidence for appropriate action. Disciplinary action will be taken against a public officer for harassing another person.

J.26 Dress Code

The County believes that proper dress code is essential in a business where developing customer respect and confidence is necessary for long-term growth and prosperity. All employees of the county on permanent or on a temporary contract represent the public image of the County and must ensure that the image they portray upholds high standards of professionalism.

Employees are expected to dress in accordance to general standards expected of a professional work environment and befitting the County at all times.

Men should be formally dressed in a suit, formal shirt and a tie. Ladies should wear formal skirt suits, formal dresses or trouser suits. Presentable broken suits may be allowed.

J.27 Inappropriate Attire

While employees are expected to use their discretion in the selection of appropriate attire, it is to be noted that certain attire is inappropriate for the work place, except when permitted under special circumstances. This includes items such as:

- Sweatpants
- Shorts
- Jeans
- Denim clothing
- Tank tops, spaghetti straps or bare midriff apparel
- Sweatshirt
- Jogging suits
- Spandex leggings, hipsters
- Micro-mini skirts
- Sandals
- Excessive jewelry
- Any other attire that may draw away attention from the County business

Employees required to wear uniforms shall be provided with uniforms by the County and will be expected to wear these uniforms.

J.28 Casual Days

On Fridays employees will be required to wear well-selected County branded business-casual attire that denotes a professional image as well as the County's corporate image, when serving customers.

County branded attire should be appropriately selected, fit well, with its original color maintained. Those items that are perhaps not of the best quality or have seen better days should be relegated to weekend wear. If meetings outside the office have been scheduled on a Friday, formal business attire will apply.

J.29 Responsibility of Heads of Departments/Chief Officer

Heads of Departments are responsible for handling inappropriate attire and Head of Human Resources will advise employees if their attire falls short of the standard.

J.30 Telephone Usage

The telephone is an important public relations tool for the County. Contact with customers and suppliers are through the telephone. Employees are required to be professional and courteous, forever mindful of the image of the County. Lack of professionalism and courtesy causes frustration and fails to promote the County image of prompt and efficient service.

An attempt should always be made to answer the telephone in a courteous manner on or before the third ring. Personal calls by employees must be limited to the extent possible to those of an emergency nature.

Heads of Departments should monitor the telephone usage to ensure that employees comply with this policy.

J.31 Electronic Mail and Internet

Electronic mail (E-mail) and Internet system should be used properly and in accordance with County ICT policy.

The E-mail and Internet system of the County is part of the business equipment and should be used for official purposes only.

The County expressly reserves the right to access, retrieve, read and delete any communication that is created, received or sent in the E-mail and Internet system to ensure compliance with this and other County policies. Employees will be required where necessary to sent official communication through the official allocated emails address.

Any employee who becomes aware of misuse of the E-mail and Internet system should promptly report to the County Secretary.

J.32 Music and Radio in the Office

Employees are allowed legal and acceptable instruments for mental stimulation. However, a sense of good judgment on the volume levels must be exercised to avoid interfering with the work of other employees especially in the open plan offices.

J.33 Use of County Motor Vehicles

- (1) It is the policy of the County to own and maintain Motor vehicles for use by employees while on official business.
- (2) At all times, Government vehicles must be driven by authorized drivers.
- (3) Employees may use their personal automobile for County business only with prior approval of their Head of Department/Chief Officer.
- (4) Any authorized expenses directly related to County automobiles paid for by the employee will be fully reimbursed by the County. Employees who use their own automobiles for County business shall receive a mileage reimbursement of the County's approved rate per kilometre to cover the applicable expenses.
- (5) Employees who use their own personal automobiles for county business are required to have insurance coverage to adequately cover the vehicle, other property damage, and injuries sustained by individuals as a result of an accident.
- (6) It is the responsibility of the respective Head of Department to verify insurance coverage before allowing personal vehicles to be used for County business.
- (7) A driver who operates a vehicle on County business must possess a valid driving license. The respective Head of Department shall be responsible for checking the driving license for each driver assigned to use County automobiles or using his/her own automobile for County business. The employee shall pay any fines incurred due to personal negligence while on County business.
- (8) Any employee assigned a County automobile is responsible for its proper maintenance. Maintenance requirements must be promptly reported by the assigned driver to the respective head of department.
- (9) Reports of accidents, regardless of extent of damage, must be made immediately to the head of department if a County automobile is involved. Employees should always cooperate fully with the authorities in case of an accident. However, as is generally advised, drivers should not admit liability.

J.34 Financial Probity

- (1) A public officer shall not:-
 - (i) Maintain a bank account outside Kenya except in accordance with the relevant Act of Parliament; or seek or accept a personal loan or benefit in circumstances that compromise the integrity of the public officer.

- (2) A non-Kenyan public officer shall not enter into any private arrangement with any bank or financial institution in the country for the purposes of getting any loan without prior approval of his Authorized Officer. In signifying the approval in this regard, the Accounting Officer will ensure that the officer will be able to honour the obligations in full during the tour of service in which the loan is to be granted.
- (3) Before leaving the country on completion of the tour, a non-Kenyan public officer shall be required to certify to the Accounting Officer that financial and other obligations have been cleared.

J.35 Sale of Property to the Government

If a public officer wishes to dispose personal property or effects by sale to the County Government, the same should be in accordance with the Government Procurement Procedures.

J.36 Undue Influence

- (1) Officers should be discouraged from seeking the influence of County Assembly or any other persons as a means of bringing their services to the notice of the County government with a view to consideration for promotion or other favors. Any such attempt to obtain such favors is considered irregular and may actually be detrimental to the officer's interests.
- (2) A public officer is not permitted to make representations to a Member of the County Assembly on matters affecting his/her individual terms and conditions of service. Proper channels of communication exist to enable officers to make representations regarding their personal affairs.

J.37 Absence from Duty Without Leave

- (1) Where an officer is absent from duty without leave, reasonable or lawful cause, for a period exceeding twenty-four hours (24), the following procedure will apply:
 - (a) Establish the exact period with dates the officer has been absent from duty. If not traced within a period of ten (10) days from the commencement of such absence, salary will be stopped with effect from the date of absence.
 - (b) A show cause letter will be addressed to the officer through his or her last known address by registered mail, giving a reasonable period within which to respond but not less than ten (10) days, stating clearly the nature of the offence and the contemplated action.
 - (c) If the officer does not respond, the case will be submitted to the relevant committee which shall make a recommendation to the CPSB for summary dismissal.
 - (d) If the officer responds, investigations will be carried out on the issues raised in the show cause letter and in the officer's defence; an investigation report prepared; and submitted to the relevant committee for recommendation. Thereafter, the case will be submitted to the CPSB for a decision.

- (e) The decision will be communicated to the officer informing him or her of the right of appeal, or review to the County Public Service Board within six (6) weeks from the time of the decision.
 - (f) If the officer is not satisfied with the decision of the Board, the officer may appeal to the PSC, in accordance with PSC regulations and section 77 of CGA.
- (2) Where the officer has been absent from duty without permission and has continued to be paid leading to overpayment, the amount in question may be recovered from the salary or any other monies due to the officer from the Government.
 - (3) Where the overpayment is not as a result of a public officer's negligence, the officer who occasioned the overpayment should be held liable.

J.38 Absence from Duty on Grounds of Illness

A public officer who absents himself or herself from duty on the grounds of illness must produce proof of sickness/sick leave certified by a medical practitioner. Should the officer fail to produce a medical certificate, the officer shall be considered to be absent without leave and his case shall be dealt with in accordance with the relevant disciplinary procedure.

J.40 Pecuniary Embarrassment

- (1) Pecuniary embarrassment from whatever cause, will be regarded as necessarily impairing the efficiency of a public officer and rendering him liable to disciplinary proceedings.
- (2) A public officer will be expected to retain a net salary of not less than 1/3 of his basic salary per month.
- (3) Pecuniary embarrassment, involving both lending and borrowing of money at usurious rates of interest, will be regarded as an offence affecting both the respectability of the service and trustworthiness of the individual and may be held to be a bar to promotion or further retention in the service.
- (4) It is the policy of the County government to give officers who are in debt every possible opportunity to extricate themselves from their financial embarrassment, but there must be a limit beyond which a public officer cannot be retained in the service of the County government, in which case he must be retired in public interest. In certain circumstances, it might even be necessary to consider dismissal, but this step will only be taken in case of most serious nature and where indebtedness is not the only factor involved.
- (5) The department responsible for human resource matters will institute disciplinary action in accordance with laid down disciplinary procedures.
- (6) When a public officer is seriously indebted to the extent of more than six (6) months' salary, consideration should be given for removal from the service. The officer responsible for human resource will issue a show cause letter for the officer to explain

why disciplinary action should not be instituted against him on account of indebtedness. The officer shall be required to submit quarterly reports showing exactly the state of his finances and the amounts which have been liquidated during the three (3) months previous to the date on which the report is submitted.

- (7) When a public officer's indebtedness requires that the officer should no longer carry out duties which may tempt the officer to appropriate public funds or stores for own use, it may be necessary either to retire the officer in the public interest or to redeploy the officer. Any officer, therefore, holding an office of this nature and who shows a tendency to run into debt should be warned in writing of this position.

J.41 Report in cases of Bankruptcy, Judgment-Debtors

- (1) A public officer, who is declared bankrupt, becomes insolvent or seriously indebted shall at once report the matter to the respective chief officer. Failure to report such matter shall be regarded as a serious offence rendering the public officer liable to disciplinary action.
- (2) A public officer who has reported bankruptcy, insolvency or indebtedness shall without delay submit a complete statement of facts of the case to the respective Chief Officer who will decide whether the circumstances would necessitate disciplinary proceedings being instituted.
- (3) In no circumstances shall a bankrupt, insolvent or seriously indebted officer be permitted to be employed on duties involving the handling of public funds.
- (4) Registrars of the High Court and Magistrates will report to the Authorized Officer, every instance in which a public officer becomes a judgment-debtor or whenever proceedings are taken against a public officer in bankruptcy.

J.42 Improper use of County Government Stores

Government stores should not be converted for personal use. Disciplinary action will be taken against a public officer making or receiving unauthorized issues.

J.43 Acting for Foreigners

No public officer shall, in any manner that may be detrimental to the security interests of Kenya, be an agent for, or further the interests of a foreign government, organization or individual.

J.44 Collections and Harambees

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.

J.45 Acting through others

- (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.

J.46 Reporting Improper Orders

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

J.47 Losses of Public Funds Include:

- (i) Actual loss or destruction of, or damage (other than fair wear and tear) to, or failure to account for the disposal of public monies, stamps, securities, or property movable or immovable (including any money or other property, not belonging to the County government which is held or used by an officer in his official capacity, either alone or jointly with any other person);
- (ii) Non collection of any monies due or belonging to the County government, or for the collection of which the County government is responsible;
- (iii) Payments made or liabilities incurred without or in excess of any statutory, administrative or other authority, including nugatory and similar payments and payments arising from incorrect certificates; and irregular or excess issues of stores, rations, etc.;
- (iv) Unauthorized use of County government stores, vehicles, buildings, equipment, or any other property, or of service (e.g. repair workshop) provided for official purposes; and
- (v) Compensation and similar payments (including third party claims in respect of vehicle accident), legal and court costs, and any other additional expenditure or liability incurred which was avoidable and need not have been incurred.

J.48 Loss of Public Funds through Neglect or Fault

- (1) If at any time public funds are lost in consequence of the neglect or fault of an officer, the officer will be held to have incurred a pecuniary liability in respect of the loss, and if a satisfactory explanation or offer of restitution is not forthcoming, the officer may be required to meet this liability in whole or in part. The amount in question may be recovered from his salary or any other monies due to him from the County government, or may be sued for and recovered in any court of law.
- (2) Such a recovery is not imposed as a fine or punishment but as a means of compensating the public purse of losses sustained as a consequence of an officer's dereliction of duty. It is in no way precluded by any criminal or disciplinary proceedings in respect of the same occurrence, irrespective of the result.
- (3) Reckless indifference to the probable consequences of any neglect or fault will result in those consequences being deemed to have been intended.
- (4) Any act or omission which facilitates or makes a loss possible, even though it was not the immediate cause of it, may be regarded as a contributory cause and may

involve a consequential liability, provided that full recovery from the person whose neglect or fault, including a criminal act, was the immediate cause.

- (5) Two or more officers may be held to have incurred a joint liability and recovery of all or part of the loss may be apportioned between them.

J.49 Recovery of Losses of Public Funds

- (1) The procedure to be followed in reporting and dealing with losses is set out in the Public Finance Management Act and Regulations.
- (2) An Accounting Officer may require an officer to make good the loss of public funds, unless the loss is one which he is authorized by Public Finance Management Regulations (PFMR) and procedures to write off. In all cases, the Executive Committee Member responsible for County Treasury may require an officer to make good the loss of public funds after he has considered the recommendations of the Accounting Officer.
- (3) Except as provided for in Public Finance Management Regulations and Procedures, no loss may be written off to public funds without the authority of the County treasury. All losses not within the authority of an Accounting Officer to write off must be reported to the County treasury, who may request any officer who appears to have incurred a pecuniary liability in respect of a loss to explain within a stated time why he should not be required to make good the loss in whole or in part. If a satisfactory explanation is not forthcoming, the executive committee member responsible for Treasury will review the circumstances of the loss and, after taking into consideration the officer's general conduct and financial circumstances, any other action which may have been taken against him, will decide whether the officer will be required to make good the loss, and if so to what extent. Similar action will be taken by an Accounting Officer in respect of the cases falling within his authority.
- (4) The executive committee member responsible for County Treasury or the Accounting Officer, as the case may be, will, when recording his decision, give directions as to the method of recovery. The normal method will be deductions from the officer's salary, if necessary in monthly installments, in amounts not exceeding 25 percent of his monthly salary. If, however, the officer's appointment has been or is shortly to be terminated, deductions from any sums due to him from County government will be made in such amounts as may be necessary to effect full recovery before termination of his service.
- (5) The executive committee member responsible for County Treasury or the Accounting Officer, as the case may be, may at any time, if a satisfactory explanation is received or for any other sufficient reasons, relieve an officer in whole or in part of his pecuniary liability, and may direct that sums recovered from him in connection with the loss in question be repaid, in whole or in part.
- (6) An officer who is dissatisfied with a decision to recover from him may appeal within one(1) month (or such longer period as the executive committee member responsible for County Treasury may in any particular case authorize) against a decision of an Accounting Officer.

- (7) Where an officer has received any erroneous payment, he shall be liable to refund to the County government the amount of such payment and paragraphs (2) to (5) of this Section shall apply.
- (8) Paragraph (7) shall not be deemed to relieve any other officer from any pecuniary liability in respect of the erroneous payment and the officer responsible for such payment may be held to have incurred a joint liability and recovery of all or part of the amount of such payment may be apportioned between them.
- (9) For the purpose of this Section:-
- (i) “erroneous payment” means the payment of any salary, gratuity or allowance or the grant of any benefit in respect of which the County government incurs any expenditure or loss, to an officer to which he was not entitled or in excess of his entitlement;
- (ii) It is immaterial whether an erroneous payment was made under a mistake of fact of law.
- (10) In a genuine case where the recovery of an erroneous payment is likely to impose very considerable financial hardship on an officer, such a case should be submitted to the County Public Service Board giving full details of the circumstances in which the erroneous payment was made and making an appropriate recommendation for the grant of any relief. Similarly, where an erroneous payment involves a written contractual obligation between the County government and the officer concerned, the matter should be referred immediately to the CPSB for advice.
- (11) In addition to the above provisions, disciplinary action which may lead to dismissal may be taken against an officer on account of loss of public funds.

J.50 OTHER RULES

- **Confidentiality:** Uphold Official Secrets Act, 2012.
- **Media Communication:** Only through authorized channels.
- **Hospitality from Diplomats:** Requires County Secretary approval.
- **Membership to Political Associations:** Prohibited in official capacity.
- **Collections and Harambees:** Not allowed in office.
- **Bullying & Sexual Harassment:** Strictly prohibited.
- **Nepotism:** Avoid favoring relatives or close associates.
- **Acting Through Others:** Officers accountable for actions done via subordinates.
- **Reporting Improper Orders:** Must report unethical directives.
- **Declaration of Assets:** On appointment, bi-annually, and on exit.
- **Wrongful Acquisition of Property:** Prohibited.
- **Care of Property:** Protect entrusted property.
- **Falsification of Records:** Prohibited; officers bear verification costs.

SECTION K:

DISCIPLINARY CONTROL

K.1 Introduction

The objective of disciplinary control is to create a motivated and dedicated Public Service that upholds rules of conduct and work ethics for optimal service delivery. Public officers are expected to maintain integrity and uphold the dignity of the offices to which they are appointed. Disciplinary cases shall be handled expeditiously, efficiently, lawfully, and in a procedurally fair manner.

K.2 Disciplinary Powers

(1) The power to exercise disciplinary control over, and remove, public officers is vested in the County Public Service Board (CPSB) as stipulated in the Constitution, the County Governments Act, 2012 and the Public Service Commission Act and Regulations.

K.3 Disciplinary Procedure – General Provisions

(1) Disciplinary cases handled under delegated powers shall be processed through the respective Human Resource Management Advisory Committee (HRMAC).

(2) Where criminal proceedings are instituted against an officer, or where an officer has been acquitted of a criminal charge by a court of law, the Authorized Officer shall not be precluded from instituting disciplinary action or imposing punishment on any other charge arising from the officer's conduct in the matter.

(3) Where an officer is charged with desertion of duty, the show cause letter shall be sent to the officer's last known address by registered mail and electronic mail.

(4) An officer shall be notified in writing of the allegations against him or her and be provided with particulars of the misconduct, together with a reasonable opportunity to respond.

(5) Alternative interventions such as counseling, guidance, training, and dispute resolution mechanisms may be considered where appropriate in resolving disciplinary cases.

(6) Officers shall have the right of appeal and to apply for review of disciplinary decisions in accordance with these procedures.

(7) Except for disciplinary cases that are subject to court proceedings, all cases shall be concluded within six (6) months. Where this is impracticable, the Authorized Officer shall report the matter to the County Public Service Board, giving reasons for the delay.

K.4 Specific Provisions

(1) In cases of first-time minor offences, the immediate supervisor shall issue a verbal warning and advise the officer of the consequences of repetition. The warning shall be conducted as a structured discussion and may include counseling. A written record confirming that the discussion took place shall be retained by the supervisor.

(2) The procedures to be followed by Authorized Officers in handling disciplinary cases shall be as follows:

(a) Officers in Job Group ‘P’ and Above

- (i) Conduct a preliminary investigation and consult on the circumstances surrounding the alleged misconduct.
- (ii) Issue the officer with a statement of the alleged offence (show cause letter) outlining the charges and inviting a written response.
- (iii) The officer shall respond within twenty-one (21) days from the date of the show cause letter.
- (iv) Upon completion of investigations and the disciplinary hearing, the case shall be submitted to the HRMAC for deliberation and recommendation.
- (v) Where the officer fails to respond within the stipulated period, or where the explanation is deemed unsatisfactory, the Authorized Officer shall forward the case to the County Public Service Board together with comments and supporting documents.
- (vi) The Board may direct that further investigations be conducted before a decision is made.
- (vii) The Board’s decision shall be communicated to the officer by the Authorized Officer, including information on the right to apply for review, where applicable.
- (viii) Where an officer is found culpable, the decision shall be communicated to the relevant professional body, where applicable.

(b) Officers in Job Group ‘N’ and Below

- (1) The procedure for officers in Job Group ‘N’ and below shall be the same as that for officers in Job Group ‘P’ and above.

K.5 Conduct of Investigations

(1) In conducting investigations, the Authorized Officer shall ensure that:

- (i) A team of not less than three (3) officers is constituted. Where the team exceeds three members, it shall comprise an odd number.
- (ii) Investigating officers are senior to the accused officer and have no prior involvement in, or interest in, the case.

(2) The investigation report submitted to the HRMAC shall include:

- (i) Evidence collected, including witness statements;
- (ii) Analysis of the evidence;

- (iii) A determination on whether the charges have been proved; and
 - (iv) Any mitigating or aggravating factors relevant to the case.
- (3) The investigation report shall not contain recommendations on the penalty to be imposed.

K.6 Disciplinary Hearing

- (1) Disciplinary hearings shall be conducted by a sub-committee of the HRMAC comprising officers senior to the accused officer and who have no conflict of interest.
- (2) The panel shall consist of not less than three (3) members and, where more than three, shall comprise an odd number.
- (3) A notice of not less than seven (7) days shall be issued to the parties prior to the hearing.
- (4) Upon written request, the accused officer shall be provided with information and evidence supporting the case.
- (5) Parties may apply for adjournment for valid reasons.
- (6) A record of proceedings shall be submitted to the HRMAC and shall include:
- (a) A finding on whether the charges were proved;
 - (b) Evidence and witness statements;
 - (c) Analysis of evidence; and
 - (d) Any factors affecting the gravity of the case.

K.7 Interdiction

- (1) Interdiction shall be exercised in accordance with Section 70 of the Public Service Commission Act to facilitate investigations where dismissal may result.
- (2) An interdicted officer shall be entitled to half ($\frac{1}{2}$) basic salary, full house allowance, and medical benefits.
- (3) An officer on interdiction shall report to the supervisor at agreed intervals.
- (4) Where an officer is neither dismissed nor otherwise punished, any withheld salary shall be restored upon conclusion of proceedings.

K.8 Suspension

- (1) Suspension shall be exercised in accordance with Section 71 of the Public Service Commission Act where:
- (i) Disciplinary proceedings may result in dismissal;

- (ii) The officer is charged with a serious criminal offence or gross misconduct.
- (2) An officer on suspension shall receive full house allowance and medical benefits but no basic salary.
- (3) An officer on suspension shall report as directed.
- (4) Where the officer is not dismissed or punished, withheld salary and allowances shall be restored.

K.9 Absence from Duty Without Leave

- (1) An officer absent from duty without lawful cause for more than twenty-four (24) hours and untraceable within ten (10) days shall have salary stopped and dismissal proceedings initiated.
- (2) A show cause letter shall be sent to the last known address by registered mail or electronic mail.
- (3) Failure to respond or resume duty within twenty-one (21) days shall result in summary dismissal upon HRMAC recommendation.
- (4) No salary shall be payable for the period of absence.
- (5) Any erroneous payment shall be recovered from responsible officers.

K.10 Appeals

- (1) An officer aggrieved by a decision of an Authorized Officer may appeal to the County Public Service Board within ninety (90) days.
- (2) The Board shall consider only one appeal per case.

K.11 Reviews

An officer may apply for review within six (6) months of the Board's decision. The Board may admit applications made out of time where justified.

K.12 Appeals to the Public Service Commission

- (1) Any person dissatisfied with a decision of the CPSB may appeal to the Public Service Commission on matters relating to employment, including disciplinary control, retirement, and terminal benefits.
- (2) Only one appeal shall be entertained per decision.

K.13 Defence of Officers in Civil Suits

- (1) When a civil suit is instituted against a public officer as a result of his official position or of an act done by him in the course of official duties, the officer may apply to the County Attorney or his equivalent through the County Secretary for assistance in the defense. The decision as to whether the Government will undertake the defense will be taken by the County Attorney .

- (2) It is emphasized that speed is also essential in these cases, and a County Secretary must consult the County Attorney or his equivalent and submit an application for assistance to him at the earliest possible moment.
- (3) In cases where the County government assumes responsibility for the defense of a public officer on the advice of the County Attorney, the latter will provide free legal defense, by instructing a County counsel or by briefing a private advocate and the cost of such defense will be a charge on the vote of the Office of the County Attorney. If the County Attorney briefs an advocate to represent a public officer, this will be done in consultation with the officer. Whether any damages and/or costs awarded against a public officer in a civil suit will be met from public funds depends on the facts of each case. If the action is only nominally against the officer and is, in substance and in fact against the County government, the County government will take responsibility and meet all the damages and the costs awarded. The question of so indemnifying a public officer is one for specific decision in each case, and will be decided only after consultation between the County Attorney, the County Treasury and the County department concerned. When the County government accepts liability for damages and/or costs, the County department concerned will be responsible for meeting such liability out of its vote.
- (4) County Officers desiring the County government to assist in their defense in civil suits must apply to the County Attorney or his equivalent through their County Secretary as soon as they become aware that a suit may be instituted against them. They should not wait until summons is served upon them. They must not brief an advocate in their defense and subsequently apply for County government assistance. Unless the proper procedure is followed, the County government may decline to pay any part of the cost of defense or of any damages or costs which may be awarded against a public officer.

K.14 Administrative Arrangements

- (1) In order that the defense of officers who apply for legal aid in civil suits may not be prejudiced by any delay occasioned by the necessity for referring applications and to enable the County Attorney or his equivalent, take any procedural step which may be immediately necessary in order to protect the position of the officer pending a decision on the application but without committing the County government to accede to the application, the County Secretary on forwarding such an application, should send a copy of the officer's defense to the office of the County Attorney or his equivalent.

K.15 Civil Proceedings for Defamation

- (1) Where a public 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 County government is also defamed by implication, and may, therefore, agree to give legal aid to the officer. Where such a case occurs, the officer should apply for legal aid through his Accounting Officer to the County Attorney or his equivalent. Legal aid will not be granted unless:
 - (i) The County government has a substantial interest in seeing that the defamatory is repudiated; and
 - (ii) There is, in the opinion of the County Attorney or his equivalent, a good prospect

of success in the action.

- (2) The consent of the County Attorney or his equivalent must be obtained before proceedings are commenced. A private advocate, not a County counsel, will normally be employed, and the County Attorney or his equivalent will select, in consultation with the officer, the advocate, or firm of advocates, to be employed. Legal aid will cover either the whole of the plaintiff's expenses, including costs awarded against him if he is unsuccessful in his suit, or any unrecovered costs or a part of such costs, as may be specified, if he succeeds, and will be subject to repayment in proportionate costs or damages are recovered. Any expenses ultimately chargeable to public funds will be met from the vote of the Office of the County Attorney or his equivalent.

K.16 Consent to Institute Civil Proceedings

No officer shall institute civil proceedings arising out of any circumstances related with the official position, or with any activity in which he has been engaged in the course of his official duties, without first obtaining the written consent of the County Attorney or his equivalent to the institution of such proceedings, whether or not he desires legal aid. In purely private proceedings, unconnected with their official position or duties, officer's legal aid by Government does not arise.

SECTION L

LABOUR RELATIONS

L.1 Introduction

The County Government shall engage Trade Unions representing public officers for purposes of negotiating Collective Bargaining Agreements (CBAs). The County Government and the Trade Unions shall negotiate CBAs setting out the terms and conditions of service for unionisable employees.

All negotiations shall be guided by the provisions of the Constitution of Kenya, relevant labour legislation, and the established institutional framework for collective bargaining within the Public Service.

L.2 Consultative Committees

- (1) The Collective Bargaining Agreements (CBAs) between the former Local Authorities and the Kenya Local Government Workers' Union have lapsed by operation of law.
- (2) County Governments shall sign Recognition Agreements with duly registered and recognized public service Trade Unions at the County level.
- (3) The Recognition Agreements shall provide for the establishment of a Consultative Committee.
- (4) The objectives of the Consultative Committee shall be to:
 - (a) provide a mechanism for negotiations between the County Government and Trade Unions on terms and conditions of service for unionisable employees; and
 - (b) promote the highest level of cooperation between the County Government, in its capacity as an employer, and its employees on matters affecting the County Public Service.

L.3 Composition and Functions of the Consultative Committee

- (1) The Consultative Committee shall comprise an equal number of representatives from the County Government and the Trade Union, with not more than three (3) members from each side.
- (2) The quorum for any meeting of the Committee shall be not less than two (2) representatives from each side.
- (3) The primary function of the Committee shall be to negotiate and conclude Collective Bargaining Agreements on terms and conditions of service for all unionisable employees.
- (4) The Committee shall meet as and when necessary, regulate its own procedures, and elect its Chairperson and Secretary. The Committee may co-opt members of County departments or labour relations experts where necessary and may establish sub-committees to deal with specific matters.
- (5) Unless otherwise agreed, any expenses incurred by the Committee shall be borne equally by the County Government and the Trade Union.

- (6) A meeting of the Committee shall be convened within fourteen (14) days of receipt of a written request from either party. The request shall specify the matter or matters to be discussed, which shall be included in the agenda provided they are relevant.
- (7) Where the Committee fails to reach an agreement, the dispute resolution mechanisms provided under the Labour Relations Act, 2007 shall apply.

L.4 Union Membership

- (1) All employees may join any registered and recognized Trade Union of their choice, subject to eligibility as provided for in the Recognition Agreement between the County Government and the respective Union.
- (2) No employee shall be victimized for being a member of, or for participating in, lawful Trade Union activities.
- (3) Employees appointed as officials of a Trade Union may, subject to approval, be granted permission to perform official Union duties.
- (4) An employee shall not serve as an official of more than one Trade Union at the same time; however, an official of a Trade Union may also serve as an official of a Federation to which the Union is affiliated.
- (5) Trade Union meetings shall be held outside official working hours unless otherwise authorized.

L.5 Recovery Of Union Dues

- (1) The County Government shall deduct Trade Union dues from the salaries of Union members and remit the deducted amounts to the designated account of the respective Trade Union.
- (2) Deductions shall cease upon receipt of written notification from an employee who has resigned from Union membership.
- (3) A copy of the resignation notice shall be forwarded to the Trade Union for information.

L.6 Dispute Resolution

The County Government shall at all times endeavor to maintain harmonious labour relations with Trade Unions. Where a trade dispute arises concerning any aspect of the employer–employee relationship, such dispute shall be resolved in accordance with the provisions of the Labour Relations Act, 2007.

L.7 Employee Participation in Strikes

An employee may participate in a strike provided that:

- (1) the trade dispute forming the subject of the strike relates to terms and conditions of employment or recognition of a Trade Union of which the employee is a member;
- (2) the dispute remains unresolved after conciliation; and
- (3) at least seven (7) days' written notice of the intended strike has been issued to the County Government and the Cabinet Secretary responsible for Labour by the Trade Union.

- (4) Participation in strikes shall be subject to restrictions applicable to employees engaged in essential services as provided under the Labour Relations Act, 2007.

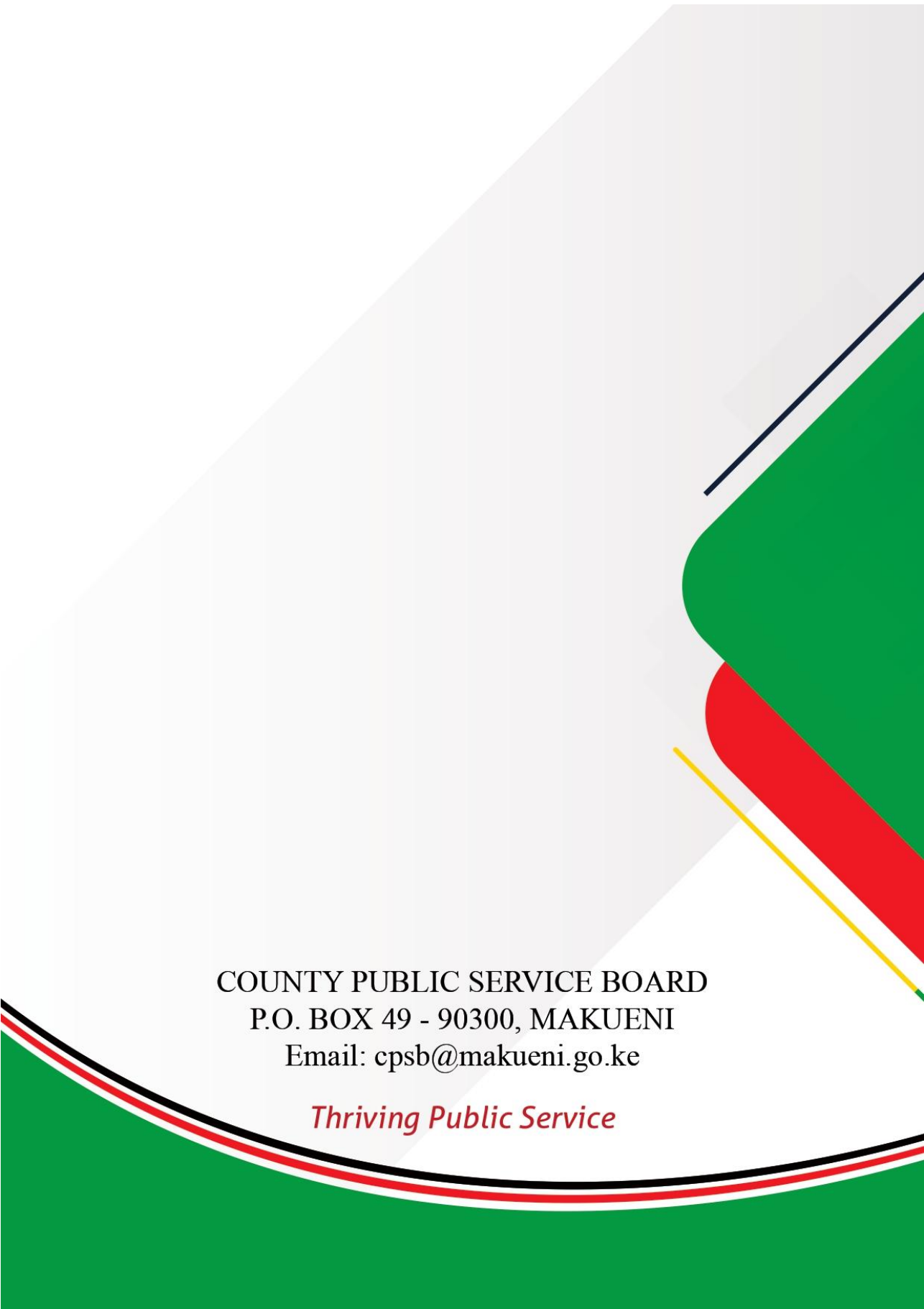
L.8 Institutional Framework for Negotiation

- (1) An institutional framework for negotiation with Trade Unions has been established to:
 - (a) ensure compliance with the Constitution and relevant labour laws;
 - (b) identify parties legally recognized to engage in collective bargaining;
 - (c) promote consistency and uniformity in the collective bargaining process;
 - (d) provide a platform for consultation with all stakeholders;
 - (e) standardize the collective bargaining cycle across the Public Service; and
 - (f) promote sound labour relations and industrial peace.
- (2) Collective bargaining in the Public Service may cover salaries, allowances, benefits, and other working conditions as may be agreed upon from time to time.
- (3) Labour relations shall be guided by the Constitution and all applicable labour laws.

REFERENCES /READINGS

Constitution of Kenya, 2010
Employment Act, 2007
Labour Relations Act, 2007
Labour Institutions Act, 2007
County Governments Act, 2012
Work Injury Benefits Act, 2007
Occupational Safety and Health Act, 2007
Human Resource Policies and Procedures Manual, 2016
National Social Security Fund Act, 2013
National Hospital Insurance Fund Act, 2015
Public Service Superannuation Scheme Act, 2012
Pensions Act (Revised), 2009
Retirement Benefits Authority Act (Amended up to 2014)
Government Circulars issued from time to time

Note: Some of the listed Acts are currently under review.



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Thriving Public Service