



COUNTY ASSEMBLY HUMAN RESOURCE MANUAL

October 2015

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PREAMBLE

The Constitution of Kenya (2010) provides for restructuring of the government from a centralized to a devolved system. The Fourth Schedule distributes functions between the national and county governments. The national government will deal with policy formulation, national planning, quality assurance and setting of norms and standards, while County governments will deal with service delivery at the County level.

With the devolvement of functions to the County level of government, a County Assembly Service was developed. For the Assembly to effectively be managed, it has been found necessary that a County Assembly Human Resource Manual be developed in order to clearly provide procedures on various aspects of HRM function that will guide the management of human resources in the County Assemblies Service Boards

The manual incorporates the provisions of the Constitution of Kenya (2010), the County Government Act (2012), Labor Laws and other relevant legislation that govern various aspects of employee/employer relationship in the County Assembly Service. The Regulations are also anchored on other policies and guidelines governing the management of the County Assembly Service Board.

The manual covers Organization of County Government, Labor Relations, Terms and Conditions of Employment, Performance Management, Code of Conduct, Salaries and Advances, Allowances, Medical Benefits, Leave, Training and Development, Health and Safety and Terminal Benefits.

It is important to note that this Manual is not exhaustive and should be read together with all relevant legislations and regulations governing devolution and the County Assembly Service.

The manual will apply to the County Assembly ServiceBoard (CASB), and will be updated from time to time to reflect policy changes affecting human resource management in the Assembly Service.

This manual will not supersede the County Government Act, 2012 and any other subsequent Acts of Parliament including the Constitution of Kenya 2010

Secretary/Chief Executive

DEFINITION OF TERMS

Allow -Means to accept an appeal or review.

Appeal- Means to apply for the re-examination of a decision or process

Appellant-Means an individual/organization appealing against a decision or process that is thought to be incorrect or unfair

Board- means the County Assembly Service Board established under section 12 of the County Governments Act with respect to each County Assembly

Bond - Means an employee who is serving a training bond obligation

Chairperson” includes the Vice-Chairperson or any other member of the Board when discharging the functions of the Chairperson;

Children - Means the biological offspring or legally adopted child under the age of twenty two (22) years who are unmarried and are wholly dependent on the officer. For purpose of records, the names of the children must be declared at the time of birth or adoption if it occurs during employment in the Civil Service. Copies of birth certificates or legal adoption papers will be required in either case.

Clerk” means the Clerk of the County Assembly;

Code of Conduct” means the code of conduct of the Service prescribed by the Board under Chapter six (6) of the Constitution;

Constitution – Means the Constitution of Kenya, 2010

Consultative Committee – Means a forum for co-operation and negotiation between the CAPSB, as an employer, and trade union.

County Assembly Service Board” means the County Assembly Service Board established under Section 57 of the County Government Act;

County – Means a County established under Article 6 (1) of the Constitution and specified in the First Schedule.

County Assembly Servant Officer - Means employee of the County Assembly Service Board

Criminal offence’-Means a misconduct that breaches governing laws or rules.

Disallow ’-Means to reject an appeal or application for review.

Disciplinary Control’-Means due process of justice and any lawful punishment.

Discipline ’- Means conforming to service rules and regulations which prescribe expected conduct

and behavior of individual officers

Extended Family - Includes parents, brothers and sisters of the officer.

Fund- means the County Assembly Fund established under section 34;

Immediate Family - Includes the officer, spouse, children and the officer's parents.

Interdiction ' -Means barring an accused officer from performing official duties to give room for the further investigation of the case

Leave Year - Means the period commencing 1st July to 30th June of each financial year.

Major offence' -Means a serious crime which upon conviction the imprisonment is over six (6) months

Minor offence' - Means any crime which upon conviction the imprisonment is six months or below

Next-of-Kin - Means the name of the person provided by the officer for the purpose of contact during emergency and in case of death.

Nuclear Family - Means the officer, spouse and children.

Office", in relation to the Service, means a paid office as an employee of the Service, not being the office of a member of the Board, or a part-time office, or an office the emoluments of which are payable at an hourly or daily rate;

Office", in relation to the Service, means a paid office as an employee of the Service, not being the office of a member of the Board, or a part-time office, or an office the emoluments of which are payable at an hourly or daily rate;

Officer" or **"employee"** means any person who holds or acts in any office of the Service otherwise than as a part-time officer or employee;

Penalty' -Means a punishment imposed for a violation of law or rule.

Pro-rata - Means computation of benefits for the period served in relation to the full term entitlement.

Reimbursable Allowances - Means those allowances where an officer gets reimbursement on the expenditure incurred in the course of duty.

Remunerative Allowance - Means those allowances paid to an officer, in addition to salary as a form of compensation for additional responsibilities.

Revenue Fund" means a revenue fund established under **Article 207** of the Constitution:

Secretary" means the Clerk of the County Assembly or, in the absence of the Clerk, the person exercising the functions of the Clerk;

Service" means the County Assembly Service established with respect to each County assembly under section 4.

Services and facilities” includes all means by which members and staff of the County Assembly are officially assisted in performing their legislative duties; and

Speaker” means the Speaker of the County Assembly

Spouse - Means legal marriage partner of an officer specified under the Marriage Act or in accordance with the relevant Customary Law.

State Officer - Means a person holding a State Office.

Surety - Means a person who formally accepts responsibility to locate a bondee and/or redeem the bond obligation of a bondee who defaults or appears in a court of law in respect of the same.

Suspension -Barring an accused officer from performing the functions of a public office on account of gross misconduct or conviction of a serious criminal offence pending finalization of a case.

Tour of Service - Means the period of employment contract in the County Assembly Service Board to a foreign employee.

Training Bond - Means formal agreement between the County Government and its employees who are selected for approved training that oblige them to serve in the County Assembly Service Board for a specific period of time on completion of training.

The County Assembly Human Resource Manual is formulated with due regard to gender; thus where reference is made either to ‘he’ or ‘she’ only, it shall be construed to mean and include reference to both ‘he’ and ‘she’ and where reference is made to spouse, it shall be construed to mean and include reference to both ‘husband’ and ‘wife’ where applicable and vice versa.

LIST OF ACROYNYS

| | |
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| CASB | County Assembly Service Board |
| CBA | Collective Bargaining Agreement |
| CGA | County Government Act, 2012 |
| CPF | County Pensions Fund (formerly known as LAPTRUST) |
| IPPD | Integrated Personnel Payroll Database System |
| LAPF | Local Authority Pension Fund |
| NSSF | National Social Security Fund |
| PAS | Performance Appraisal System |
| PSC | Public Service Commission of Kenya |
| SRC | Salaries Remuneration Commission |
| TA | Transition Authority |
| WCPS | Widows and Children Pension Scheme |

SECTION A: ORGANIZATION OF THE COUNTY ASSEMBLY SERVICE BOARD

A.1 Introduction

The County Service Board is established in section 57 and 58 of the County Government Act. The County Assembly Service Board comprises the following:

- a. Provide a framework for the establishment and effective operation of the service with respect to each county assembly;
- b. Provide for further functions and powers of the Board pursuant to section 12(7)(e) of the County Governments Act;
- c. Provide the procedure for the appointment of members of the Board under section 12(3)(d) of the County Governments Act;

The object and purpose of this Act is to-

- a) Provide for the application of, and give further effect to, the values and principles of Public Service set out under Article 232 of the Constitution in respect of the Service;
- b) Provide for the execution of the functions of the Board; and
- c) Provide for such other matters as may be necessary for the welfare, security and proper administration of the Service.

A.2 The functions and powers of a County Assembly Service Board

The County Assembly service board is responsible for:

- a) Providing services and facilities to ensure the efficient and effective functioning of the County Assembly;
- b) Constituting offices in the County Assembly service and appointing and supervising office holders;
- c) Preparing annual estimates of expenditure of the County Assembly Service and submitting them to the County Assembly for approval, and exercising budgetary control over the service;
- d) Undertaking singly or jointly with other relevant organizations, programs to promote the ideals of parliamentary democracy and;
- e) Performing other functions
 - i. Necessary for the wellbeing of the members and staff of the County Assembly or;
 - ii. Prescribed by National Legislation

A.3 National Values and Principles of Governance

- (1) In discharging their functions, the national and county governments are guided by the national values and principles of governance

The National Values and Principles of Governance include:-

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

A.4 The Values and Principles of County Assembly Service Board include:-

- 1) The Values and Principles of Public Service set out under article 232 (1) of the Constitution.
- 2) In addition to the National values and principles of governance set out in Article 10 of the Constitution and the values and principles of Public Service set out in Article 232 (1) of the Constitution, the Service shall uphold the following values-
 - a. The fostering of peace;
 - b. The provision of non-partisan and impartial advice and services to the county assembly, its committees and its members;
 - c. The maintenance of honesty, accountability and integrity in the delivery of services, having regard to the principles of political neutrality, professionalism, economy, efficiency, equality and fairness, courtesy and discipline;
 - d. The provision of a workplace that recognizes the diverse backgrounds of the employees of the service and promotes national integration;
 - e. The maintenance of the spirit of co-operation in the workplace based on consultation and communication;
 - f. The provision of a fair, flexible, safe and rewarding workplace;
 - g. The inspiration of public confidence in and respect for the county assembly;
 - h. The fostering of understanding and co-operation between the county executive and the county assembly in the context of their autonomy and complementarity; and
 - i. Such other values as the Board may, from time to time, prescribe.

COMMITTEES WITHIN THE COUNTY ASSEMBLY

There will be three (3) Committees set up to aid in the management of employees' issues. These Committees include:

Performance management Steering Committee

This Committee will offer support in Performance Management functions within the County Assemblies

The Composition of the committee shall be as follows:

- a) Chairperson – to be the Deputy Clerk or an appointee of the Clerk
- b) Secretary to be the head of the Human Resource Department
- c) Members- Four to six Heads of Departments

Training and Development Committee

Each Assembly shall have a training and development committee which shall recommend training and development courses for officers.

The Committee shall comprise of:

- a) The Chairman – To be appointed by the Clerk among the members
- b) The Secretary – To be the head of the Human Resource Department
- c) Members – To be Heads of Departments

Membership of the training and development committee will be a maximum of nine (9) and a quorum of five (5) members including the Secretary.

The Advisory Committee

The Advisory Committee will be tasked with dealing with all Human Resource Issues except Performance Management and Training and Development

The advisory Committee will consist of:

- a) Chairman- To be the Deputy Clerk but in absence of a deputy an appointee of the Clerk
- b) Secretary – To be Head of the Human Resource Management
- c) Members – 4-6 Heads of Departments including Legal Officer

SECTION B: RECRUITMENT, SELECTION AND APPOINTMENT

B.1 INTRODUCTION

This section provides for rules governing recruitment, appointment, confirmation and promotion of County Assembly Service Board officers. It also provides guidelines on remuneration, transfer of service and secondment of officers from one organization to another and other related matters within the County Assembly Service Board.

B.2 Human Resource Plans

- i. Every County Assembly Service Board 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.
- ii. On the basis of these Human Resource Plans, County Assemblies Service Board shall be required to develop annual recruitment plans at the beginning of each financial year to enable it plan to fill the vacancies.

B.3 NON DISCRIMINATION

The County Assembly shall:-

- (1) Promote equality of opportunity in employment and will not discriminate directly or indirectly against an employee on the grounds of race, colour, sex, language, religion, disability, pregnancy, mental status, HIV status, and in respect of recruitment, training, promotion, terms and conditions of employment, termination of employment or any matters arising out of employment.
- (2) Ensure that not more than two-thirds of vacant posts are filled by either gender in the County Assembly Service Board.
- (3) Ensure that at least thirty percent of the vacant posts at entry level are filled by candidates who are not from the dominant ethnic community in the County.

B.4 EQUAL OPPORTUNITY EMPLOYER

This policy prohibits discrimination in hiring, compensation and benefits levels or career advancement opportunities on the basis of: sex, race, color, language, political or other opinion, age, nationality, ethnic or social origins, social status, and attitude to religion, sexual orientation, disability, pregnancy, mental status, marital status, HIV status, beliefs or membership of associations

CATEGORIES OF APPOINTMENT

- (1) An employee of the County Assembly will be appointed on the following terms of service:
 - i. Permanent and Pensionable;
 - ii. Short-Term Appointment (Casual) hourly or daily paid).
 - iii. Temporary Appointment; and
 - iv. Contract/Medium Term Appointment (1 - 5 years renewable contract)

B.5 Reporting Vacancies

- (1) An authorized officer must declare all vacant posts to the County Assembly Service Board in accordance with the procedures set out in the County Government Act 2012.
- (2) All vacancies shall be declared in a prescribed format which shall include: the designation or position, the number of vacancies; when the vacancy occurred; whether the vacancy is within the authorized establishment, terms of service and any other relevant details that may be requested by the CASB

B.6 Advertisement of Vacant Posts

County assembly Service Boards will advertise all vacant posts in a manner that reaches the widest pool of potential applicants and allow for at least 21 days before closing the advert.

The advert shall have the following details.

- The title of the post
- Number of vacancies
- Job description
- Person Specification
- Proposed remuneration
- Terms of Service

B.7 MATTERS TO TAKE INTO ACCOUNT DURING APPOINTMENTS

- (1) In selecting candidates for appointment, the CASB will consider;
- (a) The standards, values and principles set out in Articles 10, 27 (4), 56 (c) and 232 (1) of the constitution;
 - (b) The prescribed qualifications for holding or acting in the office;
 - (c) The experience and achievements attained by the candidate;
 - (d) The conduct of the candidate in view of any relevant code of conduct, ethics and integrity;
 - (e) The need to ensure that at least thirty percent of the vacant post at entry level are filled by candidates who are not from the dominant ethnic community in the county;
 - (f) The need for open and transparent recruitment of County officers; and
 - (g) Individual performance,
- (2) In determining whether an appointment has been undertaken in a fair and transparent manner, the overriding factors shall be merit, fair competition and representation of the diversity of the County.

B.8 RECRUITMENT

- a. Recruitment will be guided by the values and principles of the Public service spelt out in Article 232 of the Constitution.
- b. In recruitment, the County Assembly will ensure that the staff appointed into the County Assembly service has the necessary skills, knowledge and attitude to deliver efficient and effective services.
- c. Recruitment will be undertaken on the basis of competition and merit, representation of county's diverse communities, adequate and equal opportunities to all gender, youth, persons with disabilities and minorities.
- d. In the recruitment process, due consideration will be given to:-
 - (i) appropriate organizational structure and optimal staffing levels;
 - (iii) Schemes of Service / Career Progression Guidelines

B. 9 Application for Employment

A candidate applying for employment shall do so online or manually by completing the prescribed CASB form. (Employment Details Form)

B.10 Appointment Procedure to Be Followed

i. Procedure

- a) The secretariat of the County Assembly shall be employed on permanent terms, provided that where for some special reasons an officer cannot be employed on this terms, he/she may be employed on a written contract or on temporally basis.
- b) Appointments of all job scales shall be made by the Clerk of the County Assembly as a result of a public advertisement on the recommendation of the County Assembly Service Board (CASB).

- c) Appointment shall be made only to fill Authorized vacancies within the permanent establishment.
- d) Where a serving officer has applied for a post in response to public advertisement and has the required qualification and experience and is recommended by the head of department and approved by the Clerk, he/she shall be given priority.
- e) After a successful interview and selection, a candidate shall be given an offer before issuance of an appointment letter.
- f) Effective date of appointment shall be as stated in the letter of appointment.

B.11 Appointment Documents

A candidate on first appointment shall provide original and copies of the following documents:

- i. National identity card;
- ii. Birth Certificate;
- iii. KRA tax PIN;
- iv. Original academic and professional certificates duly authenticated by the issuing authority;
- v. Certificate of good conduct from the Directorate of Criminal Investigations;
- vi. Colored Passport size photograph; and
- vii. Bank account details

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

The officer shall also make an initial declaration of income, assets and liabilities by completing the prescribed forms.

The board shall ensure that the documents are authenticated before issuing of the offer of appointment letter

B.12 Acceptance of Terms and Conditions of Service

A copy of these terms and conditions of service printed in English shall be given to an officer on his first engagement and he/she shall thereby be deemed to have accepted them.

B. 13 Medical Examination

Before an officer is appointed to the service of the County Assembly, he/she must be medically examined by a medical practitioner. No appointment shall be made until a medical report in the prescribed form has been accepted as satisfactory by the medical officers concerned. These regulation shall not apply in the case of an officer already in the service whether on promotion or otherwise.

An officer may be required to be medically examined by Medical Officer of Health or by a Medical Practitioner nominated by a Medical Officer of Health, in the following circumstances:

At any time during a period of absence from duty owing to sickness.

At any time if in the opinion of the Medical Officer of health, such an examination would be in the interest of County Assembly or the officer.

The expenses of any medical examination required under the above shall be paid by CASB.

The medical examination should be conducted in a manner that does not amount to discrimination

B.14 Office Hours

Official working hours runs from Monday to Friday of every week except;

- (i) For an employee who is on leave,

- (ii) Employee on official duty outside duty station,
- (iii) An employee with permission to be off duty for reasons deemed to be valid.
- (iv) Though the general Office hours will be stated above, Heads of Departments will not be restricted to utilizing their tags during these hours when there is any cause requiring their services either earlier or later.
- (v) A Commissionaire/Security warden shall be required to work for 60 hours per week, in shifts of 12 hours.
- (vi) Where employee works on gazette public holidays she/he will qualify for overtime as defined by Employment Act 2007. below;

- (1) Officers are required to work 40 hours spread over 5 days in a week.
Government office hours within Nairobi and Mombasa are as follows:

- (i) Nairobi and all other Regions

Monday to Friday: 8.00 a.m. to 1.00 p.m.
2.00 p.m. to 6.30 p.m.

- (ii) Mombasa, Northern and North Eastern Region

Monday to Friday: 7.45 a.m. to 12.30 p.m.
2.00 p.m. to 4.30 p.m.

Extra hours shall be compensated accordingly as per the approved overtime policies and procedures.

- (2) Though the general office hours will be as stated above, Heads of Departments will not be restricted to utilizing their staff outside these hours when there is any cause requiring their services either earlier or later.

A Commissionaire/ Security warden shall be required to work for 60 hours per week in shifts of 12 hours or such other employees might be required to work from time to time

The rate of payment of overtime shall be determined by the SRC.

B.15 Probation

Appointment on probation to permanent and pensionable establishment

Where vacancies exist in the permanent and pensionable establishment, candidates recruited to fill such vacancies should, with approval of the appropriate authority, be appointed on probation to the permanent and pensionable establishment.

- (1) An officer shall be put on probation for a period of 6 months as provided for in the Employment Act, 2007
- (2) An officer appointed on probation must be regarded as being on trial with a view to learning his work and being tested as to his suitability for it. It is the duty of the senior officers to ensure that every officer on probation is given adequate opportunities to qualify for confirmation in appointment.
- (3) Within reasonable time before the expiry of the probationary period, the Authorized Officer should consider in the light of the reports on the officer's conduct, capabilities

and performance whether or not the officer is suitable for confirmation. An officer appointed to the Service in a pensionable post will be confirmed in appointment and admitted into the permanent and pensionable establishment on completion of the probationary period.

- (4) Where an officer's conduct and performance are unsatisfactory, he shall be informed in Writing and the probation period may be extended to a maximum period of three (3) Months subject to the category of employment.
- (5) Should the officer's performance fail to improve on expiry of the extended probation Period, his services shall be terminated.
- (6) An officer appointed to the Service in a pensionable post will be confirmed in Appointment and admitted into the permanent and pensionable establishment on Completion of the probationary period.

Verification of the official documents should be done before completion of the probationary period.

B.16 Confirmation in Appointment

- (1) The power of confirmation of all officers in the appointments and extension or termination of their probationary appointments lies with County Assembly Service Boards or Authorized officers under delegated powers.

B.17 MEDIUM-TERM APPOINTMENT

- (1) Where vacancies cannot be filled on permanent and pensionable terms because of non-availability of suitable persons or where vacancies exist in the non-pensionable establishment (such as in development projects), candidates may be recruited to fill such vacancies on medium-term contract appointment.
- (2) An officer serving on medium term 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 Assembly Service Board (CASB) for renewal.
- (3) Contract employment will be kept to a maximum period of five years. Contracts can be renewed for another period of five years once.

B.18 EMPLOYMENT OF CASUALS

- (1) Casual workers shall be engaged only on urgent short-term tasks with the approval of the County Assembly Service Board. Casual workers shall not be engaged for more than three months, as stipulated in the Employment Act (2007).
- (2) The Casual Workers shall be hired on piece rate, time rate jobs and should be paid in accordance with statutory wages Regulations Orders issued by the Government from time

to time.

B.19 CERTIFICATE OF SERVICE

- (1) Certificate of Service will be given on request to an officer, upon his retirement, resignation, dismissal or termination of appointment. This may be used as a reference covering the officer's period of Service in the County Assembly

B.20 TESTIMONIALS AND LETTERS OF COMMENDATION

- (1) Testimonials and letters of commendation may be given by supervisors as a way of motivating their staff for exemplary service.

B.21 PROMOTIONS

Promotion of an officer to a higher scale shall be subject to the existence of a vacancy in the approved establishment and shall be made by the County Assembly Service Board on the recommendation of the Clerk of the County Assembly.

Where an officer passes an examination or obtains a certificate which qualifies him or her for promotion to a higher scale, but owing to the lack of vacancy in the higher scale, he/she cannot be immediately promoted, he/she shall receive two additional increments with effect from the date of passing the examination subject to the maximum of his/her grade and shall be kept on waiting list for promotion.

- (1) In selecting candidates for promotion, regard will be given to merit and ability as reflected in work performance and results, as well as seniority, experience, and academic or professional qualifications.
- (2) Recommendations for promotion shall be made by the candidate's supervisor to the CASB.

B.22 DATES OF PROMOTION

- (1) The effective date of the officer's promotion will be the date of the CASB letter authorizing the promotion, or the date the officer qualifies for promotion for the common cadre posts.
- (2) If an officer has been appointed by CASB 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/she commenced to act.
- (3) The principles set out in this regulation will apply to posts on which the Board has delegated its powers to Authorized Officers.

B.23 RE-DESIGNATION

- (1) Where an officer is re-designated from one cadre to another, the re-designation will be on a continuous basis to avoid loss of seniority. The period served in the previous grade will be considered as qualifying period for the purpose of promotion to the new cadre.
- (2) All cases of re-designation will be handled in accordance with the provisions of various schemes of service.
- (3) In selecting CASB officers for re-designation, the criteria for appointment as prescribed Under paragraph B.7 shall apply.

An Assembly officer shall not be re-designated to hold or act in an Assembly office if:-

- (a) The office is not vacant;
 - (b) The Assembly officer does not meet all the qualifications, except for experience at a lower grade in the relevant cadre, attached to the Assembly office;
 - (c) The decision to re-designate the officer may disadvantage any Assembly officer already serving in the relevant cadre; or
 - (d) The officer has not consented to the re-designation.
- (4) If a CASB officer is re-designated, the officer shall not in any way suffer reduction in remuneration.

B.24 TRANSFER OF SERVICE

- (1) Transfer of service to and from one County Assembly Service to another or other Administrations shall be approved by the County Assembly Service Board as the case may be.
- (2) An officer can only be considered for a transfer if the service of the other administration in which he has applied for appointment, has been declared to be 'Public Service' for the purposes of the Pensions Act.
- (3) Where an officer is appointed to a pensionable post under the pensions arrangement other than the Pensions Act Cap 189, the officer will be eligible for pension benefits as provided for in the that pensions arrangement
- (4) To maintain the officers pensionable status, he officers or the organization to which the officer is seconded will be required to make pension contribution at the requisite percentage of an officer's basic salary in the County Assembly Service Board during the term of his secondment, due account being taken of any notional annual increments to which he may be entitled.
- (5) Any issue of discipline should be reported back to the original employer of the seconded officer.
- (6) Performance will be based on targets set at the place an officer has been seconded.
- (7) Annual increment of a seconded officer will be as per the stipulations of where the officer originally comes from.
- (8) A county Assembly officer who is seconded to another administration will be on the medical

scheme of the employer of the institutions he is seconded in.

Secondment of Officers to Statutory Boards or Similar Organizations

- (1) Secondments of officers from the County Assembly Service Board to other organizations will be arranged for periods not exceeding three years without renewal and will be confined to pensionable officers.
- (2) Approval for secondments will be granted by the County Assembly Service Board. To maintain the officers pensionable status, the officers or the organization to which the officer is seconded will be required to make pension contribution at the rate of 31 percent of an officer's basic salary in the County Assembly Service Board during the term of his secondment, due account being taken of any notional annual increments to which he may be entitled.
- (3) Officers on secondments will be paid their salaries and other allowances by the organizations in which they are seconded.

Secondment from Other Organizations to the County Assembly Service Boards

- (1) Secondment of officers from other organizations to the County Assembly Service will be approved by the CASB.

SECTION C: PERFORMANCE MANAGEMENT

C.1 INTRODUCTION

This Section provides guidelines for performance management in the County Assembly Service Board. Performance management involves strategic planning, work planning, target setting, tracking performance and reporting.

C.2 COUNTY PERFORMANCE MANAGEMENT FRAMEWORK

- (1) The County Assembly Service Board shall design a performance management plan to evaluate performance of the County Assembly Service Staff and the implementation of County Assembly policies as is provided for in Section 47 of the County Government Act.
- (2) The plan shall provide for among others—
 - (a) Objective, measurable and time bound performance indicators;
 - (b) Linkage to mandates;
 - (c) Annual performance reports;
 - (d) Citizen participation in the evaluation of the performance of County Assembly; and
 - (e) Public sharing of performance progress reports.
- (3) The Clerk shall submit the annual performance reports of the County Assembly Service Board and Assembly service to the County Assembly for consideration.
- (4) The performance management plan and reports under this section shall be Public documents.

C.3 PERFORMANCE APPRAISAL SYSTEM

- (1) The Appraisal is based upon the principal of work planning, setting of agreed performance targets, feedback and reporting. It is linked to other human resource systems and processes including staff development, career progression, recruitment, placement, incentives and sanctions.
- (2) The purpose of performance appraisal is to assess as comprehensively and objectively as possible the officer's performance against set targets and is aimed at the realization of overall organization objectives.

C.4 OBJECTIVES OF PERFORMANCE APPRAISAL

- (1) The overall objective of appraisal system is to manage and improve performance in the County Assembly service by enabling a higher level of staff participation and involvement in planning, delivery and evaluation of work performance.

(2) *The specific objectives are to:-*

- (i) Link individual performance with organization performance;
- (ii) Enable supervisors and appraises to continuously assess work progress;
- (iii) Assess the learning and development needs of staff on timely basis;
- (iv) Promote accountability in the County Assembly Service Boards;
- (v) Promote communication and encourage continuous feedback between appraisee and supervisor;
- (vi) Set the basis on which an officer's performance is monitored and evaluated as stipulated in the individual work plan;
- (vii) Improve the quality of work through better planning, on-going discussions and fair participatory appraisal; and
- (viii) Provide information for decision-making on administrative and human resource issues such as renewal of contracts, promotions, delegation of duties, training, deployment, reward and sanctions.

C.5 SCOPE OF APPLICATION

- a. Staff Performance Appraisal shall apply to all categories of staff of the County Assembly Service Board.
- b. All newly employed, promoted, redeployed officers will be required to complete relevant performance appraisal forms within three (3) months of employment, redeployment and promotion.
- c. The primary responsibility for implementing Performance Appraisal System (PAS) rests with Clerk and heads of departments/division.

C.6 Work Planning and Setting of Performance Targets

- (1) At the beginning of each financial year, each officer shall develop an individual work plan and sign a performance appraisal report with his/her supervisor based on agreed performance targets. The departmental work plans shall include departmental priority objectives from which individual performance targets will be derived. Departmental heads will discuss with staff and ensure that the objectives and performance targets of the department are understood.
- (2) The individual work plans will be derived from the departmental work plans and officer's job description. The work plan will briefly describe the performance targets or expected results on specific assignment and activities for which the staff member is responsible during the performance year.
- (3) Appraisee will hold discussions with immediate supervisor to agree on work plan. The

performance targets shall thereafter be set as agreed in the discussions by latest 31st July of each year. The expected results may include completion of projects/assignments during the period of assessment. For each assignment to be assessed there shall be clear and measurable indicators of success.

- (4) As part of the staff training and development plan, every staff member will indicate at least one training goal to be achieved in the reporting period as agreed with the Supervisor. This may include special assignments, continuing education, on the job training, seminars, conferences and study tours.

C.7 Values and Competencies Assessment

- i. Achievement of performance targets will also depend on possession of certain specific competencies. Besides these competencies, it is important to ensure that results in the CASB are realized through observance of certain well defined values and ethics.
- ii. The Supervisor shall discuss with the appraisee each competency and value at the beginning of the appraisal period in order to be clear on the relevance of the competencies and values on the performance of the appraisee.

C.8 Continuous Performance Appraisal

- (1) Performance appraisal is an on-going process throughout the performance period. Milestones over the review period should be documented and maintained in the appraisee's personal file.
- (2) The main purpose of the mid-year Performance Review is to accord both the supervisor and appraisee the opportunity to jointly review progress made by the appraisee in accomplishing the tasks and assignments agreed at the beginning of the Appraisal period.
- (3) The review shall be centered on what has been achieved, any constraints experienced and whether there is need to vary the initial assignments in order to accommodate any unforeseen circumstances. Any changes, additions or removal of performance targets shall only be made in the event that there have been significant changes in the nature of functions carried out by the appraisee and which may necessitate revision of performance targets.
- (4) The supervisor should, after discussions with the appraisee at the Mid-year Performance Review, comment on the appraisee's performance.
- (5) In the event that the supervisor leaves the department, he/she will be required to appraise the performance of the appraisee (s) on pro-rata basis.

C.9 Reporting Frequency

- (1) The appraisee shall submit quarterly performance reports to the supervisor. Reports on performance will be on quarterly basis but reflecting cumulative achievements on agreed targets. The report for the fourth quarter will be the end year report.

C.10 End of Year Appraisal Process

- (1) The end of year appraisal takes place at the end of the reporting period. The following will constitute the end of year evaluation process.
 - (i) The appraisee shall submit to the supervisor a preliminary report on the extent to which set targets were achieved as agreed at the beginning of the performance year, with clear performance indicators to support performance;
 - (ii) The supervisor and appraisee shall discuss the overall performance for the whole appraisal period;
 - (iii) The supervisor is also required to assess the appraisee's core competences and values.

C.11 County Assembly Service Board Performance Management Steering Committee

- (1) The Clerk shall constitute a County Assembly Service Board Performance Management Steering Committee which shall implement, monitor and evaluate the Performance Management system in the County Assembly Service Board.**
- (2) The composition of the committee shall be as follows:-**
 - i. Chairperson - To be appointed by the Clerk from among CASB Officers
 - ii. Secretary – Officer in charge of Planning and budget
 - iii. Members – Heads of Directorates
- (3) The role of the CASB Performance Management Steering Committee will be to:-**
 - i. Coordinate the performance Appraisal system at the CASB;
 - ii. Ensure integrity and credibility of overall process of staff performance appraisal is safeguarded and maintained in the County Assembly Service Boards;
 - iii. Propose measures to improve staff performance management process;

- iv. Ensure staff appraisal process conforms to County Assembly Service Board strategic objectives;
- v. Ensure staff appraisal process is adequately linked to the CASB objectives, work plans and performance contracts;
- vi. Ensure that performance of all officers in the County department is evaluated and feedback relayed to the officers in writing at the end of the year;
- vii. Arbitrate in case of disagreement on appraisal ratings between supervisors and appraisees;
- viii. Compile with the CASB annual performance appraisal reports;
- ix. Implement the internal monitoring and evaluation framework;
- x. Hold quarterly performance review meeting

SECTION D: CODE OF CONDUCT

Code of Conduct

D.1 Conduct of County Assembly Service Board Officers

- (1) An Assembly officer should ensure that his or her conduct both in Public and in private life does not bring the Service into disrepute.
- (2) An Assembly officer who contravenes paragraph (1) is liable to disciplinary action stipulated in this Section.

D.2 Leadership and Integrity

- (1) An officer appointed to a CASB office will be required to demonstrate respect for the people; bring honor to the service and dignity to the office; and promote Public confidence and integrity, as stipulated in Chapter Six of the Constitution of Kenya (2010).

D.3 Personal Interests

- (1) 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. A CASB officer shall therefore:-
 - (i) Not hold shares, corporate or partnership of another body directly or through another person, if holding those shares or having that interest would result in the officer’s personal interests conflicting with his official duties;
 - (ii) Declare the personal interests this superior or other appropriate body and comply with any directions to avoid the conflict and also refrain from participating in any deliberations with respect to the matter where such interests conflict with the official duties;
 - (iii) Not award a contract or influence the award of the contract to self, spouse, close relative, business associate, or a corporation, partnership or other body in which the officer has an interest;
 - (iv) Not use the office to improperly enrich self or another person or improperly use the office to acquire land and other property for self or another person, whether or not the land or property is paid for, for personal benefit or for another;
 - (v) Not use or allow the use of information acquired in connection with the officer’s duties for own benefit or others;
 - (vi) Not engage in a full-time employment in another organization;

- (vii) Not undertake any private agency in any matter related to official duties; and
- (viii) Not be an agent for a foreign Government, organization or individual in a manner that may be detrimental to the security interests of Kenya.

D.4 Meetings

Where officers of the County Assembly Service Board wish to hold a meeting on behalf of the County Assembly they must obtain permission from the Clerk.

All meeting of officers to discuss matters relating to the terms and conditions of service, whether in conjunction with the union officers or otherwise, shall be held outside working hours, provided that, in exceptional circumstances the Clerk may authorize a meeting during working hours.

D.5 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 CASB 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 Assembly officer has contravened the Code of Conduct and Ethics, the appropriate disciplinary action will be taken against the officer; or if the Board is of the view that civil or criminal proceedings ought to be considered, the matter may be referred to the Director of Public Prosecutions.

D.6 Prevention of Corruption

Attention of the staff is drawn to the provision of the prevention of corruption Act (Cap. 65).

Where an officer or a member of his/her family is offered a present or bribe in such circumstances that if accepted would amount to a contravention of the prevention of Corruption (Act Cap. 65),the officer shall report the fact to the Clerk as soon as possible .

D.7 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.

D.8 Management of Newspapers, Publications and Interviews on Questions of CASB Policy

- (1) A CASB 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 Clerk
- (2) A CASB officer shall not, under any circumstances, communicate with the media either in

writing or by granting interview and making statements on matters affecting County Assembly programs or policies without the specific authority of the Clerk. Where such authority has been obtained, the officer shall communicate with the press through the Clerk.

- (3) While it is not desired to interfere with an Officer's freedom of speech, any lack of discretion on the part of the officer is likely to embarrass the County Assembly and may result to serious consequences to the officer responsible.

D.9 Confidentiality

- (1) An Officer is bound to uphold confidentiality as stipulated in the Official Secrets Act (CAP 187) on appointment and on leaving the service of the County Assembly
- (2) The Human Resource Office should bring to the attention of all the employees, the provisions of the Official Secrets Act (CAP 187) on appointment and at any other time as may be deemed necessary.

D.10 Hospitality from Foreign Diplomatic Representatives

An officer may not accept hospitality from any Foreign Diplomatic Representative, without the prior permission of the Clerk.

D.11 Public Statements

- i. An officer shall not unless authorized by the County Assembly Service Management Board or the Clerk to make statement to the press, radio or Television or other organization in regard to the County matters.
- ii. An officer while acting in his capacity as a duly appointed officer of the union may comment or make statement to the press or other agency of public information on matters affecting the County Assembly Service Board appertaining to terms and conditions of service.

D.12 Political Neutrality

- (1) Whereas, it is the constitutional right of any officer to be involved in political party activities, A CASB 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 CASB 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 Assembly affairs which fall under the officer's sphere.
- (3) A CASB officer must at all times preserve the tradition of loyalty to the Assembly

without which no Assembly service can properly function. The officer should also bear in mind the provisions of the Official Secrets Act and the penalties which can result due to contravention.

- (4) A CASB officer who may wish to contest for a political seat will be required to resign the service unless the officer is eligible for retirement under the Pensions Act, cap 189.

D.13 Inclusiveness

The County Assembly Service Board 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.

D.14 Financial Probity

A CASB officer shall not:-

- (i) Maintain a bank account outside Kenya except in accordance with the relevant Act of Parliament; or
- (ii) Seek or accept a personal loan or benefit in circumstances that compromise the integrity of the officer.

To ensure that the County Assembly Service Board reflects diversity of the Kenyan communities, the County Assembly will endeavor to address inclusiveness through recruitment, deployment, training and promotion.

D.15 Sexual Harassment

- i. A CASB officer should not harass another officer sexually through direct or indirect request for 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.
- ii. Disciplinary action will be taken against an Assembly officer for sexually harassing another person.

D.16 Gifts

- i. A CASB officer is prohibited from receiving valuable presents (other than gifts from Personal friends and relatives) whether in the form of money, goods, free passages or other personal benefits and from giving such presents.
- ii. A gift or donation to an officer or official occasion will be regarded as a gift or donation to the County Assembly and shall be delivered to that Assembly unless exempted under an Act of Parliament.
- iii. When presents are exchanged between officers acting on behalf of the County Assembly in ceremonial occasions with other governments or their representatives, the presents received will be handed over to the Clerk and any present in return will be given at the County Assembly expense.
- iv. Before leaving the country on completion of the tour, a non-Kenyan Assembly officer shall be required to certify to the Accounting Officer that financial and other obligations have been cleared.

D.17 Sale of Property to the Government

- (1) If an officer wishes to dispose personal property or effects by sale to the County Assembly, the same should be in accordance with the Public Procurement Procedures.

D.18 Undue Influence

- (1) Officers should be made aware that the practice of seeking the influence of members of the County Assembly or other persons as a means of bringing their services to the notice of the County CASB with a view to consideration for promotion or other favors is discouraged. Any such attempt to obtain such favors is considered irregular and may actually be detrimental to the officer's interests.
- (2) A CASB 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 communications exist to enable officers to make representations regarding their personal affairs.

DISCIPLINE

D.19 Absence from Duty without Leave

- (1) Where an officer is absent from duty without leave, reasonable or lawful cause, the following steps 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 CASB 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 defense; an investigation report prepared; and submitted to the relevant committee for recommendation. Thereafter the case will be submitted to the CASB 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 Assembly Service Board within six 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.
- i. 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.
- ii. Where the overpayment is not as a result of An Assembly officer's negligence, the officer who occasioned the overpayment should be held liable.

D.20 Absence from Duty on Grounds of Illness

An officer who absents self 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.

D.21 Pecuniary Embarrassment

- i. Pecuniary embarrassment from whatever cause, will be regarded as necessarily impairing the efficiency of an officer and rendering him liable to disciplinary proceedings.
- ii. An officer will be expected to retain a net salary of not less than 1/3 of his basic salary per month.
- iii. 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.
- iv. It is the policy of the CASB 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 an officer cannot be retained in the service of the CASB, in which case he must be retired in the Board interest. In certain circumstances, it might even be necessary to consider dismissal, but this step will only be taken in case of a most serious nature and where indebtedness is not the only factor involved.
- v. The Directorate responsible for human resource matters will institute disciplinary action in accordance with laid down disciplinary procedures.
- vi. When an 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.
- vii. When an officer's indebtedness requires that the officer should no longer carry out duties which may tempt the officer to appropriate Assembly funds or stores for own use, it may be necessary either to retire the officer on 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.

D.22 Report in Cases of Bankruptcy, Judgment-Debtors

- (1) An officer who is declared bankrupt becomes insolvent or seriously indebted shall at once report the matter to the Clerk. Failure to report such matter shall be regarded as a serious offence rendering the officer liable to disciplinary action being taken.
- (2) An officer who has reported bankruptcy, insolvency or indebtedness shall without delay submit a complete statement of facts of the case to the Clerk 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 CASB funds.

- (4) Registrars of the High Court and Magistrates will report to the Authorized Officer, every instance in which an officer becomes a judgment-debtor or whenever proceedings are taken against an officer in bankruptcy.

D.23 Improper use of County Assembly Service Board

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

D.24 Damage of County Assembly Property

Where loss or damage to the County property occurs, including loss of money through the careless' negligent or malicious act or omission of an officer he shall be required to meet the whole or part of the cost of such loss or damage as determined by the Disciplinary committee and with the knowledge of the Clerk.

D.25 Loss of Assembly Funds through Neglect or Fault

- i. If at any time Assembly 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 Assembly, or may be sued for and recovered in any court of law.
- ii. Such a recovery is not imposed as a fine or punishment but as a means of compensating the Assembly 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.
- iii. Reckless indifference to the probable consequences of any neglect or fault will result in those consequences being deemed to have been intended.
- iv. 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
- v. If two or more officers may be held to have incurred a joint liability recovery of all or part of the loss may be apportioned between them.

D.26 Recovery of Losses of Assembly 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 Assembly 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 Treasury may require an officer to make good the loss of Assembly 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 Assembly 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 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 Clerk, 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 Assembly will be made in such amounts as may be necessary to effect full recovery before termination of his service.
5. The Clerk 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 Assembly 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 Assembly 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 Assembly and the officer concerned, the matter should be referred immediately to the CASB 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 Assembly funds.

D.27 Discipline

Where in the opinion of the Clerk an officer has been guilty of an act or omission incompatible with the due and faithful discharge of his duties, the Clerk shall:

a) First verbally warn the officer.

b) Warn the officer in writing according to the following procedure.

The first and second warning shall enter in officer's employment record and the shop steward of the union shall be informed accordingly.

The second warning shall be copied to the Branch Secretary of the union.

c) If an officer who has already received two warnings commits a third misconduct, he shall be liable to dismissal subject to CASB Act and Regulations.

d) Where an officer feels aggrieved by any warnings, he shall have a right to appeal against such warning to the secretary County Assembly Service Board.

e) Provided that where an officer completes one hundred eighty (180) working days from the date of second warning without further misconduct, any warning entered in this employment record shall be cancelled.

f) Recommend the withholding of increment within the provision of CASB regulations.

g) Recommend to the CASB the appropriate disciplinary action be taken.

D.28 OFFENCES UNDER GROSS MISCONDUCT

The offences that amount to gross misconduct which may lead to summary dismissal are, but not limited to the following:

- (a) Negligence of duty;
- (b) Intoxication during working hours;
- (c) Using abusive or insulting language or behaving in a manner likely to cause a breach of the peace;
- (d) Insubordination;
- (e) Criminal conviction;
- (f) Incarceration for more than fourteen (14) days following arrest for cognizable offence;
- (g) Willful destruction of government property;
- (h) Theft by public servant;
- (i) Unauthorized use or disclosure of confidential information;
- (j) Falsification of information or references on appointment; and
- (k) Acceptance of any bribe, secret profit or unauthorized commission.

D. 29 DISCIPLINARY PROCEDURE

The disciplinary process will be as follows:

After an employee is accused of an offence, the employee will be informed of the allegation in writing.

The Advisory Committee will;

- Allow all the facts to be fully investigated
- Allow the employee to respond to allegations in writing
- Allow the proceedings and actions to be fully documented in the lead up to, during and immediately following the disciplinary hearing
- Ensure employee(s) receives a fair hearing under the principles of natural justice when answering allegations at a formal hearing
- Ensures some procedural consistency with discipline is followed throughout the County Assembly.

The procedures to be followed when dealing with discipline matters are based on Employment Act, 2008.

- Disciplinary action taken must be processed through the County Assembly Advisory Committee.
- All acts of misconduct by officers shall be dealt with as soon as possible after the time of their occurrence.
- If criminal proceedings are instituted against a staff or where a staff has been acquitted of a criminal charge in a Court of Law, the Clerk/CASB shall not, however, be prevented from dismissing him or otherwise punishing the officer on any other charge arising out of his conduct in the matter.
- Where the Clerk considers it necessary to institute disciplinary proceedings against a staff to whom this regulation applies on the grounds of misconduct which, if proved would, in his opinion, justify any of the punishments, he/she shall, after preliminary investigation and consultation as to the terms of the charge as he/she considered necessary, forward to the staff a statement of charge or charges framed against him/her together with a brief statement of the allegations, on which each charge is based, and shall invite the staff to state in writing, should he so desire, before a day to be specified, any grounds on which he/she relies to exculpate himself/herself.
- If an officer does not furnish a reply to a charge or charges forwarded under above paragraph with the period specified, or if in the opinion of Clerk, he/she fails to exculpate himself, the Clerk shall forward to CASB copies of the statement of the charge, or charges, the staff's reply if any, the Advisory committee's resolution and the CEO's comments thereon.

- If, on consideration of the statement of the charge or charges, the reply, if any, of the staff, Advisory Committee's resolution and the comments of the Clerk, the Board is of the opinion that no further investigation is necessary, it shall forthwith decide on the punishment, if any, which should be inflicted on the officer, or whether he should be retired in public interest.

D.30 Requirements for carrying out investigations

Accurate evidence is the foundation of fairness in discipline cases and this can be achieved through investigation of alleged offences. Such investigations should be carried out by committees appointed in writing by the Clerk stating the terms of reference and specific timeline within which to carry out the investigation.

While carrying out the investigations the following shall be observed:

- (a) Investigating committee should comprise officers senior to the accused officer and should not have dealt with the case before.
- (b) The team should comprise of not less than three (3) officers (where the team is more than three members, the team shall consist of an odd number).
- (c) The officer under investigation must be interviewed by the investigating committee.
- (d) The investigating committee shall record details of any matters which may aggravate or mitigate the case.
- (e) After listening to all witnesses and studying all the documents, the committee shall sum up the case and record its findings as evaluated against the evidence.
- (f) The investigation report submitted to the relevant committee shall not contain any recommendation on the form of punishment to be inflicted on the accused officer but should contain:
 - i. A statement on whether the charges against the officer have been proved.
 - ii. evidence collected by the team, including any statements by witnesses;
 - iii. analysis of the evidence and statements;
 - iv. a statement on whether the charges against the officer have been proved; and
 - v. Details on any matter that may affect the gravity of the case if any.
- (g) Where further investigations are required as provided for in the regulations, such investigations shall be conducted in accordance with the process in (a) to (f) above.

(1) The powers of disciplinary control and removal of County Assembly officers from the service are vested in the CASBs or Authorized Officers as specified in the CGA, 2012.

D.31 Principles Guiding Exercise of Disciplinary Control

- (1) Adherence to the principles of natural justice:
 - i. A person affected by a decision must be given an opportunity to be heard and;
 - ii. The person making the decision must not be biased

(2) Respect for the rule of law:

- (i) Everybody should be treated equally;
- (ii) No one is above the law;
- (iii) No one is exempt from law;
- (iv) No one can grant exemption to the application of the law;
- (v) Acting within legal authority and;
- (vi) A person making a decision affecting an Assembly officer must ensure that he or she is acting within legal authority and in accordance with the prescribed procedure.

D.32 Forms of Punishment

- (i) Recovery of the cost or part of the cost of any loss or breakage caused by default or negligence, provided no such cost has been recovered by surcharge action under the appropriate financial instructions or regulations;
- (ii) Reprimand (including severe reprimand);
- (iii) Deferment of increment;
- (iv) Withholding of increment;
- (v) Stoppage of increment;
- (vi) Reduction in rank or seniority; and
- (vii) Dismissal.

D.33 Interdiction

An Officer should receive half basic pay and full house allowance while other benefits will be withheld. An Officer who is interdicted may not leave duty station without permission of authorized Officer.

(1) The interdiction process entails the following:

- (a) An officer may be interdicted where misconduct which is likely to lead to Dismissal is reported or a report that an officer has been charged in criminal proceedings is received.
- (b) If the case relates to a criminal charge the officer is served with an interdiction letter. If the misconduct is one which can lead to dismissal but is not of criminal nature the officer will be served with a show cause letter which shall also contain a communication on interdiction.
- (c) Where the misconduct is likely to lead to a dismissal and is also the subject of a criminal charge, the procedure in (b) will prevail.
- (d) A County Assembly officer who is interdicted shall receive half basic salary and full house allowance but other benefits shall be withheld by the authorized officer: Provided that an officer on suspension shall be paid medical allowance or medical insurance premium remitted whichever is the case.
- (e) If in any case a Clerk is satisfied that the Assembly interest requires that a County Assembly officer should cease forthwith to exercise the powers and functions of the County Assembly office, the Clerk may interdict the County Assembly

officer from the exercise of those powers and functions, provided proceedings which may lead to the Assembly officer's dismissal are being taken or are about to be taken or that criminal proceedings are being instituted against the County Assembly officer.

(f) A County Assembly officer who is under interdiction may not leave the duty station without the permission of the Clerk or of any Assembly officer who is empowered to give such permission on behalf of the authorized officer.

(g) An Assembly officer whose interdiction has been lifted shall promptly be served with a decision letter.

(2) Under this Part, "salary" refers to basic salary and, where applicable, includes incentive or overseas allowance.

- i. Where an officer has been convicted of a serious criminal offence, other than proceedings for minor offences, a Clerk may suspend the Assembly officer from the exercise of the functions of the Assembly office pending consideration of the Assembly officer's case under these Regulations.
- ii. A Clerk may suspend from the exercise of the functions of the Assembly office an officer against whom proceedings for dismissal have been taken if, as the result of those proceedings, the authorized office considers that the Assembly officer ought to be dismissed.
- iii. An Assembly officer who is suspended shall receive a quarter basic salary and full house allowance but other benefits shall be withheld by the authorized officer: Provided that an officer on suspension shall be paid medical allowance or medical insurance premium remitted whichever is the case.
- iv. Where an Assembly officer has been suspended and such Assembly officer is neither dismissed nor otherwise punished under these Regulations, any salary, remunerative allowances or any other benefit withheld under this paragraph shall be restored to the officer upon termination of such proceedings.
- v. Where an officer has been suspended and such Assembly officer is not dismissed but any of the other punishments under these Regulations is imposed, any salary, remunerative allowances or any other benefit withheld under this paragraph shall not be restored upon termination of such proceedings:
- vi. An officer who is suspended may not leave the duty station without the permission of the Clerk or of any Assembly officer who is empowered to give such permission on behalf of the authorized officer.
- vii. Where an Assembly officer has been interdicted or suspended, the Assembly officer may in writing request the Clerk to communicate the progress and action taken towards the conclusion of the disciplinary case.
- viii. Where an Assembly officer has made a request in accordance with paragraph 7 above, the Clerk shall make the appropriate response by writing to the officer within thirty days from the date of

receipt of the officer's request.

- ix. Where an Assembly officer has made a request in accordance with this paragraph and the Clerk has failed to respond within the prescribed thirty days or the Assembly officer is dissatisfied with the response, the officer may apply to the CASB for the lifting of the interdiction or suspension and the Board shall make an appropriate decision which may include the termination of the disciplinary proceedings.

D.34 Officer convicted of criminal offence.

- (1) If a County Assembly officer is convicted of a criminal offence which, in the opinion of the authorized officer, warrants imposition of any of the prescribed punishments, the Clerk shall forward a copy of the charge and any judgment or order made on appeal or revision to the Board for consideration, the Board shall decide whether the Assembly officer should be dismissed or subjected to any of the other punishments mentioned in these Regulations or other legislation, and, in making a decision the Board shall rely solely on the court record leading to the conviction.

D.35 Dismissal

- (1) Dismissal refers to termination of appointment arising out of misconduct, desertion, criminal conviction, intoxication neglect of duties, insubordination, committing a crime, use of abusive language, misappropriation of public funds and pecuniary embarrassment, among others.
- (2) An officer whose pension is determined under pension act, cap 189 and is dismissed from service, shall forfeit all rights or claims to a pension, gratuity, annual allowance or other retiring award, and any other rights or claims he/she enjoys in regard to leave or passages at the public expense. However, he will be entitled to employees NSSF contribution
- (3) An officer whose pension is determined under the pensions arrangement other than pensions Act, Cap 189 will, on dismissal, be legible to terminal benefits as provided under the CGA, 2012 and regulations and any other pension arrangement the County Assembly would be operating

D.36 Appeals

- (1) Any person dissatisfied or affected by a decision made by the CASB or a person in exercise or purported exercise of disciplinary control against any County Assembly officer may appeal to the PSC against the decision.
- (2) The appeals may be on any decision relating to employment of a person in a County Assembly including a decision in respect of—
 - (a) recruitment, selection, appointment and qualifications attached to any office;
 - (b) remuneration and terms and conditions of service;
 - (c) disciplinary control;
 - (d) national values and principles of governance, under Article 10, and values and principles of Assembly service under Article 232 of the Constitution;
 - (e) retirement and other removal from service;

- (f) pension benefits, gratuity and any other terminal benefits; or
- (g) any other decision the Commission considers to fall within its constitutional competence to hear and determine on appeal in that regard.

(3) The Commission shall not entertain an appeal more than once in respect to the same decision.

D.37 Reviews

- (1) Any person dissatisfied or affected by a decision made by the Commission on appeal in a decision made in a disciplinary case may apply for review and the Commission may admit the application if:-
 - (a) the Commission is satisfied that there appear in the application new and material facts which might have affected its earlier decision, and if adequate reasons for the non-disclosure of such facts at an earlier date are given or;
 - (b) There is an error apparent on record of either decision.

An application for review shall be in writing and made within the time prescribed by the Commission in regulations governing disciplinary proceedings, but the Commission may entertain an application for review later if, in the opinion of the Commission, the circumstances warrant it.

Right of appeal and application for review

The right of appeal or review shall be communicated to the concerned officer in the letter containing a decision which may be appealed against or reviewed as the case may be.

Lodging an appeal or application for review

The process of lodging an appeal or application for review is as follows:

- (a) All appeals and applications for review shall be in writing and made within a period of forty-two (42) calendar days and one (1) year respectively, from the date of the letter conveying the decision. The Commission may entertain an appeal or application for review out of time if, in the opinion of the Commission, the circumstances warrant it.
- (b) All appeals and reviews shall be addressed to the Secretary, Public Service Commission of Kenya (PSC (K) through the Clerk who shall give comments and a recommendation on issues. While forwarding his/her appeal or application for review, an officer may submit an advance copy to the Commission.
- (c) An appeal shall be accompanied by copies of all material evidence or documents that the appellant wishes to rely on.
- (d) All appeals and applications for review shall be forwarded to the Commission even where they are made out of time.
- (e) Decisions on appeals shall be promptly conveyed and the officer informed of the right of application for review.

D.38 Rights of Appellants and Applicants

Every Appellant or Applicant shall have the right to;

- (a) be heard in person if so wishes.
- (b) be represented by an advocate of their own choice and at their own expense;
- (c) be accompanied by a representative of the relevant trade union or any person of their choice;
- (d) be assisted by an interpreter if they do not understand the language being used during the proceedings;
- (e) access information relevant to the appeal; and
- (f) have adequate time to prepare evidence.

An appeal shall be accompanied by copies of all material evidence or documents that the appellant wishes to rely on together with all documents that the appellant relied on during the procedure in the county public service.

GRIEVANCE

D.39 Grievances

An officer who has a matter to raise or who is aggrieved by a decision affecting his terms and conditions of employment is entitled to take the following actions:

- a. In the first place he may seek an interview with his section head or immediate supervisor who will endeavor to settle the matter, if necessary in consultation with the Head of Human Resource and the union's sectional representative.
- b. When an employee wishes to raise a grievance, the employee may, but is not constrained to, depending on the sensitivity of the matter, attempt to resolve the grievance through informal discussions with the other party or parties involved. Human Resources and Administration Department is available to facilitate one-on-one informal discussions, on request. However the fact that this is not done will be noted and should the matter turn against the aggrieved employee, they may in turn face disciplinary action.
- c. If this informal approach between the parties does not resolve the issue to the employee's satisfaction, the employee should inform the supervisor or the next level of management if the supervisor is the offender. The supervisor should endeavor to resolve the issue within three working days of the issue being raised.
- d. If a satisfactory resolution cannot be achieved by the next level, the employee should discuss the matter with the Human Resources and Administration Department, who will determine the next course of action. The issue may be resolved at this level. If the issue has not been resolved, the employee should request for an interview in writing to the Clerk, requesting to discuss the grievance. The Clerk will endeavour to have the problem resolved. However, if in the view of the employee no satisfactory action is taken the employee may request the matter to be considered by Advisory Committee appointed by the Clerk. If the

employee is still not satisfied with the ruling of the Committee, the employee can further appeal to the Clerk in writing, clearly stating reasons for his/her dissatisfaction. The Clerk, may at his/her discretion determine the case, and may consult with the Advisory Committee or CASB, whichever is applicable.

- e. The employee must advise the Clerk and the relevant Head of Department in writing of his/her request for the matter to be considered. The Clerk will advise on the time for the Advisory Committee to sit which must be within one month of the date of the employee written request. An employee should not approach a member of the Board or Advisory Committee prior to the designated meeting. Rulings at any level are not bound to favor the complainant

D.40 Defense of Officers in Civil Suits

- (1) When a civil suit is instituted against an Assembly 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 Attorney General through the County Clerk for assistance in the defense. The decision as to whether the Government will undertake the defense will be taken by the Attorney General who may consult the Treasury before reaching a decision.
- (2) It is emphasized that speed is also essential in these cases, and a Clerk must consult the Attorney General and submit an application for assistance to him at the earliest possible moment.
- (3) In cases where the County Assembly assumes responsibility for the defense of an Assembly officer on the advice of the Attorney General, the latter will provide free legal defense, by instructing a state 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 Attorney General. If the Attorney General briefs an advocate to represent an Assembly officer, this will be done in consultation with the officer. Whether any damages and/or costs awarded against an Assembly officer in a civil suit will be met from Assembly 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 Assembly, the County Assembly will take responsibility and meet all the damages and the costs awarded. The question of so indemnifying an Assembly officer is one for specific decision in each case, and will be decided only after consultation between the Attorney General, the Assembly and the County department concerned. When the County Assembly accepts liability for damages and/or costs, the County department concerned will be responsible for meeting such liability out of its vote.

D.41 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 tenable the Attorney General, 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 Assembly to accede to the application, a Clerk on forwarding such an application, should send a copy of the officer's statement of defense to the office of the Attorney General.

D.42 Civil Proceedings by Officers for Defamation

- (1) Where an Assembly 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 Assembly 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 Attorney General. Legal aid will not be granted unless:
 - (i) The County Assembly has a substantial interest in seeing that the defamatory statement is repudiated; and
 - (ii) There is, in the opinion of the Attorney General, a good prospect of success in the action.
- (2) The consent of the Attorney General must be obtained before proceedings are commenced. A private advocate, not a state counsel, will normally be employed, and the Attorney-General 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, 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 subject to repayment in proportionate costs or damages are recovered. Any expenses ultimately chargeable to Assembly funds will be met from the vote of the Office of the Attorney General.

D.43 Indemnity

Where any matter or thing done or omitted to be done by an officer when lawfully and in good faith executing any of the duties required to be done by him/her by any Act or regulation, Rules or by-laws made there under or by any direction of the CASB subjects such officer to any personal liability or claim whatsoever, the CASB shall refund to the officer concerned any expenses incurred by him and where the CASB so decides, arrange for the officers legal defense in any proceeding that may be taken against him/her.

D.44 Consent to Institute Civil Proceedings

- (1) 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 Attorney General to the institution of such proceedings, whether or not he desires legal aid. In purely private proceedings, unconnected with their official position or duties, officers do not require the consent of the Government. In such private litigation, the question of legal aid by Government does not arise.

D.45 Confidential Reports

The CASB may call for confidential report on any officer from the Clerk and any adverse information contained in such confidential report shall be communicated by the Clerk to the officer concerned before the report is submitted to the appropriate committee and if so decided by the committee and the CASB, placed in officer's personal file.

Any such confidential report containing an adverse criticism of an officer or any other entry placed in an officer's personal file at the request of the Clerk which contains an adverse criticism of an officer shall be initiated by the officer making the report, the officer whom it may concern and the Clerk.

Any report entry such as mentioned in the preceding paragraph may after not less than six months of satisfactory service from the date of such report or entry be reviewed by the Clerk who may if he thinks fit recommend to the CASB the removal from the file of such report. In the case of an entry which had not been called for by the CASB but by the Clerk that entry may be removed by the clerk on his recommendation.

D.46 GUIDING PRINCIPLES ON ALTERNATIVE INTERVENTIONS IN THE DISCIPLINE PROCESS

Alternative interventions are an effort, undertaken by an employer, to address employee misconduct using a method other than traditional discipline action. This may, under the right circumstances, be a more efficient and more effective approach than traditional discipline. While alternative intervention requires more thoughtful decision-making and thus poses a greater challenge for supervisors than traditional discipline, the results can be worth the time and effort. Alternative intervention may result in modified behavior if used early on in the discipline process for less serious offences but may not be effective in more serious issues or habitual offences. The appropriateness of the particular approach will vary based upon the nature of the offence and personality of the individual whose conduct needs correcting.

Alternative discipline interventions can take many forms such as counseling, guidance, training or dispute resolution.

(a) Counseling

A counseling intervention is not a discipline action, as its purpose is not to create a negative experience, but rather to communicate helpful information and provide necessary support in management of psychological challenges. The Clerk may refer officers to Guidance and Counseling Services Unit. The Unit will provide appropriate services in accordance with the Public Service Guidance and Counseling Policy.

(b) Guidance and Training

Traditional discipline action is not appropriate for situations in which an officer is trying hard to do well, but performs poorly despite his/her best efforts. Guidance and training is an intervention which can be used by supervisors to address poor performance of an officer when there is no misconduct contributing to the problem. Supervisors have the responsibility to have regular meetings with employees to explain workplace rules or whenever an employee is unclear about management expectations. Supervisors should also identify individual officer's shortcomings which can be addressed through training and recommend appropriate training. The training intervention may include; role play, coaching, mentoring, induction and job rotation.

(c) Dispute resolution mechanism

Dispute Resolution Mechanisms can be used effectively to resolve, reduce, or even eliminate workplace disputes that might come from a circumstance where disciplinary action is appropriate. Alternative dispute resolution affords an opportunity to create solutions that are uniquely tailored to address issues at hand. The method shall be applied in accordance with the Guidelines for Mediation Conciliation and Negotiation in the Public Service.

When applying alternative interventions the following should be observed:

- i. The specific offense/shortcoming that needs to be addressed.
- ii. Officer's admission of wrongdoing/willingness to participate in the appropriate intervention;
- iii. The specific form of alternative intervention that will be used and its duration and;
- iv. Notification of the possible penalty for a subsequent offense;

SECTION E: TERMINATION OF EMPLOYMENT

E.1 Forms of Exit from the Service

This section provides guidelines on various forms of exit from the County Assembly Service Board.

An Officer may exit from the County Assembly Service Board through:-

- a) Retirements:
 - i) On attainment of normal retirement age
 - ii) In public interest
 - iii) On medical grounds
 - iv) On 50 year rule (voluntary)
 - v) On abolition/reorganization of office
- b) Dismissal
- c) Death
- d) Resignation;
- d) Termination in accordance with the letter of appointment and contract of employment

E.2 Mandatory Retirement

The County Assembly Service Board shall call upon an officer to retire from the service at any time following the officer attaining the normal retirement age and a notice be given to the officer six months in advance of the 60th birthday provided that an officer may exercise the option to retire on or after attaining the age of 55 years by giving six month notice.

Provided that persons with disabilities shall retire at the age determined by the provisions of the Disabilities Act.

Where documentary evidence of an officer age is unobtainable or inconclusive, his assumed age will be determined by reference to the date in his identity card together with the recommendations of the Medical Officer of Health, and in such case the anniversary of his birthday shall be deemed to be 31st December. Any appeal will be heard by an independent Medical Officer.

In the case of an officer who has expressed a wish to retire or whom the CASB has required him to retire, such an officer shall be entitled to take terminal leave on any leave which he has accrued, and the date of his retirement shall be deemed to be the day following the last day of his terminal leave. During such leave he/she shall be entitled to engage in other employment but shall not be entitled to medical benefits nor shall there be accrued any additional leave but such leave shall be contributory service.

E.3 Retirement on public interest

For a complaint or report to justify retirement on grounds of public interest, it must be such that in view of the complaint or report, the public officer has offended public policy as protected in:

- a) Prescribed Government policy;
- b) Provisions in the Constitution/ Legislation and;
- c) Binding Decision made by a competent court of law.

1. If the Clerk, after having considered every available report with regard to complaint against a public officer and it is apparent that it is desirable to retire the officer on grounds of public interest ,the Clerk shall:-

Serve the public officer with a letter setting out the particulars of the complaint as reported and asking the officer to make representation within a reasonable time in view of intended retirement; and

Upon receipt of the representation or if none is received within the prescribed time forward to the CASB all the details of the case.

2. Unless the CASB considers that further inquiry into the complainant is necessary, in which case it shall issue directions to the Clerk accordingly; it shall decide forthwith whether the public officer should be retired on public interest.

E.4 Retirement on Medical Grounds

Where it appears that an officer is unfit for continued service on medical grounds, the case shall be forwarded to the Director Medical Services who shall convene a Medical Board. The recommendations of the Medical Board shall inform the decision of CASB on retirement of the officer on medical grounds.

E.5 Retirement under 50 year Rule (Voluntary)

An officer on attaining the age of 50 years may opt to retire any time thereafter.

E.6. Retirement on Abolition/Re-organization

An officer may be retired either on the abolition of the office he/she holds or upon the re-organization of the County Assembly Service Board sections or department in which the officer serves for efficiency in service delivery. Such action shall be approved by the Board.

E.7 Redundancy

Redundancy shall be carried out directly in accordance with the provision of the Employment Act, 2007 and paragraph 15 of the regulation of wages (general) order, 1982.

E.8 Dismissal

- (1) Dismissal refers to termination of appointment arising out of disciplinary proceeding on grounds of gross misconduct, desertion, criminal conviction, intoxication, neglect of duties, insubordination, committing a crime, use of abusive language, misappropriation of public funds and pecuniary embarrassment, among others.
- (2) An officer whose pension is determined under the pension Act cap 189 and is dismissed from the service, shall have his terminal benefits passed under Pension Act Cap 189
- (3) An officer whose pension is determined under the pensions arrangements other than the Pensions Act cap 189 on dismissal, be eligible to terminal benefits as provided under their arrangements

E.9 Death

On death of an officer, the next of kin will be paid death gratuity and dependents pension Cap 189. In case of an officer who has been contributing towards the widows and Children's Pension scheme the next of kin will, in addition, be paid the accrued benefits.

Death in service benefits will be paid in line with the regulations of the pensions arrangement and the existing death in service GPA/GLA schemes specific to each County

E.10 Resignation

An officer within permanent establishment, whether confirmed or on probation, may resign his/her appointment by giving one(1) month notice or he/she shall pay one month salary in lieu of such notice. A non-pensionable officer may resign his appointment in accordance with the terms of his agreement or letter of appointment.

On resignation, an officer is required to refund any outstanding liabilities to the County Assembly. Any amount due to an officer may be withheld and applied towards any sum due by him except pension benefits. If any liabilities are outstanding, the county assembly shall institute legal mechanisms for recovery

An officer whose terminal benefits are determined under the pension Act, Cap 189 will not be eligible for pension or gratuity on leaving the service except in the specific circumstances defined in the Pension Act or Letter of appointment. An officer who resigns cannot, if subsequently re-employed after a break of service, count his previous service for pension.

An officer whose terminal benefits are determined under the pension scheme other than the Pensions Act, Cap 189 will on resignation be eligible for terminal benefits as provided in their pension arrangements

E.11 Termination in Accordance with the Letter Appointment or Contract

The employment of an Officer serving on contract or probationary terms may be terminated by the appointing authority in accordance with the provision of the officer's agreement or by giving appropriate period of notice or salary in lieu of notice as it may be indicated in the letter of appointment/contract of employment.

SECTION F: REMUNERATION & BENEFITS

F1: Introduction

The County Assembly board compensation strategy is to position it on a competitive edge and in accordance with the Salaries and Remuneration Commission advice.

F.2 Date of Initial Payment of Salary on Appointment

- (1) A person engaged will be paid full salary from the date of assumption of duty.
- (2) All officers will be paid salary in Kenya currency through their bank accounts.

F.3 Salary Structure

The County Assembly Service Board salary structure will be based on the grading levels spelt out in the Terms and Condition of service and will be reviewed from time to time taking into consideration economic performance, availability of funds, performance level of staff and collective bargaining agreements.

F.4 Determination of Salary on Promotion/Upgrading

- (1) If the salary of an officer who is promoted to a higher Job Group is less than the minimum of the salary scale attached to the higher Job Group, he will enter the scale of the higher Job Group at the minimum point of the scale on the effective date of his promotion/upgrading. His future incremental date will be the following year on the 1st date of the month in which the officer was promoted.
- (2) If, however, the salary of an officer on the day preceding the effective date of his promotion is one point immediately below the minimum of the salary scale attached to his new Job Group and if that officer was earning an annual increment, he will receive the minimum salary scale attached to his new Job Group on the effective date of his promotion and retain his former incremental date.
- (3) If on the effective date of promotion/upgrading the officer was already within the higher salary scale but the officer had not attained the maximum point of his current salary scale, the officer will enter the higher salary scale, at the point next above his current salary on the effective date of his promotion/upgrading and the officer will retain his former incremental date, i.e. incremental date immediately prior to his promotion.
- (4) If on the day preceding the effective date of his promotion he had attained the maximum point of the salary scale attached to his former Job Group and his service at that salary amounted to less than one year, he will enter the salary scale attached to his new Job Group from the effective date of his promotion at the point next above his salary. His future incremental date will be the 1st date of the month in which the officer was promoted.

- (5) If on the effective day of the promotion an officer had served at the maximum salary point of his present salary scale for one (1) year but less than two (2); the officer will enter the next salary point above his salary and will retain his former incremental date prior to reaching his maximum salary point.
- (6) If on the effective day of the promotion an officer had served at the maximum salary point of his present salary scale for two years but less than three years, the officer will be granted two (2) salary increments at the point above his salary. His future incremental date will be the 1st date of the month in which he was promoted.
- (7) If on the effective day of the promotion an officer had served at the maximum salary point of his present salary scale for three years and above, the officer will be granted three (3) salary increments at the point above his salary. His future incremental date will be the 1st date of the month in which he was promoted.

F.5 Determination of Salary of an Officer Transferred from another Administration

- (1) The salary of an officer who is transferred from another administration will be determined by application of the provisions of Regulation E.4.
- (2) However, where an officer from another Government organization has been identified for a particular assignment and his salary is higher than the salary applicable to the relevant grade, the case will be referred to the County Assembly Service Board for determination.

F.6 Determination of Incremental Dates on Appointment or Promotion/Upgrading

- (1) 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 E.4.

F.7 Conditions for the Grant of Annual Increments

- (1) 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.

F.8 Increments

Increments appropriate to the scale set out shall be graded subject to the date of entry to a grade or the anniversary date.

An officer who is promoted or re-graded to a higher scale shall be placed in that scale at two increments higher than his/her salary level prior to promotion, or at the minimum of the higher scale, whichever is greater. An officer, who is engaged, promoted or re-graded after anniversary date, shall be granted an increment on the 1st July following the promotion.

The Clerk must be satisfied that the officer's work and conduct in the preceding year has been satisfactory.

In the event of withholding /deferment of the annual increment, the officer concerned will be informed of his shortcomings, and be required to show cause why such actions cannot be taken

F.9 Increments for Approved Experience

- (1) Except where otherwise provided, an officer appointed on permanent or contract terms may be given incremental credit for previous approved 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 approved experience will be subject to the following rules:

(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 would be excluded as this constitute the minimum requirement specified for appointment to that grade;

(ii) Incremental credit may not be given on appointment to promotional posts, i.e. posts to which an officer would not normally be appointed if he had joined the Government Service immediately after completing his education; and

(iii) Incremental credit may be given for the number of years of aggregate approved experience, periods in excess of full years being ignored. Thus, if an officer has approved experience for three periods each of 1½ years, since the total amounts to 4½ years he will be eligible for four (4) increments.

- (2) Where an officer on appointment is placed at a salary below the point in the scale at which he would normally enter by virtue of the incremental credit for which he is eligible, an adjustment should be made with retroactive effect from the date of his appointment.

F.10 Seniority

- (1) In accordance with the CASB regulations, "Seniority" of County Assembly officers shall be determined as follows:

- (i) As between County Assembly officers of the same grade:

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

(b) If the County Assembly officers entered that grade on the same day, reference to their seniority on the day immediately preceding that day.

(c) If any County Assembly officers who entered the same grade on the same day did so by appointment and not by promotion (excluding promotion from a non-pensionable to a pensionable grade), then seniority relative to each other shall be determined by reference to their respective ages.

(ii) As between County Assembly 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.

F.11 Advance of Salary

Conditions for Salary Advance

1. An advance of not more than one month's basic salary may be granted by the clerk.
2. Only officers on permanent and contract terms of service are eligible for salary advance payable through the IPPD system.
3. Salary advance shall only be granted to officers to address emergency, (unforeseen circumstances) and will only be given when the officer has no other outstanding salary advance.
4. 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.
5. The Clerk in very exceptional circumstances, may grant an advance of not more than two (2) months basic salary in situations similar to those under emergence of this policy if he is satisfied that the officer needs assistance in excess of one month's salary advance
6. Salary advances will be granted not more than twice in any financial year.
7. The County Assembly is liable for the taxes due from the salary advance and as such approvals shall be restricted to emergencies only.
8. The salary advance shall be paid through the Integrated Personnel Payroll Database (IPPD) System.

F.12 Recovery of Advance

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

F.13 Salary Deductions

- (1) To ensure that officers do not over-commit their salaries, no salary deduction will be effected beyond two thirds (2/3) of an officer's basic salary.
- (2) Officers should be cautious when taking credit facilities as this will lead to a reduction on the officer's earning. Heads of Human Resource Units will be held responsible for any over deductions arising from such credit facilities.

SECTION G: ALLOWANCES

G.1 Introduction

This Section outlines allowances which may be granted to officers in specific circumstances. While it may be considered that the salary attached to a post represents appropriate remuneration of its holder for proper and efficient performance of day-to-day duties, there are circumstances in which additional payments are warranted. Such additional payments are made in form of allowances, either to reimburse an 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.

All the allowances shall be subject to the Salaries and Remuneration Commissions advice.

G.2 Entertainment Allowance

- (1) Some officers 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 will be paid on the advice of the Salaries and Remuneration Commission.

G.3 Subsistence Allowance

- (1) An officer who is required to travel on duty outside Kenya will be granted subsistence allowance at the daily rates notified to the Service from time to time.
- (2) The rates of subsistence allowance which are payable for each complete period of 24 hours commencing from the time of departure from Kenya are designed to meet the cost of accommodation at good, but not luxury class hotels, three meals a day including service charges, local travelling (such as taxi, bus or train fare), incidental expenses including any taxes and an element in respect of essential entertainment. In addition, travelling expenses incurred from the airport of disembarkation to a hotel or other residential place and vice versa, airport charges, fees for vaccination, visas and passport charges will be refunded.

- (3) An officer travelling on duty abroad is normally expected to regularize his expenses within the standard rate of subsistence allowance. Nevertheless, in very exceptional circumstances, for example, when hotels are heavily booked during an international meeting and the officer has no choice of accommodation or when the standard rate of subsistence allowance is insufficient for any other justifiable reasons, consideration will be given by the Accounting Officer for a refund of the additional expenses on production of receipted bills in respect of actual expenditure incurred.
- (4) However, the prevailing rates are reviewed regularly to approximate rates and are expected to be sufficient to afford an officer reasonable accommodation.

G.4 Acting /Responsibility Allowance

- (1) When an officer is in possession of requirements for appointment to a higher post he may be appointed to act on the post pending advertisement of the post.
- (2) The officer will be eligible for payment of an acting allowance at a rate to be determined by the Salaries and Remuneration Commission subject to the approval of the CASB.
- (3) The CASB will not approve acting appointment to take effect from a date earlier than three (3) months prior to the date on which the recommendation is submitted to the Board. These arrangements will apply in cases of acting appointment under the delegated powers.
- (4) When a substantive vacancy occurs and a recommendation for an acting appointment is being made to the CASB, such recommendation should be accompanied by a draft indent for advertisement of the vacancy in question.
- (5) When a post falls temporarily vacant due to the absence of the substantive holder, an acting appointment should not be made unless the period of such absence exceeds thirty (30) days. A recommendation for an acting appointment for a period of thirty (30) days or less will be considered by the CASB for those cases where the law or regulations require that, in the absence of the substantive holder of An Assembly office, the function of that Assembly office can be exercised only if another officer is appointed in an acting capacity.
- (6) Acting allowance will be paid when an officer acts in a higher post for a minimum period of thirty (30) days or when the acting appointment follows another within an interval of not more than fifteen (15) days and the actual duration of both acting appointments is thirty (30) days or more. Acting allowance will not be paid when an officer who has been appointed to act in a higher post is absent from duty for whatever reason for a period of more than thirty (30) days.
- (7) An officer who is appointed to act in a higher post will be eligible for the duration of his acting appointment, for travelling privileges and other related ad hoc allowances, such as hotel or accommodation allowance. However, the officer will not qualify for house allowance or other remunerative allowances assigned to the higher post.

(8) Acting allowance will not be paid against common cadre posts.

G.5 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 will be paid special duty allowance at the rate determined by the SRC

The payment of special duty allowance will also be subject to recommendation by the Human Resource Management Advisory Committee and approval by the Clerk.

- (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 will not be called upon to perform duties of a post that is not 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 one (1) year.
- (5) Officers performing duties of a higher post under this regulation will not be eligible for allowances or travelling privileges applicable to the higher post.

G.6 Overtime Allowance

- (1) An officer who is required to work overtime, an allowance may be granted to him with prior approval of the Clerk on the advice of the appropriate Human Resource Management Advisory Committee, for overtime worked in excess of forty (40) hours per week, at a rate to be determined
- (2) This provision will not apply to certain categories of staff that are required to work overtime regularly and an allowance has been authorized for their compensation.
- (3) It is emphasized that overtime allowance should not be paid for routine duties where it is possible that alternative arrangements can be made for performance of the tasks within normal working hours.
- (4) Overtime allowance will be paid subject to the existing Government policy.
- (5) Officers who are normally called upon to perform duties of a supervisory nature will not qualify for overtime allowance as this factor is taken into account in determining the rate of their remuneration.

G.7 Hardship Allowance

- (1) The County Assembly will determine the mechanisms of paying hardship allowance based on guidelines from the Salaries and Remuneration commission.

G.8 Extraneous/Late Duty Allowance

- (1) Extraneous allowance is payable to officers who are required to work over and above the official working hours on a continuous basis. The rates will be as advised by the SRC, while eligibility for payment will be determined by CASB.
- (2) Late Duty Allowance is payable to officers who are called upon to work beyond normal working hours or outside normal working hours. The recalls are not pre determinable due to the nature of work and its emergencies.

G.9 Leave Allowance

- (1) All officers will be eligible for leave allowance once a year. For ease of administration, the allowance will be paid through the payroll.
- (2) The rate of leave allowance will be as advised by SRC from time to time.

G.10 Commuter/Transport Allowance

- (1) All officers will be eligible for commuter/transport allowance provided they are not facilitated with Assembly transport.
- (2) The rates of the allowances will be determined by the SRC from time to time.
- (3) It will be an offence for an officer in receipt of commuter allowance to use CASB vehicle from his /her house to office and Vice Versa.

G.11 Car Loan Scheme and mortgage

An officer who is an employee of County Assembly is eligible to join the car and mortgage scheme. Through the scheme, the County Assembly Service Board may grant the officer car loan and mortgage in line with the Salaries and Remuneration Commission (SRC) circular in force. The scheme may be reviewed by the County Assembly Service Board in line with the existing policies by the Salaries and Remuneration Commission (SRC) Circulars.

G.12 Risk Allowance

This allowance is paid to officers working in a risky environment where the risks are present with the work. Some categories of officers in the Assembly who are constantly exposed to risk in the course of their work e.g. the Sergeant at arms who have to ensure that peace and order is maintained throughout Assembly sessions, provide security for committees during field visits and general security of the Assembly precincts. The SRC will guide the rates from time to time. Where the SRC has not advised on rate the County Assembly Service Board will determine it.

G. 13 Fire Arm Allowance

This is an allowance payable to officers handling firearms in the course of their duty. The firearms must have been allocated to officers to provide security to their seniors and other specified office bearers.

The rate will be determined by the Salaries and Remuneration Commission from time to time. Where the SRC has not advised on the rate, the County Assembly Service Board will determine it. The officers must have fire arms handling license from the relevant government agency.

G. 14 Meal Allowance

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.

Meal allowance shall not be paid as a compensation for officers who are required to work beyond the official working hours. The rates will be determined by the SRC and in absence of the SRC advice the board will determine the same.

G. 15 Baggage Allowance

When travelling on first appointment, transfer or termination of appointment, an officer shall be provided with a government vehicle to transport his luggage. In the absence of a vehicle, the officer will be eligible for a baggage allowance at rates determined by the Salaries and Remuneration Commission from time to time.

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.

In case of the death of an employee, the next-of-kin shall be eligible for a baggage allowance at rates determined by the Salaries and Remuneration Commission from time to time

G. 16 Non Practicing Allowance

This is an allowance admissible to a County Assembly Officer for which prescribes qualification qualifies him/ her to private practice and is in possession of a current practicing license but exigencies of service do not allow him/her to private practice. The rate will be communicated by the SRC in its circulars.

G. 17 Airtime Allowance

It shall be an allowance payable to eligible officers who are entrusted with responsibilities which make it necessary to make frequent mobile phone communication to fellow officers, Members of the County Assemblies (MCAs) and other Assembly stakeholders. The amount payable per month will be determined by the SRC. The allowance shall be paid through the payroll.

G. 18 House Allowance

All officers are eligible for house allowance applicable to their grades as stipulated by the SRC whose rates are communicated from time to time

G. 19 Other Allowances

There are other allowances which may be paid to different categories of staff in various circumstances (e.g. persons with disability). Such allowances will be determined by the County Assembly Service Board with the advice of the SRC, and communicated to the Board from time to time.

SECTION H: MEDICAL BENEFITS

H.1 Introduction

The County Assembly Service Board as an employer is under obligation to provide free medical treatment or make provision for adequate medical care for its employees.

The County Assembly Service Board shall provide medical cover as per the Salaries and Remuneration Commission advice. The medical scheme should cover:-

- (i) Inpatient
- (ii) Outpatient
- (iii) Dental
- (iv) Optical
- (v) Maternity
- (vi) Last Expenses

Whereby inpatient will cater for the following:-

- Hospital accommodation
- Hospital bed occupants
- Doctor's fee
- Theatre charges
- Drugs and dressing
- Pathology services
- Treatment of HIV and related ailments
- Maternity including pre-natal outpatient care
- Delivery
- Postnatal outpatient care and any maternity related complications and;
- Ex-gratia
- Congenital conditions
- Cancer and related conditions

(1) The medical cover shall be in respect of an officer and his nuclear family (One spouse, biological or adopted children)

(2) The amount of the cover will be determined by the County Assembly Service Board from time to time subject to SRC Circular in force.

For the registration to an insurance company which has been awarded the tender, officers shall be required to produce original and copies of marriage certificates, affidavit and birth certificates for dependents. For the adopted children, adoption papers will be required.

H.2 Management of the Scheme

- (1) The Scheme will be operated by a network of healthcare providers where employees and their dependents can access out-patient and in-patient treatment.

H.3 Sickness

- i. An officer who is absent from duty on account of illness for any day shall furnish immediately a medical certificate to the clerk or the Head of Human Resource in respect to the period of absence.
- ii. An officer shall furnish expeditiously a medical certificate in the prescribed form to the Head of Human Resource in all cases where he obtained medical attention towards which he may be entitled to the benefits under these rules even though he is not absent from duty.
- iii. When an officer is absent from duty owing to an illness not caused by his/her own neglect or misconduct, he/she shall be granted sick leave with pay for six month on full salary followed by a three months on a half salary; provided that the period of sickness shall be ascertained by deducting from the above period on the first day of his/her absence the aggregate of the period of absence, if any, due to sickness during the twelve months immediately preceding the first days of absence. In aggregating the period of absence on sick leave, no account shall be taken for any absence on sick leave. When the medical officer of Health recommends a longer period of sick leave, the circumstances shall be reported to the Clerk who may grant further compassionate leave.
- iv. Where the Medical Officer of Health requires an officer who is under sick leave to move from one facility to another, free transport may be granted within Kenya by the most appropriate method of public transport at the cost of the Assembly.

The CASB shall ensure that they secure group life Insurance, Group Personal Accident and Work Injury Benefit Act (WIBA) Insurance for all the staff alongside the medical insurance cover

SECTION I: LEAVE

I.1 Introduction

Leave will be granted for recuperative purposes to enable the officer renew his energies and improve efficiency. Leave may not be commuted for cash nor will it be payable to dependents or to the estate in the event of an officer's death. Leave is granted subject to the exigencies of service.

I.2 Categories of Leave

Leave falls into the following categories

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

- (ix) Examination Leave
- (x) Study Leave

I.3 Application for Leave

All application for leave must be forwarded in writing to the clerk of the County Assembly

- i. An officer will be eligible for annual leave at the commencement of a 'leave year' except in the case of a newly appointed officer who will be required to serve for a minimum of three (3) months before being granted annual leave.
- ii. "Leave year" will commence on 1st July up to 30th June the following year.
- iii. Annual leave excludes Saturdays, Sundays and Assembly Holidays.
- iv. All officers will be entitled to 30 days annual leave.
- v. Annual leave is not usually accumulated. However, an officer may, if he so wishes, carry forward from one leave year to another not more than one-half of his annual leave entitlement. This arrangement is intended to enable an officer to reserve a portion of his annual leave to be taken in an emergency.
- vi. Annual leave must be taken within the leave year it falls due or forfeited. Deferment of annual leave from one leave year to another will not be permitted save in very exceptional circumstances with the prior approval of the Clerk.
- vii. Annual leave for a newly appointed officer will be calculated on a pro-rata basis only for the year of his appointment.

I.4 Annual Leave

- i. Leave will be granted annually to the staff for 30 working days subject to the exigencies of service.
- ii. Leave may be taken with the approval of Directorate Head of Department after certification by the Clerk on establishment that such leave is due.
- iii. The leave shall be the financial year. Leave may be accumulated in excess of 60 working days provided that half of the annual leave entitlement is taken in each year or otherwise forfeited and that any leave accumulated in excess of 60 working days stated above shall be forfeited unless in specific cases, the County assembly otherwise resolves. Officers who have already accumulated, more than 60 days shall not forfeit the leave so far accumulated, which excess leave shall be taken within the period of 2 years.
- iv. In the event of an Officer having leave to his credit at the time of his ceasing to be employed by the County Assembly he/she shall receive pay in lieu of such leave based on the following;
- v. Annual salary multiply by Number of working days Leave accumulated/ Number of working days in the year

- vi. If annual leave is interrupted by a recall, which must be in writing and approved by the Clerk, the officer will be eligible to the deferred balance of the interrupted leave days or commute these leave days.
- vii. An officer shall be paid the amount indicated below as leave allowances once a year when proceeding on his/her leave provided the officer takes not less than half of the annual leave. Where any officer has been enjoying a higher leave allowances than the amount provided herein below, the said leave shall not be reduced. Provided further that any unspent balance of leave allowance shall be paid to the officer when next preceding on leave regardless of the number of leave days the officer is taking
- viii. No officer on leave of absence may accept any paid employment without previously obtaining the sanction of Clerk in writing under the hand of the Clerk
- ix. An officer may be granted unpaid leave exceeding 50 working days at the discretion of the Head of Department and with the consent of the Clerk. No unpaid leave may be taken unless accumulated leave is exhausted.
- x. If an officer has not accrued leave to his credit and Head of Department and the Clerk are satisfied that leave should be granted on the compassionate grounds, such leave up to maximum of thirty days may be off-set against paid leave accruing in the future. No compassionate leave may be taken unless accrued leave entitlement is exhausted.
- xi. Where an officer is not allowed by the clerk to proceed on leave due to the exigencies of work, he/she shall be allowed to commute his leave into cash. The provision shall not however apply where leave is postponed provided the postponement is no longer than six months.
- xii. Where an officer retires he shall be entitled to payment of full leave allowance. No leave Allowance shall be paid to an officer who resigns or is terminated or dismissed.

An officer who has been on training will be eligible for normal leave only for the year he resumes duty in addition to the leave days officially carried forward before preceding the training.

I.5 Maternity Leave

(a)Female officers shall be entitled to maternity leave in accordance with provision of section 29 of the Employment act 2007 which stipulates that a woman officer shall be entitled to a three months maternity leave with full pay and shall not forfeit her annual leave.

(b)Maternity leave may be taken approximately one month before expected day of confinement and an application for maternity leave should be submitted to the Clerk or any Clerk at least one month before the commencement of leave.

- (1) A female officer who is required to be absent from duty on account of confinement will be granted maternity leave with full salary for a maximum period of ninety (90) calendar days exclusive of the annual leave due for the year.
- (2) An application for maternity leave should be submitted to the Head of Department at least one month before the expected date of confinement. The application should be supported by a medical certificate indicating the date on which maternity leave should commence.
- (3) Where the extension will be on the account of the child's sickness the officer shall utilize annual leave days.

An officer who has lost the baby during birth will still continue with the Maternity Leave.

I.6 Paternity Leave

- (1) A male officer will be eligible for paternity leave for a maximum period of ten (10) working days during the period of the spouse's maternity leave. Such leave shall be taken not more than once per year. An officer will be required to avail a Doctor's Certificate confirming the maternity status of his wife

An application for paternity leave shall be accompanied with a copy of the notification of birth. Paternity leave shall not be deferred neither shall it be committed for cash nor shall an officer qualify for payment of leave allowance.

I.7 Unpaid Leave

- (1) Unpaid leave may be granted to an officer with the prior approval of the Clerk on the following grounds:-
 - i. Urgent private affairs of exceptional nature not exceeding thirty (30) days;
 - ii. Officers whose spouses are posted to foreign missions during the term of the tour of service
 - iii. Officers who are appointed to international organizations where they cannot transfer their service or be on secondment for a period not exceeding three (3) years;
- (2) Unpaid leave granted in accordance with this regulation will not be increment-earning and where necessary incremental date should be adjusted.
- (3) The period of unpaid leave will not be pension-earning.

I.8 Compassionate Leave

- i. An officer, who has exhausted his annual leave entitlement, may be granted compassionate leave for up to ten (10) days in a leave year.
- ii. In the event of serious illness of a member of an officer's nuclear family outside the country which urgently requires the officer's presence, a visit may be made by the officer or the spouse as the case may be.

I.9 Special Leave for Sportsmen

- i. An officer who is selected to represent Kenya in National, Regional or International fixtures will be granted special leave with full salary for the necessary period of his training and subsequent participation in sports.
- ii. This special leave will not be counted against annual leave entitlement and will be authorized by the Clerk, in consultation with the State Department responsible for sports.

I.10 Sick Leave

- i. Sick leave is the approved absence of an officer from duty on account of illness and includes weekends and Assembly holidays.
- ii. A medical certificate signed by a medical officer must be produced in every case of absence on account of illness.
- iii. An officer may be granted sick leave subject to the maximum period indicated below, provided it is certified that there is a reasonable prospect of eventual recovery and fitness for duty.
 - All officers on pensionable or contract terms of service will be granted up to three months leave on full pay followed by three months on half pay.
 - If the officer is unable to resume duty within the first three months of sick leave, the Clerk will refer the case to the County Director responsible for Medical Services to convene a medical board.
 - Where the officer is incapacitated to the extent that he does not appear before a medical board, the case should be referred to the CASB for retirement on medical grounds.
 - The officer will not be reinstated in the payroll on the expiry of the six months until his case is determined.
- iv. Sick leave in excess of three (3) months will be approved by CASB with the advice of the County Director for Medical Services who will decide if the officer should be examined by a Medical Board with a view to determining whether or not there is a reasonable prospect of eventual recovery and fitness for duty.
- v. In exceptional cases of continued ill-health, the CASB may on the recommendation of the County Director for medical services grant an extension of sick leave beyond the maximum periods indicated in (iv) above, with such salary as may be decided.

I.11 Terminal Leave

- i. An officer who has not availed himself of the annual leave due for the year in which his employment ceases will be entitled to annual leave on pro-rata basis.
- ii. In addition to the leave granted under this regulation, an officer may be granted the annual leave carried forward from the previous leave year.
- iii. Notwithstanding (1) and (2) above, an officer who is due for retirement will also be entitled in addition to his annual leave, thirty days (30) leave pending retirement. This leave must be taken a month preceding retirement and will neither be commuted for cash nor will the officer qualify for additional leave allowance.

I.12 Examination Leave:

This Leave shall be meant to facilitate officers to comfortably sit for their exams on approved courses

An officer on an approved course shall be entitled to ten (10) days examination leave in a calendar year (January- December)

An officer with excess examination days will apply for annual leave days in order to comfortably sit for all his examination papers.

I.13 Public Holidays

- (1) The following days shall be observed as Public holidays in accordance with the Public Holiday Act (Cap.110):-

| | |
|----------------------|---------------|
| New Year's Day | 1st January |
| Good Friday | |
| Easter Monday | |
| Labor Day | 1st May |
| Madaraka Day | 1st June |
| Idd-ul-Fitr..... | |
| MashujaaDay | 20th October |
| Jamhuri Day..... | 12th December |
| Christmas Day | 25th December |
| Boxing Day | 26th December |

I.14 Festival Holidays

- i. Leave of absence on the occasion of religious festivals may be granted without loss of pay for not more than two days in a leave year, subject to the exigencies of the service. An application for leave on such an occasion should be addressed to the Authorized Officer well in advance of the date on which any particular religious festival is celebrated.
- ii. The Clerk may, at his discretion and subject to the exigencies of the service also allow members of his staff an hour or so off-duty for the purpose of attending religious services on festivals other than those on which a full holiday has been granted.

I.15 Deferment/Commutation of Leave

The Clerk shall be responsible for authorizing deferment and commutation of leave for cash where leave is not taken due to exigencies of service. To ensure prudent financial management, all cases of commutation of leave for cash will be approved by the Clerk/Secretary to the CASB. The above notwithstanding, it is reiterated that officers should be allowed to utilize their leave in each year.

I.16 Study Leave

An officer will be entitled for study leave as provided in the training policy and upon approval by CASB, Officers applying for full time study leave must have completed two years continuous service.

- i. Officers applying for full time study leave must have completed two years continuous service.
- ii. Employee who has first class honors degrees who are awarded truly competitive scholarships may be granted full time study leave prior to the completion of two years' service
- iii. Study leave will only be granted to undertake courses that are either highly relevant to an officer's professional development or of particular value to the Department.
- iv. Each year the Department advertises study leave schemes that will be available for the following year and indicates the closing date for each category.
- v. Applications for leave to accept scholarships or other competitive or non-competitive awards must be supported by documentary evidence of having gained the award, the conditions of the award and the extent of financial assistance available.
- vi. Officers undertaking approved courses are eligible for paid examination and pre-examination leave to attend terminal examinations.

Period of leave Service after the leave /bonding period

| Leave Duration (months) | Bonding Period Months |
|-------------------------|-----------------------|
| ≤ 6 | 12 |
| $6 \leq 12$ | 24 |
| $12 \leq 24$ | 36 |
| ≤ 24 | 60 |

- vii. If an Officer does not fulfill the conditions of the bond (e.g. resigns before providing the required after-service) the bond liability is assessed and recovery action will be taken. The bond liability includes the following:
 - All monies paid including salary and any subsistence allowances granted;
 - Employer superannuation contributions for the period of leave;
 - The cost of incremental progression for the period of leave;
 - The value of long service leave accrued during the period of leave.

Each case is considered individually in terms of the assessment and repayment of the outstanding bond liability.

SECTION J: TRAINING AND DEVELOPMENT

J.1 Introduction

- (1) This section provides guidelines on how to plan, manage and coordinate training in the County Assembly Service Board. A culture of continuous learning is encouraged as a way of developing Human capital in the Service.
- (2) A training policy is to ensure continuous upgrading of core competencies, knowledge, skills and attitudes of Officers including their ability to assimilate technology to enable them create and seize opportunities for career growth, social advancement, economic growth and development.
- (3) County Assembly Service Boards will establish training funds for financing their training programs. The funds will be used for job-related courses that enhance performance and service delivery.
- (4) All training must be based on identified training needs. County Assembly Service Board officers should have at least five (5) days training in a year while newly recruited or transferred officers must be inducted within three months of joining the County Assembly Service.

J.2 Management and Co-ordination of Training

The management and co-ordination of training in the County Assembly Service Board will be the responsibility of the Directorate in charge of Human Resource Management and Development. Directorates Training Committees shall be established to manage the training function at the Directorates levels.

J.3 Training Needs Assessment

- (1) Training in the County Assembly Service Board shall be based on Training Needs Assessment which shall be conducted every two years in each Assembly.
- (2) County Assembly Directorates shall prepare training projections based on Training Needs Assessment report and recommendations to guide the training committees in nominating officers for training.

J.4 Training Programme

- (1) Training programs comprise both short and long term courses in specific professions that are intended to impart required knowledge, skills and attitudes to enhance staff performance.
- (2) CASB Directorates may design specific in-house training programs as a method of developing training interventions which address identified training needs. In addition training can be provided under institutional training both locally and abroad.
- (3) In designing training programs HRM&D should ascertain the availability of:-
 - (i) Professional qualified and experienced trainers;
 - (ii) Training programs that are cost-effective; and
 - (iii) An effective evaluation and feedback system to assess the impact of training on Performance.
- (4) Selection of trainees for all training programs will be based on identified needs with emphasis on training for performance improvement that addresses national, County , organizational and individual goals.

J.5 Training Levy

- (1) Officers undertaking courses lasting more than three (3) months both locally and Internationally will be required to contribute to the cost of their training at a rate to be determined by the CASB.
- (2) Officers undertaking part-time or full time self-sponsored courses are however, exempted from paying the training levy.
- (3) The Clerk shall ensure that the officers' contributions are remitted for the duration of the course to the County Assembly Service Board.

J.6 Induction Training

Induction and orientation training help an employee familiarize with the work environment and requirements. County Assembly Service Board shall conduct induction training within three (3) months for newly recruited officers and those who have joined on transfer.

J.7 Eligibility for Training

- (1) County Assembly Officers at all levels will be eligible for at least five (5) days training in a year.
- (2) An officer who attends a course lasting six months and more above will be required to work for two years before they can qualify for selection for another long course.

J.8 Course Approval

- (1) The County Assembly Service Board will grant course approval to officers proceeding on authorized training in accordance with service regulations. Officers will be required to obtain course approvals before commencement of training.
- (2) The Clerk will be responsible for issuance of course approvals for local training and shall approve all local courses undertaken in their respective CASB on the recommendation of the CASB Training Committee.

J.9 Sponsorship for Training

The County Assembly Service Board will sponsor staff for courses under the regular and parallel University programs, open Learning, part-time or sandwich as long as such cases are approved by the respective training committees.

J.10 Training Bond

- (1) The County Assembly will enter into a formal agreement with serving officers proceeding on approved courses of training locally or abroad lasting six (6) or more months.
- (2) The period of the bond for courses lasting six or more months will be determined by the duration of the course as follows:-

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

- (3) Bond period determined by the cost of training will not be less than one year and should not exceed five years.
- (4) The components of the bond amount may be determined by the mode of study and the sponsoring authority. For full-time sponsored officers, the bond amount will be the total cost of the training plus the gross salary for the duration of the training.
- (5) The bondee and/or surety will be required to redeem the bond amount in lump sum in case of default.
- (6) Details on the administration and implementation of the training bond are contained in the Assembly Service Training Bond Guidelines.

J.11 Skills Inventory

- (1) County Assembly Directors shall develop, update and maintain a skills inventory for all officers in their respective directorates for purposes of identifying the available skills and the required skills in order to plan for training or recruitment to address the identified gaps and for succession management.
- (2) It will be the responsibility of the officer to update their skills inventory.

J.12 Allowances for County Assembly Sponsored Training

- (1) Officers undertaking long courses abroad will be paid living allowance to cater for subsistence, accommodation, outfit and excess baggage while subsistence allowance is paid to officers attending short courses or
- (2) Officers attending long courses on full time basis within Kenya but outside their duty stations will be eligible for payment of living allowance to cater for meals, accommodation and related expenses at rates applicable to respective areas.
- (3) County Assembly sponsored officers attending part-time, evening, sandwich and holiday module courses will not be entitled to a living allowance or stipend.
- (4) Officers sponsored by the County Assembly and attending full time courses within their duty stations and their environs will not be paid any living allowance or stipend.
- (5) Officers sponsored by the County Assembly to undertake courses at Kenya School of Government are not entitled to any living allowance or stipend.
- (6) An officer attending a short course lasting up to one month that is externally organized but held locally and outside the officers' duty station, will be eligible for living allowance to cater for accommodation, meals, service charges and other incidental expenses.
- (7) Other Allowances paid to officers undertaking courses locally and abroad are:-

- (i) Research Allowance;
- (ii) Dissertation/Thesis Allowance;
- (iii) Project Allowance;
- (iv) Book Allowance.

(8) The applicable rates are as stipulated in circulars issued to the service from time to time.

J.13 Leave after Training

An officer who has been on training will be eligible for normal annual leave only for the year he resumes duty in addition to the leave days officially carried forward before proceeding on training.

J.14 Incidental Expenses

- (1) The County Assembly will meet the cost of pre-departure medical examination, visa, vaccination and inoculation while the officer will meet passport expenses for foreign training.
- (2) The County Assembly will meet the cost of transport and traveling to and from the institution at which the course is held. However, the trainee will meet the cost of daily commuting between lodgings and place of study.

J.15 Donor Funded Courses

- 1) Where a short course is partially funded under bilateral agreement, the officer will be eligible for 25% subsistence allowance applicable to the designated country.
- 2) Where a medical insurance cover is not provided under a Technical Cooperation Training Award, the County Government will meet the cost of the relevant medical insurance cover for the officer.
- 3) Where a training award /scholarship for a long course organized under bilateral arrangements caters for only tuition and accommodation but do not include meals, out of pocket and stipend, the officer will be eligible for 25% of the living allowance applicable to the designated country.

J.16 Seminars, Workshops, Retreats and Conferences

Conferences

These shall be professionally organized courses targeting specific professionals. The participants shall be experts in similar professional fields who are in possession of similar work experiences and qualifications.

The facilitators in the conferences have specific and value addition expertise (knowledge, skill and experience) which they share with the participants at/during the conference.

Other similar training methods to the above include congresses and conventions.

Retreats

This shall be a form of training method whereby a specific team shall be task with a specific assignment with specific objectives/targets deliverables/outputs. Examples of outputs include policy documents and special reports.

Normally the assignment will be carried out outside the ordinary work station under sponsorship of the employer, national government (ministries and agencies), NGOs and UN bodies.

The participants work as a team with a chairperson or group leader who moderates its activities and keep it working towards its objectives/targets.

Seminars

This shall be a management/technical oriented training method whose participants shall be drawn from middle and top management positions. The teaching methods to be used are those which are trainee focused and encourage sharing of experiences between the parties involved (trainer/facilitator and the trainees) e.g. Case studies. The gained knowledge and skills are built on the existing competences.

The seminars may or may not result to an immediate output.

Workshops

These shall be knowledge and skill oriented training with a focus on a wider range of target group. The target group shall consist of heterogonous participants in terms of age, professional and academic qualifications, work experience and expertise.

Facilitators will initiate discussions which encourage participants to exchange ideas and share experiences. They will use several teaching methods namely lectures, question and answer sessions, group discussions, demonstrations among others.

The immediate output of a workshop will be a drawn action plan for implementation by participants at team and individual levels aimed at improvement of service delivery in terms of quality, quantity, timeliness and cost effectiveness.

Working Retreats-These shall be Workshops which are meant to review, develop and produce reports. Retreats shall be for a maximum duration of ten (10) days. The number of participants in a Retreat should not be more than ten (10) excluding the secretariat staff

The rates paid to officers involved in Seminars, Workshops, Retreats and Conferences Will be determined by the SRC from time to time.

The duration of Seminars, Workshops and Conferences shall not exceed three weeks. Any Seminar, Workshop and Conference beyond three (3) weeks will be considered as a Course and will be subjected to the stipulated provisions for courses.

No officer should be involved in more than one role in Seminar/Workshop/Conference at a given time.

J. 17 Pre- Retirement Training Programme

All officers due to retirement in five (5) years time are eligible for this training. The officers shall be identified by the head HRM and be put for on a pre-retirement training program aimed at preparing the individual officer to smoothly transit from the active public service to their private lives on their retirement (whether voluntary or mandatory)

The officer will be allowed to engage in a flexible working hours program as agreed between the individual officer, immediate supervisor (normally head of department) and the head, HRM department. The immediate supervisor shall be encouraged to give the concerned officers lighter duties and responsibilities. An agreed reporting and exit times will be predetermined a record of the same retained by parties concerned (the officer, immediate supervisor and head HRM department)

Within the last three years to the retirement under the mandatory age, the concerned officer, shall be entitled to a one month pre-retirement course. The course training maybe in form of classroom, seminar, workshop or attachments as the management may find it appropriate.

J. 18 Professional Bodies/ Membership

The County Assembly Service shall consider professional bodies and limited private Institutions for its training. The private institutions to be considered are ESAMI (Eastern and Southern African Management Institute), Kenya Red Cross Society, St. John Ambulance and Kenya Institute of Management.

The following professional bodies are recognized by this policy:

- The Institute of Human Resource Management
- Kenya Institute of Supplies Management
- Institute of Certified Public Accountants (Kenya)
- Institute of Certified Public Secretaries (Kenya)
- Public Relations Society of Kenya
- Law Society of Kenya
- Institute of Internal Auditors
- Association of Fraud Examiners
- Center for Parliamentary Studies and Training
- Eastern and Southern Africa Management Institute

The above list is not exhaustive.

An individual officer shall belong to a maximum of two (2) professional bodies which should be relevant to his/her profession and his/her duties and responsibilities and have a national coverage. Those who will register with international professional bodies will pay for their annual subscriptions and course expenses.

The Assembly shall pay annual subscription fees and continuous professional development points courses for its officers who are members of various recognized professional bodies with a national coverage.

SECTION K: LABOUR RELATIONS

K.1 Introduction

- (1) Under Article 41 of the Constitution every worker has the right to fair labor practices including: fair remuneration; reasonable working conditions; the right to form, join or participate in the activities and programs of a trade union; and the right to go on strike.

K.2 Consultative Committees

- (1) The County Assembly Service Board will sign recognition agreements with trade unions at the County level. The recognition agreements will provide for establishment of a Consultative Committee.
- (2) The main objectives of the Committee are:-
 - (i). To provide machinery for negotiations between the management and the trade unions for terms and conditions of service of union sable employees; and
 - (ii). To secure the greatest measure of co-operation between the management in its capacity as an employer, and its employees in all matters affecting the County Assembly Service.

K.3 Composition and Functions of the Committee

- (1) The Committee may consist of not more than three members from the management and not more than three members from the Union;
- (2) The quorum shall not be less than two representatives from each side;
- (3) The function of the Committee will be to negotiate with the trade unions and conclude a Collective Bargaining Agreement on terms and conditions of service for all union's able employees.
- (4) The Committee will meet as and when necessary, regulate its own procedures and elect

its own chairperson and secretary. It may also co-opt, where necessary, members of the directorates or experts on labor issues. It may also set up a sub-committee to deal with a specific matter.

- (5) Unless otherwise agreed, the expenses of the Committee (if any) will be met by the management and the trade unions on equal basis;
- (6) A meeting of the Committee shall be convened within fourteen days of a request for a meeting from either side. Such request or report shall state the matter or matters to be discussed and will be placed on the agenda provided that such matters are relevant.
- (7) In the event of failure to reach an agreement at Committee meeting, the provisions of The Labor Relations Act, 2007 on dispute resolutions shall apply in so far as the management is concerned.

K.4 Union Membership

- (1) All employees may join any registered and recognized trade union of their choice.
- (2) An employee shall not be victimized or disciplined for being a member or participating in trade Union activities;
- (3) An employee who is appointed as an official of a Union shall be a serving officer in the County Assembly Service Board except the Secretary General and will be granted permission to carry out their official duties for the Union;
- (4) An employee is not allowed to be an official of more than one trade union. However, an official of a trade union may also be an official of a federation to which the trade union is affiliated;
- (5) Meetings of members of the Union may take place during office hours with official permission from the Clerk.

K.5 Recovery of Union Dues

- (1) The County Assembly Service Board may deduct trade union dues from the wages of union members and pay the monies so deducted into a specified account of the trade union;
- (2) Any further deductions from an employee who has resigned his union membership and notified the employer in writing shall be stopped; and
- (3) A copy of an employee's resignation notice shall be forwarded to the union for information.

K.6 Dispute Resolution

- (1) The County Assembly Service Board will endeavor at all times to have a good working relationship with the trade union in order to maintain industrial peace. However, should a trade dispute arise concerning dismissal or termination of service of an employee, dispute

shall be resolved in accordance with the Labor Relations Act, 2007 in so far as the CASB is concerned.

(2) The union may also refer a dispute to the employment and labor relations court as a matter of urgency if the dispute concerns:

(i) Recognition of a trade union; and

(ii) Redundancy where the trade union has already referred the dispute for conciliation for instance when a CASB has retrenched employees without giving notice, and employers and employees are engaged in an essential service.

This is not limited to the two above.

K.7 Employees Participation in Strikes

An employee may participate in a strike if:-

(i) The trade dispute that forms the subject of the strike concerns the terms and conditions of employment or recognition of trade union to which an employee is a member;

(ii) The trade dispute is unresolved after conciliation; and

(iii) Seven days written notice of strike has been given to the management and the Directorate responsible for Labor by the representative of the Union

SECTION L: HEALTH AND SAFETY

L.1 Introduction

- (1) This Section provides guidelines and standards for the prevention and protection of officers against accidents and occupational hazards arising at work place.
- (2) The Section also provides procedures to be followed as a result of occurrence of such accidents and modalities for the administration and payment of Compensation for work related injuries and accidents occurring during and outside the course of work.
- (3) It further provides for guidance and counseling, management of HIV/AIDS at the Workplace and the rehabilitation of officers who may be facing challenges of drugs and substance abuse.

L.2 Guidelines to General Safety

- (1) County Assembly should maintain healthy and safe working conditions for the officers under their respective County to ensure there is no personal injury caused by accidents.
- (2) All officers shall always consider safety to themselves and others when performing their duties. They should not compromise on quality, cause injury, ill health, loss or

environmental damage.

Uniforms

Officers who are required to wear uniforms shall be issued with two sets of uniforms in each calendar year in accordance with the following conditions:

- a) The officer wear his uniform at all times when on duty unless he is ordered by the head of his Directorate department not to do so .He shall not wear his uniform at any other time than when proceeding to or from duty .
- b) Officer shall maintain their uniforms in a clean and serviceable condition. For this purpose a monthly issue of a kilogram of washing soap will be made to each officer.
- c) Uniforms become the property of the officer to whom they have been issued.
- d) Any officer whose services are terminated for whatever cause may be required by the Clerk of the County Assembly Service Board to return the uniform.
- e) Expectant officers shall be exempted from wearing the official uniforms while on duty.

Protective Clothing

Employees engaged in duties which in the opinion of the County Assembly Service Board require the wearing of protective clothing shall be provided with such clothing. However, remain the property of the County Assembly service Board of which when not in use shall be utilized as directed by the Head of the Directorate.

L.3 Emergency Preparedness

- (1) Every CASB depending on the nature of work and services shall plan for foreseeable incidents such as accidents, explosions, fire, floods, earthquakes and bomb threats and prepare and outline procedures to be followed in such events.
- (2) The Clerk shall have a responsibility of ensuring that all officers and visitors are informed of and are fully conversant with the emergency procedures.

L.4 Fire Precautions

- (1) The Clerk is responsible for ensuring that the fire protection facilities are provided in the buildings under their control and are adequate and maintained as advised by Fire Officers and Occupational Safety and Health Officers. They are also responsible for enforcing all necessary fire precaution measures as directed by both the County Department responsible for Public Works and the Directorate responsible for Labor.
- (2) General information on fire precautions and fire equipment is contained in publications

which are obtainable on application from the County Department responsible for Public Works. Regulations regarding fire safety are obtainable from the State Department responsible for Labor.

- (3) All County CASB should conform to the provisions of Occupational safety and health Act and Regulations therein

L.5 Medical Examination

The Clerk and Heads of Directorate will ensure that all officers working in hazardous occupations will undergo periodic medical examination by the designated health practitioner.

L.6 Provision of Protective Equipment and Clothing

The Clerk should ensure that all officers who are employed in any process involving exposure to wet or to any injurious or offensive substances are provided with adequate, effective and suitable protective clothing and appliances.

L.7 Safe Use of Potentially Dangerous Equipment

The Clerk and Heads of Directorates should ensure that all plants including hoists and lifts, steam boilers, other equipment and pressure vessels are properly maintained and that they undergo the statutory examinations as per the requirement in the Occupational Safety and Health Act.

L.8 Reporting of Accident

Immediately an accident or development of an occupational disease resulting in death or injury to an officer comes to the notice of the officer under whom he is directly deployed, the supervisor should make a claim for compensation in accordance with the procedure set out in the Occupational Safety and Health Act 2007 and Work Injury Benefits act 2007.

L.9 Guidance and Counseling

- i. The current challenges in the workplace and family environment affects the performance and wellbeing of an officer. To address these challenges, the CASB will introduce guidance and counseling Services.
- ii. Counseling Services shall be free of charge and shall be limited to CASB Officers. However, consultation with family members or support system may be sought when deemed necessary.

L.10 HIV/AIDS at Workplace

- i. HIV and AIDS is a major challenge facing officers in and out of the office. It poses a big threat to the individual, the family and at the work place. It is in cognizance of this that the national government has put in place care and support programs for the infected and affected officers to

enable them remain productive.

- ii. HIV/AIDS shall be treated like any other challenging issue at workplace. All County Assembly Service Board officers shall have a role to play in the wider struggle to mitigate the effects of the pandemic.

L.11 Fighting Stigma and Discrimination

- i. An officer shall not be discriminated or stigmatized on the basis of HIV status. It is an offence for any person to discriminate another on the ground of actual, perceived or suspected HIV status in relation to employment, access to education, credit, insurance, travel, health care, and habitation and or any other ground.
- ii. The Directorate responsible for Management, Heads of Directorates, Human Resource Officers and supervisors will be at the forefront in providing conducive working environment for the infected and affected officers. They will be required to set up programs that will instill positive behavior in the management of HIV and Aids.

L.12 Safe and Healthy Work Environment

It shall be the responsibility of the Supervisors to minimize the risk of HIV/AIDS transmission by adopting first aid/universal infection control precautions at workplace.

L.13 Screening for Purposes of Employment/Recruitment

HIV/AIDS screening shall not be a requirement for job seekers, recruitment or for persons in employment. Screening shall be confidential, voluntary and shall be after counseling. There shall be no disclosure of HIV/AIDS test results of any related assessment results to any person without the written consent of the officers.

L.14 Health Care Services

Officers, including spouses and children, are eligible to affordable health care services and to benefit from statutory and occupational schemes.

L.15 Drug and Substance Abuse policy

- (1) Addiction to drugs or substance will be treated like any other disease. An officer who is determined to deal with drug and substance abuse problem by engaging in rehabilitation services will be referred by the Clerk to a Government doctor for evaluation.
- (2) County Assembly Service Board will provide both in-patient and out-patient rehabilitation services within the limits provided in the Medical Insurance Scheme

SECTION M: TERMINAL BENEFITS

M.1 Introduction

This Section provides guidelines on various forms of exit from the County Assembly Service Board and the benefits payable, if any. It also outlines benefits payable under the NSSF, Widows and Children Pension Scheme and County Assembly Service Board Superannuation Scheme.

M.2 Forms of Exit from the Service

- (1) An officer may exit from the County Assembly Service through:-
 - (i) Resignation;
 - (ii) termination in accordance with the letter of appointment;
 - (iii) retirements:
 - (a) On attainment of normal retirement age.
 - (b) In Public interest;
 - (c) On medical grounds
 - (d) On 50 year rule (voluntary)
 - (e) On abolition/re-organization of office;
 - (iv) dismissal; or
 - (v) death.

M.3 Resignation

(1) An officer serving within permanent establishment, whether confirmed or on probation, may resign his appointment by giving a one (1) month notice or he shall pay one months' salary in lieu of such notice. A non-pensionable officer may resign his appointment in accordance with the terms of his agreement or letter of appointment.

(2) On resignation, an officer is required to refund any outstanding liabilities to the County Assembly. Any amount due to an officer may be withheld and applied towards any sum due by him. If any liabilities are outstanding, the County Assembly shall institute legal mechanisms for recovery.

(3) An officer whose terminal benefits are determined under the Pensions Act, cap 189 will not be eligible for pension or gratuity on leaving the Service except in the specific circumstances defined in the Pensions Act cap 189 or letter of appointment. An officer who resigns cannot, if subsequently re-employed after a break of service, count his previous service for pension.

(4) An officer whose terminal benefits are determined under the Pension scheme of the County Assembly will on resignation be eligible for terminal benefits as provided in the respective county Assembly pension scheme.

M.4 Termination of Appointment

- (1) The employment of an officer serving on contract or probationary terms may be terminated by the appointing authority in accordance with the provisions of the officer's agreement or by giving appropriate period of notice or salary in lieu of notice.

M.5 Mandatory Retirement Age

- (1) All officers will be required to retire from the Service on attaining the mandatory retirement age.

M.6 Retirement under the '50 Year' Rule

- (1) An officer on attaining the age of 50 years may opt to retire any time thereafter.
- (2) An officer whose pension is determined under the Pensions Act and has completed ten (10) years' service, will be eligible for pension should the officer opt to retire under '50 year' rule. However, if the officer has less than ten years' service, he will be eligible only for a gratuity in accordance with Regulation 5 of the Pensions Regulation.
- (3) An officer will be required to give two (2) months' notice of his intention to retire under the '50 year' rule.
- (4) An officer whose pension is not determined under the pension Act cap 189 and opts to retire under the '50 year' rule will be eligible as provided for in the respective County Assembly adopted pension scheme.
- (5) Applications from officers to retire under the '50 year' rule will be approved the respective CASB

M.7 Retirement in Public Interest

1. If an authorized officer, after having considered every available report with regard to a complaint against An Assembly officer and it is apparent that it is desirable to retire the officer on grounds of Assembly interest, the Clerk shall:-
 - (a) Serve the Assembly officer with a letter setting out the particulars of the complaint as reported and asking the officer to make representation within a reasonable time in view of the intended retirement; and
 - (b) Upon receipt of the representation or if none is received within the prescribed time, forward to the CASB all the details of the case.
2. Unless the CASB considers that further inquiry into the complaint is necessary, in which case it shall issue directions to the Clerk accordingly, it shall decide forthwith whether the Assembly officer should be called upon to retire on grounds of Assembly interest.

3. In this paragraph, for a complaint or report to justify retirement on grounds of Assembly interest, it must be such that in view of the complaint or report, the Assembly officer has offended Assembly policy as protected in:-

- (a) Prescribed government policy;
- (b) Provision of the constitution or legislation; or
- (c) Binding decision made by a competent court of law.

M.8 Retirement due to Medical Health

Where it appears that an officer is unfit for continued service on medical grounds, the case shall be forwarded to the County Director of Medical Services to convene a Medical Board. The officer may be retired from the Service on medical grounds on the recommendation of the Medical Board.

M.9 Dismissal

- (1) Dismissal refers to termination of appointment arising out of disciplinary proceedings on grounds of gross misconduct, desertion, criminal conviction, intoxication neglect of duties, insubordination, committing a crime, use of abusive language, misappropriation of Assembly funds and pecuniary embarrassment, among others.
- (2) An officer whose pension is determined under the Pensions Act and is dismissed from the Service, shall forfeit all rights or claims to a pension, gratuity, annual allowance or other retiring award, and any other rights or claims he enjoys in regard to leave or passages at the Assembly expense. However, he will be entitled to employers N.S.S.F. contribution under exemption clause of Legal Notice No. 176 of 1975.
- (3) An officer whose pension is determined under the Assembly Service Superannuation Scheme Act will, on dismissal, be eligible to terminal benefits as provided under the Act.

M.10 Death

(I) On death of an officer, the next of kin will be paid death gratuity and dependents pension. In case of an officer who has been contributing towards the Widows and Children's Pensions Scheme the next of kin will, in addition, be paid the accrued benefits(Covered under existing pension scheme before the inception of devolved structures)

M.11 Registration under the N.S.S.F

- (1) County Assembly Service Board officers who are not on permanent and pensionable terms of service will
be required to register with National Social Security Fund as provided for in the National Social Security Fund Act

M.12 General Information on Pensions and Gratuities

- (1) Human Resource Management Divisions of CASB should complete the pension and gratuity claim forms so that the Pensions Department of the County Treasury can, without delay, make the necessary calculation based on the particulars given in the claim forms.
- (2) The provisions are subject to amendment and nothing included in these notes is intended to supersede provisions of the Pensions Act and Regulations.
- (3) The Pensions Legislation of the Public Service of Kenya is contained in the Pensions Act Chapter 189
- (5) The Pensions Department of the County Treasury is responsible for the calculation of the pension/gratuity in accordance with the Pensions Act and Regulations based on the service records submitted by CASB.
- (6) The Pension/gratuity claim forms currently in use are:-
 - (i) G.P. 178 - For pensionable officers.
 - (ii) G.P. 179 - For non-pensionable officers, serving on purely temporary terms. This form is completed in respect of male officers, who were appointed or transferred to the service of the Government prior to 1st April, 1966 and female officers, who were so appointed or transferred prior to January, 1977.
 - (iii) G.P. 213 For Pensionable Officers who resign, are dismissed, retire or die while still single and without children.

M.13 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.
- 2) Pensionable Officer; means an officer who is the holder of a pensionable office in which he has been confirmed.
- (3) Qualifying Service; means service which may be taken into account in determining whether an officer is eligible, by length of service, for pension or gratuity.
- (4) Pensionable Service; means service which may be taken into account in calculating a pension or gratuity under the existing pension arrangements e.g.
 - (i) Probationary service followed by service on permanent and pensionable terms is reckonable in full for the purposes of calculating a pension or gratuity;
 - (ii) Contract service is reckonable in full if an officer surrenders or refunds the gratuity earned under the contract provided that he was admitted without a

break of service to the pensionable establishment;

- (iii) Provident Fund service is reckonable in full if an officer surrenders his personal contributions to revenue, provided that he was admitted without a break of service to the pensionable establishment;
- (iv) Temporary service; normally reckons to the extent of one-half (1/2) in calculating a pension or gratuity; and
- (v) Unpaid leave is not pension earning.

M.14 Eligibility for Pension/Gratuity

For officers covered under the pensions Act, Cap 189, the conditions of eligibility will be guided by the pensions Act cap 189 and its regulations. For staff covered under a different pension arrangement other than the pension Act, their eligibility will be guided by the existing regulations of that pension scheme. (Each county to cite depending on pension scheme of their operation)

M. 15 Gratuities

Gratuities, where applicable shall be paid to the officers of the CASB in accordance with rules and regulations governing the scheme

Refunds on Dismissal

1. On leaving the service on account of dismissal, an officer who was eligible for pension benefits will be paid in line with governing regulations as well as NSSF Act in force.

Death Gratuity

In the event of death of an officer in service, related death in service benefits will be paid in line with existing GLA/GPA scheme and pension scheme regulations.

M.16 Retirement Benefits Claim

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

The Clerk or an officer duly authorized to sign notices of retirement will be held responsible for the availability of the relevant service records to facilitate the submission of an acceptable retirement benefit claim to the Director of Pension within the time limit. The same officer will be held accountable for accuracy and timely submission of information to the Director of Pension.

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

M.17 Retirement Benefits Payable under the Pensions Act, Cap 189

- (1) The retirement benefits payable under the Act are:-
 - (i) Pensions which include service pension (whether unreduced or reduced), injury pension, killed-on-duty pension and abolition-additional pension;

- (ii) Gratuities which include commuted pension gratuities, service gratuities, death gratuities, compassionate gratuities and marriage gratuities;
 - (iii) Other allowances which include annual allowance and maintenance allowance.
- (2) An officer whose pension is determined under the Pensions Act becomes eligible for the grant of a service pension only if he has completed a minimum period of ten (10) years' service. If however, he has completed less than ten (10) years' service, he becomes eligible for the grant of a service gratuity.
- (3) The rates and modes of calculation of these benefits are set out in the pensions regulations.

When an officer retires under another county pension scheme arrangements other than the pension Act cap 189, the existing county pension scheme regulations shall prevail. (Each County to cite specific county pension regulations whether CPF or LÄPFUND or any other)

M.18 Transfer of Service and Secondment of Pensionable Officers

When a pensionable officer is transferred to the national government, another County Assembly or another administration, which is scheduled under the Pension Act, the form GP178 the statement of aggregate pensionable emoluments form GP. 190 should be completed and forwarded to the relevant authority.

Transfer of pensionable officers from the Assembly to organizations which are not scheduled under the Pensions Act Cap 189 but which have been declared to be public service for the purpose of the Act, need to be notified to the providers of pension until the eventual retirement from organizations of such officer.

County assembly is required to ascertain from Organizations to which officers are seeking transfers has been declared a public service.

An officer whose benefits are not determined under the pension Act cap 189 will be able to transfer his terminal benefits to a new organization.

When pensionable officers are seconded from one Assembly to another Assembly or administration, the pension arrangements of a seconded officer covered under the pensions Act cap 189 shall be presented in line with the pension regulations as advised by the director pension National Treasury

- (1) When a pensionable officer is transferred to the national government, another County government or another administration, which is "scheduled" under the Pensions Act, the pension Form GP.178 the statement of aggregate pensionable emoluments form GP.190 should be completed and forwarded to the Pensions department of the County Treasury.
- (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 "Assembly service" for the purposes of the Act, need not be notified to the Pensions Department of the County Treasury until the eventual retirement from the organizations of such officers.
- (3) County departments are required to ascertain from the County department responsible for Human Resource Management or the Pension Department of the County Treasury whether or not an organization to which their officers are seeking transfer has been declared an "Assembly service".

(4) An officer whose benefits are determined under the existing County Assembly pension scheme will be able to transfer his terminal benefits to a new organization as provided under the retirement benefits Act and regulations or as guided by the scheme regulations.

(5) When pensionable officers are seconded from one County Assembly to another government or Administration, the County pensions scheme regulations will guide the transfers.

M.19 Pensions Schemes

County Assemblies are required to establish pension schemes in accordance with Retirement Benefits Act or join an existing pension scheme as the case maybe.

M.20 County Assembly Service Board Pension Scheme:

(1) The County Assembly will contribute 15% of an employee's monthly basic salary while the Employee will contribute 12% unto an existing defined contributory scheme adopted by the County Assembly.

(2) The contributions will be paid into the County Assembly Service pension scheme adopted.

(3) Benefits arising from the scheme will be governed by the regulations of the pension scheme that would exist or established.

(4) The pensionable salary for purposes of pension will be basic salary without any allowances or fluctuating emoluments

NB: The County Assembly Service Superannuation Act is not yet in operation

APPENDICES

Attached are samples of tools to be used in the implementation of the Human Resource manual. Where such tools are not provided for in this HR manual, the respective County Assemblies will develop their own.

EMPLOYEE RECORDS FORM

Please complete this form in **BLOCK** letters as appropriate.

1. PERSONAL DETAILS

Full names: Title.....

(Surname)

First Name

Other Name(s): (Prof/Dr/Mr/Mrs/Miss/Ms/Rev)

Date of Birth:..... Gender: Male ☐ Female ☐

(dd-mm-yyyy)

Marital status: Married ☐ Single ☐ Widower ☐ Widow ☐ Separated ☐

Number of children.....

Names 1. Ages.....

2. Ages.....

3. Ages.....

4. Ages.....

5.

..... Ages..... Nationality:.....

..... ID No/Passport No:..... Income Tax Pin.....

Permanent Address:..... PostalCode:.....

Homecounty:..... Division:..... Constituency:.....

Telephone:..... Mobile:..... E-mail address:.....

Alternative contact person:.....Telephone:.....

2. EMPLOYMENT DATA

Name of Employer.....

Department.....

Section..... Work station.....

Appointment/Designation.....Date.....

Job Group/Scale.....Date of commencement.....

Terms of Service: Permanent & Pensionable ☐ Contract ☐ Temporary ☐

Employment History [The last two (2) employers]

1. Name of employer.....

Address of the employer.....

Post held.....

Date of appointment.....

Terms of Service: Permanent & Pensionable ☐ Contract ☐ Temporary ☐

Period: From To

2. Name of employer.....

Address of the employer.....

Post held.....

Date of appointment.....

Terms of Service: Permanent & Pensionable Contract Temporary

Period: From To

3. OTHER DETAILS

❖ Indicate the language(s) you are proficient in.....

❖ Do you suffer from any physical impairment? Yes No

❖ If yes give details:.....

❖ Have you ever been convicted of any criminal offences or a subject of probation order? Yes No

❖ Have you ever been dismissed or otherwise removed from employment?

❖ If Yes, State reason (s) for dismissal/removal

.....

Effecti
 ve date.....

(dd-mm-yyyy)

4. EDUCATIONAL BACK GROUND

Academic /Professional/Technical Qualifications (Starting with the Highest)

| S/NO | Qualification | University/College/ Institution/School | Area of specialization e.g Accounting, HRM,Secretarial,Law etc | Grade | Year | |
|------|---------------|---|---|-------|------|----|
| 1. | PhD | | | | From | To |
| | | | | | | |

| | | | | | | |
|----|-----------------------|--|--|--|--|--|
| 2. | Masters | | | | | |
| 3. | Bachelors | | | | | |
| 4. | Higher diploma | | | | | |
| 5. | Diploma | | | | | |
| 6. | Certificate | | | | | |
| 7. | Other Courses | | | | | |
| 8. | 5- level | | | | | |

| | | | | | | |
|------------|----------------------|--|--|--|--|--|
| | | | | | | |
| 9. | O-level | | | | | |
| 10. | Primary level | | | | | |
| 11. | Others | | | | | |

5. BANK DETAILS

Name of the Bank....., Branch.....

Account Number.....

6. PARTICULARS OF NEXT OF KIN

Full names.....

Relationship.....

Address

Tel No.....

**PARTICULARS OF ALTERNATIVE NEXT OF KIN(TO BE FILLED IF THE NEXT OF KIN
ARE MINORS)**

Full names.....

Relationship.....

Address

Tel No.....

Declaration: I hereby certify to the best of my knowledge that the particulars given on this form are correct
and I understand that it is binding.

Signature**date[dd/mm/yyyy]:**.....

STAFF CONFIRMATION FORM

This form should be used by the supervisors of an officer who has completed six (6) months' probation period and be submitted to the office of the Head of HR under a confidential cover within a week.

PERSONAL DETAILS

Names:

Personal No:.....ID No:.....

Designation:

Section/ Department:

Date of appointment:

Reporting Date:

Date of completion of six (6) months' probation period:

.....

HOD/SECTION HEAD

Names:

Designation:

DUTIES AND RESPONSIBILITIES DURING THE SIX (6) MONTHS PERIOD

.....

.....

EVALUATION**1. Work Performance**

Kindly describe the officer's output/ performance in terms of the following, for the six (6) months period under review.(You may use the words in brackets in your description)

Quality(Thorough, Neat, Keen to details, Understanding of work and its dynamics, adherence to the law, Creativity, Cleanliness, Perfect, Integrity, Intelligence etc)

.....

.....

.....

Quantity(Work output in terms of numbers , areas/scope of coverage, Multiskilling etc)

.....

Timelessness (Punctuality, Reliability, Flexibility, Tardiness etc)

.....

.....

Cost effectiveness(Multiskilling, Economical use of resources, Number of mistakes done, Efficiency etc)

.....

.....

1a) Please cite specific positive outstanding performance incidences for the officer during the period:

.....

.....

1b) Please cite specific negative outstanding performance incidences for the officer during the period:.....

.....

1c) From the above officer's work performance description, kindly rate the output by circling the right word (Tick the appropriate)

Excellent - Over 99%

Very good - 80-98%

Good - 70-79%

Average - 60-69%

Poor - 50-59%

Very Poor - Below 49%

2) VALUES AND COMPETENCES

a) The immediate supervisor should describe the positive / negative values that contribute good/poor performance: (Kindly note the areas of focus include integrity/honesty, transparency, accountability, fairness, respect, confidentiality, presentation/grooming, teamwork, dependability, time management, customer focus, knowledge and skills, interest to learn among others)

.....

.....

ASSESSMENT OF COMPETENCIES

b) State the competencies that the officer exhibited during the probation period by giving a clear description in the space provided in each cell. The same should be rated in the column provided.

| COMPETENCE DISPLAYED IN PERFORMING THE JOB | Score | |
|---|----------------------|--------------|
| | Total marks per item | Actual score |
| KNOWLEDGE AND SKILLS Background understanding of principles, technical skills, procedures, techniques and practical/theoretical know-how for effective job performance. Knowledge of the range of services provided. Consideration should be given to efforts made by the individual to be innovative and to keep their knowledge/skills up-to-date. Aptitude of the officer should also be considered. | 20% | |
| CUSTOMER FOCUS Ability to effectively serve clients. Solving complaints and dealing with difficult and demanding customers. Customer focus also includes courtesy, treating customers with respect, empathizing with customers. | 12% | |
| CONTROL OF RESOURCES Attention and care to prevent pilferage, theft, loss, damage or wastage of resources. Also consider extraneous constraints that hinder effective performance. Optimal use of resources, effectiveness and efficiency in operations. | 10% | |
| DEPENDABILITY How well the employee can be relied on to accept responsibility and complex work assignments. Also consider bravery and courage when undertaking complex assignments. Officer's competence level. | 10% | |
| COMMUNICATION Demonstrated ability to convey and obtain information clearly, concisely and persuasively both written and oral. Kindly consider the officer's boldness, being a fast learner, body language and firmness in decision making | 10% | |
| TEAM WORK Supports and supplements the effort of the team to achieve set targets. Works well with all levels of the workforce to achieve overall objectives. Kindly | | |

| | | |
|---|-----|--|
| consider the activeness/passiveness of the officer's participation, ability to relate well with others, being dynamic in thinking and the possibility of synergy effect. | 15% | |
| TIME MANAGEMENT How effectively the employee utilizes time to accomplish organizational objectives. Consider responsiveness and timeliness in meeting set deadlines. Also consider ability to delegate and control interruptions. Attendance, tardiness, focus/firefighting, Planning and prioritizing. | 10% | |
| MORALS AND VALUES Consider decent dressing/grooming, Being presentable, level of etiquette. | 13% | |
| Total score | 100 | |
| % of Total score | 100 | |

- a. Excellent - Over 99%
- b. Very good - 80-98%
- c. Good - 70-79%
- d. Average - 60-69%
- e. Poor - 50-59%
- f. Very poor - Below 49%

3) Kindly give an account on the officer's general behavior which accompanied his/her

Work performance within the six (6) months period. The area of focus is work

related habits such as lateness, meeting deadlines, keen to details, tardiness among

others.....

4) RECOMMENDATIONS

HOD/Section Head Recommendations

a) Do you recommend that the officer to be confirmed to the position

YES ☐

NO ☐

b) Please give reasons for your answer to the question above.

.....
.....

Signature of HOD/Section Head.....

c) The Clerk's decision on the confirmation of the officer and recommendation

.....

Signature.....

Staff Performance Appraisal Report

GP 247 A

(For Officers on County Assembly Service Board (CASB) 9 and above)

COUNTY ASSEMBLY

PREAMBLE

The overall objective of the performance Appraisal System (PAS) is to manage and improve performance in the Assembly Service by enabling a higher level of staff participation and involvement in planning, delivery and evaluation of work performance.

| | |
|------------------|--|
| Section1 (i-iv): | The section will be completed by the Appraisee. |
| Section 2: | The section is to be completed by the Appraisee in consultation with the supervisor at the beginning of the appraisal period |

The PAS is a component of Performance Management System in the National and County Governments and integrated work planning, target setting, performance reporting and feedback.

This appraisal form will be completed by officers in CASB 9 and above. It is expected that both the Appraisee and the Supervisor will read the Guide to the Performance Appraisal System prior to embarking on the actual appraisal. The form shall be filed in triplicate and distributed after the evaluation process as follows:

Original to the officer's confidential;

Duplicate to the Appraisee's personal file: and

Triplicate to be retained by the Appraisee.

STEPS FOR COMPLETING THE PERFORMANCE APPRAISAL FORM

| | |
|--------------|--|
| Section 3(a) | <p>The column on agreed performance targets will be completed by the Appraisee in consultation with the Supervisor</p> <p>The column on performance indicator shall be completed by the Appraisee in consultation with the Supervisor at the beginning of the appraisal period</p> <p>The column on result achieved shall be completed by the Supervisor in consultation with the Appraisee at the end of the appraisal period</p> <p>The column on performance appraisal is completed by the supervisor at the end of the appraisal period using the rating scale provided. Performance of each target will be scored and the total recorded. A mean score will be calculated and recorded as the appraisal score</p> |
| Section 3(b) | The appraisal score of the previous year will be completed by the Supervisor at the beginning of the appraisal period |
| Section 4 | <p>The column on Appraisee's training and development needs will be completed by the Appraisee as agreed with the Supervisor</p> <p>The column on duration of training will be completed by the Appraisal in consultation with the supervisor</p> <p>The column on comments shall be filled by both the Appraisee and Supervisor at the end of the appraisal period</p> <p>The Appraise and the Supervisor shall be required to sign the form after setting the performance targets</p> |
| Section 5 | The section is to be completed by the Supervisor at the end of the appraisal period after discussion with the Appraisee |
| Section 6a | The section is to be completed by the supervisor after discussion with the Appraisee |
| Section 6b | <p>The column on target changed/added is to be completed by the supervisor in consultations with the Appraisee during the mid year review</p> <p>The column on performance indicators/proof of performance will be completed by the supervisor in consultation with the Appraisee during the mid year staff performance review.</p> <p>The column on results achieved shall be completed by the Supervisor in consultation with the Appraisee at the end of the appraisal period.</p> |
| Section 7 | The section shall be completed by the Appraisee during performance evaluation |
| Section 8 | The section will be completed by the supervisor (where applicable) at the end of performance appraisal period |
| Section 9 | The Section will be completed by the Supervisor and the recommendation submitted to the Performance Management Committee for deliberation and recommendation. Approval shall be granted by the Clerk, to the County Assembly. |

PERFORMANCE MANAGEMENT APPRAISAL REPORT (A)

CASB 9 and above

Period under Review: From To.....

SECTION 1: Personal Particulars

(i) Name Personal
No.....

(Surname, First Name, Others)

(ii) Department

.....

Section

.....

Duty

Station.....

(iii) Current Designation

.....

Terms of Service

.....

CASB GradeWith effect from
.....

(iv) Acting Appointment/ Special Duty (if any)

CASB GradeWith effect from
.....

Appraisee's

Name

Designation

.....

Signature..... Date

.....

Supervisor's

Name

Designation

.....

Signature.....Date.....

SECTION 2: Departmental Objectives (From which performance will be derived)

1.....

2.....

3.....

4.....

5.....

6.....

SECTION 3 (a) Performance Targets

| Agreed Performance Targets (To be completed by the Appraisee as agreed with the Supervisor at the beginning of the appraisal period) | Performance Indicators/ Proof of Performance (To be completed by the Appraisee in consultation with the Supervisor at the beginning of the appraisal period) | To be completed by the Supervisor at the end of the appraisal period |
|---|---|---|
| 1. | | |
| 2. | | |
| 3. | | |
| 4. | | |
| 5. | | |
| 6. | | |
| Total Score on performance targets | | |
| Mean Score/ Appraisal score (%) | | |

Rating Scale: The following rating should be used to indicate the level of performance by an Appraisee.

| Achievement of Performance Targets | | |
|---|-----------|-----------|
| All Performance Targets consistently exceeded | Excellent | 101%+ |
| All Performance Targets fully met | Good | 100% |
| Some Performance Targets fully met | Fair | 80-99% |
| Performance Targets partially met | Poor | 70-79% |
| Performance Targets not met | Very Poor | Below 70% |

Supervisor's comments on performance

.....

.....

Appraisee's comments on performance

.....

.....

SECTION 4: Staff Training and Development Plan

| Appraisee's training and development needs (To be completed by the Appraisee as agreed with the Supervisor at the beginning of the appraisal period) | Duration of training including on the job training (<i>Note that these are short Skill oriented courses</i>) | Comment on staff training and development undertaken over the appraisal period (To be completed at the end of the reporting period) | |
|--|--|---|-----------------------|
| | | Comments by Appraisee | Comment by Supervisor |
| | | | |
| | | | |

| | | | |
|--|--|--|--|
| | | | |
| | | | |
| | | | |
| | | | |

Appraisee's Signature.....Date.....

Supervisor's Signature..... Date

SECTION 5: Values and Staff Competences Appraisal

This section will be completed by the Supervisor after discussion with the Appraisee. The Supervisor and Appraisee should however discuss the values at the beginning of appraisal period. The definitions of values/competences are as stated in the Guide. The Supervisor should comment on each of the values and competences listed below:

5(a): Values and core competencies

(i) Values

| Values | Comments |
|---------------------------------------|----------|
| Integrity | |
| Respect for National Diversity | |
| Respect for Gender Diversity | |
| Cooperation | |
| Confidentiality | |
| (ii) Core Competencies | |
| Core competencies | Comments |
| Customer Focus / Citizen Focus | |
| | |

| | |
|--|--|
| Professionalism | |
| Technical Competency | |
| Communication | |
| Team work | |
| Time Management | |
| Continuous learning and performance improvement | |

Section 5(b): Managerial and Supervisory Competences

(This part applies only to staff who have managerial and supervisory responsibilities)

| Competency | Appraisal (Positive comments) | (Negative comments) |
|--|--------------------------------------|----------------------------|
| Planning and Organization | | |
| Training Development of Staff | | |
| Accountability in Managing Resources | | |
| Anticipating Risks and Taking Measures to mitigate against them | | |
| Judgement and Objectivity | | |

| | | |
|---|--|--|
| | | |
| Managing and Evaluating Performance | | |
| Promoting use of information Technology | | |

SECTION 6 (a): Mid Year Staff Performance Review

This section will be completed by the Supervisor after discussion with the Appraisee.

(Comment on the appraisee's performance including achievement, milestones and any constraints experienced over the first half of the reporting period).

.....

.....

.....

.....

6(b): Targets varied Mid Year

| Targets Changed or added as agreed during mid-year performance Review | | Performance Indicators/Proof of Performance (To be completed by Appraisee during mid year review) | To be completed by the Supervisor at the end of the appraisal period. | |
|---|--|---|---|--|
| | | | Results achieved | Performance Appraisal by the Supervisor (see rating scale) |
| 1. | | | | |

| | | | | |
|----|--|--|--|--|
| 2. | | | | |
| 3. | | | | |

Supervisor's Name.....

Signature..... Date.....

Note: In the event of an Appraisees's transfer, promotion, redeployment or assignment of other duties other than those specified at the beginning of the appraisal period, the Appraisee's performance shall be assessed on a pro-rata basis.

SECTION 7: Appraisee's Comment on Appraisal by the Supervisor (tick as appropriate)

(To be completed at the end of the appraisal period)

| | | |
|--|--------------------------|--------------------------|
| Did performance related discussions | Yes | No |
| with your supervisor take place during | <input type="checkbox"/> | <input type="checkbox"/> |
| the reporting period ? | | |

| | | |
|------------------------------|--------------------------|--------------------------|
| Did the discussion help you? | Yes | No |
| | <input type="checkbox"/> | <input type="checkbox"/> |

General Comments (if any), on your overall performance

.....

.....

.....

.....

Comments on your immediate Supervisor's contribution to your achievements

.....
.....

.....
.....

.....
.....

Appraisee's Signature.....
Date.....

Appraisee's Signature..... Date.....

SECTION 8: Comments by the Supervisor

Comment on the consistency and reasonableness of the comments given by the Appraisee and any significant statements made by the Appraisee

.....
.....

Supervisor's Name:

Designation:Signature..... Date.....

SECTION 9: Recommended Reward or sanction

A bonus of one month's basic salary for excellent performance will be awarded upon approval by the Clerk to the Assembly.

Tick the recommended sanction for poor and very poor performance:

| | | |
|--------------------------|---|--------------------------|
| <input type="checkbox"/> | Warning/Cautionary letter for poor performance | <input type="checkbox"/> |
| <input type="checkbox"/> | Dismissal/ termination of appointment for very poor performance | <input type="checkbox"/> |

Other recommended interventions

(specify).....

.....
.....
.....
.....

Supervisor's Name.....Signature..... Date

.....

(d) Recommendation to the Clerk by the Assembly's Performance Management Committee

Minute No:

Meeting:

Recommendation

.....Signed:

.....

.....

Chairperson

Date

.....

.....

Secretary

Date

Approved / Not Approved by Clerk to the Assembly

Comments by the Clerk to the Assembly.....

.....

.....

Signed.....

Date.....

Staff performance Appraisal Report

B

((For Officers on County Assembly Service Board (CASB) 8 and below))

COUNTY ASSEMBLY

PREAMBLE

The overall objective of the performance Appraisal System (PAS) is to manage and improve performance in the Assembly Service by enabling a higher level of staff participation and involvement in planning, delivery and evaluation of work performance.

The PAS is a component of Performance Management System in the National and County Governments and integrated work planning, target setting, performance reporting and feedback.

This appraisal form will be completed by officers in CASB 8 and below. It is expected that both the Appraisee and the Supervisor will read the Guide to the Performance Appraisal System prior to embarking on the actual appraisal. The form shall be filed in triplicate and distributed after the evaluation process as follows:

Original to the officer's confidential;

Duplicate to the Appraisee's personal file: and

Triplicate to be retained by the Appraisee.

STEPS FOR COMPLETING THE PERFORMANCE APPRAISAL FORM

| | |
|------------------|--|
| Section1 (i-iv): | The section will be completed by the Appraisee. |
| Section 2: | The section is to be completed by the Appraisee in consultation with the supervisor at the beginning of the appraisal period |
| Section 3(a) | The column on agreed performance targets will be completed by the Appraisee in consultation with the Supervisor |

| | |
|--------------|---|
| | <p>The column on performance indicator shall be completed by the Appraiser in consultation with the Supervisor at the beginning of the appraisal period</p> <p>The column on result achieved shall be completed by the Supervisor in consultation with the Appraiser at the end of the appraisal period</p> <p>The column on performance appraisal is completed by the supervisor at the end of the appraisal period using the rating scale provided. Performance of each target will be scored and the total recorded. A mean score will be calculated and recorded as the appraisal score</p> |
| Section 3(b) | The appraisal score of the previous year will be completed by the Supervisor at the beginning of the appraisal period |
| Section 4 | <p>The column on Appraiser's training and development needs will be completed by the Appraiser as agreed with the Supervisor</p> <p>The column on duration of training will be completed by the Appraiser in consultation with the supervisor</p> <p>The column on comments shall be filled by both the Appraiser and Supervisor at the end of the appraisal period</p> <p>The Appraiser and the Supervisor shall be required to sign the form after setting the performance targets</p> |
| Section 5 | The section is to be completed by the Supervisor at the end of the appraisal period after discussion with the Appraiser |
| Section 6a | The section is to be completed by the supervisor after discussion with the Appraiser at the mid year |
| Section 6b | <p>The column on target changed/added is to be completed by the supervisor in consultations with the Appraiser during the mid year review</p> <p>The column on performance indicators/proof of performance will be completed by the supervisor in consultation with the Appraiser during the mid year staff performance review.</p> <p>The column on results achieved shall be completed by the Supervisor in consultation with the Appraiser at the end of the appraisal period.</p> |
| Section 7 | The section shall be completed by the Appraiser during performance evaluation |
| Section 8 | The section will be completed by the supervisor (where applicable) at the end of performance appraisal period |
| Section 9 | The Section will be completed by the Supervisor and the recommendation submitted to the Performance Management Committee for deliberation and recommendation. Approval shall be granted by the Clerk, Nairobi City County Assembly. |

STAFF PERFORMANCE APPRAISAL REPORT (B)

Period under Review: From To

SECTION 1: Personal Particulars

(I Name (Surname, First Name, Others)

Personal No.....

(ii) Department

.....

Section

.....

(iii) Current Designation

.....

Terms of Service

CASB Grade

With effect from (Specific
date).....

(vi) Acting Appointment/ Special Duty (if any)

CASB Grade

With effect from

(vii) Appraisee's Name

.....

Designation

Signature.....

Date

(vii) Supervisor's Name

.....

Designation

.....

Signature..... Date

.....

SECTION 2: Departmental Objectives (From which performance will be derived)

1.....

2.....

3.....

4.....

5.....

6.....

SECTION 3(a): Performance Targets

| Agreed Performance Targets <i>(To be completed by the Appraisee as agreed with the Supervisor at the beginning of the appraisal period)</i> | Performance Indicators / Proof of Performance <i>(To be completed by the Appraisee in consultation with the Supervisor at the beginning of the appraisal period)</i> | To be completed by the Supervisor at the end of the Appraisal period | |
|--|---|---|---|
| | | Results Achieved | Performance Appraisal (See rating scale) |
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| Total Score on performance targets | | | |
| Mean Score/ Appraisal score (%) | | | |
| 3(b): Appraisal score for the previous year (%) | | | |

Rating Scale: The following rating should be used to indicate the level of performance by an Appraisee.

| Achievement of Performance Targets | | |
|---|-----------|-----------|
| All Performance Targets consistently exceeded | Excellent | 101%+ |
| All Performance Targets fully met | Good | 100% |
| Some Performance Targets fully met | Fair | 80-99% |
| Performance Targets partially met | Poor | 70-79% |
| Performance Targets not met | Very Poor | Below 70% |

Supervisor's comments on performance.....

.....

.....

Appraisee's comments on performance.....

.....

.....

SECTION 4(a): Staff Training and Development Plan

| Appraisees' training and development needs <i>(To be completed by the Appraisee as agreed with the Supervisor at the beginning of the appraisal period)</i> | Duration of training including on the job training | Comment on staff training and development undertaken over the appraisal period (To be completed at the end of the reporting period) | |
|--|--|--|-----------------------|
| | | Comments by Appraisee | Comment by Supervisor |
| | | | |

Appraisee's Signature.....Date.....

Supervisor's Signature Date

SECTION 5: Values and Staff Competences Appraisal

This section will be completed by the Supervisor after discussion with the Appraisee. The Supervisor and Appraisee should however discuss the values at the beginning of appraisal period. The definitions of values/competences are as stated in the Guide. The Supervisor should comment on each of the values and competences listed below:

5: Values and core competencies

(i) Values

| Values | Comments |
|--|----------|
| Integrity | |
| Respect for National Diversity | |
| Respect for Gender Diversity | |
| Cooperation | |
| Confidentiality | |
| (ii) Core Competencies | |
| Core competencies | Comments |
| Customer | |
| Technical Competency (knowledge of the job) | |
| Communication | |

| | |
|---|--|
| | |
| Team work | |
| Time Management | |
| Proper Use of Resources | |
| Continuous learning and performance improvement | |

Section 6a: Mid Year Staff Performance Appraisal

This section should be completed by the Supervisor after discussion with the Appraisee.

(Comment on the appraisee's performance including achievement, milestones and any constraints experienced over the first half of the reporting period).

.....

.....

.....

6 (b) Targets varied Mid Year

| | | | |
|--|---|--|--|
| Targets Changed or Added as agreed during mid-year performance Appraisal | Performance Indicators/Proof of Performance (To be completed by Appraisee during mid year review) | To be completed by the Supervisor at the end of the appraisal period | |
| | | Results achieved | Performance Appraisal by the Supervisor (see rating scale) |

| | | | | |
|----|--|--|--|--|
| 1. | | | | |
| 2. | | | | |
| 3. | | | | |

Supervisor's NameSignature..... Date.....

Note: In the event of an Appraisee's transfer, promotion, redeployment or assignment of other duties other than those specified at the beginning of the appraisal period, the Appraisee's performance shall be assessed on a pro-rata basis.

SECTION 7: Appraisee's Comment on Appraisal by the Supervisor (tick as appropriate)

(To be completed at the end of the appraisal period)

Did performance related discussions

Yes

No

☐
☐

With your supervisor take place during
the reporting period?

Did the discussion help you?

Yes

No

☐
☐

General comments (if any), on your overall performance

.....
.....

Comments on your immediate Supervisor's contribution to your achievements

.....
.....

Appraisee's Signature..... Date.....

SECTION 8: Comments by the Supervisor

Comment on the consistency and reasonableness of the comments given by the Supervisor and any significant statements made by the Appraisee

.....
.....

Supervisor's Name:

.....

Designation:Signature..... Date.....

SECTION 9: Recommended Reward or sanction

A bonus of one month's basic salary for excellent performance will be awarded upon approval by the Clerk to the Assembly.

Tick the recommended sanction for poor and very poor performance:

| | | |
|--|---|--|
| | Warning/Cautionary letter for poor performance | |
| | Dismissal/ termination of appointment for very poor performance | |

Other recommended interventions

(specify).....

.....
.....
.....
.....

Supervisor's Name.....Signature..... Date
.....

(d) Recommendation(s) to the Clerk by the Assembly's Performance Management Committee

Minute No:

Meeting:

Recommendation

.....

Signed:

.....

Chairperson

.....

Date

.....

Secretary

.....

Date

Approved / Not Approved by Clerk to the Assembly

Comments by the Clerk to the Assembly.....

.....

.....

.....

Signed.....

Date.....



CA05

REPUBLIC OF KENYA

THE PUBLIC OFFICER ETHICS ACT, 2003 (No. 4 of 2003)

Declaration of Income, Assets & Liabilities (section 26)

Name of the Public Officer

(Surname) (First name) (Other names)

Birth Information

Date of birth _____

Place of birth _____

Marital Status _____

Address

Postal address _____

b. Physical address _____

Employment Information

Designation _____

Name of Employer _____

Nature of employment (permanent, temporary, contract, etc)

T.S.C. No. _____

School/Institution _____

District _____

Name of spouse of spouses

(i) (Surname) (First name) (Other names)

(ii) (Surname) (First name) (Other names)

iii) (Surname) (First name) (Other names)

(iv) (Surname) (First name) (Other names)

(v) (Surname) (First name) (Other names)

(vi) (Surname) (First name) (Other names)

(vii) (Surname) (First name) (Other names)

Name of dependent children under the ages of 18 years

(i) (Surname) (First name) (Other names)

(ii) (Surname) (First name) (Other names)

(iii) (Surname) (First name) (Other names)

(iv) (Surname) (First name) (Other names)

(v) (Surname) (First name) (Other names)

(vi) (Surname) (First name) (Other names)

(vii) (Surname) (First name) (Other names)

(viii) (Surname) (First name) (Other names)

(ix) (Surname) (First name) (Other names)

Financial statement for _____

(A separate statement is required for the officer and each spouse and dependent child under the age of 18 years. Additional sheets should be added as required)

Statement date

(Statement date is the first day of the month proceeding the month in which the declaration is due.) b.
Income, including emoluments, for the period from

_____ to _____

(Including, but not limited to, salary and emoluments and income from investments, the period is from the previous statement date to the current statement date. For an initial declaration, the period is the year ending on the statement date.)

| Description | Approximate amount |
|-------------|--------------------|
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

Assets (as of the statement date)

(Including, but not limited to land, buildings, vehicles, investments and financial obligations owed to the person for whom the statement is made)

Description

| Description (Including the location of asset where applicable) | Approximate amount |
|---|---------------------------|
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

Liabilities (as of the statement date)

| Description | Approximate amount |
|-------------|--------------------|
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

Other information that may be useful or relevant

| |
|--|
| |
| |
| |
| |
| |
| |

I solemnly declare that the information I have given in this declaration is, to the best of

my knowledge, true and complete.

Signature of Officer: _____

Date: _____

Witness:

Signature: _____

Name: _____

Address: _____

SHOW CAUSE LETTER – ABSENCE FROM DUTY WITHOUT REASONABLE CAUSE

(Letter Head)

To

.....

Thro'

(Supervisor)

Dear Sir or Madam,

ABSENCE FROM DUTY WITHOUT REASONABLE CAUSE

It has been reported that you absented yourself from duty on.....

(State the particulars of the absence including number of days and specific dates)

In view of the above, your dismissal from the service on account of absence from duty without reasonable cause is contemplated, but before this is done, you are hereby called upon to show cause why the intended action should not be taken.

Your representation if any, should reach this office within..... *(State reasonable time)* from the date of this letter failure to which the contemplated action will be taken without further reference to you.

Yours faithfully

(Signed)

Authorized Officer

FORMAT FOR PRESENTING DISCIPLINARY CASES, APPEALS AND REVIEWS

Name

Date of First appointment.....

Personal Number.....

Current designation.....

Job group/Salary scale.....

Terms of service

Date of Birth.....

B. Nature of Charge, Offence or Misconduct against the officer

.....

.....

.....

(Set out the particulars in full)

C. Discipline case/Appeal/Reviews

.....

.....

..... *(Specify)*

D. Previous charge or offences or misconduct and punishments (if any)

| Charge | Decision | Date |
|--------|----------|------|
| 1. | | |
| 2 | | |

| | | |
|----|--|--|
| 3. | | |
| 4. | | |

E. Criminal convictions

(If any)

| Criminal charge/offence | Date | Judgment/Ruling/Order by court |
|-------------------------|------|--------------------------------|
| | | |
| | | |
| | | |

F. Analysis of the Case on issues raised by the officer and the Authorized Officer's comments

| Officer's Representations | Authorized Officer's comments |
|---------------------------|-------------------------------|
| 1. | |
| 2. | |
| 3. | |

G. Recommendations by the relevant Committee of the Department/ County government in the Case

.....

.....

H. Authorized Officer's comments on the Committee's recommendation which aggravate or mitigate gravity of the case

(if any)

.....

.....

J. List of Appendices

.....

.....

(List all documents attached to this form e.g. show cause letter, minutes of the relevant Committees, investigation report, court rulings/judgments etc.)

(Signed)

Authorized Officer

INTERDICTION FOLLOWING A CRIMINAL CHARGE

(Letter head).

To

.....

(Registered mail to last known address)

Dear Sir/Madam,

INTERDICTION UPON CRIMINAL CHARGE

It has been reported to this office that you were arrested and charged in a court of law with the offence of (Set out particulars as indicated in the charge sheet).

In view of the foregoing, you are hereby interdicted from exercising the duties of your office with effect from the date you were charged/date of this letter (whichever is applicable) pending finalization of your case.

While on interdiction, you will be paid half salary and you should not leave your duty station without the express permission from your immediate supervisor.

(Signed)

Authorized Officer

Copy to: Supervisor

INTERDICTION FOLLOWING GROSS MISCONDUCT LEADING TO DISMISSAL

(Letter Head)

To

.....

Thro'

(Supervisor)

Dear Sir or Madam,

INTERDICTION

It has been reported to this office that you

(Set out the particulars of the misconduct together with dates)

To facilitate investigations on the alleged misconduct, it has been decided that you be and are hereby interdicted from exercising the duties of your office from the date of this letter pending finalization of your case.

While on interdiction, you will be entitled to half of your basic salary, full house allowance and medical insurance cover. Further, you should not leave your duty station without the express permission of your immediate supervisor.

Your faithfully

(Signed)

Authorized Officer

LETTER LIFTING INTERDICTION

(Letter head)

To

.....

Thro'.....

(Supervisor)

.....

Dear Sir/Madam

LIFTING OF INTERDICTION

Further to our letter Ref. No..... dated(*the interdiction letter*) and after due consideration of your case, it has been decided that the interdiction imposed on you be and is hereby lifted with effect from..... (*the date of the interdiction*). Your salary withheld during the interdiction shall be released.

You should acknowledge within one month from the date of this letter that you have read and understood the contents herein.

Your faithfully

(Signed)

Authorized Officer

SUSPENSION LETTER

(Letter Head)

To

.....

Thro'

(Supervisor)

Dear Sir or Madam,

SUSPENSION

It has been reported to this office that you were convicted of a serious criminal offence namely (set out particulars).

Or

Having considered your representations and investigation report on (*state alleged offence*), your general conduct and work performance has been found wanting and warrants dismissal on account of gross misconduct.

Consequently, it has been decided that you be and are hereby suspended from exercising the duties of your office from the date of this letter pending finalization of your case. While on suspension, you will not be entitled to any salary but you will be paid full house allowance, medical allowance or where applicable medical insurance premium will be remitted.

Your faithfully

(Signed)

Authorized Officer

LETTER LIFTING SUSPENSION

(Letter head)

To

.....

Thro'

(Supervisor)

.....

Dear Sir/Madam,

LIFTING OF SUSPENSION

Further to our letter Ref. No.....dated (*the suspension letter*) and after due consideration of your case it has been decided that, the suspension imposed on you be and is hereby lifted with effect from..... (*the date of the suspension*).

However, you are hereby warned that a repeat of the same or similar misconduct in future may lead to commencement of proceedings for your dismissal from the service.

In view of this decision, you are required to report to this office on and not later than(*Reasonable time*).

You are required to acknowledge within one month from the date of this letter that you have read and understood the contents herein.

Your faithfully

(Signed)

Authorized Officer

NOTICE OF INTENTION TO RETIRE ON GROUNDS OF PUBLIC INTEREST

(Letter head)

To.....

.....

Thro'

(Supervisor)

Dear Sir or Madam,

NOTIFICATION OF RETIREMENT IN THE PUBLIC INTEREST

It has been established that you committed the following offence(s) which affect the public interest. *(State the full particulars of the complaint/offence that warrant his retirement)*

Consequently, it is contemplated to retire you on the ground of public interest in accordance with public service regulations. However, before a decision to retire you is made, you are hereby asked to make a written representation as to why you should not be retired in the public interest.

Your representations, if any, should reach this office within *(reasonable period)* days from the date of this letter failure to which, you shall be retired on the ground of public interest without further reference to you.

Yours faithfully

(Signed)

Authorized Officer

APPLICATION FOR CHANGE OF BANK ACCOUNT DETAILS

(Please fill in the details as required. Tick where appropriate)

Full name

Surname

First Name

Other Names

Gender: ID Number:

Personal Number:

Designation

Speaker of the County Assembly ☐ Member of County Assembly ☐

Staff of the County Assembly ☐

I would like to change my bank details to the following:

BANK DETAILS:

Bank [Name]:.....

Branch [Name]:.....

Account Number:.....

Declaration: I hereby certify to the best of my knowledge that the particulars given on this form are correct and I understand that they are binding.

Signature:..... Date [dd/mm/yyyy]:.....

NB

Attach copies of the necessary documents i.e Bank Card and National ID Card.

DECISION LETTER ON RETIREMENT IN PUBLIC INTEREST

(Letter head)

To.....

.....

Thro'

(Supervisor)

Dear Sir or Madam,

RETIREMENT IN THE PUBLIC INTEREST

This is to inform you of the County Assembly Service Board's decision to retire you on the grounds of public interest with effect from.....(*date*).

In view of this decision, you are required to report to this office within thirty days with a view to submitting a handover report and to conclude arrangements for processing your pensions and other terminal benefits. Consequently, you are requested to complete the following documents and return them to this office duly signed for further action:

Pension Retirement Form.

Official Secrets (Declaration) Act for officers leaving the service.

Final Wealth Declaration Form

Clearance Form

Pease note that you have a right of application for review of the decision to the Board within six months from the date of this letter.

Your faithfully

(Signed)

Authorized Officer

REQUEST FOR OVERTIME FORM**Part: 1**Personal Details:

Name of Employee:

Personal Number:

Designation:

Department/Section:

Work Details : (the work which overtime is being requested for and the specific tasks to be performed.)

.....

.....

.....

Reasons for the work being done outside normal working hours:

.....

.....

.....

The amount of time required (including the specific days for the work performance):

.....

.....

.....

The output/Results (indicators of performance as prove for overtime payment):

Signature:

Part: 11Approval by the HOD (tick as appropriate)Approved ☐ approved☐

Any comments/guidelines/amendments on the overtime:

.....

.....

Name: Signature:

Final approval by Clerk to the Assembly (tick as appropriate)

Approved ☐ approved ☐

Any comments/guidelines on the overtime:

.....

.....

LEAVE FORM

This form should be dully filled and approved two days before an officer commences leave. Kindly note that any leave proceeded without HOD's and the Clerks approval will be considered as unauthorized absence and the same will be recovered from the officer's salary without future reference. An officer shall proceed on leave after receiving a copy of fully approved form from the Head, Human Resource Management.

TO : CLERK TO THE ASSEMBLY

FROM :Personal Number.....

Designation.....Department.....

LEAVE REQUEST (*Tick where appropriate*)

| | |
|-----------------------------|--------------------------|
| ANNUAL LEAVE | <input type="checkbox"/> |
| COMPASSIONATE LEAVE | <input type="checkbox"/> |
| SPECIAL LEAVE FOR SPORTSMEN | <input type="checkbox"/> |
| TERMINAL LEAVE | <input type="checkbox"/> |
| SICK LEAVE | <input type="checkbox"/> |

I am applying for.....Days with effect from.....to.....

Reasons for leave.....

.....

Applicants Signature.....

N/B: For Maternity Leave, Paternity Leave, Sick Leave and Special Leave for Sportsmen, all the applications **MUST** have supporting documents i.e. Birth Notification, Medical reports or Invitation letters.

NOTIFICATION OF ACCRUED LEAVE DAYS-WHERE APPLICABLE (HRM)

Please note that the above mentioned employee has accumulated administrative leave as follows:-

Leave to date.....Days

Leave transferred.....Days

Total leave to his/her credit.....Days

Less leave applied.....Days

Balance to his credit.....Days

FOR OFFICIAL USE ONLY-

HOD'S APPROVAL

Application has been approved/Not approved.....

If not approved, reasons for Disapproval.....

.....

Name.....Signature.....Date.....

CLERK'S APPROVAL

Application has been Approved/Not approved (*Kindly tick the appropriate*)

Signature.....Date.....

APPLICATION FOR MATERNITY/PATERNITY LEAVE

TO BE COMPLETED IN DUPLICATE

Maternity leave should be taken approximately one month before the expected date of confinement and application for the same should be submitted to the office of the Clerk at least one month before the date of confinement. This application form shall be duly filled and signed and an officer shall proceed on leave after receiving a written confirmation from the of Head, Human Resource Management that his/her leave has been fully approved.

Paternity leave should be taken from the date of confinement of the spouse and application for the same should be submitted to the office of the Clerk duly filled and signed. An officer shall proceed on leave after receiving a written confirmation from the of Head, Human Resource Management that his/her leave has been fully approved. An officer is required to avail a doctor's certificate confirming the maternity status of his wife.

TO: CLERK TO THE ASSEMBLY

FROM :Personal Number.....

Designation.....Department.....

Application for maternity leave

I wish to apply for three months paid maternity leave commencing on.....

Day of.....20..... To.....Day of.....20.....

I attach a certificate signed by registered Medical Practitioner in support of my application.

Application for Paternity leave

I wish to apply for two weeks paid Paternity leave commencing on.....

Day of.....20..... To.....Day of.....20.....

I attach a certificate signed by registered Medical Practitioner in support of my application.

Address while on leave, P.O BOX

.....

Date.....Signature.....

FOR OFFICIAL USE ONLY-

HOD'S APPROVAL

Leave is within/not within entitlement (Tick where appropriate)

Remarks (Approved/Not Approved).....

STAMP AND SIGNATURE.....DATE.....

CLERK'S APPROVAL

Application has been Approved/Not approved (*Kindly tick the appropriate*)

Signature.....Date.....

Officers proceeding on maternity /paternity leave shall formally hand over and fill in the handing over form.

HEAD OF HUMAN RESOURCE

Date Received.....signature.....

AWAY FROM DUTY STATION ON OFFICAL ASSIGNMENT

1. Name: :.....

2. Designation: :.....

3. Department: :.....

4. Reason(s) for being away from

i.

ii.

5. Duration of period to be away

From ____/____ / 2015

To: ____/____ / 2015

6. Signature:.....

7. Comments by Immediate Supervisor

.....
.....

8. Signature:.....

Date::.....

OFFICE HANDING OVER /TAKING OVER REPORT

[The following guidelines are to ensure that there is smooth handing / over taking over between officers to facilitate consistency, continuity and accountability]

NAME OF OFFICER HANDING OVER:P/NO:

NAME OF OFFICER TAKING OVER.....P/NO:.....

NAME OF WITNESS.....P/NO:

OFFICE..... EFFECTIVE DATE

[Tick as appropriate] Reasons for handing over/taking over

Leave ☐

Transfer ☐

Retirement ☐

Indicate any other.....

Expected date of return of officer handing over

Duties/Responsibilities of officer handing over:

Projects/assignments and their expected completion dates

| No | Name of the project | Status | Expected completion date |
|----|---------------------|--------|--------------------------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

3. Documents/Accounts (Explain in Detail)

NOTES/COMMENTS:

Officer Handing over.....

.....

Officer Taking over

.....
.....

4. OFFICE INVENTORY

Number of Staff/ Their names/Designation

| No | Names staff | Designation/Grade | Remarks |
|----|-------------|-------------------|---------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

No of Equipment.

| No | Equipment | Serial number | Remarks |
|----|-----------|---------------|---------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

Officer Handing OfficerSignature.....Date.....

Officer Taking Over.....Signature.....Date.....

HEAD OF DEPARTMENT

Name.....Signature.....Date.....

Copy to: Clerk to the County Assembly

Head of Human Resources

Head of Department

PROPOSAL FOR GROUP TRAINING ON SHORT SKILL ORIENTED COURSES AND EVALUATION

Title of the course :.....

Target group (Designations of the officers targeted).....

.....

Duration of course (No of days/months).....

Specific days/months for the training : Start..... End.....

Venue for training :.....

Current vote balance for training (where the training expenses will be costed) Ksh.....

.....Date of Vote balance.....

Trainees details;

[illegible]

Background information (of the situation which called for the training of the officers)

.....

.....

.....

.....

.....

Rationale of the training

.....

.....

Goal of the training.....

.....

.....

.....

Specific objectives of the training (At least 5 objectives which are specific, measurable, achievable, realistic and time bound)

.....

.....

.....

.....

.....

.....

Course content (Summary)

.....

.....

.....

.....

.....

Course methodology (tick as appropriate)

Lectures ☐ Discussions ☐ Brainstorming ☐

Sharing of experience/Plenary session/Story telling ☐

| | | | | | |
|---|--------------------------|---------------------------|--------------------------|------------------|--------------------------|
| Puzzle/Quizzers | <input type="checkbox"/> | Question cards | <input type="checkbox"/> | Content analysis | <input type="checkbox"/> |
| Cross training | <input type="checkbox"/> | Drills | <input type="checkbox"/> | Video Portion | <input type="checkbox"/> |
| Active summaries | <input type="checkbox"/> | Participation control | <input type="checkbox"/> | Raise argument | <input type="checkbox"/> |
| Materials for reference | <input type="checkbox"/> | Personal action plan | <input type="checkbox"/> | | |
| Question and answer sessions | <input type="checkbox"/> | Paraphrase | <input type="checkbox"/> | Structure | <input type="checkbox"/> |
| Case studies/given scenarios for learning purpose | <input type="checkbox"/> | Power point presentations | <input type="checkbox"/> | | |
| Study tours/benchmarking | <input type="checkbox"/> | | | | |
| Demonstrations | <input type="checkbox"/> | Attachments | <input type="checkbox"/> | Role plays | <input type="checkbox"/> |
| Internship | <input type="checkbox"/> | Simulation | <input type="checkbox"/> | | |
| Coaching | <input type="checkbox"/> | Mentoring | <input type="checkbox"/> | Apprenticeship | <input type="checkbox"/> |

Any other, kindly state.....

Teaching aids : (tick as appropriate)

| | |
|--|--------------------------|
| Projectors screen and laptops | <input type="checkbox"/> |
| Felt pens and white boards | <input type="checkbox"/> |
| Felt pens and flip charts | <input type="checkbox"/> |
| Blackboard and chalk | <input type="checkbox"/> |
| Pictures, photos and drawings/sketches | <input type="checkbox"/> |

Any others, kindly state.....

BUDGET– Itemize the components of budget and cost then with reference approved budget, the current vote balance, TNA report.

APPROVALS

Training and Development Committee

| | | | |
|----------|--------------------------|--------------|--------------------------|
| Approved | <input type="checkbox"/> | Not Approved | <input type="checkbox"/> |
|----------|--------------------------|--------------|--------------------------|

If not approved kindly give reasons and recommendations

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.....
Chairperson's Name..... Sign.....
Date.....
Secretary's Name.....Sign.....
Date.....

Office of the Clerk to the Assembly

Approved ☐ Not Approved ☐
Signature.....Date.....

EVALUATION

Immediate evaluation

Reaction Level– evaluating training in terms of satisfaction derived from;

Course content.....
.....
Training methods used.....
.....
Teaching aids used.....
.....
Mastery of the subject by Trainers.....
.....
Meals served.....
.....
Accommodation offered.....
.....
Any other aspect, state and describe.....
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.....

Learnt knowledge – knowledge, skills and attitudes acquired.

Gauge the above by using questions based on the course content and its application at the work place.....
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Evaluation from 6 months – 1 year after the training/course.

Behavior – This is an evaluation based on Returns to investment. Learning is evaluated with reference to behavior change. The newly acquired and expected behavior is evident after learning (6 months – 1 year) for example what and how to work in the right climate.

Kindly describe the behavior change after undertaking the course.

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Results/impacts – 6 months to 2 years after the training.

This is the measuring of the final results that occurred due to the implementation of training as per the period stated above. The aspects to be considered are as follows and should be in descriptive form:-

Productivity – The current production units per individual trainee compared against the production units per the individual before the training took place.

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Quality – The standards of the products produced by trained officer against the expected standards of the Assembly.

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Quantity – The number of product units produced over a defined period of time per individual trained officers.

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Turnover – The aggregate/total output units for the whole group trained.

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Transferability of knowledge, skills and attitude to the work of environment (i.e description of evident activities, actions and behavior that show that the trained officers are better off than they were before the training.

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Motivation levels

Level of self-drive to work/give services among trained officers.

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Level of supervision and guidance offered to the trained officers during their work performance.

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The optimal use of resources in work performance while demonstrating gained compliances and positive public services values. This is aimed at minimizing the operation.

Time – timeliness; meeting deadlines;

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Materials – stationary and reference materials (constitution, circulars, policies, procedures, Acts of Parliaments, Standing orders among others)

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Machines, equipments – the proper and appropriate use of office machines and equipments in their work performance where necessary

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Funds – prudent use of financial resources as per the approved budget, cash flows, work plan and decisions of the Board and the Clerk

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Office space/work environment – optimal use of the work space to produce quality services and motivate self and others (consider the house keeping practices for a safe healthy working environment)

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Risk assessment and management at the work place. What are the inherent risks in the work environment, and what are their effects

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How are the risks being dealt with.....

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What are the challenges faced in dealing with the risks? Kindly describe.....

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Kindly put forward any requests, comments, recommendations, advice or otherwise to the management or the course. Your group work performance and the performance of the Assembly.....

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STUDY LEAVE FORM

This form is meant to be filled by officers requesting for full time course attendance in learning institutions and who wish to remain as active officers in the payroll. Applications should be accompanied by the admission letter. Officers proceeding for study leave shall fill this form one month prior to commencement of the Course. He/she shall pass on the form to his/her superiors to sign in their specific space provided for. An officer shall proceed on study leave after receiving a copy of fully approved form from the Head, Human Resource Management.

TO: CLERK TO THE COUNTY ASSEMBLY

PERSONAL DETAILS:

Name:

Designation:

Department/Section:

Current Personal Address:

(Please note the address may be used in case of a recall to duty)

Personal mobile number:

(Please give your most active mobile phone number)

Next of kin's names:

COURSE SPECIFICATIONS

Name of Course:

Institution of training:

Faculty/Department:

Duration of the Course:

Commencement and end date: From.....To.....

Officers signature:**Date**.....

APPROVALS

HOD:

I.....being the supervisor to
.....who has applied for study leave hereby approve the above leave. I also
confirm that i have made the necessary arrangements to ensure smooth operation even in the absence of the above
employee.

Signature: Date.....

TRAINING COMMITTEE:

Minute number:

Brief description of the Minute:

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Date of the Meeting:

Chairman of the Committee:

Name:Date:

Secretary to the Committee:

Name:Date:

CLERK'S APPROVAL AND COMMENTS

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Officer to proceed on leave/Officer not to proceed on leave.....

In case the officer's leave is not approved, the reasons for the same should be stated
below.....
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Signature.....Date.....

EXAMINATION LEAVE APPLICATION FORM

This examination leave form shall be filled in by the concerned officer at least two (2) weeks before commencement of his/her examinations. The officer's course should have been approved by the Training and Development committee before its commencement.

A duly filled form shall have the officer's official examinations timetable from the learning Institutions attached.

Personal Details

Name..... Personal No.....

Designation.....Department.....

Section Signature

Training Details

Name of the Training Institution Student Admission No.....

Name of the course Specialization
..... Duration of the course
(years)..... From To Department
..... Faculty Campus/Branch
.....

Course approval details

The training and development committee meeting minutes number

And date

Examinations details

Training institutions' examination timetable dates From To

The officer's specific Examinations dates.....,,
.....,.....,.....,.....,.....,.....

Total No. of officer's specific days

Officer's signature Date

Approvals

Head of department /Section Head:

Name

Signature Date

Approved ☐ Not Approved ☐

Reasons non-approval

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Head of Human Resource Management and Secretary to the Training and Development Committee.

Name Signature

Approved ☐ Not Approved ☐

Reasons non-approval

.....

Chairman of the Training and Development Committee.

Name Signature

Approved ☐ Not Approved ☐

Reasons non-approval

.....

Minutes of the Training and Development Committee for approval of the examination leave.

Minute Number

Date of the meeting.....