



COUNTY GOVERNMENT OF HOMA BAY



HUMAN RESOURCE POLICIES AND PROCEDURES

MANUAL

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A PUBLICATION OF THE COUNTY PUBLIC SERVICE BOARD

PREFACE

The Constitution of Kenya under Article 235 gave the legal framework for uniform norms and standards upon which the Counties shall manage its human resources. To effectively carry out the functions of the devolved structure of Government, the County has seen it prudent to develop a County Human Resource Policies and Procedures Manual. The manual will capture all fundamental changes both in new legislations and in the management of the Human Resource.

These changes include the County Government (Amendment) Act, 2020, Employment (Amendment) Act, 2021 reforms by the Public Service Commission among other reforms. In the process of developing the Human Resource Policies and Procedures Manual, the County Public Service Board collaborated with the office of the County Secretary and the Directorate of Human resource Management to ensure it conforms to the uniform norms and standards and best practice of managing the Human Resource. The Human Resource Policies and Procedures Manual provides guidelines in the management and development of human resource capacity towards the achievement of the National, County goals and objectives.

The Manual is anchored on other policies and guidelines governing the management of Human Resource in the wider Public Service. It is important to note that these policies are not exhaustive of all the rules and regulations governing the County Public Service in its day-to-day activities. It should be read alongside other relevant Statutes, where applicable, for better interpretation and application.

The Human Resource Policies and Procedures Manual will apply to State Officers and Public Officers in the Departments and Agencies in the County Government of Homa Bay. They will be reviewed from time to time to reflect and respond to any legal and policy changes affecting human resource management and development in the public service.



Chairperson
Mr. Isaiah Odiwuor Okoto
County Public Service Board Homa Bay

FOREWORD

This Human Resource Policies and Procedures Manual has been developed to provide guidelines and direction in which staff in the County Government of Homa Bay shall be professionally managed under uniform norms and standards established by the Constitution of Kenya and other relevant legislation to enable them to be able to provide efficient and effective service to the citizens. This policy has taken cognizance of the fact that human resource is the most vital capital in the socioeconomic growth of any institution. The development of this comprehensive policy is therefore part of the County Government's efforts to improve efficiency and effectiveness in service delivery.

It must be appreciated that for the County Government to improve its performance, there is a need for the staff working in the County to adhere to certain regulations in the performance of their work and thus uphold professional conduct as well. The Chief Officers, CEOs of Agencies and all Staff should personally take an interest in understanding the policies guiding human resource matters in the County Public Service of Homa Bay.

This manual shall serve as the primary document for the management of Human Resources in the county. We shall take all necessary steps to bring the contents of this manual to all staff in the county and subsequently induct new staff as and when they join the county service.

My utmost gratitude goes to H.E. the Governor, Hon. Gladys Nyasuna Wanga EGH, the Chairperson, Members and Secretariat of the County Public Service Board, the Economic Advisor (consultant) Mrs Rachel Jaluha Okumu OGW, EGJ and Directorate of Human Resource Management for their contribution to this manual.



Prof. Benard Muok, PHD, OGW
County Secretary and Head of Public Service

DEFINITION OF TERMS

Accounting Officer	Means a public officer appointed pursuant to the provisions of this section 148 of the Public Finance Management Act 2012 to take full responsibility on the finances, assets and liabilities of the respective county department. Authorized Officer includes <ul style="list-style-type: none"> a) The holder of the office of the County Chief Officer in a county department or b) In the case of a department that is not assigned or under direct administration of county chief officer the head of that department and c) Any other public officer appointed by the county public service board to be an authorized officer with respect to a specified public body including a municipality.
Basic Salary	Means an officer's salary excluding allowances.
Bondee	Means an employee who is serving a training bond obligation.
Contract Service	Means an agreement between an employer and employee which stipulates provision of services by the employee for a specified period to the employer with specific terms between two or more persons or entities in which there is a promise to do something in return for available benefits known as consideration.
County Executive Committee	Means a committee of the government responsible for policy direction and overall supervision of the County Government established pursuant to article 179 (1) of the Constitution.
County Executive Committee Member	Means a state officer responsible for policy direction, coordination and overall supervision of a County Department appointed pursuant to article 179 (3) of the Constitution
Chief Officer	Means a County Authorized/Accounting officer responsible for a County Department or the Administrative head/Chief Executive Officer of a function.
County	Means an entity established under Article 6(1) of the Constitution and specified in the first schedule.
County Governor	Means the Chief Executive Officer of a County in a County Government.
Deputy Governor	Means the Deputy Chief Executive Officer of a County Government.

County Public Service	Means the collectivity of all the individuals performing functions within any Department of any County Government or its Agency but does not include the Governor, Deputy Governor, and Members of the County Executive Committee and Members of the County Assembly.
County Public Servant	Means an employee of the County Public Service.
County Assembly	Means the legislative arm of the County Government.
County Secretary	Means Secretary to the County Executive Committee and Head of County Public Service.
Children	Means the biological offspring or legally adopted child under the age of twenty-five (25) years who are unmarried and are wholly dependent on the officer and have been declared at the time of employment or when the birth has occurred.
Delegated Authority	The powers of the Board that have been assigned to any one or more of its members, officer, body or Authority to exercise on its behalf.
Department or Office Responsible for Human Resource Management matters in the County	This means a department, or an Office designated in County Executive order or has delegated powers from the County Public Service Board to coordinate all matters concerning Human Resource Management in the County government of Homa Bay on behalf of all the departments.
Extended Family	Includes the officer, spouse, children, parents, brothers and sisters of the officer.
Financial Year	Means the period commencing 1 st July of the previous calendar year to 30 th June of the following calendar year; <i>(This is in respect of the Public Service).</i>
Immediate Family	Includes the officer, spouse, children and the officer's parents.
Leave Year	Refers to the period commencing 1 st July of the previous calendar year to 30 th June of the following calendar year <i>(Financial year).</i>
Next of Kin	Means the person identified and whose name is provided by the officer for the purpose of contact during emergency and in case of death.

Nuclear Family	Means the officer, spouse and children.
Officer in charge of Department or Office Responsible for Human Resource Management matters in the County	Means County Secretary or in case of a Department Chief or Authorized officer of the Department or office.
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.
Pensionable Officer	Means an officer who is the holder of pensionable office in which he has been confirmed.
Pensionable Service	Means service which shall be taken into account in calculating a pension or gratuity.
Probationary Service	A period of time in which a person who is starting a new job is tested and appraised to confirm their capability to perform the job properly.
Pro Rata	Means computation of benefits for the period served in relation to the full-term entitlement
Provident Fund Service	Means service which shall be taken into account in calculating pensioners gratuity as stipulated in the agreement between the organization and the service provider.
Public Service	Means the collectivity of all individuals, other than State officers, performing a function within a State organ.
Public Service Commission of Kenya	Is the authority responsible for appointments, promotions, discipline except where powers have been devolved to Counties.
Qualifying Service	Means service which shall be taken into account in determining whether an Officer is eligible for pension or gratuity and as defined in the County Government Superannuation Scheme.
Reimbursable Allowances	Means those allowances where an officer gets reimbursement on the expenditure incurred in the course of duty.
Remunerative Allowances	Means those allowances paid to an officer in addition to salary as a form of compensation for additional responsibilities.

Spouse	Refers to the legal marriage partner of an Officer specified under the Marriage Act, 2014 or in accordance with the relevant Customary Law.
State Officer	A person holding a state office as provided for in the Constitution of Kenya.
Surety	Refers to a person who formally accepts responsibility to locate a bondee and/or redeem the bond obligation of a bondee who defaults or appears in a court of law in respect of the same.
Training Bond	Refers to a formal agreement between the County Government of Homa Bay and its employees who are selected for approved training that oblige them to serve in the Public Service for a specific period of time on completion of training.
Tour of Service	Refers to the period of employment contract in the Civil Service awarded to an employee.
Unpaid leave	A period of time that an employee is allowed away from work for holiday, illness or other special reason, but they are not paid for. This period is not pension earning.
Vesting Period	Refers to ownership of benefits built up in a Pension Scheme for a member including what has been contributed by the employee and returns thereof.

This Human Resource Policies and Procedures Manual for Homa Bay County Public Service is formulated with due regard to gender; thus where reference is made either to 'he' or 'she' only, it shall be construed to mean and include reference to both 'he' and 'she' and where reference is made to spouse, it shall be construed to mean and include reference to both 'husband' and 'wife' where applicable and vice versa.

ABBREVIATIONS

CPSB	-	County Public Service Board
CCHRMSC	-	County Central Human Resource Management Sub Committee
CECM	-	County Executive Committee Member
CHRMAC	-	County Human Resource Management Advisory Committee
DHRMA	-	Departmental Human Resource Management Advisory Committee
CHRTDSC	-	County Human Resource Training & Development Sub-Committee
CSSC	-	County Surcharge Sub-Committee
CCHRMPSC	-	County Central Human Resource Management Posting Sub-Committee
CPMC	-	County Performance Management Committee
CSC	-	County Surcharge Committee
DOHS	-	Directorate of Occupational Health & Safety
DPMC	-	Departmental Performance Management Committee
HIV/AIDS	-	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
LAPFUND	-	Local Authorities Pension Fund
LAPTRUST	-	Local Authorities Pension Trust
NHIF	-	National Hospital Insurance Fund
SHIF	-	Social Health Insurance Fund
NSSF	-	National Social Security Fund
NTSA	-	National Transport and Safety Authority
OHS	-	Occupational Health & Safety
PAS	-	Performance Appraisal System
PMS	-	Performance Management System
SRC	-	Salaries and Remuneration Commission
WCPS	-	Widows and Children's Pension Scheme

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SECTION A

INSTITUTIONAL FRAMEWORK GOVERNANCE STRUCTURE AND OFFICIAL COMMUNICATION

This part comprises the institutional framework for human resource management in the County Public Service and official communication.

- A.1** Section A provides a summary of matters related to the administration and management of Government. It shall be read alongside the Constitution of Kenya, 2010; the County Governments Act, 2012; The Public service Commission Human Resource Policies and procedures Manual (Revised) 2024, and other legal statutes as amended from time to time.

The Role of County Public Service

- A.2** The County Public Service shall be responsible for the implementation of Government Policies and programmes in the County.

Values and Principles of County Public Service

- A.3 1)** The County Public Service shall be guided by the following values and principles as stipulated in Article 232 of the Constitution:
- i. High standards of professional ethics.
 - ii. Efficient, effective and economic use of resources.
 - iii. Responsive, prompt, effective, impartial and equitable provision of services.
 - iv. Involvement of the people in the process of policy making.
 - v. Accountability for administrative acts.
 - vi. Transparency and provision to the public of timely, accurate information.
 - vii. Fair competition and merit as the basis of appointments and promotions.
 - viii. Representation of Kenya's diverse communities; and
 - ix. Affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service of:
 - a) Men and women.
 - b) The members of all ethnic groups; and
 - c) Persons with disabilities.
- (2)** The values and principles of public service apply to:
- i. All County Government Departments; and
 - ii. All County Agencies (Boards and / or Committees)

Values and Principles of Governance

A.4 The County Public Service will also be bound by the values and principles of governance as stipulated in Article 10 of the Constitution. These include:

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

Functions of County Government Departments

A.5 The allocation of functions to County Government Departments shall be as set out in Part 2 of the Fourth Schedule of the Constitution of Kenya, 2010, County Government Act, 2012 and Governor's Circulars and/or Executive Orders issued to the County Public Service from time to time.

Role of the Governor

A.6 The functions of the Governor shall be as prescribed in Part V, Section 30 (2) and (3) of County Governments Act, 2012.

Communication by the Governor

A.6.1

- (1) The Governor shall communicate directly to a County Executive Committee Member, the County Secretary, the Chairperson County Public Service Board (CPSB), the Chief Officers, Chief Executive Officer's (CEO) of the CPSB and respective Agencies, the Chairs And Managers of the Municipalities/Towns and Managers as may be appropriate.
- (2) The Governor may see any of the above-listed officers as need arises.
- (3) The Governor can also communicate by letter, memo, email, telephone, or verbally.
- (4) The Governor may communicate to the Heads of Section and any other officer through respective Chief Officers, the CEOs of County Agencies, Municipalities and Managers as appropriate.

Role of Deputy Governor

A.7 The role of the Deputy Governor shall be as prescribed in Section 32, (2), (3), (4), and (5) of the County Governments Act, 2012

Communication by the Deputy Governor

A.7.1(1) The Deputy Governor shall communicate directly to the Governor as may be appropriate.

- (2) The Deputy Governor shall communicate directly to a County Executive Committee Member, the County Secretary, Chairperson County Public Service Board, the Chairperson's of County agencies, the Chief Officers, CEOs of county Agencies, the Municipal Chairs and Managers as may be appropriate.
- (3) The Deputy Governor may consult with any of the above listed officers as need arises.
- (4) The Deputy Governor can also communicate by letter, memo, email, telephone, or verbally.
- (5) The Deputy Governor may communicate to the Heads of Section and any other officer through respective Chief Officers, CEOs of respective Agencies, the Municipal Chairs and Managers as may be appropriate.

Role of Chief of Staff

A.8 The Chief of Staff will be the Private Secretary to the Governor and will coordinate all Private matters of the Governor. Functions of the Chief of Staff will entail:

- i. Managing the Governor's and deputy Governor's diary.
- ii. Coordinating the Governor's overseas contacts and visits in liaison with the department responsible for County Administration
- iii. Liaising and coordinating with the staff in the office of the Governor for efficient flow of information and delivery of services
- iv. Supervising the activities of the county protocol office
- v. Coordinating county executive committee sub committees in consultation with the County Secretary
- vi. Following up action on executive decisions and directives with the relevant departments
- vii. Head of the governor's staff; and viii. Any other duties as assigned by the governor

Role of Governor's Advisors

A.9 The Office of the Governor may from time to time appoint Advisors who will be responsible for providing technical and professional advice to the Governor on various aspects of Governance as case may be from time to time. The Governor may from time to time assign any other duties to the Advisors as shall be appropriate.

Role of County Executive Committee Member

A.10 The responsibilities of the County Executive Committee Member shall be as prescribed in Article 183 of the Constitution Sections 36,37, 46 (1) (2) (and Section 47(1) and (2) of the County Governments Act, 2012.

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

In addition to the above responsibilities, the County Executive Committee Member shall be responsible for:

- i. Strategic policy formulation and direction of the Department in respect to key priority areas.
- ii. Being the link between the Department and the Governor or County Assembly as the case may be.
- iii. Responding to County Assembly or Senate Committee on matters touching on their departments.
- iv. Steering the strategic human resource management matters in the Department.
- v. Coordinating the overall legislation and programmes to meet the objectives of the Department.
- vi. Responding to problems identified by the public, County Assembly members and County public servants.
- vii. Ensuring service delivery within the Government's policy and legislative framework.
- viii. Ensuring that advisory committees that make decisions and determine appeals are functional.
- ix. Ensuring that County agencies provide services in accordance with their legislations and regulations.
- x. Oversee County agencies falling within their mandate; and
- xi. Carry out any other duties as shall be assigned by the Governor from time to time.

Communication by County Executive Committee Members

A. 10.1 In discharging their functions:

- 1) The County Executive Committee Members will communicate directly with the Governor by minutes, letters, and memos or verbally, as may be appropriate. They may see him/her by arrangement whenever they wish to do so. County Executive Committee Members should inform the Governor at the earliest possible opportunity of any important event connected with the administration of functions of their respective Departments.
- 2) County Executive Committee Members will communicate with one another on official matters by letters, memos, emails, telephone and not by-passing files.
- 3) County Executive Committee Members will communicate with their respective Chief Officers by minutes, emails, telephone, memos or orally.
- 4) County Executive Committee Members will communicate with Heads of Departments/County Agencies under their control in writing or through their respective Chief Officers.
- 5) If County Executive Committee Member wishes to communicate with a department not falling within his/her portfolio, he/she will do so through the appropriate County Executive Committee Member and not directly.

- 6) County Executive Committee Member will communicate with officials of Departments under his/her general control through the appropriate Chief Officer/ Head of Department as the case may be and not directly except in such matters of daily routine as may require direct communication, or when special circumstances so require. In such cases, if any important decisions or directions are involved, the Executive Committee Member concerned should also communicate his/her instructions to the Chief Officer/ Head of Department as soon as possible.
- 7) County Executive Committee Member may communicate directly with National Government Cabinet Secretaries and Principal Secretaries on technical matters after consultation with and approval from the Governor.

County Secretary and Head of Public Service

- A.11 1)** Section 44 of the County Government Act 2012 provides for the office of the County secretary. The County Secretary shall:
- i. Be the Head of the County Public Service.
 - ii. Be responsible for arranging the business, and keeping the minutes, of the County Executive Committee subject to the directions of the County Executive Committee.
 - iii. Convey the decisions of the County Executive Committee to the appropriate persons or authorities and perform any other functions as directed by the County Executive Committee.
 - iv. Communicate County Executive Committee decisions to the County Public Service Board and to the respective Chief Officers.
 - v. Responsible for coordinating all communication from the County Government and ensure that they are consistent with overall Government objectives and decisions. This will be done in consultation with Governor and the respective County Executive Committee Members as and when it touches on technical matters of their departments.
 - vi. Work in consultation with Executive Committee Member and Chief Officers to ensure general efficiency of public service.
 - vii. Work in consultation with Chief Officers to ensure that all agencies of Government are adequately staffed for the performance of their functions.
 - viii. Work with respective County Executive Committee Members and Chief Officers to ensure the County Government Policies are implemented as per County Executive Committee decisions.
 - ix. Work in consultation with the County Executive Committee Members and Chief Officers to coordinate public service activities.
 - x. Chair the County Human Resource Management Advisory Committee.
- (2)** The County Secretary shall liaise with all Chief Officers on policy matters affecting their Departments and the redress measures they are putting in place.

Communication by the County Secretary

A.11 1) The County Secretary will communicate:

- i. Directly with the Governor by minutes, letters, memos, telephone or verbally, as may be appropriate. He/ She may see The Governor as need arises.
- ii. With County Executive Committee Members by letters, memos, emails, telephone and not by-passing files.
- iii. County Executive Committee decisions to County Public Service Board, respective Chief Officers and Agency CEOs by letter, minutes or memos and copy to the County Executive Committee Member.
- iv. With Heads of Departments/County Agencies through the respective Chief Officer.
- v. With Sub-County Administration through the Chief Officer responsible for County Administration or directly depending on the urgency of the matter.
- vi. With staff at the middle and lower levels through their respective Chief Officers and CEOs of County Agencies.

Role of the Deputy County Secretary

A.12 A County Deputy Secretary shall be responsible to the County Secretary in carrying out the day-to-day duties assigned by the County Secretary. He /She shall:

- i. Deputize the County Secretary in the administration of the operations of the department and chair meetings of committees as shall be delegated by the County Secretary from time to time.
- ii. Assist the County Secretary in organizing the business of the County Executive Committee.
- iii. Assist in the preparation and dispatch of the County Executive Committee decisions to the Chief officers, County Public Board and Executive Committee Members.
- iv. Coordinate and follow up matters communicated to the Departments to ensure they are implemented and give feedback to the County Secretary where the Departments have failed or are encountering difficult in the process of implementation; and
- v. Any other duties as shall be assigned by the County Secretary from time to time.

Communication by the Deputy County Secretary

A.12.1 The office of the Deputy County Secretary shall:

- (1) Communicate to the Governor and Deputy Governor through the County Secretary or directly as need may arise.
- (2) He /she shall communicate to the County Executive Committee Members, Chief Officers, County Public Service Board CEO, CEOs of County Agencies, and the Sub-Counties through the County Secretary,

however in case of any emergencies he/she shall communicate to the above offices directly after due consultation with the County secretary.

Role of Chief Officer

- A.13 (1)** A County Chief Officer shall be responsible to the County Executive Committee Member for the administration of a County Department as provided under Section 45 of the County Governments Act, 2012. The Chief Officer as the Chief Executive of the County Department is responsible for:
- i. The day-to-day operations of the Department.
 - ii. Exercising supervision over the Department for which the County Executive Committee Member is responsible; iii. Advising the County Executive Committee Member on all questions of policy which falls within the scope of the Department. iv. Coordinating policy formulation and implementation.
 - v. Informing the County Executive Committee Member on the progress made in the implementation of policies and control of the Department.
 - vi. Accounting Officer of the respective Department and is held personally accountable and responsible to County Assembly for prudent management of finances of the Department.
 - vii. As the Authorized and Accounting Officer of the Department, the Chief Officer has a duty to consult and brief the County Executive Committee Member on matters of policy, finances and operations in the Department. viii. As the Authorized Officer, the Chief Officer is responsible for the administration and management of human resource functions in the respective department as delegated by the County Public Service Board. ix. Co-ordination of the department's performance management.
 - x. Advising the County Executive Committee, County Human Resource Management and Advisory Committee (CHRMAC) and Departmental Performance Management Committee (DPMC) on human resource matters. xi. Overseeing implementation of programmes.
 - xii. Efficient utilization of funds and other public resources placed at their disposal; and
 - xiii. Performing any other human resource function as directed by the Governor, respective County executive Committee Member or County Public Service Board;
- (2)** Chief Officer may brief the County Secretary on any matter concerning any public servant or performance of the Department and any other matters that are cross cutting and require coordination with other Departments.
- (3)** The Chief Officer should always seek advice, guidance and concurrence from his/her respective County Executive Committee Member on policy matters before implementation.

Communication by Chief Officer

- A.14 (1)** As the Accounting, Authorized and Administrative Officer, the Chief Officer may communicate directly with the Governor by minutes, letters, and memos or verbally as may be appropriate. They may see Governor by arrangement whenever they wish to do so.
- (2)** The Chief Officer may communicate with the County Executive Committee Member through letters, memos, emails, telephone and verbally. The communication between the Chief Officer and the County Executive Committee Member should be timely. Any policy decisions communicated by the Chief Officer should be approved by the County Executive Committee Member.
- (3)** (3) The Chief Officer may communicate with another Chief Officer on official matters through letters, emails, telephone and not bypassing files.
- (4)** The Chief Officer will communicate with Heads of Sections and County Agencies through letters, emails, telephone, memos or verbally
- (5)** The Chief Officer will communicate with Sub-County Administration through the Chief Officer responsible for County Administration. However, in respect to programmes hosted in other Departments the Chief Officer may communicate to the Sub-County Administration directly with copies to the Chief Officer, responsible for County Administration.

Role of Sub-County Administrator

- A.15 (1)** The role of the Sub-County Administrator is as laid out in Section 50 of the County Governments Act, 2012. In addition, the Sub-County Administrator shall:
- (i) Supervise and facilitate activities of officers of the County Departments working at the Sub County, Ward and Village Offices;
- (ii) Account for the assets of the County Government at the Sub County, Ward and Village Administration offices.
- (iii) Implement measures to support efficient and effective functioning of the citizen service delivery centers at Sub County, Ward and Village levels.

Communication by Sub-County Administrator

- A.15.1 (1)** Sub-County Committee Administrator will communicate policy matters to County Executive Member and Chief Officer responsible for County Administration.
- (2)** On other matters concerning other departments, the Sub - County Administrator will communicate directly to the respective Chief Officers and/or County Public Service Board with copies to County Executive Committee Member and Chief Officer responsible for County Administration

- (3) Sub-County Administrators may communicate directly to the Governor, Deputy Governor or County Secretary in cases of emergencies or when need arises and they are not able to reach the County Executive Committee Member and Chief Officer responsible for County Administration.
- (4) Office of the Governor, Deputy Governor and the County Secretary may communicate directly to Sub-County Administrators in cases where need arises. However, the same communication should be relayed to County Executive Committee Member and Chief Officer responsible for County Administration to ensure follow up and implementation.
- (5) County Executive Committee Members, Chief Officers from other Departments and the County Public Service Board may communicate to the Sub-County Administrator through the County Executive Committee Member or Chief Officer responsible for County Administration to ensure coordination/cost effectiveness of all the activities/ meetings being planned by other departments.
- (6) However, on critical matters concerning respective departments other than Governance, Administration, Communication and Devolution, respective Chief Officers may communicate directly to the Sub-County Administrator.
- (7) Ward Administrators and Village Administrators should communicate through their respective Sub-County Administrators to higher offices and vice versa.

Role of the County Attorney

A.16 The Office of County Attorney is established pursuant to the provisions of the Office of the County Attorney Act, 2020. The Act provide for the functions and powers of the County Attorney; provide for the discharge of duties and the exercise of powers of the County Attorney; and for connected purposes. The Act applies to the County Attorney, the County Solicitor, County Legal Counsel and such other officers who perform or discharge legal functions and such other duties as may be assigned to them in the Office

The County Attorney:

- (1) Is the principal legal adviser to the County Government.
- (2) Shall attend the meetings of the County Executive Committee as an exofficio.
- (3) Shall, on the instructions of the county government, represent the County Executive in court or in any other legal proceedings to which the County Executive is a party, other than criminal proceedings.
- (4) Shall advise departments in the County Executive on legislative and other legal matters.
- (5) Shall negotiate, draft, vet and interpret documents and agreements for and on behalf of the County Executive and its agencies.

- (6) Shall be responsible for the revision of county laws.
- (7) May liaise with the office of the attorney general when need arises; and
- (8) Shall perform any other, function as may be necessary for the effective discharge of the duties and the exercise of the powers of the county attorney.

Communication by the County Attorney

- A.16.1** The Communication by the County Attorney shall be similar as that set out for County Executive Committee Members of section 10.1 of this manual.

Role of Director Governors Press Unit/County Government Spokes Person

A.17

1. The Director Governor's Press Unit will consult with the Governor, Deputy Governor and County Secretary and Chief of Staff where applicable, on major County policy and public announcements.
- (2) The Director will consult with the County Executive Committee Members and Chief Officers on public announcements in their departments.
- (3) He/she will ensure timely and clear communication to the public and any other stakeholders.
- (4) Promote citizen understanding for purposes of peace and national cohesion.
- (5) Oversee the planning for news conferences, including selecting the site for an event, arranging for banners and other graphics to be displayed at the event.
- (6) Prepare packets of information to be distributed to the media, news broadcast and prepare executives to speak at news conferences.
- (7) Monitor newspapers, television other outlets to see what the media is saying about the county and to devise strategies to address any misinformation.
- (8) Formulate and implement communications' programs to enhance the profile, image and perceptions of the County by stakeholders in consultation with the communication directorate.
- (9) Create awareness to the Governor on opportunities and threats to enable adopt a pro-active stance;
- (10) Provide advice to the Governor on all areas of communications affairs, public relations and media relations.
- (11) Formulate and implement measures to ensure proper projection of the County's corporate image;
- (12) Provide liaison services between the public and the media on all matters of concern to the County.
- (13) Communicate with the press and managing the County's relationship with the media for accurate coverage of key events; and
- (14) capture information, edit and transmit /broadcast to the public.

Official County Visits to/from National or County Government

A.18 Executive Committee Members or Chief Officers scheduled for official visits to a National Government activity shall inform the Governor of their itinerary and nature of the visit in advance for approval after which they shall inform the Cabinet Secretary or Principal Secretary. Likewise, Senior National Government Officers scheduled for official visits to a County Government activity shall inform the Governor of their itinerary and nature of the visit in advance. This will enable the Governor/Cabinet Secretary/Principal Secretary respectively to prepare for the visit and brief the respective County Executive Committee Members or Chief Officers to prepare for such visits.

SECTION B

FUNCTIONS AND POWERS OF THE COUNTY PUBLIC SERVICE BOARD

Introduction

- B.1 (1)** The County Public Service Board is a constitutional body established under Article 235 of the Constitution of Kenya 2010, and the County Governments Act, 2012. Its functions and powers are spelt out in section 59 of the County Governments Act, 2012. The Board may delegate any of its functions and powers to any one or more of its members, the County Secretary, County Chief Officer, Sub-County or Ward Administrator and Municipal Managers with or without conditions.
- (2)** The Board consists of a chairperson and five (5) other members and a Secretary appointed by the Governor with the approval of the County Assembly.

Functions and Powers of the County Public Service Board

- B.2 (1)** In accordance with the Constitution of Kenya, 2010 and the County Governments Act 2012 the Board shall:
- i. Establish and abolish offices in the County public service.
 - ii. Appoint persons to hold or act in offices of the County public service including the Boards of Municipalities and urban areas within the County and to confirm appointments.
 - iii. Exercise disciplinary control over, and remove persons holding or acting in those offices;
 - iv. Prepare regular reports for submission to the County Assembly on the execution of the functions of the Board.
 - v. Promote in the County Public Service values and principles referred to in Articles, 10 and 232.
 - vi. Evaluate and report to the County Assembly on the extent to which the values and principles referred to in Article 10 and 232 are complied with in the County Public Service;

- vii. Facilitate the development of coherent, integrated human resource planning and budgeting for personal emoluments in the County;
 - viii. Advise the County Government on integrated human resource management and development;
 - ix. Advise County Government on implementation and monitoring of the performance management system in the County;
 - x. Make recommendations to the Salaries and Remuneration Commission on behalf of the County Government, on the remuneration, pension and gratuity for County Government employees;
 - xi. Investigate, monitor and evaluate the organization, administration and personnel practices of the County Public Service;
 - xii. Ensure that the County Public Service is efficient and effective;
 - xiii. Develop human resource in the County Public Service;
 - xiv. Review and make recommendations to the County Government in respect of conditions of service, code of conduct and qualifications of officers in the County Public Service;
 - xv. Hear and determine appeals in respect of County employees; and
 - xvi. Perform any other functions and exercise any other powers conferred by County legislation and the Governor as from time to time.
- (2) The establishment of the County Public Service Board, its powers and functions are contained in the County Governments Act, 2012, Section 59 (1), (4), 86 (1) and (2).

Communication with the County Public Service Board

B.3 All communication with the County Public Service Board shall be addressed to the Secretary/CEO, County Public Service Board. Serving officers may communicate directly with the County Public Service Board only in exceptional cases and provide copies of their communication to the respective chief officer for information. Accordingly, this notwithstanding, they should channel their letters through their respective Chief Officers who will forward the communication to the Office responsible for Human Resource Management in the County as delegated by the CPSB. This Office will in turn communicate the information to the Board with the necessary recommendations as appropriate.

Notification of the Board's Decisions

B.4 The decisions of the County Public Service Board to County Departments in respect of all cases will be communicated in writing by the Secretary/CEO of the Board to the respective Chief officers and relevant Government Agencies through the Department or the Office responsible for Human Resource Management matters in the County as delegated by the CPSB.

Secretary to the Public Service Board

- B.5** The decisions of the County Public Service Board in respect of appeals to either the Public Service Commission or the Board will be communicated in writing by the Secretary to the Board

Reporting of Vacancies

- B.6(1)** When a vacancy is reported to the Board for filling, the respective Authorized Officers shall, through the Department or Office responsible for Human Resources Management matters in the County, provide in the letter requesting for advertisement of the vacancies, the job description, job specification, grading level, terms of service and number of posts as provided in the approved establishment and proof of availability of funds.
- (2)** When reporting job opportunities/vacancies to be funded solely by partners, the respective Authorized officers shall through the Department or Office responsible for Human Resource Management matters provide the details of the proposed engagement/memorandum of understanding to the County Public Service Board. The CPSB shall interrogate the memorandum of understanding and provide detailed guidelines /policy direction on the terms of engagement before delegating the process of recruitment which must adhere to the guidelines provided in this manual.

Advertisement of Vacancies

- B.7** All advertisements in respect of vacancies shall be issued and published by the Secretary/CEO to the Board. No advertisements shall, therefore, be done by a Department, agency or a partner without the authority of the Board, confirmation of funding and proof of existence of a vacancy in the approved establishment

Applications from Serving Officers

- B.8 (1)** When a Serving Officer applies for a post advertised by the Board, the officer will be required to make a duplicate application with the original being submitted through their respective Head of Department and the second copy sent directly to the Secretary, County Public Service Board. The Authorized Officer will be required to forward his/her confidential recommendation as to the suitability of the applicant for the post together with the Performance Appraisal for the previous year. Consequently, any application that may be received by a Government Department shall not be forwarded to the Board except for the advertised positions in the Department
- (2)** Serving Officers may submit their application in the form prescribed by the County Public Service Board and in line with the advertisement instructions

Applications from the Public

- B.9 (1)** The Board will only accept applications for County Government employment in response to its advertisements.
- (2)** Applications from the public may be submitted in the form prescribed and in line with the advertisement instructions.

Delegation of Authority

B.10 The County Public Service Board, may delegate authority for various functions from time to time as need arises. Under delegated authority, the Department or Office responsible for Human Resource Management matters in County consultation with other Authorized Officers of respective Departments will be responsible for the performance of the delegated functions which may include:

- | | |
|---------------------------------|--|
| (a) New Appointments | Casuals |
| (b) Confirmations | Job Group 'A' – 'L' |
| (c) Acting Appointments | Job Group 'A' – 'L' |
| (d) Special Duty Appointments | Job Group 'A' – 'L' |
| (e) Common Cadre Promotions | |
| (f) Discipline | Job Group 'A' – 'L'
(not requiring dismissal) |
| (g) Recruiting of Partner Staff | |

The Department or Office responsible for Human Resource Management matters in the county shall submit reports to the CPSB on all the delegated functions. Recruitment of partner staff shall handle as per Section B. 6 (2).

Qualifications	Job Groups
Professional degree holders	'K'/ 'L' or 'L'/ 'M' or 'M'/ 'N' as appropriate
General degree holders	'J'/ 'K'
Diploma holders	'H'/ 'J'
Certificate holders	'G'/ 'H'

**Any positions outside these provisions should be filled competitively subject to availability of vacancies.*

Promotion of Serving Officers

- B.11** Promotions for positions falling outside common establishment shall be filled on competitive basis. Where many officers are due for promotion, the Department should declare vacancies and advertise internally. The Department will be required to submit the seniority list and Performance Appraisals for staff.

Role of the Department or Office Responsible for Human Resource Management Matters in the County

- B.12** The creation of County Government has brought about a new dimension in the management of the human resources function as compared to National Government, where each State Department managed the function of human resource independently. To ensure there is efficiency and effectiveness in handling human resource matters, County Governments have opted to centralize the function in one designated Department or Office as shall be provided in the most current executive order.

Consequently, the County Public Service Board may from time-to-time delegate some of its functions to the office designated to manage the human resource function in the County. It is therefore prudent that the Department or Office responsible for Human Resource Management matters in the County in undertaking its delegated function may work through the County Human Resource Management Advisory Committee (CHRMAC). The Committee may establish sub-committees to handle matters of training and development, central human resource postings, surcharge and report the findings to CHRMAC for a decision.

The Department or Office responsible for Human Resource Management matters in the County shall constitute the above Committees whose membership will be drawn from Chief Officers of respective Departments including County Solicitor, and Municipal Managers. The members shall be appointed by name and will be expected to attend meetings without fail. The quorum shall be nine (9) members, consisting of the Chairperson, the Secretary and at least seven Officers from respective Departments

Nothing in this Manual shall be construed to limit the powers of the County Public Service Board to exercise its powers delegated herein. Notwithstanding this delegation, the CPSB shall at any time be at liberty to exercise the powers conferred upon it in Article 235 of the Constitution and section 59 of the County Government Act.

In the event of breach of powers delegated herein, the County Public Service Board reserves the right to withdraw the delegated authority.

County Human Resource Management Advisory Committee (CHRMAC)

B.13 The County Human Resource Management Advisory Committee shall meet at least once a month, and the decisions of the Committee shall be by consensus or majority vote of the members present. Membership to the Committee shall be by appointment. Attendance cannot be delegated and shall consist of the following:

- i. County Secretary and Head of Public Service – Chairperson.
- ii. Director, Human Resource Management – Secretary.
- iii. All Chief Officers from respective Departments.
- iv. County Attorney.
- v. Municipal Managers.

The Committee may from time to time co-opt other members, in writing, as shall be found necessary and with the approval of the County Secretary

B.13.1 The functions of County Human Resource Management Advisory Committee entail making recommendations to County Public Service Board regarding:

- i. Recruitment, selection and appointment;
- ii. Performance management;
- iii. Promotions;
- iv. Confirmation in appointment;
- v. Establishment and Complement control;
- vi. Payroll management;
- vii. Promotion of Values and Principles of Public Service;
- viii. Secondments and unpaid leave; ix. Retirement under 50-year rule;
- x. Retirement on medical grounds;
- xi. Re-designation;
- xii. Renewal of contract; xiii. Discipline;
- xiv. Health and Safety;
- xv. Pension Administration;
- xvi. Employee relations;
- xvii. Training and development;
- xviii. Surcharge and
- xix. Any other assignment as may be directed from time to time by the Office of the Governor and the County Public Service Board respectively.

The CHRMAC shall make a monthly report to the County Public Service Board on all the cases they have handled. The Sub-committees shall carry out the functions as outlined B.13 (2), B13. (3)B13. (4) B 13. 4.(1).

County Human Resource Training and Development Sub-Committee

- B.13.2** The Functions of the County Human Resource Training and Development Sub-Committee shall be as follows:
- i. Provide direction on implementation and management of human resource training and development in the County Government;
 - ii. Ensure equitable distribution of training opportunities to all staff in the County Departments;
 - iii. Training Impact Assessment; iv. Management of skills inventory;
 - v. Approval of County training projections and plans;
 - vi. Consideration and approval of training requests and staff development strategies, recommend course approvals for various training programs to Chief Officer, responsible for Public Service; and
 - vii. Any other assignment as may be directed from time to time by the Office of the Governor and County Public Service Board.

County Central Human Resource Management Sub-Committee

- B.13.3** The functions of the County Central Human Resource Management Sub-Committee shall be as follows:
- i. Discuss overall human resource issues affecting the performance of the County and make recommendations to the Governor for policy direction;
 - ii. Manage transfers of Officers from Job Group 'N' and above in the County, however transfers for officers on Job Group 'M' and below will be handled by the respective Departments. The Departments will provide a report to this Sub Committee for noting and any further direction;
 - iii. Manage intra and inter-departmental transfers of officers in the County and submit a report to the County Public Service Board for advisory; and
 - iv. In case there is need to carry out major or massive transfers in a given Department, the respective Chief Officer shall consult with the respective County Executive Committee Member before submitting to the County Central Human Resource Management Sub Committee for deliberation and decision.

County Surcharge Sub-Committee

- B.13.4.** The County Surcharge Sub Committee is constituted on the premise of Articles 10, 73, 174, 232, Chapter Six of the Constitution of Kenya, 2010, Sections 116 and 117 of the County Governments Act, 2012, Section (13) of Leadership and Integrity Act, 2012 and the Public Finance Management Act, 2012. It shall handle matters relating to misuse of public resources to ensure prudent and ethical use of scarce resources in the County Public Service.

- B.13.4.1.** The functions of the County Surcharge sub - Committee shall be purely advisory and whose decisions will be presented to the County Public Service Board. The functions are as follows
- i. Identifying potential areas for misuse of public assets and resources;
 - ii. Proposing measures to curb the occurrences of the identified areas of misuse of public assets and resources;
 - iii. Preparing and implementing guidelines on use of public assets and funds;
 - iv. Reviewing and making recommendations on any other identified areas of misuse of public assets and impose relevant surcharge;
 - v. Ensuring that all the surcharges by the County Government Motor Vehicle Check Unit and County Motor Vehicle Check Unit are followed up and those responsible pay the surcharge or are surcharged;
 - vi. Recommending further disciplinary action where they find the surcharge imposed by Government Vehicle Check Unit and County Motor Vehicle Check Unit is inadequate; and
 - vii. Recommending disciplinary measures to CHRMAC on any staff who may have caused the County Government of Homa Bay to lose any resource as a result of negligence of duty.

County Performance Management Sub Committee

- B.13.5.** The County Performance Management Sub Committee shall monitor and evaluate the general performance of staff and the County Public Service and identify any gaps that need addressing in order to improve service delivery. The Sub Committee shall be guided by existing performance-related guidelines, regulations and policies and as provided from time to time. The Sub Committee shall meet quarterly and will consist of the following members:

- a) County Secretary and Head of Public Service - Chairperson;
- b) Chief Officer, responsible for performance management - Secretary;
- c) All Chief Officers from respective Departments;
- d) Secretary/CEO, County Public Service Board;
- e) CEO of County Agencies;
- f) County Solicitor;
- g) Director, Internal Audit; and
- h) Municipal Manager; and
- i) Town Manager.

- B.13. 5.1** The functions of the County Performance Management Sub Committee shall be as follows

- i. Undertake quarterly review of implementation of Strategic Plans and Staff Performance Appraisal System (SPAS);
- ii. Ensure linkage between Institutional Performance Contracts and Staff Performance Appraisal System;

- iii. Ensure that the overall assessment of employee performance is within the context of institutional performance as evaluated through Staff Performance Appraisal System;
- iv. Ensure that the performance of all officers is evaluated and feedback on performance is relayed in writing at the end of the year;
- v. Hold quarterly Performance Appraisal review meetings;
- vi. Consider performance reports from various departments within the County Government and make recommendations for improvement;
- vii. Review cases of appeals on appraisal ratings between supervisors and appraisees.
- viii. Make recommendations to the County Public Service Board on the application of Rewards and Sanctions.
- ix. Develop and implement the internal monitoring and evaluation and reporting system; and
- x. Ensure that the integrity and credibility of the overall process of rewards and sanction system is safeguarded and maintained at all times.

Departmental Human Resources Management Advisory Committee (DHRMAC)

B.13.6.1. Each County Department within the County Government of Homa Bay shall establish a Departmental Human Resources Management Advisory Committee (DHRMAC). The Committee serves as a technical and professional advisory body to the Authorised Officer on human resource management and development matters.

B.13.6.2. Composition of the Committee

The Committee shall have a membership of:

- a) Authorised officer of the department - Chairperson
 - b) Chief Officers
 - c) Senior Human Resource Officer - Secretary
 - d) Departmental Accountant
 - e) Two Senior Officers from the Department (appointed by the Chief Officer with attention to diversity)
 - f) Co-opted Members
- The Committee may co-opt officers with technical or subject matter expertise (e.g., planning, ICT, or project heads) as required, to provide insight on specific issues under consideration.

B.13.6.3. Functions of the Committee

The DHRMAC shall:

- a) Recommend confirmation, promotion, and deployment decisions;

- b) Review acting appointments and secondments;
- c) Support staff development, performance appraisal, and training initiatives;
- d) Advise on disciplinary matters in accordance with existing policies;
- e) Monitor compliance with HR laws, standards, and county policy instruments.

B.13.6.4. Meetings and Records

- a) Meetings shall be held quarterly or as necessary.
- b) All deliberations shall be minuted and signed by the Chairperson and Secretary.
- c) Recommendations requiring further action shall be transmitted to the County Public Service Board through the County Human Resource Management Committee (CHRMAC).

SECTION C

GOVERNMENT COMMUNICATION

Introduction

- C.1** This Section spells out the basic rules for effective communication through correspondence and other means. It provides for expeditious treatment of communication within the prescribed rules and gives a brief guide for use of a variety of other communication media.

Forms of Correspondence

C.2

- (1)** Great importance is attached to the expeditious treatment of all communication received by the Government. Every communication requiring a response, but which cannot be answered at once should be acknowledged promptly on receipt. The necessary consultations should then be finalized, and appropriate reply dispatched in not more than seven (7) days unless it can genuinely be established that such consultations require a longer period.
- (2)** Correspondence within the Service should be as concise as possible, indicating the general background to the issue and advice or decision sought on the issue.
- (3)** Each correspondence should be confined as far as possible to a single subject under an appropriate and summarized heading. Invariably, the reference number and date of the last communication, if any, from the writer and from the person addressed on the same subject should be given.

- (4) Enclosures in foreign languages should be accompanied by a certified translation or in the case of documents of minor importance, by a summary of the contents.
- (5) Documents received in foreign languages should be referred to the State Department responsible for Foreign Affairs in National Government for official translation, if necessary.
- (6) Any information relating to Government business should not be communicated to the general public without the approval of the County Executive Committee Member of the Department concerned.
- (7) When decisions of the Government have to be conveyed to non-governmental bodies or to members of the public, they should be communicated as the decisions of the Government, and not as those of an individual officer or Department.
- (8) The responsibility of ensuring that correspondence reaches its destination rests with the sender.

Communication by Public Officers

- C.3 (1)** A Public Officer shall communicate to the Authorized Officer through the Head of Department.
- (2) All communication to the County Public Service Board shall be through the Authorized Officer.
- (3) An Officer is not allowed to take extracts or make copies of minutes or correspondence, unless such correspondence is expressly addressed to the officer personally.

Correspondence with Other Foreign Governments or Administrations

- C.4** Any correspondence relating to relations between Kenya Government and other administration shall be governed by existing bilateral arrangements and other protocols and shall be referred to the State Department responsible for Foreign Affairs in National Government for guidance.

Correspondence with other County Governments

- C.5** Any correspondence relating to relations between County Government of Homa Bay and other County Governments shall be governed by existing bilateral arrangements and other protocols and shall be referred to the Governor for guidance.

Classified Correspondence

- C.6 (1)** The Government of Kenya Security Manual and County Government Security Manual contain instructions regarding classified correspondence.
- (2)** The appropriate classification should be clearly marked at the top and bottom of every page of all classified documents.
- (3)** Authorized Officers will be held responsible for ensuring that the most careful attention is paid to security matters in all offices under their control. The attention of all officers having access to classified information should be particularly drawn to the Government of Kenya Security Manual .

Reports and Memoranda for the County Executive Committee

- C.7 (1)** A memorandum intended for consideration of the County Executive Committee must be signed by the County Executive Committee Member and the Chief Officer concerned and submitted in original to reach the Secretary to the County Executive Committee at least five (5) days before the meeting at which it is to be considered.
- (2)** County Executive Committee memoranda shall be prepared in accordance with the guidelines contained in the Government Office Manual.

Publicity/Broadcasts

- C.8 (1)** County Executive Committee member shall liaise with their respective divisions of Communications for any information they wish to communicate to the public through the media.
- (2)** The Directorate of Communications will assist in the preparation of the material for publicity in a form most suitable to the media but it will be the responsibility of the County Department concerned to ensure accuracy before any material is issued.
- (3)** A Public Officer shall not issue statement (s) to the media on official matters without prior approval of the respective Authorized Office or County Executive Committee Member.
- (4)** Depending on the weight of the matter to be communicated to the public, the Governor's approval may be sought.

Use of Modern Means of Communication

- C.9** For faster communication, County Departments shall adopt modern means of Communication such as use of e-mails, fax and telephones. However, they must ensure that such communication is filed as required by the Public Archives and Documentation Services Act, Cap 19, Laws of Kenya.

Use of Passwords

- C.10** Where data is of a confidential nature and electronically stored, officers to whom passwords are entrusted shall take precautions to keep them confidential and safeguarded to ensure there is no leakage of information. In the event there is leakage the Officer responsible for the safekeeping of the password will be held responsible.

Annual Reports

- C.11 (1)** Annual reports are intended to be a record of work done during the period under review and should be concerned with assessing whether Government programmes, performance contracts, functions and activities have led to achievement of stated objectives or goals during the year in question. Annual Reports should therefore, include the following information:
- i. A descriptive statement giving background information about a Programme, function or an activity which should include elements such as cost, time span, size and schedule;
 - ii. A statement of intended objectives which were to be achieved after implementation;
 - iii. Environmental influences/factors during implementation;
 - iv. Outcomes/Impacts in relation to the originally stated objectives;
 - v. An analysis on whether the activity in question has been managed efficiently and effectively as planned; and
 - vi. Recommendations and suggestions for future improvement of Government policies and programmes.
- (2)** Where feasible, Departments shall publish one report containing all achievements and challenges covering the County Directorates, Divisions, Sections and units within the Department.
- (3)** The result of research or scientific investigations should be published in scientific journals, or as separate monographs, and not in annual reports. The reports should, however, include a reading list referring to these separate publications.
- (4)** Annual Reports will be prepared on the basis of a financial year not later than close of the financial year.

- (5) Annual Reports should not be published without prior sanction of the Authorized Officer and County Executive Committee Member concerned.
- (6) Annual Reports to be submitted to the County Assembly must be prepared by all Departments without fail. The report is to be submitted to the County Assembly within 15 days of approval by the County Executive Committee.

Research Approvals

- C.12** An Officer or a member of the public wishing to undertake research in the County will be required to seek approval of the County Secretary as may be appropriate.

Publications for Diplomatic and other Representatives Abroad

- C.13 (1)** All printed annual, statistical or other reports of general interest prepared in County Departments should be sent to the Government's diplomatic and other representatives as broad as may be necessary. To ensure that this is done, the addresses of diplomatic and other representatives abroad should be included in mailing lists.
- (2) It is of great importance that diplomatic and other representatives abroad should be provided with up-to-date information for purposes of publicity and response.
 - (3) It is of great importance that the liaison officer is provided with sufficient information to enable him to represent the County Government effectively.

Kenya Gazette/ County Gazette

- C.14 (1)** All communication for publication in the Kenya Gazette/County Gazette should reach the Government /County Printer not later than Friday of the week before publication is desired.
- (2) A County Department will be required to meet the cost of advertising in the Kenya Gazette.

Official Seals and Stamps

- C.15(1)** The use of official seals and stamps in all Government offices must be confined strictly to official requirements.
- (2) Applications by private persons for impressions of official seals shall not be allowed.
 - (3) The official seals and stamps must be kept under the custody of a senior Officer designated for the purpose and who will be accountable for their custody and appropriate use.

Disposal of Records

- C.16** Disposal of official records shall be done in accordance with the provisions of the Official Secrets Act, Cap 187 and the Public Archives and Documentation Services Act, Cap 19 or any other as may be released from time to time.

Postage of Correspondence

- C.17 (1)** All correspondence sent through the post must be prepaid with the appropriate postage by affixing postage stamps or franking by postage meter.
- (2)** Postage stamps and postage meters in use for official business should be kept in the custody of responsible officers.
- (3)** The approval of the Managing Director, Postal Corporation of Kenya (Posta, Kenya) should be obtained for the use of postage meter.
- (4)** The use of courier services, telegram, fax, electronic mail and other reliable means of communication is encouraged, where available. It is the responsibility of individual officers to acknowledge receipt of the information and where they have sent the information, there should be evidence of receipt.

Sale of Publications

- C.18** Publications laid on the table of the County Assembly shall be available for sale to the public. The price of the publications will be assessed by the County Government and stated on the cover on the publication as issued. The number of copies to be printed for this purpose will be left to the discretion of the County Government.

Economic Use of Stationery

- C.19 (1)** Utmost economy shall be exercised in the use of stationery. Official stationery must not be used for private correspondence.
- (2)** All stocks of official stationery should be kept in safe custody and issued by a responsible officer when required.
- (3)** All printing of official documents shall be done on both sides of the paper unless otherwise advised or guided.

Indents for Stationery

- C.20** Procurement of stores must be in accordance with the current procurement and tendering procedures.

Purchase and Repair of Office Machines and Equipment

- C.21 (1)** Tenders for appointment of contractors with regard to the purchase of office operating machines and equipment such as duplicating machines, computers, printers, fax machines, photocopiers and furniture among others should be done in accordance with Government procurement procedures as shall be provided from time to time.
- (2)** The servicing of office machines should normally be obtained from the recognized agent or their appointed representatives. However, local servicing may be undertaken where the service of an agent is not readily available but must be in line with the laid down tendering procedures.

Inventions

- C.22 (1)** Where an invention is related to an officer's profession, the question of his rights and those of the County Government shall be determined in accordance with Article 40 of the Constitution of Kenya, 2010, the Industrial Properties Act, 2001 and any other relevant existing law governing Intellectual Property rights.
- (2)** Where an officer comes up with an invention outside his profession, he shall be granted full rights in such invention in accordance with Article 40 of the Constitution of Kenya, 2010, the Industrial Properties Act, 2001 and any other relevant existing law governing Intellectual Property rights.

SECTION D

RECRUITMENT, SELECTION AND APPOINTMENT

This Section addresses recruitment, selection and appointment matters in the County Public Service.

Introduction

- D.1** Section D provides rules governing recruitment, appointment, confirmation in appointment and promotion of public officers. It also provides guidelines on career progression, secondments and transfer of officers within public service and other related matters.

Human Resource Plans

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

- (2) On the basis of these Human Resource plans, Departments shall be required to develop annual recruitment plans which will be forwarded to the Board at the beginning of each financial year to enable it plan to fill the vacancies.

Recruitment

- D.3** Recruitment will be undertaken on the basis of fair competition and merit; representation of Kenya's and the County's diverse communities; adequate, equitable and equal opportunities to both gender, youth, members of all ethnic groups, persons with disabilities and minorities.

Reporting of Vacancies

- D.4 (1)** An Authorized Officer shall declare all vacant posts to the County Public Service Board in accordance with the procedures set out in this manual. The Chief Officer of a respective department after consultation with the County Executive Committee member shall forward indents for advertisement of vacancies to the County Public service Board through the Department or Office responsible for Human Resource Management matters in the County and of which the Board has delegated this authority.
- (2) All vacancies shall be reported to the County Public Service Board for filling.
 - (3) The County Public Service Board shall consider requests for approval of declared vacancies.
 - (4) Recommendations for filling vacancies in Job Group 'M' and above in an acting capacity shall be submitted to the County Public Service Board. Such recommendations should be accompanied by a draft indent and a seniority list of officers including an account of their performance; confidential reports and the last two performance appraisals.

Advertisement of Vacant Posts

- D.5 (1)** County Departments shall prepare indents to declare vacant positions for filling by County Public Service Board.
- (2) The indents shall be submitted to the Department or office responsible for Human Resource Management matters in the County for vetting before submission to the County Public Service Board.
 - (3) The indents shall be delivered in hard and soft copy to the County Public Service Board to vet and approve for posting on the website, print media and notice boards in the Sub-County and Ward Offices.
 - (4) The County Public Service Board will advertise all vacant posts in a manner that reaches the widest pool of potential applicants and allow for at least fourteen (14) days before closing the advertisement.

The advertisement shall have the following details: title of the position, number of posts, terms of service, the proposed remuneration, job description and person specification.

Application for Employment

- D.6(1)** A candidate applying for employment shall do so by filling online job application form and/or manually by completing the prescribed **HBCPSB APPLICATION FOR EMPLOYMENT Form** or as shall be prescribed in the advert.
- (2)** Details on the procedures and timeframes for short listing, interviews and selection of candidates are contained in this Manual.

Offer of Appointment

- D.7 (1)** Before taking up duty, a person appointed to any office will be issued with the appropriate letter of offer of appointment, which must be signed before he/she commences his/her duties.
- (2)** A letter of offer of appointment shall state particulars of employment which should include the name and address of the employee, job title, terms and duration of employment, place of work, remuneration, terms and conditions of employment and terms of separation.
- (3)** An offer of appointment may be withdrawn if the candidate does not accept in writing and take up the appointment within thirty (30) days of the offer.

Categories of Appointment

- D.8** Appointments in the County Public Service fall into three categories:
- i. Permanent and Pensionable.
 - ii. Contract.
 - iii. Casual.

Appointment Procedures

- D.9.(1)** The procedures to be followed in filling vacancies within the scope of the County Public Service are set out in the County Governments Act 2012 as amended from time to time.
- (2)** The County Public Service Board may delegate its powers to appoint persons to hold office in the public service as an Authorized Officer as shall be determined from time to time as set out in this Manual.
- (3)** Appointments made under delegated powers by the County Public Service Board to an Authorized Officer shall be processed through the County Human Resource Management Advisory Committee in accordance with this Manual.

Letters of Appointment

- D.10** An officer appointed to a position in the County Public Service shall be issued with a letter of appointment specifying the terms and conditions of service.

Date of Appointment

- D.11(1)** The date of appointment shall be the date of assumption of duty.
- (2)** An appointment made from outside Kenya will normally take effect from the date of departure for Kenya, provided that the Authorized Officer is satisfied that the officer travelled by the most direct route to take up the appointment and reported on the first working day after arrival.

Cost of Travel on New Appointment

- D.12 (1)** An Officer reporting for duty on new appointment will be responsible for his/her cost of travel and baggage.
- (2)** In circumstances where the Officer has been identified for secondment to the County Government of Homa Bay from other public entity, the County Government will meet the cost of travel and baggage.

Office Hours

- D.13** Officers are required to work 40 hours spread over 5 days in a week. County Government office hours are as follows:
- i. Monday to Friday: 8.00 a.m. to 1.00 p.m. and from 2.00 p.m. to 5.00 p.m.
 - ii. Though the general office hours will be as stated above, the engagement of officers outside these hours when there is need for their services will not be restricted to forty (40) hours per week.

Appointment Documents

- D.14.(1)** A candidate on first appointment shall provide the following documents:
- i. National Identity Card;
 - ii. Birth Certificate;
 - iii. KRA PIN Certificate;
 - iv. NSSF registration;
 - v. SHIF membership card;
 - vi. Original academic and professional certificates, the certificates should be authenticated by the Authorized Officer;
 - vii. Police Clearance from the Directorate of Criminal Investigations;
 - viii. Colored Passport size photograph;
 - ix. Bank account details;

- x. HELB Clearance Certificate (Where applicable);
 - xi. Ethics and Anti-Corruption Commission (EACC) Clearance Certificate; and
 - xii. Credit Reference Bureau (CRB) clearance certificate (where applicable).
- (2) In addition, Authorized Officers shall ensure that all newly appointed Officers are duly vetted as per the existing Government vetting policy where necessary.
- (3) The Officer shall also make an initial declaration of income, assets and liabilities by completing the prescribed form.
- (4) The Officer shall sign Official Secrets form

Next of Kin

- D.15** An Officer will be required to complete a next-of-kin form on first appointment. The officer should ensure these records are updated accordingly as the need arises.

Record of Previous Employment

- D.16(1)** It is the duty of the County Public Service Board when making appointments or in making recommendations for new appointments to ensure that a candidate's record of previous employment is satisfactory in all respects.
- (2) Under delegated powers in making new appointments, it shall be the responsibility of Homa Bay County Public Service Board to ensure candidates' records of previous employment are satisfactory.
- (3) A candidate with a record of conviction should be employed only with the approval of the County Public Service Board.
- (4) A candidate whose appointment in the County public service had been terminated for any reason including resignation shall not be employed without prior approval of the County Public Service Board.

Medical Examination

- D.17** All candidates on new appointment shall be required to undergo a medical examination by a Government Medical Officer who must complete the prescribed form and thereafter issue a certificate of fitness. The purpose of the medical examination shall be to guide deployment of the employees.

Appointment on Probation to a Pensionable Establishment

- D.18 (1)** Where vacancies exist in the pensionable establishment, candidates recruited to fill such vacancies shall be appointed on probation for a period of six (6) months.
- (2)** An Officer appointed on probation to the pensionable establishment shall be regarded as being on assessment with a view to learning his work and being tested as to his suitability for it. It is the duty of the supervisor(s) to ensure that every Officer on probation is given adequate opportunities to qualify for confirmation in appointment. .
- (3)** At least one (1) month before the expiry of the probationary period, the Authorized Officer shall consider in the light of the report(s) on the officer's performance, conduct and capabilities whether or not the officer is suitable for confirmation.
- (4)** Where an Officer's performance is unsatisfactory, he/she shall be informed in writing and the probation period may be extended for a period of three (3) months, and if performance is still unsatisfactory, he/she may be given a final extension of three (3) months.
- (5)** Should the officer's performance fail to improve on expiry of the extended probation period, his/her probationary appointment shall be terminated in accordance with the County Government Act 2012 and this manual.
- (6)** Where an officer has served on other terms other than pensionable and is subsequently appointed on a pensionable post, the terms of service may be translated to pensionable from the date the officer was placed on a pensionable post. The officer will, however, not be required to serve the probationary period in accordance with this Manual.

Admission to Pensionable Establishment

- D.19 (1)** Appointment to the pensionable establishment shall be restricted to officers who will be in a position to complete the qualifying period necessary for the grant of a pension in accordance with regulations of the respective pension schemes; Pensions Act Cap 189, the Public Service Superannuation Scheme Act, County Pension Fund (CPF), LAPFUND, LAPTRUST or any other as the County Government may put in place or as revised from time to time.
- (2)** For the purposes of this Manual and for the Officer's subsequent retirement from the service, a Birth Certificate and National Identity Card issued after the date of first appointment will not be accepted unless the date of birth shown in the birth certificate /identity card tallies with the date of birth declared by the officer in the **HCPSB Application for Employment Form** completed and signed by him prior to or immediately after first appointment.

Confirmation in Appointment and Admission to Pensionable Establishment

- D.20(1)** An Officer appointed to the service in a pensionable post will be confirmed in appointment and admitted into the permanent and pensionable establishment on completion of probationary period of six (6) months with provision of three (3) months extension and a further extension of three (3) months as may be necessary.
- (2)** Service on contract terms shall be taken into account in full as probationary service, in the case of an officer who has been appointed on probation to pensionable establishment without a break in service.

Procedure for Confirmation in Appointment

- D. 21 (1)** The powers of confirmation in appointment of officers in Job Group 'A' to Job Group 'J' are delegated to the Department or Office responsible for human resource management matters in the County and will be exercised on the advice of the County Human Resource Management Advisory Committee. Officers appointed on Job Group 'K' and above shall be confirmed in appointment by the County Public Service Board on recommendation by the Authorized Officers.
- (2)** The Supervisor will make a report on the Officer's suitability for confirmation or otherwise at least one (1) month before the end of the probationary period and inform the officer accordingly.
- (3)** Where the Supervisor fails to submit a report during the probationary period, the Officer shall be confirmed in appointment, and any such supervisor who fails to provide the report shall be sanctioned by the CPSB.
- (4)** Where an Officer's performance is unsatisfactory, he/she shall be informed in writing and the probation period may be extended for a period of three (3) months, and an additional three (3) months.
- (5)** Should the Officer's performance fail to improve on expiry of the extended probation period, his probationary appointment shall be terminated in accordance with the Public Service Commission Regulations/County Public service regulations)

Appointment on Contract Terms

- D.22 (1)** Appointment on contract terms will be made under the following circumstances:
- i. Where persons to be appointed may not qualify for pension as per the respective pension scheme operational in the County.
 - ii. Where Officers are appointed to serve on fixed term projects.
 - iii. Appointments at senior levels as determined by the County Public Service Board from time to time.

- iv. Where capacity in the Public Service is lacking or specific skills are required; and
 - v. Personal staff of specified State Officers as determined by the County Public Service Board from time to time. Such staff shall serve during the tenure of the State Officers.
2. Appointment of officers on contract and renewal of such contracts shall be made on authority of the County Public Service Board. Authorized Officers shall report to the County Public Service Board all cases of appointment on contract terms which require renewal at least three (3) months before expiry of such contracts.
 3. An Officer serving on contract, and whose services are still required, will be informed in writing at least three (3) months before the expiry of the contract. On acceptance of the offer, the case will be referred to the County Public Service Board for renewal.
 4. Contract appointments will be limited to a maximum period of five (5) years, renewable subject to demonstrable performance and other terms of the contract with the exception of those periods specified in the legislation guiding the appointment of an officer in that respective function.

Employment of Casuals

- D.23** The authorized officers shall make requests to the County Public Service Board for employment of casuals based on the need of the departments with proper justification and availability of the budget.

Promotions

- D.24 (1)** Promotions in the public service will be based on qualifications and other requirements for appointment as stipulated in the career progression guidelines. For Officers serving in common establishment, promotion will be based on the requirements in the Scheme of Service/ career guidelines and appraisal reports from the Supervisor once they have completed the minimum period on a given grade. Respective Departments must ensure that they budget for funds for promotion.
- (2)** In selecting candidates for promotion, regard shall be given to ensuring adequate and equal opportunities to all gender, youth, members of all ethnic groups, persons with disabilities and minorities.

Promotions Dependent on Examinations

- D.25 (1)** Where an Officer is to be promoted upon satisfying requirements which include the passing of the Public Service Commission proficiency examinations and the Kenya school of Government examinations for administrators, the Officer shall be promoted with effect from the date he or she passed the examination. However, in the event there is a delay, the promotion will be backdated for a period of three (3) months from the date of the CHRMAC's / Board's decision.

- (2) The date of passing the examination is the date of release of results by the examining body.
- (3) The above D. 25 (1) (2) does not apply when an officer passes educational examinations at the level of certificate, diploma, degree, masters and PHD etc as this will follow the normal process of promotion stipulated in section D.24 (1) (2) and D.26 of this Manual.

Promotion to Posts in Common Establishment

D.26 Promotion to posts within a common establishment shall cover the first two (2) grades at entry level or as determined by the County Public Service Board from time to time.

Promotion on Merit

D.27 (1) An Officer may be considered for promotion on merit where the Officer demonstrates exceptional competencies, qualities and abilities, innovation, tangible creativity, demonstrable milestones, integrity, and leadership.

- (2) An Officer may be considered for promotion on merit on recommendation by the relevant DHRMAC of a Department to CHRMAC who will recommend to the County Public Service Board for consideration.
- (3) An officer may be considered for promotion on merit where a vacancy exist. Where there is no vacancy the CPSB may consider any other appropriate reward.
- (4) All promotions on merit shall be made by the CPSB.

Dates of Promotion

D.28 (1) The effective date of an Officer's promotion will be the date of the Public Service Board decision or date of the County Human Resource Management Advisory Committee's meeting as regards to delegated powers.

- (2) Promotion within common establishment posts shall be effective from the date of CHRMAC's decision.
- (3) If an Officer has been appointed by the County Public Service Board to act in a post and is subsequently promoted to it without any interval between the appointment in an acting capacity and the date of his substantive promotion, the effective date of promotion will be the date on which he commenced to act.

Seniority

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

- (1) As between public officers of the same grade:
 - i. By reference to the dates on which they respectively entered the grade;
 - ii. If the public officers entered that grade on the same day, by reference to their seniority on the day immediately preceding that day; and
 - iii. If any public officers who entered the same grade on the same day did so by appointment and not by promotion, then seniority relative to each other shall be determined by reference to their respective ages.
- (2) As between public officers of different grades on the same salary scale or the same flat rate of salary, by reference to the dates on which they respectively entered their grades.
- (3) As between public officers of different grades on different salary scales, by reference to the maximum point on their salary scale, a flat rate of salary being regarded for this purpose as a salary scale with a maximum point equivalent to the flat rate.

Release of Officer (s) for Promotion in County Departments

- D.30** (1) An Officer who is selected for promotion to a County Department other than that in which he is serving will be released to take up his appointment on transfer within a period of two (2) months from the date of the letter authorizing the promotion.
- (2) If the promotion takes effect before his transfer, salary at the full rate attached to his new appointment will be payable by the receiving County Department from the date of his promotion as specified in the County Public Service Board letter.
 - (3) An Officer who is promoted to a post in a different County Department while attending a training course will be transferred to that County Department from the date of his promotion and the new County Department will be required to pay his full emoluments.
 - (4) It is the responsibility of an Officer to take up an appointment on promotion. An Officer who fails to take up a promotion in a different County Department shall be deemed to have declined the promotion which shall then be rescinded by the County Public Service Board or the office to which the Board delegated the responsibility to carry out the recruitment.

Transfer from One County Department to another

- D.31** (1) Employees who wish to move from one Department to another will have to apply for vacant positions as and when advertised .

For officers on Job Group 'M' and below, deployment in their substantive capacity within a Department will be undertaken by the respective Authorized Officer. In the event that mass transfers need to be done, before effecting the transfers, the Authorized Officer will prepare the transfers and submit the report to the Department or office responsible for Human Resource Management matters in the county which will in turn submit to the County Central Human Resource Management Sub-Committee for discussion and recommendation to CHRMAC. The Sub-Committee will submit their report to CHRMAC to give any further directive or approve for implementation

- (2) Transfers of officers in Job Group 'N' and above shall be approved by County Human Resource Management Advisory Committee on recommendation of the respective Chief Officer and the County Central Human Resource Sub-Committee.
- (3) Departments managing Schemes of Service (cadres) that have officers performing shared services shall carry out transfers of officers from Job Group 'M' and below. Likewise, if the transfers are mass, they will handle them as indicated in D 30. (1).

Re-designation

- D.32 (1)** Re-designation of all staff in the County Public Service shall remain the responsibility of the County Public Service Board.
- (2) Re-designation of officers shall be subject to the following conditions:
 - i. Suitability interviews for officers who are moving from one cadre to another;
 - ii. Suitability interviews shall not apply for posts which fall within the same job family;
 - iii. Be limited to positions in the first two (2) entry levels in any cadre;
 - iv. Take effect from the date of the County Public Service Board's decision;
 - v. Promotion of qualified officers by Authorized Officers before processing the re- designation requests; and
 - vi. Existence of vacancies.
 - (3) Re-designation with continuous service will be allowed only for technical cadres whose job specifications are similar for both graduate and nongraduate officers.
 - (4) The above notwithstanding, re-designations will be based on an officers' demonstration of competence, merit and ability in performance.

Transfer of Service

- D.33 (1)** Transfers from or to the County Public Service shall be approved by the County Public Service Board.
- (2) An Officer will be considered for transfer of service in respect to the provisions of pension schemes applicable to them.

- (3) An Officer seeking appointment in another department or public service entity, should submit his application to the County Public Service Board through his/her Authorized Officer.
- (4) If an Officer is offered appointment in another public service entity, requests for his transfer shall be made through his/her Authorized Officer who will submit it to the Departmental Human Resource Management Advisory Committee (DHRMAC). DHRMAC will forward their recommendations to the Office responsible for Human Resource Management to table it to CHRMAC. After which CHRMAC will forward to the County Public Service Board with their recommendations for a decision as appropriate.
- (5) An Officer who wishes to take up an appointment in another public service entity other than in accordance with the procedures set out in this Manual shall be required to resign from his position in the County Public Service.

Secondment

- D.34(1)** Secondment of officers from the County Public Service to other organizations is applicable to pensionable officers, for a period not exceeding three (3) years and may be renewable once.
- (2) Approval of secondment for officers moving from the County Public Service to other public service entities shall be the responsibility of the County Public Service Board. Such approval shall be granted upon consideration of representation by the concerned Authorized Officer which then is submitted to DHRMAC. DHRMAC will deliberate on the request and submit their recommendation to the Department or Office responsible for Human Resource Management Matters in the County. This office will prepare an agenda to be presented before CHRMAC. CHRMAC will deliberate on the recommendation from DHRMAC and make a recommendation to the County Public Service Board for a final decision on the request. The same will be communicated to the concerned officer using the same channel.
 - (3) Approval of secondment for officers moving from other public service entities to the County Public Service shall be granted by the County Public Service Board.
 - (4) Secondment of officers from the County Public Service to other public service entities shall be authorized only in cases where an Officer is joining an institution that has been declared a 'Public Service' for pension purposes in cases of Officers who devolved from National Government.
 - (5) To maintain an Officer's pensionable status, the Officer or the organization to which the Officer is seconded will be required to make pension contribution at the prevailing rate.

Where the organization pays the pension contribution for the Officer, such amount shall be deducted from the officer's service gratuity. Where an Officer is being paid for pension contribution, he/she will be expected to remit his/her contribution for continuity of pension in the previous employment.

- (6) Officers on secondment will be paid their salaries and other allowances by the organizations to which they are deployed.
- (7) Secondments of officers in the County Public Service will be regulated in the context of the relevant pension legislation and also on condition that there shall be no service gaps or disruption in the department where the officer is currently working after he/she leaves for secondment.
- (8) Officers on secondment to other organizations will be eligible for promotion in the County Public Service of Homa Bay as long as they express that interest in writing.

Leave of Absence

- D.35 (1)** The Board may grant leave of absence to Officers from County Public Service for a period not exceeding six years on the following grounds:
 - a) For taking up contractual appointments within a Public Body, private corporation or international organization to which the Officer cannot be seconded or transfer of service cannot be effected.
 - b) Where the experience and expertise of the Officer shall gain from the private organization shall be of benefit to the parent public body.
 - c) Where the spouse of a foreign service Officer posted outside Kenya during the tour of service of the Foreign Service Officer.
- (2) Leave of absence shall not be increment earning.
- (3) The parent public body will not make contribution of its portion towards the officer's pension under the existing contributory pension scheme during leave of absence.
- (4) However, an Officer on leave of absence may continue to contribute towards his pension under contributory pension scheme.
- (5) Upon completion of the period of leave of absence, a public officer shall revert to the terms and conditions of service appropriate to their substantive position in the public body and shall not be eligible for another leave of absence within a period of three years from the period of the last leave of absence.

Non-Discrimination in Employment

- D.36 (1)** The Government shall promote equity and equality of opportunity in employment and will not discriminate directly or indirectly against an employee on any grounds including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth.
- (2)** The Government will endeavor to have a gender balanced public service by ensuring that not more than $\frac{2}{3}$ of positions in its establishment are filled by either gender.

Rights and Privileges of Persons with Disabilities

- D.37 (1)** Persons with disability shall be accorded equal opportunities for employment provided they have the necessary qualifications and are suitable for such employment.
- (2)** The County Government shall ensure progressive realization of the requirement of recruitment of 5% people with disabilities of all recruited personnel without sacrificing merit. The County Government shall ensure that it uses all forms of communication available to ensure advertisements reach the furthest possible areas of the County. A copy of the advertisement will be sent to the relevant organizations within Homa Bay County responsible for issues of disability for dissemination.
- (3)** The County Government shall provide facilities and effect such modification, whether physical, administrative or otherwise, in the workplace as may be reasonably required to accommodate persons with disabilities.

Recruitment of non-Citizens

- D.38 (1)** It is the policy of the County Government not to employ non - citizens where there are citizens with the appropriate qualifications. Recruitment of a noncitizen will require the authority of the County Public Service Board.
- (2)** The County Public Service Board will grant such authority once it has established that there are no local candidates with the requisite qualifications to meet the staffing needs. Appointment of non-citizens will only be on contract terms not exceeding three (3) years, renewable based on performance and the need to have them.
- (3)** In applying for authority to recruit a non-citizen, an Authorized Officer should confirm that there is no citizen with the required qualifications available for appointment and the candidate has complied with the provisions of the Kenya Citizenship and Immigration Act, 2011 and regulations.

- (4) Recruitment from outside Kenya will also be subject to the following: -
 - i. That the candidate is prepared to accept an appointment on contract terms;
 - ii. That the Government of the country to which the candidate belongs raises no objection to his recruitment; and
 - iii. The candidate complies with the requirements of the Kenya Citizenship and Immigration Act.
- (5) Non-citizens will not be eligible for appointment to State Offices.
- (6) Non-citizen employees are also subject to the policies and regulations applicable in the County Public Service.
- (7) It is the responsibility of the concerned County Department to facilitate acquisition of work permits for non-citizen employees.

SECTION E

TERMS AND CONDITIONS OF SERVICE

Introduction

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

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

Salary and Allowances

Payment of Salary

- E.1 (1) On appointment, an Officer will be paid full salary from the date of assumption of duty.
- (2) All Officers will be paid salary on monthly basis in Kenyan currency through their respective personal bank accounts.
- (3) Public officers shall not over-commit their salaries beyond two thirds ($\frac{2}{3}$) of their basic salaries and the Director, Human Resource Management shall ensure compliance.

Salary Structure

- E.2 (1)** The County Public Service salary structure will be based on the grading levels spelt out in the various career progression guidelines.
- (2)** On first appointment, an Officer will enter the salary structure at the minimum point of the respective salary scale. However, an Officer may be granted incremental credit for previous relevant experience at the rate of one increment for each complete year of approved experience provided the maximum salary of the Job Group assigned to the post is not exceeded. The grant of increments for relevant experience will be subject to the following conditions:
- i. Incremental credit will only be granted in respect of approved experience gained after acquiring the requisite minimum qualifications for the grade. In granting incremental credit, any period of service or experience stipulated as a basic requirement for appointment or promotion to a particular grade will be excluded;
 - ii. Incremental credit will be granted only for previous approved experience in work that is similar to the type of work upon which an officer will be employed on his appointment to the particular grade;
 - iii. Incremental credit may not be granted on appointment to promotional posts, i.e. posts to which an officer would rise to through promotion after appointment; and
 - iv. Incremental credit may be granted for the number of years of aggregate approved experience, periods in excess of full years being ignored.

Annual Incremental Dates

- E.3** The first date of the month shall be an incremental date. An Officer's annual incremental date shall be the first date of the month one is appointed or promoted.

Determination of Salary on Promotion / Upgrading

- E.4 (1)** Where the salary of an Officer who is promoted to a higher job group is lower than the minimum of the salary scale attached to the higher job group, he/she shall enter the scale of the higher job group at the minimum point of the scale on the effective date of his promotion/upgrading. His/her future incremental date shall be the following year on the first date of the month in which the Officer was promoted.
- (2)** Where the salary of an Officer on the day preceding the effective date of his/her 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/she shall enter the scale at the minimum salary point attached to his new job group on the effective date of his /her promotion and retain his former incremental date.

- (3) In the event that on the effective date of promotion or upgrading the Officer was already within the higher salary scale but the Officer had not attained the maximum point of his current salary scale, the Officer will enter the higher salary scale, at the point next above his current salary on the effective date of his promotion or upgrading and the Officer will retain his former incremental date, i.e. incremental date immediately prior to his promotion.
- (4) If on the day preceding the effective date of his promotion, he had attained the maximum point of the salary scale attached to his former job group and his service at that salary amounted to less than one year, he will enter the salary scale attached to his new job group from the effective date of his promotion at the point next above his salary. His future incremental date will be the 1st date of the month in which the officer was promoted.
- (5) If on the effective day of the promotion an Officer had served at the maximum salary point of his present salary scale for one (1) year but less than two (2) years the Officer will enter the next salary point above his salary and will retain his former incremental date prior to reaching his maximum salary point.
- (6) If on the effective day of the promotion an Officer had served at the maximum salary point of his present salary scale for two (2) years but less than three (3) years, the Officer will be granted two (2) salary increments at the point above his salary. His/her future incremental date will be the first (1st) date of the month in which he/she 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 (3) years and above, the Officer will be granted three (3) salary increments at the point above his/her salary. His /her future incremental date will be the 1st date of the month in which he/she was promoted.

Determination of Salary of an Officer Transferred from another Public Service Entity

- E.5** The salary of an Officer who is transferred from another public service entity shall be determined by application of the provisions contained in this Manual.

Salary Advance

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

- (2) In applying for the advance, the Officer should explain in detail the circumstances leading to the situation which he could not have foreseen and therefore planned for.
- (3) Officers posted to designated hardship areas on initial posting may be granted salary advance by the Accounting Officer, each such case being considered on its own merit.
- (4) An advance under this regulation may be granted only when an Officer has no other outstanding salary advance. In very exceptional circumstances, an Accounting Officer may grant an advance of not more than two (2) months' salary in situations similar to those in paragraph (1) above if he/she is satisfied that the officer needs assistance in excess of one month's salary advance.
- (5) The recovery period for salary advance will be limited to a period of not more than twelve (12) months. In respect of an Officer who is due to leave the service before twelve (12) months, the advance must be fully recovered in equal installments within the remaining period of the Officer's service in the County Government.

Salary in Advance

- E.7(1)** An Officer proceeding on annual leave may, when he/she avails himself/herself of not less than one half (1/2) of his/her annual leave be paid his/her salary for the month in which he /she proceeds on leave, three (3) days before the commencement of the leave.
- (2) In applying for salary in advance, the officer should provide leave approval form as proof of approved leave which should be at least half of the number of leave days he/she is entitled to during the leave year.
 - (3) In very exceptional circumstances, when an Accounting Officer is unable to grant Salary Advance, he/she may grant payment of not more than two (2) months' Salary in Advance to an Officer who finds himself/herself in circumstances beyond the Officer's control, which place him/her in a difficult financial position requiring assistance from the County Government.
 - (4) The recovery period for Salary in Advance is once and is effected at the end of the respective month for which the officer requested the Salary in Advance.

Allowances

- E.8 (1)** Additional payments are made in form of allowances, either to reimburse an Officer for the expenses incurred directly or indirectly in the execution of his duties, or to compensate him for services rendered over and above the normal job requirements. Such allowances shall be as provided in the Salaries and Remuneration Commission (SRC) circulars as from time to time.

- (2) The following are some of the allowances that are currently applicable in the service and the circumstances under which they are payable.

House Allowance

- E.8 (1)** All officers are eligible for House Allowance applicable to their grades as stipulated by the Salaries and Remuneration Commission (SRC) circulars issued from time to time.
- (2) Officers occupying institutional houses will pay rent equivalent to the value as shall be determined by the Department responsible for Housing or surrender their house allowance whichever is lower.

Commuter Allowance

- E.9(1)** All officers in Job Group 'T' and below shall be eligible for Commuter Allowance where they are not provided with County Government transport.
- (2) The rates of the allowances will be determined by the Salaries and Remuneration Commission from time to time.
- (3) It will be an offence for an officer in receipt of Commuter Allowance to use County Government vehicle from house to office and vice versa.

Leave Allowance

- E.10** All officers on permanent & pensionable and contractual terms shall be eligible for leave allowance payable once a year. The rate of Leave Allowance will be determined by the Salaries and Remuneration Commission from time to time.

Entertainment Allowance

- E.11** Public officers in Job Groups 'T', 'U' and 'V' are from time to time required by the nature of their duties to provide hospitality and entertainment to official guests. To enable them meet such expenses, a non-accountable monthly Entertainment Allowance shall be paid as may be determined by Salaries and Remuneration Commission from time to time. Only Officers eligible as indicated in the letters of appointment will benefit from such an allowance.

Extraneous Allowance

- E.12** Extraneous allowance shall be paid to officers who are called upon to undertake extra responsibilities in addition to their normal duties and therefore work over and above the official working hours on a continuous basis. The rates and eligibility for payment shall be determined by the Salaries and Remuneration Commission from time to time.

Acting Allowance

- E.13 (1)** When an Officer possesses the requisite qualifications and requirements to be appointed to the higher post on which he/she is called upon to act pending advertisement of the post, he/she is eligible for payment of Acting Allowance at the rate of twenty percent (20%) of his substantive basic salary. Acting Allowance will not be payable to an Officer for more than six (6) months.
- (2)** In the event that the post is not substantively filled within six months consideration for renewal may be granted through CHRMAC and County Public Service Board as appropriately stated in this manual with a fresh recommendation from the supervisor. No requests for acting appointment on the same post shall be entertained after one (1) year.
- (3)** Acting appointments shall not be approved to take effect from a date earlier than one (1) month prior to the date on which the recommendation is submitted to the Authorized Officer or the County Public Service Board as the case may be.
- (4)** The payment of Acting Allowance for Job Group 'A' to Job Group 'L' shall be presented to CHRMAC for deliberation and approval subject to recommendation by an Authorized Officer. Similarly, payment of Acting Allowance for Job Group 'M' and above shall be submitted by an Authorized Officer to CHRMAC for deliberation and recommendation to the County Public Service Board for approval as appropriate.
- (5)** All recommendations for acting appointments must be accompanied by an indent for advertisement of the vacancy against which the acting appointment has been requested and a seniority list of officers in the same cadre in the respective Department.
- (6)** When a post falls temporarily vacant due to the absence of the substantive holder, an acting appointment shall not be made unless the period of such absence exceeds thirty (30) days.
- (7)** A recommendation for an acting appointment for a period of thirty (30) days or less will be considered by the County Public Service Board for those cases where the law or regulations require that, in the absence of the substantive holder of a public office, the function of that public office can be exercised only if another Officer is appointed in an acting capacity.
- (8)** An officer who is appointed to act in a higher post shall be eligible for the duration of his acting appointment for the travelling privileges, accommodation allowance, subsistence allowance or an extraneous allowance and entertainment allowance applicable. However, the Officer shall not qualify for house allowance or other remunerative allowances applicable to the higher post.
- (9)** Acting Allowance shall not be paid against any post falling within the common establishment.

- (10) In all cases, an officer must be appointed in writing to act after authorization by CHRMAC or the County Public Service Board respectively.

Special Duty Allowance

- E.14(1)** When an Officer is called upon to perform duties of a higher post but does not possess the necessary qualifications for appointment to that post, he shall be paid Special Duty Allowance at the rate of fifteen per cent (15%) of the Officer's basic salary. Special Duty Allowance will not be payable to an officer for more than six (6) months.
- (2) In the event that the post is not substantively filled within six months consideration for renewal may be granted through CHRMAC for officers below Job Group L and Job Group M and above County Public Service Board as case may be, with a fresh recommendation from the supervisor. No requests for Special Duty Allowance on the same post shall be entertained after one (1) year.
- (3) Special Duty Allowance shall not be approved to take effect from a date earlier than one (1) month prior to the date on which the recommendation is submitted to CHRMAC or the County Public Service Board as the case may be.
- (4) The payment of Special Duty Allowance for Job Group 'A' to Job Group 'L' shall be presented to CHRMAC for deliberation and approval subject to recommendation by an Authorized Officer. Similarly, payment of Special Duty Allowance for Job Group 'M' and above shall be submitted by an Authorized Officer to CHRMAC for deliberation and recommendation to the County Public Service Board for approval as appropriate.
- (5) All recommendations for Special Duty Allowance must be accompanied by an indent for advertisement of the vacancy against which the Special Duty Allowance has been requested and a seniority list of officers in the cadre in the respective Department.
- (6) When a post falls temporarily vacant due to the absence of the substantive holder, Special Duty Allowance shall not be paid unless the period of such absence exceeds thirty (30) days.
- (7) A recommendation for Special Duty Allowance for a period of thirty (30) days or less will be considered by CHRMAC and the County Public Service Board as appropriate for those cases where the law or regulations require that, in the absence of the substantive holder of a public office, the function of that public office can be exercised only if another Officer is appointed to perform the special duty.
- (8) Officers performing duties of a higher post under this provision shall be eligible for travelling privileges, accommodation allowance, subsistence allowance or an extraneous allowance and entertainment allowance applicable. However, the Officer shall not qualify for house allowance or other remunerative allowances applicable to the higher post.

- (9) Officers shall not be called upon to perform duties of a post that is more than two (2) grades higher than the officer's substantive grade.
- (10) Special Duty Allowance shall not be paid against any post falling within the common establishment.
- (11) In all cases, an Officer must be appointed in writing to act after authorization by CHRMAC or the County Public Service Board respectively.

Daily Subsistence Allowance (Local Travel)

- E.15 (1)** When an Officer is travelling on duty and stays overnight away from his duty station and makes his own arrangements for accommodation, Accommodation Allowance shall be paid to him at the rates determined by the Salaries and Remuneration Commission (SRC) from time to time.
- (2) Accommodation Allowance will be paid at full rate for the Officer's respective job group for a maximum continuous period of thirty (30) days. Notwithstanding the provisions of paragraph (1) of this provision, an Officer who is required to be away from his duty station for more than thirty (30) days will be paid Accommodation Allowance for the subsequent additional days at half ($\frac{1}{2}$) rate of his entitlement up to a maximum period of five (5) months. Beyond this period, if the Officer continues to work in the same station, this will be treated as a posting and Accommodation Allowance will cease to be applicable.
 - (3) On transfer from one station to another, an Officer may claim Accommodation Allowance for self and spouse and up to a maximum of four (4) unmarried children under twenty-five (25) years of age, who are living with him and are in full time schooling and dependent on him should they be compelled to spend one or more nights on the journey. The rate of allowance for the spouse and children aged eighteen (18) years and above will be the same as that of the officer. The rate for children below eighteen (18) years will be half that payable to the officer.

Daily Subsistence Allowance (Foreign Travel)

- E.16(1)** A public Officer who is required to travel on duty outside Kenya will be granted Subsistence Allowance at the daily rates determined by Salaries and Remuneration Commission (SRC) from time to time.
- (2) The rates of Subsistence Allowance are designed to meet the cost of accommodation at good, but not luxury class hotels, meals, including service charges, local travelling (such as taxi, bus or train fare), incidental expenses including any taxes and an element in respect of essential entertainment.
 - (3) Travelling expenses incurred from the airport to and from a hotel or other residential place and vice versa, airport charges, fees for vaccination, visas and passport charges will be refunded upon production of authenticated proof of expenditure.

- (4) Where an Officer's travelling and accommodation expenses are covered in full by any other organization, a residual allowance of up to one-quarter ($\frac{1}{4}$) of the standard rate of Subsistence Allowance will be paid to him to cover incidental expenses.
- (5) In cases where the sponsor does not meet the expenses directly but pays an allowance and such allowance is less than the standard rate of subsistence allowance, the Officer may claim the difference from the County Government.

Meal Allowance

- E.17 (1)** Meal Allowance will only be paid to Officers travelling on duty within the county but who are not required to spend a night away from the permanent duty station. Meal Allowance will not be paid alongside Accommodation Allowance.
- (2) Meal Allowance shall be paid at the rate of 15% for breakfast, 20% for lunch and 20% for dinner of the daily subsistence rate applicable. However, the meal allowance rates are subject to review by SRC from time to time.
 - (3) Meal Allowance shall not be paid as a compensation for Officers who are required to work beyond the official working hours.
 - (4) Meal Allowance shall be restricted to a maximum of seven (7) days in a month subject to prior approval by the respective Accounting Officer. Payment of the meal allowance shall be subject to provision of the following information: number of officers involved in the exercise, reason for urgency of the exercise and a report of the exercise. Meal Allowance shall not be paid for work that should be done within the normal working hours. Accounting Officers will therefore take responsibility in the event their department misuses this provision. Any misuse will result in the Officers involved being surcharged.

Overtime Allowance

- E.18 (1)** Where an Officer in Job Group 'J' and below is required to work overtime, an allowance may be granted to him with approval of the Chief Officer for overtime worked in excess of forty (40) hours per week, at the rate of one and a half ($1\frac{1}{2}$) times the Officer's basic salary during working days and two (2) times the officers basic salary during other days including public holidays.
- (2) Overtime Allowance will be paid subject to a maximum of ten (10) hours per week upon production of proof of work done/ attendance.
 - (3) This provision will not apply to certain categories of staff in County Departments who are required to work overtime regularly, and an allowance has been authorized for their compensation.

Transfer Allowance

- E.19 (1)** When A Serving Officer is transferred from one station to another, he will be eligible for Transfer Allowance amounting to one (1) month's basic salary provided the new station is not less than thirty (30) kilometers from the former station. Transfer Allowance will be paid at least three (3) days prior to departure.
- (2)** Transfer Allowance will not be paid to: -
- i. Field officers such as Surveyors, Hydrologists, Engineers, Geologists, and Inspectors of Works, when moving from one camp to another;
 - ii. Officers who are deployed on temporary basis (i.e. on relief duty) for a period not exceeding five (5) months; and
 - iii. Officers who are transferred at their own request.

Field Allowance

- E.20** Fieldofficers such as Surveyors, Road Foremen, prospectors and officers in charge of land development units, whose duties entail continuous field work and who live in movable accommodation (i.e. portable huts, tents or caravans), may be granted a regular Field Allowance at the rate of 25% of the Daily Accommodation Allowance as provided from time to time.

Baggage Allowance

- E.21(1)** When travelling on transfer, secondment to County Government of Homa Bay or termination of appointment as per Section D 12 (2) an officer shall be provided with a government vehicle to transport his luggage.
- (2)** In the absence of a vehicle, the officer will be eligible for a Baggage Allowance at rates determined by the Department responsible for Transport from time to time.
- (3)** The Officer will be expected to request for transport within three (3) months of appointment, transfer or termination of appointment failure to which, the privilege will be forfeited.
- (4)** In case of the death of an employee, the next-of-kin shall be eligible for a baggage allowance at rates determined by the Department responsible for Transport from time to time.

Other Allowances

- E. 22.** The County Government may pay any other allowances to different categories of public officers in various circumstances. Such allowances shall be determined and communicated from time to time.

Travel Clearance

- E.23.** Travel clearance is a requirement for all officers travelling out of the country for any business. The travel clearance will only be issued by the County Secretary at the County level and similarly fulfill all the other requirements for clearance by the National Government. An officer should apply for travel clearance at least a week before the date of travel.

SECTION F

BENEFITS

Introduction

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

Allocation of County Government Houses.

- F.1(1)** The County Government may provide houses for employees, who would be required to pay rents at prevailing market rates as determined from time to time by the Department responsible for Housing.
- (2)** County Government institutional houses shall be allocated at the station where an officer is posted for duty. The guidelines for allocation shall be provided by the Department responsible for Housing from time to time.
- (3)** Applications for County Government housing should be submitted to the Authorized Officer for the department responsible for Housing through the respective Authorized officer where the officer is domiciled.
- (4)** Allocation of County Government Houses shall be done through a Committee designated for allocation of houses in the Department responsible for Housing.
- (5)** Upon approval of allocation of a County Government house to an officer, communication should be relayed to the Chief Officer responsible for Housing to ensure the necessary recoveries of rent are made from the officer's salary.
- (6)** The responsibility for recovery of rent rests with the Chief Officer responsible for housing in liaison with Department or Office responsible for Human Resource Management matters in the County.

Occupation of County Government Houses

- F.2** On occupation of a County Government quarter, the Chief Officer responsible for Housing shall notify the Department or Office responsible for Human Resource Management matters for the purposes of rent recovery. The Officer will then be notified once the recovery of rent commences.

County Government Mortgage Scheme

- F.3 (1)** The County Government may establish a Mortgage Scheme for public officers to facilitate the officers to purchase or construct residential houses.
- (2)** Application for House Mortgage shall be submitted to the Chief Officer responsible for the Mortgage scheme Fund. The applications shall be processed through a designated Committee responsible for the County Staff Mortgage Scheme Fund.
- (3)** Upon approval of mortgage, the communication shall be relayed to the Department or Office responsible for Human Resource Management Matters in the County to ensure that the necessary recoveries of the mortgage are made.
- (4)** The County may set up a mortgage scheme subject to availability of funds in the county budget or through a county arrangement with financier/ service provider identified through the right procurement procedures and as provided by the existing Government legislations.
- (5)** The mortgage scheme shall be managed in accordance with regulations set out in the respective schemes as shall be agreed with the County Government.
- (6)** The Mortgage scheme may be reviewed annually to ensure that the County Government and its employees get value for money invested in the Scheme.
- (7)** The County May also set up Mortgage Scheme as shall be provided in the SRC circulars as from time to time.
- (8)** Notwithstanding the provisions of paragraph (1) to (8) above, the County Government may by resolution of the County Executive Committee competitively procure a bank to manage the County Mortgage Scheme subject to terms as may be determined by the County Executive Committee including but not limited to interest, rates, repayment rates, recoveries and penalties as the case may be.

Car Loan Scheme Fund Regulations

- F.4 (1)** The County Government shall establish a Car Loan Scheme for public officers to facilitate the officers to purchase cars.
- (2)** The scheme shall be managed in accordance with regulations set out in the County Car Loan Scheme Fund for Homa Bay County.
- (3)** All County Government Officers will be eligible for a car loan provided they meet the requirements stipulated by County Car Loan Scheme Fund.

- (4)** Application for Car Loans shall be submitted to the Officer in Charge of the Department or Office responsible for Human Resource Management matters in the County. The applications shall be processed through a designated Committee responsible for the County Staff car loan scheme Fund.
- (5)** Upon approval of Car loan communication shall be relayed to the Department or Office responsible for Human Resource Management Matters in the County to ensure that the necessary recoveries of the car loan are made.
- (6)** The County may set up a Car Loan Scheme Fund subject to availability of funds in the county budget or through a county arrangement with financier/ service provider identified through the right procurement procedures and as provided by the existing Government legislations.
- (7)** The Car Loan scheme fund may be reviewed annually to ensure that the County Government and its employees get value for money invested in the Scheme.
- (8)** The County may also set up a car loan scheme as provided in the SRC circulars from time to time.
- (9)** Notwithstanding the provisions of paragraph (1) to (8) above, the County Government may by resolution of the County Executive Committee competitively procure a bank to manage the County Mortgage Scheme subject to terms as may be determined by the County Executive Committee including but not limited to interest, rates, repayment rates, recoveries and penalties as the case may be.

Medical Benefits

- F.5 (1)** The County Government may establish a Medical Insurance Cover to provide medical benefits for County Public Servants, their spouses and dependent children.
- (2)** The County may set up such a medical Insurance Cover for the officers subject to availability of funds in the county's annual budget and may enter in an arrangement with a service provider identified through the right procurement procedures as provided in the existing Government legislations.
 - (3)** The Medical Insurance Cover may be reviewed annually to ensure that the County Government and its employees get value for money invested in the Scheme.
 - (4)** The medical scheme shall be managed in accordance with regulations set out in the respective medical schemes as shall be agreed with the County Government.

Medical Treatment outside Kenya

- F.6** Employees and their dependents will be eligible for medical treatment outside the Country in cases where such treatment is not available locally, subject to prior authorization by the County Director of Health Services and the Administrator of the applicable scheme.

Medical Ex-gratia Assistance

- F.7 (1)** The County Government will provide in the annual budget a medical ex-gratia assistance to cover in- patient medical expenses incurred by an officer, spouse and dependent children who are twenty-five (25) years and below, subject to prevailing limits, upon exhaustion of the medical cover entitlement within a financial year. The amount will not exceed 75% of an individual officer's in-patient entitlement of the existing medical scheme less 25% as the individual's contribution towards the bill and less Social Hospital Insurance Fund (SHIF) or whichever scheme the National Government puts in place to provide the same services as SHIF.
- (2)** It is important to note that ex- gratia assistance will not cover out-patient medical expenses.
- (3)** Medical Ex-gratia Assistance will be limited to 75% of an individual officers in patient entitlement per family of the existing medical scheme within a financial year.
- (4)** All cases for ex-gratia assistance shall be referred to CHRMAC for consideration and approval through the Department or Office responsible for Human Resource Management matters in the County Government of Homa Bay.

SECTION G

TRANSPORT

Introduction

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

Responsibility of Managing County Government Vehicles

- G.1 (1)** The overall responsibility of managing County Government vehicles lies with the Chief Officer responsible for Transport. Respective departmental Chief Officers shall take charge of all vehicles under their departments. The Transport Manager, Department responsible for Transport shall be responsible for the day-to-day running of the County Government vehicles. The Chief Officers shall work in consultation with the Transport Manager in the department for Transport.
- (2)** All departmental County Government vehicles shall be branded with respective Departmental/ Sub - County names and addresses for ease of identification in a standardized format as guided by the Department of Roads, Transport and Public Works.
- (3)** The following forms which are retained in soft copy at the Transport Office shall be used at all times to keep a record of how vehicles are managed in the County:
- i. Form No. 1 - Vehicle Fuel Form
 - ii. Form No. 2 - Mechanical Service Form
 - iii. Form No. 3 - Mechanical Report after Repairs/Service Form
 - iv. Form No. 4 - Vehicle Requisition Form
 - v. Form No. 5 - Hire of Vehicles Form (See samples in the Appendix)
- (4)** Respective Chief Officers, in consultation with the Department responsible for Transport shall authorize and bear the cost of servicing and repair of vehicles under their charge at the Transport Mechanical Unit or reputable pre-qualified garages in line with procurement procedures. They shall ensure that high standards are maintained in the repair of the vehicles by the garages. Drivers will be required to complete Transport Form No. 3 (Mechanical Service Form / Mechanical Report after Repairs/ Service Form) whenever there is need to service or repair vehicles. **(See Appendix II and III.)**

Eligibility for Transport

- G.2 (1)** The Government will provide transport for an Officer travelling on duty outside the duty station.
- (2)** Transport will be provided for an officer, his spouse and unmarried children aged twenty-five (25) years and below who are living with and are dependent on him/her, on occasions when they are travelling on transfer and on retirement. The age limit for children may be extended beyond twenty five (25) years for, children living with disability or for those still in school, with the approval of the officer in charge of the office responsible for Human Resource Management matters in the County. The cost arising from the said transport will be met by the respective Department.

Travelling by County Government Vehicles

- G.3** All officers in Job Group CPSB Q or its equivalent and below will use pool transport when travelling on official duty. County Departments will provide officers travelling outside their duty stations with pool transport or imprest to facilitate use of public transport depending on the nature of work and cost implication. Where possible, officers should travel together in one vehicle.

Travelling by Public Service Transport

- G.4** When travelling by road or railway on transfer or duty outside the duty station, an Officer will be eligible to claim applicable reimbursements of the amount of the fare paid on production of travel tickets.

Travelling by Personal Vehicle

- G.5 (1)** In the absence of a County Government vehicle to travel on official duty outside the normal duty station an officer may, with prior authority of the respective Department's Chief Officer use his/her personal vehicle for official duty.
- (2)** Permission will normally be granted where the use of the motor vehicle is economical and in the interest of the service.
- (3)** Where such authority is granted, the employee shall claim reimbursement based on the prevailing Automobile Association (AA) of Kenya or Department responsible for Transport rates. The vehicle capacity shall be limited to 2,000 c.c.
- (4)** Where possible Officers should travel together in one vehicle.

Hire of Transport

- G.6 (1)** Where County Government transport is not available; a private vehicle may be hired at County Government expense.
- (2)** The cost should not exceed the charges normally agreed upon by County Government or using the mileage of AA or Mechanical Transport Unit rates, whichever is less.
- (3)** Officers will requisition for vehicles for hire using the Transport Unit Requisition for Hire of Vehicles *Form No. 5. Appendix V*.
- (4)** The Procurement Officer will hire the vehicle from pre-qualified companies.

Reimbursement of Taxi Fares

- G.7** When travelling on official duty and there is no County Government transport available, an Officer may be reimbursed the appropriate cost

of taxi fares from his/her residence to the railway station, appropriate bus terminal or airport and vice versa upon production of receipts.

Travelling by Air

- G.8 (1)** When travelling on duty to another country an officer may travel by air. Air travel on duty within Kenya will require the prior approval in writing of the respective Department's Accounting Officer. Such approval may be given when other modes of transport are unavailable, air travel is economical or where the saving of time is paramount.
- (2)** County Officers will travel as follows: -
- i. H.E. Governor and Deputy Governor - Business Class
 - ii. Officers in grade CPSB 06/N and above - Economy Class; and
 - iii. Officers in grade CPSB 07 /M and below - Road and Rail Transport.
- (3)** When it is necessary to travel by air within Kenya to places not served by any commercial airline, the services of other Government Departments/Agencies shall be utilized in accordance with the existing transport policy.

Travelling for Interview

- G.9A** County Government Officer who is invited for an interview by the County Public Service Board or a County Department will be regarded as travelling on duty and his/her travelling expenses will be charged to the appropriate vote of his/her County Department.

Travelling on Retirement

- G.10** On retirement, the County Government will meet the Officer's transport cost to his retirement destination within Kenya. The cost of transport in this case will be limited to the cost of road and rail transport in respect of the officer, his/her nuclear family and baggage. The Officer will be expected to request transport within six month of retirement.

Transport Facilities on Bereavement

- G.11 (1)** Transport facilities for a deceased Officer and immediate family members shall be provided at County Government expense to the place of burial when an Officer dies while in service and if the spouse or dependent unmarried children aged twenty-five (25) years and below die while the officer is still in the service.
- (2)** The County Government shall provide a token contribution of Ksh.100,000 in the case of the officer, Kshs. 50,000 for one spouse and Kshs. 30,000 for one child to defray funeral expenses, up to four (4) children aged twentyfive (25) years and below.

- (3) In the event of death of an officer, the County Government will cater for coffin expenses at rates to be determined from time to time by the County Public Service Board.
- (4) Where County Government transport is not available; a private hearse may be hired at County Government expense at rates to be determined from time to time by County Public Service Board.
- (5) An officer who will represent the County Government at the burial of the deceased shall be considered to be on official duty and therefore granted official transport.

Baggage Allowance

- G.12** In case of the death of an employee, the next-of-kin will be eligible for a baggage allowance as provided for under Section E. 21 (4) of this manual.

Use of County Government Vehicles

- G. 13 (1)** County Government vehicles are intended for official purposes. It is the responsibility of the Chief Officer of the respective Department to ensure that official vehicles under their disposal is properly used. An officer who makes improper use of a County Government vehicle will render himself liable to surcharge in addition to any other disciplinary action which may include dismissal. Officers are bound to report to the respective Chief Officer any County Government vehicle which is suspected of being in unauthorized use.
- (2) All vehicles must have written authority letters from respective Accounting Officers in liaison with the Transport Officer to be out outside office hours (8.00 am to 5.00 pm) or on weekends and other non - working days. For any vehicle found without authority, the respective Chief Officer, the driver and the officer being driven will be held jointly responsible and surcharged for the cost of the journey.
 - (3) In order to facilitate proper monitoring of the use of County Government vehicles, the respective departmental Accounting Officers shall submit monthly returns on all vehicles under their charge to the Chief Officer, responsible for Transport for analysis and presentation to the County Executive Committee. The following information and documents should be provided by each departmental Accounting Officer:
 - i. Department
 - ii. Work tickets used for the respective month
 - iii. Distance travelled during the month
 - iv. Fuel consumption per vehicle and destination
 - v. Any hired vehicles
 - vi. Details of the vehicle
 - vii. Mechanical services undertaken
 - viii. Mechanical repairs per vehicle and cost
 - ix. Details of grounded vehicles and reasons
 - x. Status of vehicles and drivers in the Department; and
 - xi. Any other relevant remarks.

- (4)** Respective Chief Officers shall ensure that County Government vehicles are properly used. An Officer who makes improper use of a County Government will render himself/herself liable to surcharge in addition to any other disciplinary action which may include dismissal from service. Meanwhile all officers are duty bound to report in detail to the respective Chief Officer under whose charge the vehicle is held, any County Government vehicle which is suspected of being in unauthorized private use.
- (5)** A Sub-Surcharge Sub Committee established in the Department or office responsible for Human Resource Management matters in the County will handle the matters of vehicle misuse and refer the case to CHRMAC for a decision and where necessary to the CPSB.
- (6)** All County Government vehicles shall display a valid 3rd party insurance cover for the vehicle at all the times as per the Transport Policy.
- (7)** All County Government vehicles shall be fueled using fuel cards, unless the Officer is travelling in a region in which the respective fuel station issuing the card is not present and with approval of the respective Accounting Officer. Cash advance will not be accepted. In emergency cases which necessitate use of cash, the vehicles must be fueled at the petrol stations that have been procured by the County Government and recorded accordingly (by issuing a detail order).
- (8)** Any Officer found misusing fuel will be subject to disciplinary action including dismissal.
- (9)** All County Government vehicles shall be released upon production of the Vehicle Requisition Form No. 4 obtained from the County Transport Office.

Government Vehicle Check Unit

- G.14 (1)** There shall be established a County Government Motor Vehicle Check Unit which will be empowered to stop and check any County Government vehicle and report any cases of misuse to the Accounting Officer with copies to the Sub-Surcharge Sub Committee refer to CHRMAC to take appropriate action. Where a surcharge is preferred the accounting officers will be obliged to enforce the same.
- (2)** A County Government vehicle may be stopped and checked by the National Government Motor Vehicle Check Unit, the County Government Motor Vehicle Check Unit, Traffic Police or the National Transport and Safety Authority (NTSA)
 - (3)** County Government vehicles without authority shall be held and officers concerned disciplined including being subjected to surcharge for use of the vehicle irregularly. The driver will be charged in a court of law for misuse of the County Government vehicle.

- (4) Surcharge by the County Government Vehicle Check Unit shall be borne by the officer or driver responsible for the offence. Where the County Government pays to have the vehicle released the officer's salary shall be deducted to recover the surcharge.
- (5) Where misuse of County Government vehicles has been reported, the person responsible apart from the surcharge may be subjected to further disciplinary action including dismissal.

Regulations to be observed by Chief Officers, Drivers and Staff

- G.15 (1)** Drivers should not be unnecessarily engaged beyond normal working hours without authority.
- (2) All drivers should wear uniforms as provided by the County Government.
 - (3) Non-authorized passengers should not be carried in County Government vehicles.
 - (4) Drivers must adhere to driving rules when driving County Government vehicles

County Government Vehicle Register

- G.16 (1)** A register of all County Government vehicles, trailers and motorcycles will be maintained by individual departments. The register will include the following particulars:
- i. Description of vehicle, trailer and motorcycle.
 - ii. Chassis number;
 - iii. Engine number;
 - iv. CG Registration number;
 - v. The date the vehicle is put into service;
 - vi. Department to which it is allotted; and
 - vii. The date of disposal of the vehicle.
- (2) However, the Transport Manager will maintain an inventory of all County Government vehicles within the County.
 - (3) The Department of Finance should keep the details of each vehicle in the Asset register.

Types of Vehicles

- G.17 (1)** Departments will be provided with County Government vehicles in accordance with the functions (i.e. model and type) as per National and County Government Circulars issued from time to time.
- (2) In exceptional circumstances where a Department desires to purchase a vehicle of a type not covered by National/County Government Policy, the Accounting Officer should, with concurrence of the Chief Officer to the

County Treasury obtain a certificate from the Chief Officer, Department responsible for Transport to the effect that the type of vehicle is suitable for the purpose for which it is required.

- (3) The request will be submitted to the County Executive Committee for consideration and approval and finally the National Treasury.

Disposal of County Government Vehicles

G.18 Accounting Officers should consult the Chief Officer responsible for Transport before disposing of surplus serviceable vehicles, in order that such vehicles shall, where appropriate, be transferred to another department. The Transport Manager will liaise with the Department responsible for roads to ascertain the mechanical condition of the vehicle, give a report that shall be used in making a final decision on the disposal of the vehicle. Such transfers will require approval of the Departments responsible for managing county vehicles and the County Treasury.

Parking of County Government Vehicles

- G.19 (1)** County Government vehicles should have safe and secure designated places for parking after 6.00 pm. These will include: Police stations or any Government Office with adequate security.
- (2) For all vehicles parked at the County headquarters compound and outside the headquarters, the Security Guards or Enforcement Officers shall record all vehicles leaving and returning to the designated parking slots.
 - (3) The security office shall prepare a weekly report to show the movement of vehicles after 6.00 pm and on weekends.
 - (4) The keys of all County Government vehicles, with the exception of ambulances and enforcement vehicles, must be handed to the Transport Officer or the Officer- in-Charge of the vehicle in respective departments after office hours.
 - (5) Where drivers will be out of the duty station, they will be responsible for the safety of the keys.
 - (6) In case of theft of a County Government vehicle, a report should be made immediately to the respective Accounting Officer and police giving particulars of the incident.

Speed Limits

G.20 (1) All drivers of County Government vehicles should adhere to speed limits set by law. Departments will be responsible in ensuring that other regulations by the Department responsible for Transport and the Transport Licensing Board Regulations are adhered to.

Transport Officers should ensure that speed governors, motor vehicle trackers and seat belts are installed and fitted in County Government vehicles and that they are checked regularly but not less than four (4) times in a year to ensure that they are functioning at all times.

- (2) Separate instructions will be issued from time to time by the Chief Officer responsible for Transport in regard to the loading and to towing of County Government vehicles and convoy procedure.

County Government Motor Vehicle Accident Management Procedure

- G.21(1)** In the event of an accident, County Government drivers should not accept liability or negligence. They should report the accident to the security help - desk who will facilitate necessary actions to be taken in respect to the accident. Any driver reported to have caused an accident as a result of negligence or careless driving will be surcharged the cost of vehicle repairs accordingly.
- (2) All Officers and drivers in charge of County Government vehicles should acquaint themselves with the provisions of the Traffic Act which makes it obligatory for a driver of a vehicle involved in an accident to stop and give his name and address to the owner of the other vehicle or a Police Officer. The owner of the other vehicle must also give the County driver the name and address and the identification marks of the vehicle or the Police. If for any reason, either of the drivers does not give his name and address or if any injury has been caused, they must report the accident at the nearest police station or to a Police Officer. The County Government driver shall report the accident to the respective Chief Officer and the Officer in charge of County Transport.
- (3) Any other person in the vehicle at the time of the accident shall also, if required to do so, give his name and address.
- (4) If, in the case of any such accident, the driver of the motor vehicle for any reason does not give his name and address to the County driver or the Police officer, or if any injury has been caused to any person or domestic animal, the County driver shall report the accident at a police station or to a Police Officer as soon as reasonably possible, and in any case within twenty four (24) hours of the occurrence thereof.
- (5) Every accident, however minor, must be reported by the County driver immediately to the Officer-in-Charge of the Police Station in whose area the accident occurs, whether or not such an accident has caused any injury or damage to any person, vehicle, property or animal. In order that a proper investigation may be carried out into the cause of the accident, the driver of the County Government vehicle will not move the vehicle from the scene of the accident unless authorized to do so by a Police Officer.

- (6)** In addition to any report to the Police, a preliminary accident report must be submitted on the day of the accident to Immediate Supervisor and County Transport Officer on whose charge the vehicle is borne giving the following particulars:
- i. Number of County Government vehicle and the name of the driver;
 - ii. Place, time and brief circumstances of accident;
 - iii. Name of any other person or persons who have, or whose property has suffered damage, or who have caused damage to County Government property, and the number of their vehicle;
 - iv. Estimate of damage suffered by (iii) above or by County Government personnel or property or both; and
 - v. The date on which the accident was reported and the name of the Police Officer who took the report and the police station where it was made.
- (7)** In cases where the driver has been arrested, the Officer-in-Charge of the Police Station concerned will make a report to the respective Chief Officer or County Transport Officer, but in all other cases the driver himself, unless incapacitated by the accident, will be responsible for initiating the report.
- (8)** On receipt of the report, it will be the responsibility of the respective Departmental Chief Officer or County Transport Officer to call for a detailed report.
- (9)** Where County Government incurs expenditure, whether by reason of any third-party claim or otherwise, as a result of any accident to a County Government vehicle and such accident is attributable wholly or in part to the negligence or misconduct of any County Government employee, the latter may be required to reimburse the County Government the whole or part of any such expenditure.
- (10)** All cases where there is a claim for damages or personal injuries against the County Government should be referred to the County Attorney. If the County Attorney advises payment of damages for personal injuries, the case should be referred to the Chief Officer, County Treasury for instructions before any liability is admitted or any payments made. A report must also be submitted to the County Treasury in cases where the damage to the County Government vehicle exceeds Kshs. Ten Thousand (Kshs.10,000) even though no third party may have suffered injury or damage.
- (11)** In cases where claims are paid to insurance companies or advocates in respect of accidents, departments concerned will obtain discharge certificates signed by the owner of the vehicle involved. The discharge certificate is in a form obtained from the Chief Officer, County Treasury.
- (12)** All cases where there is a claim for damages or personal injury involving County Government employees should be treated in accordance with the Work Injury Benefits Act (WIBA) and the Group Personal Accident Scheme that may be put in place and budgeted for by the Government.

Responsibility of the driver

- G. 22 (1)** County Government driver is required to have a valid driving license and must have passed Suitability Test organized by the Chief Mechanical and Transport Engineer in the Department responsible for Roads and Public Works besides having a valid Police Clearance Certificate and First Aid Certificate. A driver shall not drive a type of vehicle for which he is not licensed. An officer authorizing the use of a County Government vehicle by a driver who does not possess a valid license, shall be jointly held responsible for any pecuniary loss to the County Government that may result from any eventuality.
- (2)** The cost of annual renewal of driving licenses for established official County Government drivers will be met by the County Government.
- (3)** County Government vehicles shall not be driven by an officer other than a designated County Government driver, save in exceptional circumstances and with the written authority of the County Transport Officer. An officer who drives a County Government vehicle without such written authority and a valid driving license will be subject to severe disciplinary action.
- (4)** Drivers must at all times adhere to the highest standards of road conduct and should not smoke or use cell phones while driving and should exercise courtesy to other road users.

Work Ticket

- G.23(1)** The use of the work ticket for a County Government vehicle is compulsory. All vehicles must have properly filled work tickets authorized by the Chief Officer or his/her appointed officer before they leave the station.
- (2)** Any driver of a County Government vehicle (or any officer authorized to drive a County Government vehicle) operating without a work ticket properly authorizing a journey in question, or found deviating from the route authorized, or carrying unauthorized passengers or goods, will be subject to disciplinary action, including surcharge.
- (3)** The instructions set out in the work tickets must be made known to all drivers and other officers responsible for the management of County Government transport.

Use of County Government Motorcycles and Bicycles

- G.24.(1)** A County Government motorcycle may be made available to an officer whose functions require the use of a bicycle or a motorcycle e.g. Agricultural Extension Officers, County traffic officers and support staff whose duties entail travelling within the municipality or town for the purpose of collecting and delivering official mail or other similar duties.

- (2) County Government bicycles or motorcycles in each Department should be placed in the charge of a departmental officer who should arrange a weekly inspection of all bicycles and motorcycles and their accessories and keep a record of such inspections. He should also maintain a register of County Government cycles and retain one key for each. The register should contain particulars of the frame number, the make, c.c. where applicable, type, date of purchase and the name and address of the supplier and to whom allocated.
- (3) A County Government bicycle or motorcycle, when not in actual use should be padlocked to an immovable object such as railings, bicycle stand, etc. In case of theft of a bicycle or a motorcycle, a report should be made immediately to the police and the respective Accounting Officer, giving particulars of the bicycle or motorcycle, including the frame number.
- (4) A County Government bicycle or motorcycle should not be used for private purposes.
- (5) A County Government bicycle or motorcycle bought through joint ownership will be used for official and private purposes.

SECTION H

EXIT FROM THE SERVICE AND TERMINAL BENEFITS

Introduction

This Section contains general rules of accruing terminal benefits held in an authorized Pension Fund and which shall apply to eligible employees of the County Government of Homa Bay with effect from the participation date.

Pension Fund Sponsor

- H.1 (1) The sponsor of the Pension Fund is the County Government of Homa Bay. The County Government's participation in the Fund by, inter alia, shall be to make contributions thereto on the behalf of its employees upon execution of a deed with a legally recognized and registered Fund Manager.
- (2) The County Government of Homa Bay has placed its employees on various pension schemes. These includes LAP Trust, LAP Fund, County Pension Fund (CPF) and National Government pension schemes. It may be noted that currently the County Policy is that all the officers in Homa Bay be placed on the County Pension Fund (CPF) scheme which will now be the official County Government scheme.

- (3) This shall not affect the already existing pension schemes which will continue to operate according to the provisions or benefits agreed upon between the fund managers and the County and in addition the national Government scheme. Respectively all officers will access benefits as provided by the respective scheme funders.

Fund Salary

- H.2** The Fund Salary is the employee's Basic Salary and House Allowance which is applicable to all permanent and pensionable employees.

Fund Credit

- H.3** The Fund Credit is the accumulated total of Employer and Employee contributions that pertains to an individual employee.

Gratuity

- H.5** Gratuity is the accrued terminal benefit payable to contractual employees and as per prevailing SRC rates. Gratuity and interest accrued may be paid upon termination or expiry of contract. Contractual employees may wish to defer payment for investment purposes.

Eligible Employee

- H.6** An employee in the employment of the County Government of Homa Bay herein on permanent and pensionable terms of service, contract staff and/or state officers who the County Government agrees to sponsor and who are over eighteen (18) years of age or such age as is stipulated by prevailing laws from time to time and has not attained the normal retirement age.

Early Retirement Age

- H.7** For the purposes of this Manual, the early retirement age of a member of the Pension Fund shall be fifty (50) years or any other age agreed to by the County Participating Employer and the Employer provided the early retirement age shall not be less than fifty (50) years.

Normal Retirement Date

- H.8** The normal retirement age of a member shall be the last day of the month in which an Employee reaches age 60 years.

Resignation

- H. 9. (1)** An Officer may resign his appointment by giving one (1) month notice or by paying one month's gross salary in lieu of such notice.

- (2) An Officer on contract may resign his appointment in accordance with the terms of the contract.
- (3) On resignation, an Officer is required to settle any outstanding liabilities to the Government. Any amount due to an Officer will be withheld and applied to settle any sum due from him. If any liabilities are outstanding, the matter will be referred to the Attorney General for legal redress.
- (4) An Officer whose terminal benefits are determined under the Pensions Act will not be eligible for pension or gratuity on leaving the Service except in the specific circumstances defined in the Pensions or letter of appointment.
- (5) An Officer who resigns cannot, if subsequently re-employed after a break of service, count his previous service for pension.
- (6) An (6) An Officer who is a member of the Public Service Superannuation Scheme, shall on resignation, be eligible for terminal benefits in accordance with the terms set out in the scheme.

Retirement on Medical Grounds

- H. 10 (1)** Where it appears to an Authorized Officer that an Officer is unfit for continued service due to ill-health, the Officer may be considered for retirement on medical grounds.
- (2) Where it is necessary to convene a Medical Board to determine an Officer's fitness for further service or otherwise, the Authorized Officer shall refer the case to the Director General of Medical Services.
 - (3) The County Director of Medical shall forward a report to the respective Chief Officer within a period of one (1) month after appearance of the Officer before the Medical board.
 - (4) The retirement of an Officer on medical grounds will require the authority of the **County Public Service Board**.

Retirement on Abolition/Re-organization of Office

- H. 11** An Officer may be retired either on the abolition of the office he holds or upon the re-organization of the County Government Department in which he holds an office. The retirement shall be approved by the County Public Service Board.

Dismissal

- H.12 (1)** Dismissal refers to termination of appointment arising out of disciplinary proceedings.

- (2) An Officer, who is dismissed from the Service, shall be eligible for pension benefits in accordance with the provisions of the relevant pensions scheme. He /She will also be entitled to pension contribution under N.S.S.F. Act and the Widows and Children's Pension Scheme as applicable.
- (3) An Officer who is a member of the County pension Scheme shall on dismissal be eligible to terminal benefits as provided under the relevant Act or Scheme Rules.

Death

- H.13** Upon the death of a public officer, the legal beneficiary shall be paid death gratuity and dependents pension. In addition, in case of death of an officer who was contributing to Widows and Children's Pension Scheme, the legal beneficiary shall be paid the benefits thereof.

Insured Death Benefit:

- H.14** If an Employee dies while in service, his or her benefits shall be paid in accordance with the provisions provided and agreed upon in the relevant pension fund applicable to the Officer.

Insured Disability Benefit:

- H.15** If an Employee becomes disabled while in service, he or she shall be paid benefits as provided in the existing pension fund applicable to the officer or as provided by a group insurance if any is existing in the County Government.

Insured critical illness Benefit:

- H.16** If an Employee is declared critically ill while in service he or she shall be paid in terms of the existing pension fund provisions or retirement benefits on medical grounds.

Member Contribution:

- H.17** Member Contribution shall be as provided in the existing pension schemes.

Employer Contribution:

- H.18(1)** Employer Contribution shall be as provided as agreed in the existing

Pension Scheme.

- H.19** Upon attaining the normal retirement age, an employee shall be entitled to either;

A one-off lump sum payment of the accumulated Fund Credit plus accrued interest at the date of his retirement; or;

- a) A one-off lump sum payment equivalent to one-third of his accumulated Fund Credit plus accrued interest, with the balance two-thirds used to secure a monthly pension;
- b) An income draw down; or
- c) Shall be as provided in the respective schemes.

Death in Service on or before Normal Retirement Date

H.20 If an Employee dies while in Service on or before attaining the normal retirement date they shall be paid their benefits as provided in the pension scheme applicable to them.

Termination of Service Benefit

H.21 If an Employee exits Service prior to attaining retirement age, the Employee shall be entitled to a lump sum benefit equal to:

- i. His Employee's Portion at the date of leaving service; plus 50% of the Employer's Portion.
- ii. The balance 50% of the Employer's Portion shall be preserved in the Scheme until the Member's Retirement Age and shall then be used to secure a pension payable from Retirement Age, together with interest thereon. Or
- iii. Alternatively, the balance of 50% of the Employer's Portion may be transferred from the Fund to the Member's new Employer's registered Retirement Arrangement or their personal pension plan as appropriate, together with interest thereon.
- iv. Or as provided by the respective pension scheme applicable to the officer.

Unemployment Benefit

H.22 If an Employee becomes redundant or is retrenched while in the service of the Employer, he or she will be paid benefits in accordance with the existing County Government Pension schemes, laws, policies and regulations.

National Social Security Fund (NSSF) Benefits

H.23 An Officer who is a member of the NSSF shall be eligible for terminal benefits under the NSSF Act.

Widows' and Children Pensions Scheme (WCPS)

H.24(a) The Widows' and Children's Pensions Scheme, established under the Widows' and Children's Pensions Act of 1965, makes provision for granting pension to widows and children of deceased public officers with effect from 1st January 1966.

Entry into the Scheme was optional for all male Kenyan citizens who were serving with the County government on pensionable terms of service (confirmed or probationary) on or before 1st January, 1966 and compulsory for those who joined the service thereafter.

- (b) A female pensionable officer who is a Kenyan citizen may opt to join the Scheme if she can prove her husband is wholly or mainly dependent on her. If, however, in the event of her husband's death, she remarries, the subsequent marriage and the children thereof shall not be taken into account for the purposes of the Scheme unless she proves while she is still a public officer that her husband by that marriage is wholly or mainly dependent on her.
- (c) A monthly contribution of 2% of the officer's basic salary will be recovered towards the fund.
- (d) This Regulation will apply to officers whose pension is determined under the Pensions Act.

Refund of Widows and Children's Pension Scheme Contributions

- H.25(1)** Where an officer who was a member of Widows and Children's Pension Scheme (WCPS) has no spouse or children of dependent age on the last day of his service, i.e. he remained unmarried or his spouse died during his service and all his children have ceased to be dependent and he leaves the service with eligibility for the grant of a pension, the total amount of his contributions shall be refunded to him with interest.
- (2) Where an officer leaves the service without the grant of a pension i.e. on resignation or dismissal, the total amount of his contributions shall be refunded to him with interest. If an officer retires on any other ground, apart from medical, and he is entitled to receive a service gratuity only, he can opt to be refunded his contributions, instead of benefits under the Scheme.

Conditions Attached to Payment of WCPS Benefits

- H.26(1)** The widow's pension is payable until her death, re marriage or cohabitation.
- (2) A widow's pension will not be granted (except in special circumstances, Cap 192) if the husband dies within twelve (12) months of the marriage and there are no children.
- (3) An officer's widow cannot benefit if the marriage took place after he left the service.

- (4) In the case of a polygamous officer, if he leaves more than one widow, benefits are divided equally between the widows, subject to the satisfaction of the other conditions.
- (5) A divorced wife shall not benefit.
- (6) A child's pension is payable in accordance with the Widows' and Children's Pension Scheme (WCPS) Act.
- (7) An adopted child, or stepchild only qualifies for payment of benefit if the child was wholly or mainly dependent on the officer at the time of his death.
- (8) An officer whose pension is determined under the Pensions Act becomes eligible for the grant of a pension only if he has completed a minimum period of ten (10) years' service. If however, he has completed less than ten (10) years' service, he becomes eligible for the grant of a service gratuity.

Reporting of Retirements to the National Treasury.

- H.27(1)** In cases where the retiring officer is eligible for retirement benefits under the Pensions Act, a claim for such benefits should be submitted to the Pensions Department, National Treasury on the appropriate Form G.P. 178 or 179 as the case may be, at least nine (9) months before the date of retirement.
- (2) The Director, Human Resource Management Division in the County or an officer duly authorized by him to sign notices of retirement will be held responsible for the availability of the relevant service records to facilitate the submission of an acceptable retirement benefits claim to the Director of Pensions, National Treasury within the time limit specified in sub-section (1) of this regulation. The same officer will be held accountable for the accuracy and timely submission of information to the Director of Pensions, National Treasury.
 - (3) The retiring officer should submit all the documents stipulated in the retirement notice within the time frame.

Retirement Benefits payable under the Pensions Act

- H.28 (1)** The retirement benefits payable under the Pensions Act are: Pensions which include service pension (whether un-reduced or reduced), injury pension, killed-on duty pension and additional pension on abolition of office;
- (2) Gratuities which include commuted pension gratuities, service gratuities, death gratuities, compassionate gratuities and marriage gratuities;

- (3) Other allowances which include annual allowance and maintenance allowance.
- (4) The rates and modes of calculation of these benefits are set out in the pensions regulations.

Transfers and Secondment of Pensionable Officers

- H.29 (1)** When a pensionable officer is transferred to another County government or administration, which is 'scheduled' under the Pensions Act the pension Form GP.178 and the statement of aggregate pensionable emoluments form GP.190 should be completed and forwarded to the Pensions Department of the Treasury for submission to the County government or Administration concerned. Similarly, when an officer is transferred to the service of the National Government and County Government, the Pensions Department of the Treasury should be informed.
- (2) Transfers of pensionable officers from the County Government to organizations which are not 'scheduled' under the Pensions Act but which have been declared to be 'public service' for the purposes of the Act, need not be notified to the Pensions Department of the Treasury until the eventual retirement from the organizations of such officers.
 - (3) County Public Service Board is required to confirm from the Department responsible for Public Service or the Pension Department of the Treasury whether or not an organization to which their officers are seeking transfer has been declared a 'public service'.
 - (4) When pensionable officers are seconded from other public service institutions to Homa Bay County Government, they will be expected to join the Pension Scheme at the County Government. The County Government will therefore not remit the 31% pension requirement to that institution. However, the officer may make his/her own arrangements to remit this amount to the sending institution.

County Public Service Superannuation Scheme

- H.30** The County Government shall establish a County Public Service Superannuation Scheme for County public servants under the Retirement Benefits Act, 1997. Membership to the Scheme will be mandatory for serving employees. All new employees appointed to the County Public Service will be required to join the Scheme.

Certificate of Service

- H.31(1)** Certificate of Service will be given to an officer, upon his retirement, resignation, dismissal or termination of appointment.

- (2) An Authorized Officer, when completing the certificate should bear in mind that its main purpose is for use as a reference covering the officer's period of County Government Service.
- (3) The certificate will be signed by the Chief Officer of the respective Department and countersigned by the Officer in charge of the Department or office responsible for Human Resource management matters in the County. A copy of the certificate will be filed in the officer's personal file.
- (4) In the case of an officer who has not rendered satisfactory service during his employment, care should be taken to ensure that the certificate is carefully worded so as to give the officer credit for any good qualities which he may have shown.

Testimonials and Letters of Commendation

- H.32** Testimonials and letters of commendation may be awarded to employees by Supervisors as a motivation for exemplary service.

SECTION J

LEAVE

Introduction

- J.1** This Section addresses the circumstances under which the various categories of leave in the County Public Service are granted.

Categories of Leave

- J.2** The following are the categories of leave in the County public service:
- i. Annual Leave;
 - ii. Maternity Leave;
 - iii. Paternity Leave;
 - iv. Child Adoption Leave;
 - v. Sick Leave;
 - vi. Compassionate Leave;
 - vii. Leave for Sportsmen/women;
 - viii. Terminal Leave;
 - ix. Unpaid Leave
 - x. Compulsory leave
 - xi. Festive Holidays

Annual Leave

- J.3** Annual Leave is a right to every public officer and will be granted for recuperative purposes to enable the Officer renew his energies and improve efficiency. Annual Leave is granted by the Authorized Officer, subject to the exigencies of service.

Application for Annual Leave

- J.4(1)** Application for Annual Leave should be submitted to the respective Authorized Officer in the prescribed form, thirty (30) days before the due date to allow for adequate time to process the approval. Officers shall proceed on leave upon receipt of the 'leave approval ' form from the Human Resource Management Division in the County.
- (2)** 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.
 - (3)** Leave year' will commence on 1st July and end on 30th June the following year.
 - (4)** All Public Officers shall be entitled to thirty (30) days Annual Leave which excludes Saturdays, Sundays and Public Holidays.
 - (5)** Annual leave is not accumulable. However, an Officer may, if he/she so wishes, carry forward from one leave year to another not more than one-half of his annual leave entitlement. This arrangement is intended to enable an officer to reserve a portion of his annual leave to be taken in case of an emergency.
 - (6)** Annual leave must be taken within the leave year it falls due. Deferment of annual leave from one leave year to another shall be permitted subject to the provisions of the Employment Act, 2007.
 - (7)** Annual leave for a newly appointed officer will be calculated on a pro-rata basis only for the year of his appointment.
 - (8)** An Officer who has not availed himself for the annual leave due for the year in which his employment ceases will be entitled to annual leave on pro-rata basis. In addition, an officer may be granted the annual leave carried forward from the previous leave year.

Commutation of Leave

- J.5(1)** Annual leave shall not be commuted for cash nor will leave days not utilized be claimed by dependents to the estate of a deceased officer.
- (2)** Deferment of leave shall be approved by the Authorized Officer for the respective department.

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

Maternity Leave

- J.6(1)** A female Officer who is required to be absent from duty on account of confinement shall be granted Maternity Leave with full salary for a maximum period of ninety (90) calendar days exclusive of the Annual Leave due for the year.
- (2) An application for maternity leave should be submitted to the Department's Authorized Officer. The application should be supported by a medical certificate indicating the due date of delivery which will serve as the effective date of commencement of maternity leave.
- (3) Should it be necessary to extend Maternity Leave beyond the prescribed period of ninety (90) calendar days on grounds of sickness of the mother, the Officer will be granted sick leave subject to confirmation by a recognized medical practitioner.
- (4) Where the extension sought is on account of the child's sickness the officer will be expected to utilize her Annual Leave entitlement.

Paternity Leave

- J.7 (1)** A male officer will be eligible for Paternity Leave for a maximum period of two weeks during the period of the spouse's Maternity Leave or child adoption leave.
- (2) In this regard, it is clarified that in the case of a male officer with more than one wife, he will be entitled to Paternity Leave only in respect of one wife who is registered under the **Social Hospital Insurance Fund (SHIF)** and such leave shall be taken not more than once per year.
- (3) For grant of paternity or adoption leave, a male officer will be required to present a notification of birth of the child or an adoption order.

Child Adoption Leave

- J.8(1)** An officer who has been granted adoption rights under the Children's Act No. 8, 2001 (Rev 2007) and wishes to take leave for purposes of bonding and integrating the child into the family will be entitled to Child Adoption Leave in accordance with the Employment Act, 2007 subject to production of an adoption order.
- (2) Where the adoption is by both the officer and spouse, and the spouse is also an employee in the service, child adoption leave will only apply to the female officer.

- (3)** Where pursuant to the relevant provisions of the Children's Act a child is to be placed in the continuous care and control of an applicant who is an employee under this Act, the employee shall be entitled to one month's pre-adoptive leave with full pay from the date of the placement of the child.
- (4)** An employee eligible for leave under the above sub-section shall notify the employer in writing the intention of the adoption society to place the child in the custody of the employee at least fourteen days before placement of the child.
- (5)** Where the child is up to:-
 - i. Three (3) months, the officer will be granted thirty (30) calendar days leave.
 - ii. More than three (3) months the officer will be granted fifteen (15) calendar days leave.

Sick Leave

- J.9 (1)** Sick leave is the approved absence of an Officer from duty on account of illness and includes weekends and public holidays.
- (2)** A medical certificate signed by a medical officer must be produced in every case of absence on account of illness.
 - (3)** An Officer may be granted sick leave subject to the maximum period indicated below:
 - i. All Officers on pensionable or contract terms of service will be granted up to three months leave on full pay followed by three months on half pay and thereafter the officer will not be eligible for salary.
 - ii. An Officer on sick leave as a result of an accident or occupational disease will be entitled to full pay as per the Work Injury Benefits Act, 2007. The Officer will, however, be subject to assessment by the County Medical Board to determine his fitness for further service.
 - iii. If the Officer is unable to resume duty within six (6) months of sick leave, the Authorized Officer will refer the case to the Department or Office responsible for Human Resources Management matters in the County. The Officer in charge of this office will refer the case to the County Director of Medical Services to convene a Medical Board.
 - iv. On the expiry of the six months, the Officer shall not be reinstated in the payroll until his case is determined as provided in paragraph (i) above.
 - v. Where a public Officer is found to be unfit for service by the Medical Board, the case shall be referred to the County Public Service Board for retirement on medical grounds.
 - (4)** Sick leave may be authorized by registered medical practitioners for up to a maximum of twenty-one (21) days. Should it be necessary to allow absence from duty in excess of this period, the medical practitioner shall provide reasons.

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

Compassionate Leave

- J.10 (1)** An Officer, who has exhausted his annual leave entitlement, may be granted Compassionate Leave for up to ten (10) working days in a leave year.
- (2) An Officer will be eligible for compassionate leave in the event of death of a parent, spouse, child or sibling.

Special Leave for Sports persons

- J.11(1)** An Officer who is selected to represent the Country/County in National, Regional or International fixtures will be granted Special Leave with full salary for the necessary period of his training and subsequent participation in sports.
- (2) This special leave will not be counted against annual leave entitlement and will be approved by the County Secretary & Head of Public Service on recommendation of the Authorized Officer responsible for Social Services, Women and Sports.

Terminal Leave

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

Unpaid Leave

- J.13 (1)** Unpaid Leave may be granted by the County Public Service Board on recommendation by CHRMAC on the following grounds:
- i. Urgent private affairs of exceptional nature not exceeding six months and can only be extended for a period not exceeding six months for the purpose of attending to urgent private affairs of exceptional nature.
 - ii. Officers whose spouses are posted to foreign missions during the tour of service;
 - iii. Officers who are appointed to international organizations where they cannot transfer their service or be on secondment for a period not exceeding three (3) years; and

- iv. A spouse of an Officer appointed under (iii) above, will be granted Unpaid Leave for a period not exceeding three (3) years. This will be applicable to one spouse.
- (2) Unpaid Leave will not be increment-earning.
- (3) The period of unpaid leave will not be pension-earning under the Pensions Act.
- (4) During the period of unpaid leave the County Government of Homa Bay shall not make a contribution of its portion towards the Officers' pensions under a contributory pension scheme.

Compulsory Leave

- J.14 (1)** The Authorized Officer of a public body may, with the written approval of the Board, send on compulsory leave for a period not exceeding thirty working days a public Officer in a public body in which an investigation is being conducted, where it is feared that the Officer may influence or interfere with the investigation.
- (2) The Authorized Officer shall notify in writing the Officer being sent on compulsory leave of the reasons for the decision and the duration of the compulsory leave.
 - (3) An Officer on compulsory leave shall be entitled to full pay and benefits.
 - (4) Compulsory leave shall not be counted as part of an Officer's annual leave.

Festival Holidays

- J.15** 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 respective Chief Officer well in advance of the date on which any particular religious festival is celebrated.

SECTION K

WORK ENVIRONMENT HEALTH AND SAFETY

Introduction

- K.1 (1)** This Section provides guidelines and standards for the prevention and protection of Officers against accidents and occupational hazards arising at the workplace. It also provides for guidelines, procedures and modalities for the administration and payment of compensation for work-related injuries and accidents sustained during and outside the course of work.
- (2)** It further provides for guidance and counseling and putting in place measures for the management of HIV/AIDS at the workplace and the rehabilitation of Officers who may be facing challenges of alcohol, drugs and substance abuse.

Guidelines to General Safety

- K.2 (1)** Authorized Officers shall maintain healthy and safe working environments for Officers under their respective departments.
- (2)** All Officers have the responsibility to ensure safety to themselves and others when performing their duties.

Emergency Preparedness

- K.3 (1)** Every Department shall put in place measures to prevent and mitigate against accidents, explosions, fire, floods, earthquakes, bomb threats, and pandemics, among others and prepare procedures to be followed in such events.
- (2)** Authorized Officers shall have a responsibility of ensuring that all Officers and visitors are informed of and are fully conversant with the emergency procedures.

Fire Precautions

- K.4 (1)** Authorized Officers are responsible for ensuring that fire protection equipment are provided in the buildings used by departments under their control and are adequate and maintained as advised by Fire Officers and Occupational Safety and Health Officers. They are also responsible for enforcing all necessary fire precaution measures as directed by the Department responsible Fire for Roads, Transport and Public Works.

- (2) General information on fire precautions and fire equipment is contained in publications which are obtainable from the County Fire Officer in the Department responsible for Fire.

Fire Prevention

- K.5(1)** The Head Fire Officer and the County Fire Officers are responsible for providing advice on all matters concerning fire prevention, firefighting, fire protection and fire demonstrations in all Government premises.
- (2) The Department responsible for Fire shall ensure that all buildings are fitted with firefighting equipment. Individual departments are responsible for the subsequent replacement of portable equipment and provision of refill for such equipment with advice from Fire Officers and the Occupational Safety and Health Officers.
- (3) Fire prevention and protection in buildings leased to the County Government is the responsibility of both the owner and occupier of the building. The Authorized Officer of the Department responsible for Fire and the Department/Agency occupying the premises shall be legally responsible to ensure compliance.
- (4) Alterations should not be carried out on buildings without prior consultation with the Fire Officers and the Occupational Safety and Health Officers. Any means of escape from a building should be kept clear of any obstruction which would make it difficult for occupants of the building to escape in case of fire.
- (5) No hazardous or highly inflammable materials should be stored in buildings without the approval of the Officer in charge of Fire Prevention Services in the Disaster Management Unit.
- (6) Positions of firefighting equipment must not be interfered with nor should firefighting equipment such as hose reels and extinguishers be used for purposes other than firefighting.
- (7) Each County Government department must have a Safety and Health Committee headed by a responsible officer and constituted in accordance with the Factories and Other Places of Work (Safety and Health Committee) Rules.
- (8) Fire Officers may recommend any measures which they deem necessary for purposes of safety. It is the responsibility of the officer to whom such recommendations are addressed to ensure that appropriate steps are taken to implement the measures with minimum delay. Any Officer who fails to implement such recommendations will be held personally responsible for the consequences and in case of a subsequent fire outbreak; he will be liable for disciplinary action and/or prosecution.

- (9) Fire Prevention Committees should be established at the County Departments to liaise with County government Fire Officers.
- (10) The Authorized Officers shall ensure that:
- i. Health and Safety Committees are formed in all premises used by officers in their departments and/or agencies.
 - ii. The Committee members and all officers are trained.
 - iii. Firefighting drills are conducted in all premises used by officers at least once in every twelve months in accordance with the requirement of the Factories and Other Places of Work (Fire Risk Reduction) Rules; and
 - iv. In respect to fires in the urban areas the Fire Division under the municipality in the County will ensure compliance to all requirements in the buildings.

Notification of Fires

- K.6(1)** All fires, however small, must be reported to the Fire Department or the Police immediately when they are spotted. The building or premises so affected by fire must be guarded and no evidence should be interfered with until investigations are over.
- (2) It is the responsibility of whoever detects a fire to initiate alarm, inform the police and fire brigade, and try to control the fire during its initial stages.
- (3) All County Government buildings must be fitted with fire detectors, alarms, water storage tanks and pumps dedicated to firefighting only and separate from the normal water supply.

Medical Examination

- K.7** The Authorized Officers shall ensure that all officers working in hazardous occupations undergo periodic medical examination in accordance with the Occupational Safety and Health Act, 2007.

Provision of Protective Equipment and Clothing

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

Safe Use of Potentially Dangerous Equipment

- K.9** The Authorized Officers shall ensure that all plants including hoists and lifts, steam boilers, other equipment and pressure vessels are properly maintained and that they undergo the statutory examinations as per the Occupational Safety and Health Act, 2007 requirements.

Compensation to County government Officers for Injury or Death

K.10 The Work Injury Benefits Act, 2007 (WIBA) provides for compensation for accidents and occupational diseases arising out of and in the course of an officer's employment. Only injury, diseases or death arising from occupational hazards are compensable. Besides the provisions of WIBA the County Government may budget and introduce a Group Personal Accident (GPA) Scheme which is administered by the County Treasury and the Department or Office responsible for Human Resource Management matters in the County.

Reporting of Accident

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

- i. In case of an accident resulting in the injury or death of an Officer Part I of the Directorate of Occupational Safety and Health Services, Accident Notification form (Form DOSH 1) should be completed in triplicate;
 - ii. The forms should then be dispatched to the Authorized Officer of the officer's department, the Occupational Safety and Health Officer of the region in which the accident occurred and for nonfatal, the Medical Practitioner who is attending to the injured officer; and
 - iii. The detailed procedures are contained in the relevant forms which are obtainable from the Director of Occupational Safety and Health Services in the Department responsible for Labour matters.
- (2)** Where the Director of Occupational Safety and Health Services finds anomalies or that the percentage given in the medical report is not in conformity with the provisions of the Work Injury Benefit Act, 2007 (WIBA), he/she will decline to process the compensation. The Director will inform the Authorized Officer of the Officer's department of that decision giving reasons as to why he has taken the decision and if the officer qualifies for compensation, he shall advise on the action that should be taken to enable the Officer's compensation to be processed.
- (3)** Where the Director declines to process the compensation, the County Executive Committee may either request the Director of Medical Services to convene a Medical Board for reassessment of the County Government's liability to pay compensation or may request the Director of Occupational Safety and Health Services to appoint a medical panel for reassessment on the Officer's diagnosis or injury.

Approval and Distribution of Compensation

- K.12(1)** If it is considered by the Director that the County Government is liable to pay compensation, he will send a demand note to the Authorized Officer of the Department employing the injured, sick or deceased officer indicating the amount of money to be paid to the injured/sick officer or the dependents of a deceased officer.
- (2)** The payment of the money due for compensation to the injured or deceased officer shall be made within a reasonable period of time.
 - (3)** The injured officer or the dependent(s) of the deceased officer will sign a certificate of acknowledgement of payment and complete an agreement form in quadruplicate.
 - (4)** Copies of such certificate and of the appropriate agreement form should then be distributed as follows:
 - i. One copy to be handed to the officer or, in case of fatal accident, to the dependent(s);
 - ii. One copy to be returned to the Chief Officer of the injured/deceased officer's Department.
 - iii. The other copy to be retained by the Director of Occupational Safety and Health Services; and
 - iv. One copy to be retained by the Human Resource management division to be kept in the officer's personal file.

Recourse to Court

- K.13** Where the Officer or the department is not satisfied with the amount of compensation computed by the Director of Occupational Safety and Health Services, they may raise an objection to the said Director or appeal to the Employment and Labour Relations Court.

Compensation Payable during Sick Leave under WIBA

- K.14** An Officer on sick leave as a result of an accident or occupational disease will be entitled to full pay.

Source of Compensation Funds

- K.15(1)** Authorized Officers shall source for funds from the County Treasury through the Department or Office responsible for Human Resource Management matters in the county to meet the compensation of officers who are injured, develop occupational diseases or die in the course of their employment.
- (2)** The Authorized Officer for the Department or Office responsible for Human Resource Management matters in the County will make appropriate arrangements to ensure that each department accesses adequate funds to pay Work Injury Benefits to injured officers.

Reporting Injury, Serious Illness or Death

- K.16(1)** In case of an Officer's injury, serious illness or death an immediate report by telephone, or special means including e-mail should be made to the relevant Authorized Officer, stating relevant particulars of the officer.
- (2)** The next-of-kin must be informed immediately and be made aware of the circumstances under which the Officer sustained injuries or met his death.
- (3)** In addition to the report referred to in paragraph (1), a Death Certificate should be submitted to the relevant Authorized Officer by the dependents as soon as possible to facilitate processing of final dues.
- (4)** The accident should also be reported to the Director of Occupational Safety and Health Services within twenty-four (24) hours in accordance with the requirement of the Occupational Health and Safety Act, 2007.

Group Personal Accident Policy

- K.17(1)** The County Government during the budgeting process will provide funding for Group Personal Accident Policy and through the Government tendering process procure a service provider to manage the scheme for the County Government. The details of managing the GPA will be as shall be agreed upon with the service provider.
- (2)** The GPA covers permanent bodily injury or death arising from such injury caused solely by violent external visible means and provided such death occurs not later than six (6) calendar months after the accident.
- (3)** The GPA provides twenty-four (24) hour cover to County public servants whether within or outside the country unlike WIBA which covers the hours the officer is at his place of work.
- 4)** A claimant should not be compensated twice for the same loss under GPA and WIBA.
- (5)** The GPA offers extended cover to all County public servants as follows:
 - i. Accident to employees while riding on motorcycles including pillion passengers.
 - ii. Accident to employees out of exposure to banditry and similar risks in the course of duty; and
 - iii. County Government drivers deployed to drive privately registered donor development partner vehicles.
- (6)** Any claim submitted after one year will be time barred and will not be accepted as liability.
- (7)** All claims under GPA should be reported by the insured, dependents or nominee in writing.

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

S/No	COVER	BENEFITS
1.	Death under GPA	5 years basic salary
2.	Death under WIBA	8 years Gross Salary (basic salary + regular allowances
3.	Permanent Total Disability under GPA	5 years Basic Salary x percentage awarded
4.	Permanent Total Disability under WIBA	8 years (basic salary + house allowance) x percentage awarded

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

K.18 The current challenges in the workplace and family environment affect the performance and well-being of an Officer. To address these challenges:

- (1) The County Government shall introduce guidance and counseling in the Service and develop a Policy to regulate guidance and counseling. In the absence of a County Policy the County shall apply the National Government Guidance and Counseling policy.
- (2) The Department or Office responsible for Human Resource Management matters in the County shall establish and operationalize a unit for provision of guidance and counseling services in order to address the psychological needs of public servants during their entry, stay and exit from service.
- (3) Professional counselors will be deployed in the Department or Office responsible for Human Resource Management matters in the County to provide guidance and counseling services to County public servants
- (4) Counseling services in the County public service shall be free of charge and shall be limited to County public servants. However, consultation with family members or support system may be extended when deemed necessary.

Counseling Services

K.19(1) Officers may seek guidance and counseling when faced with psychological challenges.

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

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

HIV/AIDS Support Programme

- K.20(1)** HIV and AIDS is a major challenge facing officers in and out of the office. It poses a big threat to the individual, the family and the public service. It is in- cognizance of this that the County Government has put in place care and support programmes for the infected and affected officers to enable them to remain productive.
- (2) HIV/AIDS shall be treated like any other challenging issues at the workplace. All officers shall have a role to play in the wider struggle to mitigate the effects of the pandemic.
 - (3) Policy guidelines have been developed to address HIV/AIDS challenges affecting County public servants in the workplace.

Fighting Stigma and Discrimination

- K.21(1)** An Officer shall not be discriminated or stigmatized on the basis of HIV status. It is an offence for any person to discriminate against another on the ground of actual, perceived or suspected HIV status in the workplace.
- (2) The Authorized Officers shall be expected to be at the forefront in providing a conducive working environment for the infected and affected officers. They shall be required to set up programmes that will instill positive behavior in the management of HIV and AIDS.
 - (3) It shall be the responsibility of the Authorized Officers to minimize the risk of HIV transmission by adopting First Aid/Universal infection control precautions at the workplace.

Continuation of Employment

- K.22** Officers with HIV-related illness shall be allowed to work for as long as they are fit to work and risk of HIV infection should, therefore, not be a cause for termination of employment.

Alcohol, Drug and Substance Abuse

- K.23(1)** Addiction to alcohol, drugs or substance will be treated like any other disease. An Officer who is determined to deal with alcohol, drug and substance abuse problem by engaging in rehabilitation services will be referred by his/her Department to a County Government Medical Officer for evaluation.

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

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Employee Welfare and Wellness

- K.24** Authorized Officers shall develop and implement employee welfare and wellness programmes in the workplace.

SECTION L

PERFORMANCE MANAGEMENT

This Section addresses matters pertaining to performance management of employees in the County Public Service.

Introduction

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

Performance Management System (PMS)

- L.1 (1)** A Performance Management System (PMS) is a systematic process for getting better results from an organization, teams and individuals. This is by managing the job execution processes to ensure efficiency and effectiveness in carrying out one's tasks by identifying shortcomings and addressing them and strengthening the positive actions aimed at improving individual and eventually organization service delivery to the citizens. All this is carried out within an agreed framework of planned goals, objectives and standards. A PMS is a set of tools, processes and actions that allows for maximization of the performance of employees and institutions.
- (2)** PMS also provides employees with a clear understanding of job expectations; regular feedback about performance ;advice and steps for improving performance; rewards for good performance; and sanctions for poor performance. The overall goal of a PMS is to help boost employee performance and ultimately the achievement of intended results for the organization.

Strategic Planning

- L.2 (1)** This is a planning process for achievement of overall long-term goals of the organization.
- (2)** Authorized Officers shall coordinate development and review of strategic plans in their respective departments. The plans will be the basis for setting performance targets for the department which shall be cascaded to individual levels.

Performance Contracting

- L.3 (1)** Performance Contracting is a negotiating process in which departments and Agencies set their performance targets based on their mandates, functions and strategic objectives.

- (2) The County Public Service Board shall continually advise county Government on implementation and monitoring of the national performance management system in counties.
- (3) The Department responsible for Performance Management in the County Public Service shall issue guidelines to guide County Departments and Agencies in implementation of performance contracts.
- (4) The Performance Contract should be anchored on National and County Government development goals and cascaded to all departments, divisions, section levels and cadres of employees and grass root institutions for the purpose of complete integration of the process. The integration will include linking the Performance Contracts with the Staff Performance Appraisal System (SPAS) and the Performance Rewards and Sanctions Framework.
- (5) Department and Agency shall be separate entities as far as the implementation of Performance Contracts is concerned.

Staff Performance Appraisal System

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

Objectives of Performance Appraisal.

- L.5(1)** Staff Performance Appraisal is a critical component of the human resource management function in the County Public Service. The overall objective of the appraisal system is to manage and improve performance in the County Public Service by enabling a higher level of staff participation and involvement in planning, delivery and evaluation of work performance.
- (2) The specific objectives are to:
 - i. Link individual performance with organization performance;
 - ii. Enable supervisor and appraisee continuously assess work progress;
 - iii. Assess the learning and development needs of staff on timely basis;
 - iv. Promote accountability in the County public service;
 - 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 confirmation in appointments, renewal of contracts, promotions, delegation of duties, training, deployment, reward and sanctions.

Scope of Application

- L.6(1)** The SPAS shall apply to all categories of staff in the County Public Service.
- (2)** The prescribed appraisal form will be completed by all Officers in the County Public Service in consultation with the supervisors.
- (3)** All newly employed/promoted/redeployed Officers will be required to complete the Staff Performance Appraisal Forms within three (3) months of employment/ promotion/redeployment.
- (4)** The primary responsibility for implementing the SPAS rests with the Authorized Officer.
- (5)** The Authorized Officers shall ensure that reports on staff appraisal forms are prepared and submitted to the Department responsible for Public Service.

Work Planning and Setting of Performance Targets

- L.7 (1)** Prior to the beginning of the performance period, departments will prepare work plans based on their strategic plans. The Departmental Work Plans should include the departmental priority objectives from which individual performance targets will be derived. Departmental Heads will meet with staff under their direct supervision to discuss and ensure that the objectives and performance targets of the department are understood.
- (2)** The individual work plans will be derived from the Departmental Work plans and Officer's job description. The work plan will briefly describe the performance targets or expected results on specific assignments and activities for which the staff member is responsible during the performance year.
- (3)** The Appraisee will hold discussions with the immediate Supervisor to agree on the work plan. The performance targets shall thereafter be set as agreed in the discussions by latest 31st July of each year. For each performance target to be assessed there will be performance indicators.

Managerial and Supervisory Competencies

- L.8(1)** These are the skills, behavior and work-related attributes that are considered essential for staff that have managerial and supervisory responsibilities and include:
- (i) Planning and organizing;
 - (ii) Training and development of staff;
 - (iii) Accountability in managing resources;
 - (iv) Risk management;
 - (v) Judgment and objectivity;
 - (vi) Managing and evaluating performance; and
 - (vii) Promoting use of information technology.
- (2)** They will be taken into account in the overall appraisal of staff with managerial and supervisory responsibilities but will not be assigned a score.

Appraisal Period

- L.9** The appraisal period is pegged on the County Government financial year and will cover one (1) such year starting from 1st July to 30th June of the following year. The Performance Appraisal reflects the summation of the year's performance.

Staff Performance Appraisal Process Strategic Objectives

- L.10** The strategic objectives will be derived from the department's strategic plan and performance contract and cascaded to the departments, divisions, sections, units and individual employees.

Continuous Performance Appraisal

- L.11** Performance appraisal is an on-going process throughout the performance period. Milestones over the review period should be documented and maintained in the Appraisee's personal file.

Performance Measurement

- L.12 (1)** Performance Measurement shall be undertaken in accordance with the Staff Performance Appraisal System guidelines issued to the Service from time to time.

Mid-Year Performance Review

- L.13 (1)** The main purpose of the mid-year Performance Review is to accord both the supervisor and appraisee the opportunity to jointly review the progress made by the appraisee in accomplishing the assignments agreed on at the beginning of the appraisal period.

- (2) The review which should be in the form of discussions, should be 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.
- (3) Any changes, additions or removal of performance targets should only be made in the event that there have been significant changes in the nature of functions carried out by the appraisee and which may necessitate revision of performance targets.
- (4) The supervisor should, after discussions with the appraisee at the Mid-year Performance Review comment on the appraisee's performance.
- (5) In the event that the supervisor leaves the department, he/she will be required to appraise and document the performance of the appraisee (s) on pro-rata basis for the period under review up to the time of leaving the department. This shall form part of handing over report by the supervisors.
- (6) Authorized Officers shall prepare a mid-year performance review report for all staff in their respective Department and submit to the Department responsible for performance management in the County Public Service.
- (7) The Department or Office responsible for Human Resource Management matters in the County shall analyze the staff performance reports from departments and submit the consolidated report with appropriate recommendations to the County Performance Management Committee which will finally submit to the County Public Service Board.

End of Year Appraisal Process

- L.14** The End of Year Appraisal takes place at the end of the reporting period. The following will constitute the end of year evaluation process:
- i. The supervisor and appraisee are required to meet at the end of the year to discuss the overall performance for the whole appraisal period; and
 - ii. Prior to the meeting the appraisee should prepare a preliminary report with supporting evidences on the extent to which set targets were achieved as agreed at the beginning of the Performance Year with clear performance indicators.

Rewards and Sanctions Policy

- L.15(1)** The overall goal of rewards and sanctions is to establish a basis for rewarding exemplary performance and administering sanctions for poor performance. It will also motivate employees to have positive attitude to work and to enhance productivity in the County Public Service and create linkages between departmental and individual performance.
- (2)** The provision and types of rewards and sanctions shall be as set out in the Rewards and Sanctions Framework for the County Public Service.
- (3)** The County Public Service Board will be responsible for the administration of the Rewards and Sanctions Policy. The Board will also handle cases of appeals after employees have exhausted all review mechanisms.

Departmental and Agency Performance Management Committee (DPMC/APMC)

- L.16** The DPMC/APMC shall consist of the following members:
- i. Department Authorized Officer/Agency Accounting Officer - Chairperson
 - ii. Heads of Technical Divisions, Sections and Units;
 - iii. Director/Deputy Director of Administration;
 - iv. Planner; and
 - v. Officer in charge of Performance Management – Secretary.

Rules of Conduct for the Departmental and Agency Performance Management Committees

- L.17(1)** Members of the Departmental and Agency Performance Management Committees shall be expected to perform their duties with diligence, integrity, impartiality and confidentiality.
- (2)** In the event that there is disagreement between the supervisor and an appraisee on assessment of performance, the Second Supervisor's comments will be considered by the Committee in making a recommendation to the Authorized Officer/Agency Accounting Officer.
- (3)** Members of the Departmental/Agency Performance Management Committee will not discuss or make recommendations in respect of their own performance reports.
The Authorized Officer/Agency Accounting Officer shall complete the Performance Appraisal reports for the members of the Committee and make appropriate recommendations to the County Executive Committee Member.

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

Departmental/Agency Performance Management Committee (DPMC/APMC) Recommendations.

- L. 18(1)** The Department or Office Responsible for Human Resource Management matters in the county shall, on the recommendation of the Departmental/Agency Performance Management Committees, with concurrence of the County Performance Contracting and Management Committee reward excellent performance and apply the appropriate intervention in accordance with the existing Service Regulations. The Supervisor may however, recommend other specific intervention depending on the insight gained during the appraisal.
- (2) The performance appraisal report shall form the basis for placement, promotion and mobility of staff within and across the County public service.

SECTION M

TRAINING AND DEVELOPMENT

Introduction

This section contains details on the administration and implementation of training and development in the County Public Service.

- M.1 (1)** The County Government Policy on development of human resource is to ensure Continuous upgrading of County employees core competencies, knowledge, skills and attitudes including their ability to assimilate technology to enable them create and seize opportunities for social advancement, economic growth and individual fulfillment.
- (2) The mandate to develop human resources in the Public Service is vested in the County Public Service Board and can be delegated to Departments as and when appropriate.
- (3) County officers shall be eligible for at least five (5) days training in a year.
- (4) Newly recruited, re-designated, re-deployed or transferred officers must be Inducted within three (3) months of joining the County Public Service or assumption of the new position.

- (5) Further details are contained in the Human Resource Training and Development Policy for Homa Bay County public service and related documents issued by the County Government and the County Public Service Board from time to time.
- (6) All trainings shall be based on identified training needs, skills gap analysis and Job redesign within the department/Agency.
- (7) Training and development budget shall be decentralized to departments enhance efficiency.

Management and Coordination of Training

- M.2 (1)** The planning and co-ordination of training and capacity building in the County Public Service has been delegated to the Department or Office responsible for Human Resource Management Matters in the County Public Service. Departmental/Agency Training Committees shall be established in the various departments/Agencies to carry out activities of the training function in the respective department/agencies.
- (2) Authorized Officers shall discharge the function through the Departmental/Agency Training Committees as established in (1) above.
 - (3) All training shall be based on the approved training plans. Each Authorized Officer/Agency accounting officer shall prepare the plans before commencement of a financial year and approved by the County Human Resource Training and Development Advisory sub- Committee for deliberation and Recommendation to CHRMAC for approval.
 - (4) The CHRT&DASC shall submit their recommendations on the annual training and development plans to CHRMAC for deliberation and approval within the 1st quarter of a financial year. The plan shall be accompanied with the previous financial year's annual training and development report.
 - (5) Nomination and selection for individual and group training shall be based on prioritized training projections. The approved programs should address national, county, departmental and individual goals.
 - (6) Selection of trainees shall be in accordance with the national values and principles of public service, leadership and integrity and the Bill of Rights set out in the Constitution of Kenya
 - (7) Upon completion of a training program, officers shall be eligible for certification by the training institution, which shall be submitted to the Office responsible for Human Resource Management matters in the County for record purposes .

- (8) An officer shall prepare and submit training report on completion of the training programme.
- (9) The report shall be uploaded on the County Information Management System.
- (10) Chief Officers/Accounting Officers shall undertake training impact assessment on the trained officer within three (3) months after the training programme
- (11) Officers may undertake online training, on-job training, away from job training, mentorship& coaching, school based/vocational training programmes.
- (12) The County will endeavor to establish a County Training and Development centre to train its staff and staff from other Counties to ease the cost of training and to raise revenue for the County.

Training Needs Assessment

- M.3 (1)** Training needs Assessment is a performance audit that generates and provides information to assess the inadequacy of knowledge and skills which inhibits a department from attaining its objectives.
- (2) Each department shall conduct a Training Needs Assessment every three (3) years in liaison with the Human Resource Management division.
 - (3) All County departments shall prepare training projections based on the Training Needs Assessment and the Performance Appraisal reports to guide Sub -CHRT&DAC in recommending officers for training.
 - (4) Selection of trainees for all training programmes will be based on identified needs and will emphasize training for performance improvement that address individual, departmental , County and National goal.s

Training Programmes

- M.4(1)** Training programmes comprise both short- and long-term courses in specific professions that are intended to impart required knowledge, skills and attitudes to enhance staff performance.
- (2) Departments may design specific in-house training programmes which address the identified training needs. In addition training can be provided under institutional training both locally and abroad.
 - (3) In identifying and designing training programmes, departments should consider the following aspects:
 - i. Quality and cost effectiveness;
 - ii. Professional, qualified and experienced trainers;
 - iii. Guidelines on standards for all training courses;
 - iv. An effective evaluation and feedback system; and
 - v. Reputable training providers.

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

Training Levy

- M.5 (1)** Officers undertaking courses lasting four (4) weeks and above in local training institutions will be required on a monthly basis to contribute to the cost of their training at the rate of ten percent (10%) of their basic salary for local institutions and twenty percent (20%) in case of institutions outside the country for the duration of the course. This is regardless of whether the courses are sponsored by the Government of Kenya, the County Government of Homa Bay or by Development partners through bilateral arrangements.
- (2) Officers undertaking part-time self-sponsored courses are however, exempted from paying the training levy.
- (3) Accounting Officers should ensure that the officers' training contributions are remitted in lump sum for the duration of the course to the Department or Office responsible for Human Resource Management matters in the County before the commencement of the course

Induction Training

- M.6(1)** Induction and orientation training is expected to help an employee familiarize themselves with the work environment and requirements. Departments are expected to conduct induction training within three (3) months for newly recruited, officers and those who have joined the departments on transfer, promotion, redeployment and re-designation. Relevant induction training programs shall be developed for and/or cadres and shall be carried out for all officers at all levels; top and middle management; and lower-level cadres.
- (2) The induction may be done on job (place of work) or away from the place of work.

Eligibility for Training

- M.7(1)** County Officers at all levels will be eligible for at least five (5) days training in a fiscal year and will amongst other topics address emerging issues as relates to the work environment.
- (2) An officer who attends a long-term course lasting six (6) months and above will be required to work for two (2) years before he can qualify for selection for another long course.

Course Approval

- M.8(1)** The County Human Resource Management Advisory Committee on the advice of the County Human Resource Training and Development Advisory Sub- Committee will grant course approval to officers proceeding on authorized training in accordance with service regulations. All officers proceeding for training including self - sponsored training should seek course approval before proceeding for the training.
- (2)** The CHRMAC shall be responsible for course approval for local training, on recommendation of the respective Authorized Officer and CHRT&DASC.
- (3)** Course approvals for foreign training will be granted by the County CHRMAC upon recommendation from CHRTD & ASC. CHRMAC will prepare a report to the County Public Service Board detailing all the officers who have proceeded for training, the type of course they are undertaking and sponsorship for the training.

Undergraduate Training

- M.9(1)** The County Government shall not sponsor serving officers for undergraduate programmes. Where there is need for skills at this level, the government will procure the same from the labour market. However, employees who wish to sponsor their training shall be granted approval.
- (2)** Notwithstanding (1) above and in a bid to ensure the marginalized and minority groups and persons with disabilities are represented at all levels of the public service, public institutions may recommend sponsorship of officers for relevant undergraduate degree programmes, based on identified training needs in line with affirmative action programmes.
- (3)** Any recommendations made in (2) above shall be forwarded to the county Public Service Board for approval.
- (4)** The affirmative action for under-graduate degree programmes shall remain in force until such time that a representative public service is achieved

Master's Programmes

- M.10** The County Government will continue to support and approve training at master's level for officers requiring the skills at this level for performance and career progression as prescribed in the respective career progression guidelines. However, the County Government shall not support officers for second Masters programmes.

PhD Programmes

- M.11(1)** PhD training will continue being sponsored and approved for officers in training and research institutions. However, officers wishing to pursue the PhD under the self-sponsorship arrangement will be approved on condition that the area of study is relevant to their duties, has completed two (2) years' service since the last long course and the approval shall not provide for reimbursement of training expenses.
- (2)** The Government will consider financial assistance or approve request for training at this level on a case-by-case basis provided that the area of study is a national priority or is focused towards an organization's strategic needs as outlined in its strategic plan and the course is relevant to the officer's current or potential future job.

Authentication of academic and professional certificates in the public service

M.12 The responsibility to ensure officers who are recruited to the public service are in possession of valid academic and professional certificates vests with the County Public service Board. The Director Human Resource Management shall be required to validate academic and professional certificates requisite for the award of appointment, promotions or re-designation in the County Public Service. They shall

:

1. Undertake an audit of academic and professional certificates of all newly appointed officers on regular basis and ensure that additional qualifications provided by serving officers are authenticated.
2. Take disciplinary action against any officer found in possession of forged certificates including termination of service and dismissal in accordance with the provisions of the prevailing Public Service norms and standards.
3. Subject the officer implicated in procurement of appointments into the public service using forged or fraudulently obtained academic and professional certificates to a criminal process in addition to initial action of dismissing the officer.

E-Learning/Digital Training and Development

- M.13 (1)** Emergence of the pandemic such as Covid -19 and resultant challenges in the public Service delivery calls for appropriate measures that respond to disasters and crises while maintaining service delivery standards to the citizenry.
- (2)** Adoption of workplace measures such as remote or flexi working arrangements, virtual meetings and technology- based service delivery in this era of information technology and budgetary constraints ensures effectiveness and consistency in public service delivery.

- (3) E-Learning/Digital training support and ensure sustained training and development of staff while also ensuring uninterrupted delivery of service.
- (4) To facilitate continuity of training and capacity building initiatives, Public Service Institutions shall institutionalize e-learning platforms and put in place guidelines for virtual training and development and tele-counseling for psycho-social support for those infected and/or affected.

Subscription to Professional Bodies

- M.14 (1)** The County Government shall support employees who are members of recognized professional bodies to remain in good standing through sponsorship of trainings geared towards Continuous Professional Development.
- (2) The employee will meet the cost of registration and the initial subscription. The County Government will meet the costs of the subsequent subscriptions, practicing certificate and cost of continuing professional development training but this will be limited to not more than two professional bodies provided it is a professional requirement.
 - (3) Adoption of workplace measures such as remote or flexi working arrangements, virtual meetings and technology- based service delivery in this era of Information technology and budgetary constraints ensures effectiveness and consistency in public service delivery.

Funding of Training

- M.15(1)** Officers training can be financed in any of the following ways:
- i. Government Sponsorship;
 - ii. Training Revolving Fund;
 - iii. Donor Funding; and
 - iv. Self-sponsorship.
- (2) The County Government will liaise with the State Department responsible for training in the National Government on the promotion of training function in the County.

Training Revolving Fund

- M.16 (1)** The County Government may set up a Training Revolving Fund, to assist County officers' access funds at subsidized interest rates for training in order to enhance knowledge and skills considered critical for performance improvement and achievement of County development goals.

- (2) Officers who have been projected for training in critical areas and the County Government has no funds to sponsor them within the fiscal year may be advised to seek funds from the training revolving fund when the training fund will be operational.
- (3) CHRTDASC shall vet candidates who apply for this loan as per the set guidelines and submit their recommendation to CHRMAC for approval of funding from the Revolving Fund.

Donor funding

- M.17** The County Government shall endeavor to source for and partner with both local and international organizations to fund County Government employees for training. The officers who will benefit from these funds shall be recommended by respective Authorized Officers and CHRTDASC for approval by CHRMAC on competitive basis.

Self-sponsorship

- M.18(1)** The Officers who wish to access training through self-sponsorship will be encouraged to do so provided they make this application through their respective Authorized Officers who then recommend to the CHRTDASC who after deliberation recommend to CHRMAC for approval.
- (2) Such Officers shall not be granted unpaid study leave by the County Public Service Board

Training Bond

- M.19(1)** The County Government shall enter into a formal agreement with serving officers proceeding on approved courses of training locally or abroad lasting six (6) months and above binding the officers to serve in the County Public Service for a at least five (5) years period of time following completion of training to enable the government to benefit adequately from its investment in training.
- (2) Details on the administration and implementation of the training bond are contained in the Training and Development Policy for Homa Bay County.

Skills Inventory

- M.20(1)** Authorized Officers shall develop, analyze, update and maintain a comprehensive skills inventory for all staff in their respective departments for the purpose of identifying the available, and the required skills. The inventory will guide the training, recruitment and succession management decisions

- (2) It shall be the responsibility of the officers to upload their certificates through the County Government Human Resource Information System (CGHRIS) or submit them to the Human Resource Management Division.

Allowances Payable to Government Sponsored Trainees

- M.21(1)** Officers undertaking long courses abroad will be paid respective countries' living allowance to cater for subsistence, accommodation, outfit and excess baggage.
- (2) The applicable rates are as stipulated in circulars issued by Salaries and Remuneration Commission from time to time.

Incidental Expenses

- M.22(1)** The County Government will meet the cost of passport, pre - departure medical examination, visa, vaccination and inoculation expenses for foreign training.
- (2) The County Government will meet the cost of transport and travelling to and from the institution at which the course is held. However, the trainee will meet the cost of local travel.

Annual Leave

- M.23** An Officer who has been on training shall be eligible for his annual leave only for the year he resumes duty in addition to any leave days carried forward before proceeding on training.

Workshops, Retreats and Conferences

- M.24(1)** County Officers attending workshops, retreats and conferences shall be paid allowances at rates determined by the Salaries and Remuneration Commission from time to time.
- (2) Workshops which are meant to review, develop and produce reports should be treated as retreats and should be for a maximum of fifteen (15) officers and for a maximum duration of ten (10) days.
 - (3) The duration of workshops and conferences should not exceed three weeks. Any workshop and conference beyond three (3) weeks will be considered as a course and will be subjected to the stipulated provisions for courses.
 - (4) No Officer should be involved in more than one role in a seminar/workshop/conference at a given time.

Reimbursement of Tuition and Examination Fees

- M.25** An Officer who on his own initiative and at his own time undertakes a course and passes an examination which is administered by a recognized institution will be eligible for refund of tuition expenses and examination fees of 50% of the amount spent on tuition and examinations as provided for in the Training and Development Policy provided that the course is:
- i. Relevant to their Scheme of Service.
 - ii. Approved by the Authorized Officer; and
 - iii. The officer has not been sponsored for the same course before.

Attachment

- M.26(1)** The County Government will support attachment by providing opportunities to students in tertiary and higher education institutions for a maximum period of three (3) months.
- (2)** The attachment shall be in line with the values and principles of public service, the existing labour laws and the County Government Attachment and Internship Policy and Guidelines.

Internship

- M. 27(1)** Trainees graduating from training institutions join the labour market with academic and theoretical approaches to work and hence require practical exposure in a real work environment.
- (2)** The County Public Service Board shall provide opportunities for internship to the following:
- i. Unemployed graduates with appropriate skills who require practical hands-on experience to improve their chances of employment.
 - ii. Students who are required by their professional bodies to undertake internship as a pre-condition for qualification; and
 - iii. Students for whom internship is a requirement for completion of their courses.
- (3)** Internship programmes shall be guided by the relevant provisions of the Constitution, relevant professional bodies and other policy guidelines and shall be not more than twelve (12) months.
- (4)** The interns shall be compensated at a rate of Ksh 20,000 monthly for the period of internship.
- (5)** Vacancies for internship shall be declared to the County Public Service Board for advertisement and filling. Proof of funding and number of vacancies will be critical for the Board to carry out the recruitment.

SECTION N

CODE OF CONDUCT

Introduction

This Section addresses the code of conduct in the public service. It contains general rules of conduct to be observed by County staff so as to maintain integrity and uphold the dignity of the public office to which he has been appointed. Every officer occupies a special position within the County public service and should ensure that his conduct both in public and in private life does not bring the service into disrepute.

Code of Conduct

- N.1 (1)** Every public officer is required to comply with the provisions of:
- i. Chapter Six of the Constitution of Kenya, 2010 on Leadership and Integrity and Articles 10 and 232;
 - ii. County Governments Act, 2012;
 - iii. Leadership and Integrity Act, 2012;
 - iv. Public Officer Ethics Act, 2003;
 - v. Anti-corruption and Economic Crimes Act, 2003;
 - vi. Labour Relations Act, 2007,
 - vii. The Employment Act, 2007;
 - viii. County Public Service Board Act, 2017; and
 - ix. Any other relevant legal provision and regulations.
- (2)** Officers are required to adhere to their respective professional codes of conduct. It is imperative that every public officer adheres to these rules of conduct, and such other rules which may be introduced from time to time.

Office Hours

- N.2 (1)** County officers are required to work forty (40) hours spread over 5 days in a week. County Government office hours are as follows:
- Monday to Friday: 8.00 a.m. to 1.00 p.m.**
2.00 p.m. to 5.00 p.m.
- (2)** Though the general office hours will be as stated above, engagement of staff outside these hours when there is need for their services will not be restricted to forty (40) hours per week.
- (3)** In cases of exceptional circumstances, Officers may be allowed to work from home as authorized by the County Secretary & Head of Public Service. However, it is imperative that all Officers report to their working stations as required by the County Government.

Public Holidays

N.3 (1) These are days observed to mark different events of National, County or religious significance. These holidays may have specific dates assigned to them or dates may be communicated from time to time. The following days shall be observed as public holidays in accordance with the relevant parliamentary legislation and include:

i.	New Year's Day	.....	1 st January
ii.	Good Friday	.....	*
iii.	Easter Monday	.....	*
iv.	Labour Day	.....	1 st May
v.	Madaraka Day	.....	1 st June
vi.	Idd-ul-Fitr	.....	*
vii.	Huduma Day	.....	10 th October
viii.	Mashujaa Day	.....	20 th October
ix.	Jamhuri Day	.....	12 th December
x.	Christmas Day	.....	25 th December
xi.	BoxingDay	.....	26 th December

* *Date is determined by their relevant religious calendars*

- (2) In addition to the above, Idd - ul - Haj and Diwali will be observed as public holidays by officers professing these faiths.
- (3) Parliament may enact legislation prescribing other public holidays and providing for observance for public holidays.
- (4) Essential services shall continue to be provided during these public holidays.

Rule of Law

N.4 A County Officer shall carry out duties in accordance with the law and shall not violate the rights and freedoms of any person as enshrined under Chapter Four (4) of the Constitution of Kenya, 2010.

Public Trust

N.5 A County Officer holds a position of trust and the authority and responsibility vested in the office shall be exercised in the best interest of the County

Performance of Duties

N.6 (1) A County Officer shall, to the best of their ability carry out the duties of the office effectively, efficiently, impartially and in a transparent and accountable manner. He shall keep accurate records and documents and report truthfully on all matters of the public service department or agency he/she represents.

- (2) A County Officer shall ensure prudent use of public resources.

Professionalism

- N.7 (1)** A County Officer shall carry out his/her duties with strict adherence to courtesy, moral responsibility and treat fellow public officers with consideration and respect. The Officer shall also act in a manner that maintains public confidence in the integrity of the office.
- (2) A County Officer who is a member of a professional body shall observe the ethical and professional requirements of that body.

Financial Integrity

- N.8 (1)** In accordance with Chapter Six (6) of the Constitution of Kenya, 2010 a public officer shall not use the office to unlawfully or wrongfully enrich themselves or any other person.
- (2) A County Officer shall not maintain a bank account outside Kenya except in accordance with an Act of Parliament or seek or accept a personal loan or benefit in circumstances that compromise his/her integrity.

Pecuniary Embarrassment

- N.9** Pecuniary embarrassment will be regarded as an impediment to the efficiency of an officer and renders the Officer to disciplinary proceedings.

Moral and Ethical Requirements

- N.10** A County Officer shall:
- i. Not engage in activities that amount to abuse of office;
 - ii. Accurately and honestly represent information to the public; and
 - iii. Not discriminate against any person.

Gifts or Benefits in Kind

- N.11(1)** A County Officer is prohibited from requesting for or receiving 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 unless
- i. The gift is non - monetary and does not exceed the value prescribed by regulation; or
 - ii. The gift is from or to a relative or friend given on a special occasion recognized by custom.

- (2) A gift or donation to a County Officer on a public or official occasion will be regarded as a gift or donation to the County Government and shall be delivered to the respective Department and registered in a “Gifts Register” unless exempted under an Act of Parliament.
- (3) When presents are exchanged between public officers acting on behalf of the County Government in ceremonial occasions with other Governments or their representatives, the presents received will be handed over to the Government and any present in return will be given at the Government’s expense.

Wrongful or Unlawful Acquisition of Property

- N.12** A County Officer shall not use his office to wrongfully or unlawfully influence the acquisition of property.

Conflict of Interest

- N.13 (1)** A ‘conflict of interest’ involves a conflict between the public duty and the private interests of a public officer in which the officer’s private interests would improperly influence the performance of their official duties and responsibilities. In this section ‘personal interest’ includes the interest of a spouse, relative, or business associate.

- (2) A County Officer:
- i. Shall use the best efforts to avoid being in a situation where personal interests conflict or appear to conflict with the public officer’s official duties;
 - ii. Shall not hold shares or have any other interest in a corporation, partnership or other body, directly or through another person, if holding those shares or having that interest would result in the public officer’s personal interests conflicting with his official duties;
 - iii. Whose personal interests conflict with his official duties shall declare the personal interests to his supervisor or other appropriate body and refrain from participating in any deliberations with respect to the matter;
 - iv. Shall not award a contract, or influence the award of a contract to:
 - a) Himself/herself,
 - b) A spouse or relative,
 - c) A business associate, or
 - d) A corporation, partnership or other body in which the officer has an interest;
 - v. Who is serving on a full-time basis shall not participate in any other gainful employment;
 - vi. Shall not be influenced in the performance of duties by plans or expectations for or offer of future employment or benefits and shall disclose, in writing to the County Public Service Board all offers of future employment or benefits that could place them in a situation of conflict of interest; and
 - vii. Shall not be engaged by or act for a person or entity in a matter in which the officer was originally engaged in as a officer, for at least two years after leaving the office.

Acting for Foreigners

- N.14** No County Officer shall, in any manner that may be detrimental to the security interests of Kenya, or the County Government of Homa Bay be an agent for, or further the interests of a foreign government, organization or individual.

Care of property

- N.15** A County Officer shall take all reasonable steps to ensure that property that is entrusted to their care is adequately protected and not misused or misappropriated.

Misuse of official information

- N.16** A County Officer shall ensure that confidential or secret information or documents entrusted to their care are adequately protected from improper or inadvertent disclosure. This will apply while in service and on exit.

Falsification of records

- N.17** A County Officer shall not falsify any records or misrepresent information to the public.

Political neutrality

- N.18** A County Officer shall not, in the performance of their duties; or in connection with the performance of their duties as such act as an agent for, or so as to further the interest of, a political party or indicate support for or opposition to any political party or candidate in an election or engage in political activity that may compromise the political neutrality of his/her office

Impartiality

- N.19** A County Officer shall at all times carry out the duties of the office with impartiality and objectivity in accordance with Articles 10, 27, 73(2)(b) and 232 of the Constitution of Kenya, 2010.

Collections and Harambees

- N.20** A County Officer shall not use their office or place of work as an avenue for soliciting or collecting harambees or as a collector or promoter of public collection, obtain money or other property from a person using

Conduct of Private Affairs

- N.21** A County Officer shall conduct private affairs in a manner that maintains public integrity of the office; pay taxes due from them within the prescribed period and not neglect their financial or legal obligations.

Citizenship

- N.22** Chapter Three (3) Article 14 (5) and Article 16 of the Constitution of Kenya, 2010 allows dual citizenship. A person who holds dual citizenship shall not be required to renounce the other citizenship nor denied appointment to a office on grounds of dual citizenship.

Bullying

- N.23** For the purpose of this section 'bullying' includes repeated offensive behaviour, which is vindictive, cruel, malicious or humiliating and is intended to undermine a person. A officer shall not bully any person.

Sexual Harassment

- N.24** A County Officer shall not sexually harass a member of the public or fellow officer. "Sexually harass" includes doing any of the following, if the person doing it knows or ought to know that it is unwelcome:
- a) Making a request or exerting pressure for sexual activity or favors;
 - b) Making intentional or careless physical contact that is sexual in nature; and
 - c) Making gestures, noise, jokes or comments including innuendos, regarding another person's sexuality.

Nepotism

- N.25** A County Officer shall not practice undue favoritism to their relations and close relatives at the expense of the service.

Acting through others

- N.26 (1)** A County Officer contravenes the Code of Conduct as stipulated in the Manual if he causes anything to be done through another person that would constitute a contravention of the code if done by the officer or allows or directs a person under their supervision or control to do anything that is in contravention of the code.
- (2)** Contravention shall not apply where anything is done without the Officer's knowledge or consent or if the public officer has taken reasonable steps to prevent it.
- (3)** A County Officer who acts under unlawful direction shall be responsible for his action.

Reporting Improper Orders

- N.27** A County Officer shall report to the Authorized Officer or the County Executive Committee Member as the case may be, any order required of him that he shall consider improper or unethical.

Declaration of Income, Assets and Liabilities

- N.28(1)** Every County Officer shall on initial appointment and biannually thereafter submit a declaration of income, assets and liabilities, indicate the spouse(s) and dependent children under eighteen (18) years of age to the County Public Service Board. The officer shall also make a similar declaration on exit from the service.
- (2)** An Officer who fails to submit a declaration or clarification as required, or who submits information that is false or misleading, shall be liable to disciplinary action.
- (3)** If an investigation discloses that the Officer has contravened the Code of Conduct and Ethics, the appropriate disciplinary action will be taken against the officer; or if the County Public Service Board is of the view that civil or criminal proceedings ought to be considered, the matter may be referred to the County Attorney.

Uniforms for Officers

- N.29(1)** Officers offering common services such as Enforcement Officers, County Administrators, Receptionists, Drivers and Support Staff are required to wear uniforms. On deployment and subsequent annual basis, they will be issued with at least two pairs of appropriate uniforms. Issues of uniforms and dates of their issue must be recorded in the Stores Ledger.
- (2)** All officers who are provided with uniform will be required to maintain them in a clean and decent condition and to wear them at all times while on duty.
- (3)** Disciplinary action will be taken against any Officer who fails to observe this regulation.

Dress Code

- N.30(1)** All County Officers are required to be well groomed and decently dressed to maintain an appropriate standard of dress and personal hygiene while on duty.
- (2)** Employees may put on branded corporate attires for their respective Departments /Agencies on Fridays.

SECTION O:

TERMINAL BENEFITS

Introduction

This Section provides guidelines on various forms of exit from the public service and the benefits payable, if any. It also outlines benefits payable under the NSSF, Gratuity, Widows and Children Pension Scheme, Public Service Superannuation Scheme and County Retirement Benefits Scheme.

O.1 Forms of Exit from the Service

A public officer may exit from the public service through:-

- a) Resignation;
- b) Termination in accordance with the letter of appointment;
- c) Retirements:
 - i. On attainment of 60 years;
 - ii. In public interest;
 - iii. On medical grounds;
 - iv. On 50 year rule (voluntary);
 - v. 65 years for people living with disability registered with National Council of Persons Living with Disability;
- d) On abolition/re-organization of office ;
- e) Dismissal; or
- f) Death.

O.2 Resignation

- (1) An officer serving within permanent establishment, whether confirmed or on probation, may resign his or her appointment by giving a one (1) month notice or he or she shall pay one month's salary in lieu of such notice. A non-pensionable officer may resign his or her appointment in accordance with the terms of his or her agreement or letter of appointment.
- (2) On resignation, an officer is required to refund any outstanding liabilities to the County Government. Any amount due to an officer may be withheld and applied towards any sum due by him or her. If any liabilities are outstanding, the County Government shall institute legal mechanisms for recovery.
- (3) An officer whose terminal benefits are determined under the Pensions Act will not be eligible for pension or gratuity on leaving the Service except in the specific circumstances defined in the Pensions Act or letter of appointment. An officer who resigns cannot, if subsequently re-employed after a break of service, count his or her previous service for pension.

- (4) An officer whose terminal benefits are determined under the Public Service Superannuation Scheme will on resignation be eligible for terminal benefits as provided in the Public Service Superannuation Scheme Act.

O.3 Termination of Appointment

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

O.4 Mandatory Retirement Age

All officers will be required to retire from the Service on attaining the mandatory retirement age of 60 years and 65 years for people living with disability and registered with National Council of Persons Living with Disability.

O.5 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 fifty (50) years' rule. However, if the officer has less than ten years' service, he or she 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 determined under the Public Service Superannuation Scheme and opts to retire under the '50 year' rule will be eligible as provided for in the Public Service Commission Superannuation Act, 2012.
- (5) Applications from officers to retire under the '50 year' rule will be approved by their respective Authorized Officers.

O.6 Retirement in Public Interest

- (1) If an authorized officer, after having considered every available report with regard to a complaint against a public officer and it is apparent that it is desirable to retire the officer on grounds of public interest, the authorized officer shall:-
 - a) 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 the intended retirement; and

- b) upon receipt of the representation or if none is received within the prescribed time, forward to the CPSB all the details of the case.
- (2) Unless the CPSB considers that further inquiry into the complaint is necessary, in which case it shall issue directions to the authorized officer accordingly, it shall decide forthwith whether the public officer should be called upon to retire on grounds of public interest.
- (3) In this paragraph, 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) provision of the Constitution or legislation; or
 - c) binding decision made by a competent court of law.

O.7 Retirement due to Ill-Health

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

O.8 Retirement on Abolition/Re-organization of office

An officer, may be retired either on the abolition of the office he holds or upon there- organization of the county department in which the officer serves for efficiency in service delivery. Such action shall be approved by the Board.

O.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 public funds and pecuniary embarrassment, among others.
- (2) An officer whose pension is determined under the Pensions Act 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 or she enjoys in regard to leave or passages at the public 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 Public Service Superannuation Scheme Act will, on dismissal, be eligible to terminal benefits as provided under the Act.

O.10 Death

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..

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

County Public officers will be required to register with National Social Security Fund as provided for in the National Social Security Fund Act.

O.12 General Information on Pensions and Gratuities

- (1) Pensions to County Government officers shall become due, payable and managed in accordance with the provisions of the relevant law being the Pensions Act, Cap 189, Laws of Kenya.
- (2) All gratuities due and payable to County Government officers shall become due, payable and managed in accordance with the employment contract of the officers.

O.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 under the Pensions Act.
- (2) Pensionable Officer; means an officer who is the holder of a pensionable office in which he has been confirmed.
- (3) Qualifying Service: means service which may be taken into account in determining whether an officer is eligible, by length of service, for pension or gratuity.
- (4) Pensionable Service: means service which may be taken into account in calculating a pension or gratuity under the Pensions Act e.g.
 - a) Probationary service followed by service on permanent and pensionable terms is reckonable in full for the purposes of calculating a pension or gratuity.
 - b) 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.
 - c) 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.
 - d) Temporary service; normally reckons to the extent of one-half (1/2) in calculating a pension or gratuity; and
 - e) It is hereby clarified that unpaid leave is not pension earning.

SECTION P

DISCIPLINARY CONTROL

Introduction

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

Disciplinary Powers

- (P.1(1))** The power to exercise disciplinary control and removal of Officers are vested in the County Public Service Board as stipulated in the Constitution of Kenya, 2010, County Governments Act, 2012, County Public Service Board Regulations, 2020 and the Employment Act, 2007 (Amended 2021) and any other relevant regulations on Labour.
- (2)** Under Section 86 (1) of the County Governments Act, 2012 “The County Public Service Board may delegate, in writing, any of its functions to any one or more of its members and the County Secretary, County Chief Officer, Sub- County or Ward Administrator, Village Administrator, and Municipality Administrators”. In line with this, the delegated powers have been specified in detail at Section ‘P’ of this Manual. Where the powers have been delegated the cases shall be considered and finalized at CHRMAC or departmental level.
- (3)** The County Public Service Board has delegated the following disciplinary powers to the Department or office responsible for Human Resource Management as per the delegated instrument issued to the service from time to time:
- i. Interdiction of officers in Job Group ‘L’ and below;
 - ii. Suspension of officers in Job Group ‘L’ and below;
 - iii. Inflict severe reprimand or reprimand of any officer
 - iv. Stoppage of one’s salary;
 - v. 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 upon approval by the County Public Service Board or CHRMAC on recommendation of the surcharge subcommittee as appropriate; and
 - vi. Withholding, deferment and stoppage of salary increment.
- (4)** Dismissal and reduction in rank does not fall under delegated powers and all matters relating to it must be referred to the County Public Service Board.

General Provisions

Disciplinary Procedure

- P.2(1)** Disciplinary cases dealt with under delegated powers shall be processed through the Department or office responsible for Human Resource Management matters in the County and submitted to the County Human Resource Management and Advisory Committee for deliberation and recommendations to the County Public Service Board for decision as applicable.
- (2)** The Department or office responsible for Human Resource management matters in the County shall submit status reports on a monthly basis of disciplinary cases to the County Public Service Board as per the prescribed format in the annex.
- (3)** If criminal proceedings are instituted against an Officer or where an Officer has been acquitted of a criminal charge in a court of law the County Public Service Board shall not be prevented from dismissing him or otherwise punishing him on any other charge arising out of his conduct in the matter.
- (4)** Where an Officer has been charged on desertion of duty, the letter shall be addressed to his/her last known address by registered mail and electronic mail.
- (5)** Disciplinary cases should be dealt with promptly and finalized within a period of six (6) months. CHRMAC shall submit their recommendations to the County Public Service Board within three (3) months from the date of commencement of the cases. Where it is found impracticable to do so, the Department or Office responsible for Human Resource Management matters in the County shall report individual cases to the County Public Service Board explaining the reason for the delay.
- (6)** Where cases are not concluded within the timeline, the cases will revert to the County Public Service Board for deliberation.

Specific Provisions

- P.3 (1)** Discipline cases in the County Public Service will be handled expeditiously in observance of the law of natural justice. Cases involving Officers in Job Group 'A'-'L' will be handled by CHRMAC.
- (2)** All Dismissal cases shall be referred to the County Public Service Board.
- (3)** Discipline Cases involving officers on Job Group 'M' and above shall be initiated by the Authorized Officer of a respective department who will submit to DHRMAC and the recommendations of DHRMAC will be Submitted to the Department or Office responsible for Human Resource Management matters in the County.

This office will prepare an agenda for deliberation in the CHRMAC. The findings and recommendations of CHRMAC will be submitted to the County Public Service Board for a decision.

- (4) The procedure to be followed by the Department or Office responsible for Human Resource Management matters in the County in dealing with discipline cases is as follows:
- i. Carry out a preliminary investigation and consultation as to the circumstances surrounding the act of misconduct.
 - ii. A Public Officer who is culpable of an offence shall be served a show cause letter specifying the charge(s) and the contemplated action (s) against himself/herself and giving the officer an opportunity to exonerate himself/herself.
 - iii. The respective Chief Officer shall report the disciplinary case with findings to the Department or Office responsible Human Resource Management matters in the County.
 - iv. The Department or the Office responsible for Human Resource Management matters in the County shall examine the findings to determine the gravity of the matter.
 - v. The Department or the Office responsible for Human Resource Management will issue a show cause letter with properly framed charges against the officer and invite him/her to state in writing the grounds, if any, to exonerate himself/herself.
 - vi. The letter shall be signed by an Officer Authorized by the Board in writing.
 - vii. The Officer shall respond to the charges within twenty-one (21) days from the date of the 'show cause' letter or earlier period as per the gravity of the case. The period within which the officer has to respond to charges may be reduced if the circumstances require.
 - viii. The Department or the Office responsible for Human Resource Management matters in the County and Authorized Officer will assess the response and if satisfied will discontinue the process and inform the officer accordingly.
 - ix. If the Officer fails to respond within the specified period or if in the opinion of the Department or the Office responsible for Human Resource Management matters in the County and Authorized Officer the explanation given is not satisfactory he/she shall interdict or suspend the officer depending on the gravity of the matter for Officers that fall under delegated powers and submit comments and recommendations for interdiction or suspension to the County Public Service Board.
 - x. The Department or Office responsible for Human Resource Management matters in the County shall prepare a summary of the officer's response and submit it as an agenda for discussion by the CHRMAC where the officer's case falls under delegated powers or make recommendations to the County Public Service Board where the Officer's Job Group is not delegated.
 - xi. The CHRMAC will discuss the response and make a decision where the Officer's case falls under delegated powers or make recommendations to the County Public Service Board as appropriate. Where there is need or on request, the CHRMAC or the Board shall allow the affected officer to appear in person with or without representatives to enable the accused defend himself/herself.

- xii. Where there is need for more information to facilitate decision making, CHRMAC, in respect to officers who fall under delegated powers or the County Public Service Board, shall appoint not less than three (3) officers of a higher rank than the affected officer, and who have no vested interest in the case, to investigate the allegations.
- xiii. The investigation report together with recommendations shall be submitted to CHRMAC in respect of cases under delegated authority or the County Public Service Board as appropriate. The report, if sanctioned by CHRMAC shall be discussed and the Committee may decide to finalize the matter or refer it to the Board for decision as appropriate. In the event that it is the Board that sanctioned the investigation, the report shall be submitted directly to them for discussion and decision.

Conduct of Investigations

- P.4 (1)** While carrying out investigations, the Authorized Officer shall observe the following conditions:
- i. Constitute a team of not less than three (3) Officers to investigate the matter (where the team is more than three members, the team shall be an odd number).
 - ii. The Officers conducting the investigation shall be senior to the accused Officer and should not have dealt with the case before.
- (2)** The report of the investigation shall be submitted to the Department or Office responsible for Human Resource Management matters in the County and shall contain:
- i. Evidence collected by the team, including any statements by witnesses;
 - ii. Analysis of the evidence and statements;
 - iii. A statement on whether the charges against the Officer have been proved; and
 - iv. Details on matters that may affect the gravity of the case, if any.
- (3)** The report shall not contain any recommendation on the form of punishment to be inflicted on the accused Officer.
- (4)** On receipt of the investigation report the Department or the Office responsible for Human Resource Management matters in the County and the Authorized Officer shall determine on merit if the case should proceed to CHRMAC for cases of officers on Job Group 'A' to 'L' and those on Job Group 'M' and above referred to the County Public Service Board.

Interdiction

- P.5 (1)** An officer may be interdicted when the County Public Service Board or an Authorized Officer in the respective department is satisfied that an officer should temporarily cease from exercising the powers and functions of his/her office to allow investigations to be conducted in a case where proceedings may lead to his dismissal or await the receipt of an investigation report in the case where the officer has been charged in criminal proceedings.

- (2)** An officer who is interdicted shall be eligible for half ($\frac{1}{2}$) of his/her basic salary with full house allowance and medical benefits.
- (3)** An officer on interdiction should not leave the duty station without permission from the Authorized Officer or any other public officer who is empowered to give such permission and will be required to report to his supervisor or a designated office and at agreed intervals and sign a register.
- (4)** Where disciplinary or criminal proceedings have been taken or instituted against an Officer under interdiction and a decision is made to lift the interdiction such an Officer is neither dismissed nor otherwise punished under these regulations, any salary, allowances and benefits withheld shall be restored with effect from the date it was withheld.
- (5)** Interdiction shall not exceed three (3) months, unless otherwise dictated by extraneous circumstances, within which investigations should be completed and the case determined.

Suspension

- P.6(1)** An Officer may be suspended from exercising the powers and functions of his/her office when the Department or Office responsible for Human Recourse Management matters in the County or the County Public Service Board is satisfied that an officer has committed a serious breach of discipline or has been charged or convicted of a criminal offence, pending consideration of his/her case or to allow for investigations of the case or if proceedings for dismissal are contemplated.
- (2)** Suspension may also be effected when an Officer has been charged of a serious criminal offence where a prison sentence may be imposed other than in default of payment of a fine.
- (3)** The County Public Service Board or Department or Office, responsible for Human Resource Management matters in the County may suspend an officer on any other offence which in their opinion, based on evidence constitutes gross misconduct and report to CHRMAC.
- (4)** Where an Officer is suspended from the exercise of the functions of the public office under this Manual, he/she shall be entitled to half basic ($\frac{1}{2}$) salary, full house allowance and medical benefits. However, other benefits/allowances shall be withheld by the Authorized Officer.
- (5)** While on suspension the officer will be required to report to his/her supervisor or a designated office at agreed intervals and sign a register.
- (6)** Where disciplinary or criminal proceedings have been taken or instituted against an officer under suspension and a decision is made to lift the suspension the whole or any salary withheld shall be restored with effect from the date it was withheld.

- (7) Suspension shall not exceed three (3) months, unless otherwise dictated by extraneous circumstances, within which investigations should be completed and the case determined.
- (8) Lifting of suspension shall only be authorized by CHARMAC for positions under delegated powers and the County Public Service Board respectively.

Absence from Duty without Leave or Reasonable or Lawful Cause

- P.7(1)** Where a Public Officer is absent from duty without permission, leave, reasonable or lawful cause for a period exceeding twenty-four (24) hours, and is not traced within a period of ten (10) days from the commencement of such absence, the Officer's salary shall be stopped and action to dismiss the Officer initiated.
- (2) In case of delay of stoppage of salary and an officer is subsequently dismissed on account of desertion, the erroneous payment shall be recovered from the Officer who occasioned the payment.
 - (3) Establish the exact period with dates the Officer has been absent from duty. Address a 'Show Cause' letter to the Officer through his/her last known address by registered mail, giving a reasonable time period within which to respond but not less than ten (10) days stating clearly the nature of the offence and the contemplated action. A scanned copy of the show cause letter may be sent to the office through electronic mail.
 - (4) If not traced through personal contacts or next of kin within a period of ten (10) days from the commencement of such absence, stop salary and any remunerative allowances with effect from the date of absence.
 - (5) If the Officer does not resume duty or respond to the 'show cause' letter within a period of twenty-one (21) days, from the date of the letter, the case shall be referred to the Department or Office responsible for Human Resource Management matters in the county to make recommendations to the CHRMAC or County Public Service Board for a decision or appropriate disciplinary action including summary dismissal.
 - (6) When an Officer has been absent from duty for at least twenty-four (24) hours without permission and subsequently resumes duty, he/she shall not be eligible for payment of salary for the period of absence and any amount erroneously paid to the Officer shall be recovered from his/her salary.
 - (7) If the Officer has responded, carry out investigations on the issues raised in the 'Show Cause' letter and in the Officer's defense, prepare an investigation report and submit the case to the CHRMAC for decision if the Officer's position falls under delegated powers and to the County Public Service Board if the Officer falls in the category under the Board for a decision.

- (8) The Board will make a recommendation to the County Public Service Board for a decision for seconded Officers.
- (9) In the event the Officer is dismissed, communicate the decision to the Officer informing him/her the right of appeal or review to the County Public Service Board within the time provided for in the policy.
- (10) Where applicable, these decisions will be communicated to the relevant professional body to which the Officer belongs.

Absence from Duty on Grounds of Illness

- P.8(1)** An Officer who is absent from duty on grounds of illness shall produce proof of sickness/sick leave certified by a medical practitioner on resumption of duty. The Officer shall also make every effort to notify the office of his/her sickness.
- (2) Should the Officer fail to produce a medical certificate or to give satisfactory explanation for the absence, he/she shall be considered to have been absent without permission and his/her case shall be dealt with in accordance with the relevant disciplinary provisions.

P.9 Retirement From The Public Service

The Commission or any other lawful authority discharging a disciplinary function may, instead of imposing a penalty, require a public officer to retire on any of the grounds of retirement prescribed under the Public Service Commission Act, 2017. Such retirement may be allowed if the conditions and procedures prescribed under the PSC Act have been met and the Commission or any other lawful authority is satisfied that: -

- (a) The public officer has raised mitigating factor/s which renders imposition of a penalty too harsh in view of the circumstances of the case;
- (b) The length of service, benefits accrued, and previous good record of the public officer justifies the retirement; or
- (c) Imposing a penalty against the officer is likely to adversely affect the reputation of the public body concerned or the public service generally.

In retiring a public officer, the following process shall apply:

- (a) The Authorized Officer shall address a letter, a sample of which is provided in Appendix VII, requiring an officer to show cause within fourteen (14) days why he or she should not be retired.
- (b) The public officer's representations shall within thirty (30) days be submitted to the relevant HRMAC for deliberation and recommendation to the Authorized Officer.
- (c) The Authorized Officer shall within fourteen (14) days submit his/her recommendations including relevant records and documents to the Commission for decision.

- (d) Where the Commission is of the opinion that an alternative punishment be applied, the case shall be returned to the Authorized Officer with instructions that a fresh show cause letter be issued in line with the contemplated disciplinary action.
- (e) Where the Commission concurs with the Authorized Officer's recommendation, a decision will be made and communicated to the Authorized Officer.
- (f) The Authorized officer shall within seven (7) days convey the Commission's decision to the officer, informing him/her of the benefits, if any. The Authorized Officer shall also inform the officer of the right of appeal or application for review within the time provided for in the regulations as per the sample letter provided in Appendix VIII.

P.10 Gross Misconduct

An officer who is found to have committed gross misconduct is liable for summary dismissal. Cases that amount to gross misconduct which may lead to summary dismissal as drawn from the following Acts, among others; the Employment Act, 2007, the Public Service Commission Act, 2017, the Public Officer Ethics Act, the Leadership and Integrity Act, 2012, the Anti- Corruption and Economic Crimes Act, 2003, the Public Service (Values and Principles) Act, 2015 include:

- (a) Absence from duty without leave or other lawful cause;
- (b) Negligence of duty;
- (c) Intoxication during working hours;
- (d) Using abusive or insulting language or behaving in a manner likely to cause a breach of the peace;
- (e) Insubordination;
- (f) Criminal conviction;
- (g) Incarceration for more than fourteen (14) days following arrest for cognizable offence;
- (h) Willful destruction of government property;
- (i) Theft by public servant;
- (j) Unauthorized use or disclosure of confidential information; (k) Falsification of information or references on appointment; and (l) Acceptance of any bribe, secret profit or unauthorized commission.

P.11 Penalties

All penalties inflicted on a public officer shall be within the law and the Public Service Commission Act, 2017. The following are the penalties which may be inflicted on an officer facing disciplinary action:

- (a) Recovery of cost or part of the cost of any loss or breakage caused by default or negligence provided that no such cost has been recovered by surcharge under the appropriate financial instructions or regulations.
- (b) Reprimand.
- (c) Stoppage, withholding and deferment of salary increment.
- (d) Deferment of promotion.
- (e) Reduction in rank or seniority; provided that the reduction should not be more than one grade or rank. (f) Dismissal from the service.

P.12 Requirements For Carrying Out Investigations

Verifiable evidence is the foundation of fairness in disciplinary cases and this can be achieved through investigation of alleged offences. Such investigations should be carried out by committees appointed in writing by the Authorized Officer.

While carrying out investigations, the following shall be observed:

- (a) Investigating committee should comprise of officers senior to the accused officer and should not have dealt with the case before or have interest in the case.
- (b) The Authorized Officer shall give clear terms of reference and specific timelines within which to carry out the investigation.
- (c) The team shall comprise a minimum of three (3) members, and where the number exceed three, it should be an odd number. Experts may be coopted to assist in understanding of technical aspects of the discipline case.
- (d) The investigating team shall include a human resource officer as a technical advisor.
- (e) The Authorized Officer or a HRMAC member shall not be involved as an investigator of any disciplinary case.
- (f) The officer under investigation shall be interviewed by the investigating committee and be given a chance to produce relevant documents, call and examine witnesses, and peruse any availed documents related to the case.
- (g) 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.
- (h) The investigating committee shall record details of any matters which may aggravate or mitigate the gravity of the case.
- (i) The investigation report shall be submitted to the relevant HRMAC and 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; and
 - (iv) Details on any matter that may affect the gravity of the case if any.
- (j) Where further investigations are required as provided for in the regulations, such investigations shall be conducted in accordance with the process in (a) to (i) above.

P.13 Disciplinary Hearing

Disciplinary hearing is an integral part of the disciplinary procedure as provided for in the Employment Act and the Fair Administrative Action Act.

Hearing panel

- (a) The Disciplinary hearing shall be conducted by a committee/panel appointed by the Authorized Officer or the County Commissioner as the case may be.

- (b) The hearing panel shall comprise of the HRMAC/CHRMAC or a subcommittee of the HRMAC/CHRMAC members. The panel should comprise a minimum of three (3) members, and where the number exceeds three; it should be an odd number.
- (c) The panel shall include a human resource officer as a technical advisor.
- (d) The panel may, where necessary, co-opt experts to assist in understanding the technical aspects of the discipline case.

Hearing proceedings

To effectively carry out the hearing, the following procedure shall apply: -

- (a) The panel shall give a notice for hearing of not less than seven (7) days to the accused officer and other interested parties prior to the hearing date as per the sample letter provided in Appendix IX.
- (b) In the notice, the accused officer shall be informed of his right to access information, materials, and evidence related to the case.
- (c) The reporting officer and the accused officer together with their witnesses shall be required to attend the hearing proceedings at the same time.
- (d) The accused officer shall be given an opportunity to cross-examine the reporting officer, together with witnesses.
- (e) The defence of the accused officer together with his/her witnesses shall be heard after which the reporting officer shall be given an opportunity to cross-examine.
- (f) Both parties may bring expert witnesses to testify on technical aspects on areas of expertise touching on the disciplinary case.
- (g) Adjournment of the hearing may be granted by the panel upon request by any of the parties provided that compelling reasons have been given.
- (h) The hearing proceedings shall be recorded verbatim.
- (i) At the end of the hearing, each party shall be given an opportunity to make their final submissions in writing.
- (j) Where an officer is represented by an advocate, a union official or any other representative during the disciplinary hearing, the representative may cross examine the witnesses of the complainant and make final submissions on behalf of the officer.
- (k) The hearing panel shall analyze the evidence gathered during the hearing proceedings and record its findings. While analyzing the evidence, the hearing panel shall consider the charges against the officer as captured in the show cause letter, written defence, witness statements, experts' statements among other relevant records.
- (l) The proceedings of the hearing and findings shall be submitted to the HRMAC or CHRMAC and shall not contain any recommendation on the form of punishment to be inflicted on the accused officer but should contain:
 - (i) Evidence collected by the team, including any statements by witnesses;
 - (ii) Analysis of the evidence and statements;
 - (iii) Details on any matter that may mitigate or aggravate the case if any; and
 - (iv) A statement on whether the charges against the officer have been proved.

P.14. Appeals

- (1)** A right of appeals shall be communicated to the concerned Officer in a letter containing the decision which may be appealed against.
- (2)** An Officer who is dissatisfied by a decision made by an Authorized Officer may appeal to the County Public Service Board in writing and within a period of ninety (90) days from the date of the letter conveying such decision, provided that the County Public Service Board may consider an appeal that is made out of time if, in the opinion of the County Public Service Board, the circumstances warrant such consideration.
- (3)** The County Public Service Board shall not entertain an appeal more than once in respect to the same decision.
- (4)** The County Public Service Board if 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 there is an error apparent on record of either decision;
- (5)** Employees have a right to appeal to the Public Service Commission on disciplinary decisions by the County Public Service Board. However, employees can only appeal to the Commission after exhausting all internal County Government mechanisms.

P.15. Review of Appeals

- (1)** A right of review shall be communicated to the concerned Officer in a letter containing the decision which may be reviewed.
- (2)** An Officer may apply for a review of the case within six (6) months after the decision of the County Public Service Board.
- (3)** The County Public Service Board may entertain an application for review out of time if, in the opinion of the County Public Service Board, the circumstances warrant it.
- (4)** The County Public Service Board shall not entertain an appeal more than once in respect to the same decision.
- (5)** A review may be considered by the County Public Service Board if there is new material evidence or an error apparent on record of the earlier decision.

P.16. Defense of Officers in Criminal and Civil Suits

- (1) When criminal or civil proceedings are instituted against an Officer as a result of an act of omission in the course of the official duties, application may be made to the Officer's respective Authorized Officer for assistance in his/her defense. If the Authorized Officer is satisfied that the Officer acted in good faith in the execution of his/her official duties and that it is in the public interest that the Officer should be defended, the matter shall be immediately reported to the Department or Office responsible for Human Resource Management matters in the county who will then liaise with County Attorney and the respective Authorized Officer, to decide whether or not the Officer should be defended.
- (2) Officers who have applied for defense shall not themselves brief their private advocates and subsequently apply for Government assistance. Unless the proper procedure is followed, the County Attorney may decline to provide support to the Officer. It is further emphasized that speed is of essence in reporting such cases to the County Attorney.

P.17 Civil Proceedings by Officers for Defamation

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

- i. The County Government has a substantial interest in seeing that the defamatory statement is repudiated;
- ii. There is, in the opinion of the County Attorney, a good prospect of succession the action; and
- iii. The consent of the County Attorney shall be obtained before proceedings commence.

APPENDICES

- Appendix I - Generic Show cause letter.
- Appendix II - Sample Interdiction Letter.
- Appendix III - Letter Lifting Interdiction/suspension.
- Appendix IV - Letter Lifting Interdiction/suspension (where any other penalty is imposed).
- Appendix V - Suspension Letter.
- Appendix VI - Show Cause Letter (absence from duty without reasonable cause).
- Appendix VII - Notice of intention to retire from the service.
- Appendix VIII - Decision letter on retirement from the service.
- Appendix IX - Notice of hearing.
- Appendix X - Format for Presenting Disciplinary Cases, Appeals and Reviews by the Authorized Officer to the Commission.

APPENDIX I – Generic Show Cause Letter

(Letter Head)

To
..... Thro'
.....
(Supervisor)

Dear Sir or Madam,

(specify misconduct e.g intoxication during working hours, negligence of duty, e.t.c in title)

It has been reported that on(state the date) you..... (State the particulars of the misconduct and the provisions of legislation or code of conduct contravened)

In view of the above, disciplinary action which may lead to dismissal from the service on account of.....(state the misconduct) is contemplated. However, before this is done, you are hereby called upon to show cause why the intended action should not be taken against you.

Your representation if any, should reach this office within twenty one (21) days from the date of this letter failure to which the contemplated action will be taken without further reference to you.

(Signed)
Authorized Officer

APPENDIX II - Sample Interdiction letter

(Letter Head)

To

.....

.....

(Registered mail to last known address and scanned copy sent by electronic mail)

Dear Sir or Madam,

INTERDICTION

It has been reported to this office that you (Set out particulars).

In view of the foregoing, you are hereby interdicted from exercising the duties of your office with effect from the date of this letter pending finalization of your case.

While on interdiction, you will be eligible for half salary, full house allowance and medical insurance cover. You should not leave your duty station without the express permission from your immediate supervisor.

(Signed)
Authorized Officer

Copy to: Supervisor

APPENDIX III - Letter Lifting Interdiction/Suspension

(Letter Head)

To
..... Thro'
.....
(Supervisor)

Dear Sir or Madam,

LIFTING OF INTERDICTION/SUSPENSION

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

Your half salary, allowances and benefits which had been withheld during your interdiction/suspension shall be released. This is in accordance with section 71(4) of the Public Service Commission Act, 2017.

You should report for duty within seven (7) days from the date of this letter.

(Signed)
Authorized Officer

APPENDIX IV - Letter Lifting Interdiction/suspension (where any other penalty is imposed)

(Letter Head)

To

..... Thro'

.....

(Supervisor)

Dear Sir or Madam,

LIFTING OF INTERDICTION/SUSPENSION

Further to our letter Ref. No..... and after considering your letter dated..... and hearing conducted on(date).....(where applicable), it has been decided that you be(state the punishment as clarified under section 3.0 and 4.6 of this manual).

As the disciplinary process has been concluded, your interdiction/suspension is hereby lifted. In view of the punishment imposed on you, your salary, allowances and benefits which had been withheld during interdiction/suspension shall not be released. This is in accordance with section 71(5) of the Public Service Commission Act, 2017.

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

You should report for duty within seven (7) days from the date of this letter.

(Signed)
Authorized Officer

APPENDIX V - Suspension Letter

(Letter Head)

To
..... Thro'
.....
(Supervisor)

Dear Sir or Madam,

SUSPENSION LETTER

It has been reported to this office that you were charged of a serious criminal offence namely (set out particulars). Or Reference is made to our letter Ref No.datedand the representations in your letter dated

This is to inform you that having considered your representations, investigation report and the hearing proceedings, you have been found culpable of (state alleged offence), and your dismissal from the service is being contemplated.

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 be eligible for half salary, full house allowance and medical insurance cover and you should not leave your duty station without the express permission from your immediate supervisor.

(Signed)
Authorized Officer

APPENDIX VI - Show Cause Letter – absence from duty without leave, reasonable or lawful cause

(Letter Head)

To

..... Thro'

.....

(Supervisor)

Dear Sir or Madam,

ABSENCE FROM DUTY WITHOUT LEAVE, REASONABLE OR LAWFUL CAUSE

It has been reported that you absented yourself from duty with effect from..... (State the particulars of the absence including number of days)

Your attention is drawn to Section of the Employment Act,(year) which provide that an employee who absents himself/herself from the workplace without leave or other lawful cause, is liable for summary dismissal.

In view of the above, your dismissal from the service on account of absence from duty without leave, reasonable or lawful 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 twenty one (21) days from the date of this letter failure to which the contemplated action will be taken without further reference to you.

(Signed)
Authorized Officer

APPENDIX VII - Notice of Intention to Retire from the Service

(Letter Head)

To
..... Thro'
.....
(Supervisor)

Dear Sir or Madam,

NOTIFICATION OF RETIREMENT FROM THE SERVICE

Reference is made to our letter ref No.datedand the representations in your letter dated

This is to inform you that having considered your representations, investigation report and the hearing proceedings, you have been found culpable of (*state alleged misconduct/s*) that warrant dismissal. However, in view of (e.g. long service, mitigating factors, age, previous good record) it is contemplated that you be retired from the service in accordance with Section 68(3) of the Public Service Commission Act, 2017.

Consequently you are hereby required to make a written representation as to why you should not be retired from the service. Your representations, if any, should reach this office within twenty one (21) days from the date of this letter failure to which the contemplated action (indicated in the earlier show cause letter) will be taken without further reference to you.

(Signed)
Authorized Officer

APPENDIX VIII - Decision Letter on Retirement from the Service

(Letter Head)

To
..... Thro'
.....
(Supervisor)

Dear Sir or Madam,

RETIREMENT FROM THE SERVICE

This is to inform you of the Public Service Commission's decision to retire you from the service (*indicate grounds*) with effect from(date). This is following your acceptance to retire contained in your letter dated.....

In view of this decision, you are required to report to this office within thirty (30) days with a view to submitting a handover report and to conclude arrangements for processing your pension and other terminal benefits. To facilitate processing of your pension benefits, you are required to complete the following documents and return them to this office duly signed for further action:

1. Pension Commutation Form.
2. Official Secrets (Declaration) Act for officers leaving the service.
3. Final Declaration of Income, Assets and Liabilities Form.
4. Clearance Form.

(Signed)
Authorized Officer

APPENDIX IX - Notice of Hearing

(Letter Head)

To
..... Thro'
.....
(Supervisor)

Dear Sir or Madam,

HEARING NOTICE

TAKE NOTICE that you are required to appear before the (*hearing body*) for the hearing of your case on the day of 20 at (time). The hearing shall be held at (venue).

During the hearing, you may be represented by an advocate, a union member or an expert of choice, and you may also bring witnesses to testify on your behalf.

TAKE NOTICE that the hearing may proceed and a determination made your absence notwithstanding.

Dated thisday of20.....

(Signed)
Authorized Officer

APPENDIX X - Format for Presenting Disciplinary Cases, Appeals and Reviews by the Authorized Officer to the Commission

- (i) Name
- (ii) Date of First appointment
- (iii) Personal Number
- (iv) Current designation
- (v) Civil Service Grade/Salary scale
- (vi) Terms of service
- (vii) Date of Birth
- (viii) Work Station

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

.....

(Set out the particulars in full)

B. Discipline case/Appeal/Review

.....
 *(Specify)*

C. Previous offences or misconduct and punishments (if any)

S/No.	Offence and Date	Punishment/Decision	Date of Desision
1.			
2.			
3.			
4.			

D. Criminal convictions (If any)

S/No.	Criminal Charge/Offence (Include Date)	Judgement/Ruling/Order by (include Date)
1.		
2.		
3.		

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

S/No.	Officer's Representations	Authorized Officer's Comments
1.		
2.		
3.		

F. Findings and Recommendations of the HRMAC

.....

G. Authorized Officer's comments and recommendation

.....

H. List of Appendices

.....

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

(Signed)
 Authorized Officer

SECTION Q

LABOUR RELATIONS

Introduction

- Q.1 The County Government shall engage Trade Unions representing Public Officers in negotiating Collective Bargaining Agreements. The County Government and the Unions shall negotiate Collective Bargaining Agreements setting out the terms and conditions of service for the employees. The negotiations will be guided by the provisions of the Constitution of Kenya, 2010 relevant legislations and the institutional framework for collective bargaining with Public Service unions. This will also be done in consultation with the Council of Governors and Salaries and Remuneration Commission (SRC).

Union Membership

- Q.2 (1) All employees may join any registered and recognized Union of their choice;
- (2) Employees shall not be victimized for being members or participating in trade Union activities;
- (3) Employees who are appointed as officials of any Union maybe granted permission to carryout official Union duties;
- (4) Employees are not allowed to be officials of more than one Trade Union. However, an official of a Trade Union may also be an official of a Federation to which the Trade Union is affiliated; and
- (5) Union meetings shall be convened to take place during the employees' free time.

Recovery of Union Dues

- Q.3 (1) The County Government may deduct Trade Union dues from the salaries of union members upon consent from the employee and pay the deducted amount into a specified account recognized by the Trade Union;
- (2) Deductions from an employee who has resigned his Union membership and notified the employer in writing shall be stopped; and
- (3) A copy of an employee's notification shall be forwarded to the Union for information.

Dispute Resolution

- Q.4** The County Government will endeavor at all times to have good working relations with the Unions in order to maintain industrial harmony. However, should a trade dispute arise concerning any aspect of the employer/employee relationship, the solution of that dispute will be as provided for in the Labour Relations Act 2007.

Employee Participation in Strikes

- Q.5** An employee may participate in a strike if:
- i. The trade dispute that forms the subject of the strike concerns the terms and conditions of employment or recognition of a Trade Union to which an employee is a member;
 - ii. The trade dispute is unresolved after conciliation; and
 - iii. Written notice of strike as provided in the Recognition Agreement has been given to the County Public Service Board and County Secretary & Head of Public Service by the representative of the Union.

Institutional Framework for Negotiation

- Q.6 (1)** An Institutional Framework for negotiation with Trade Unions has been developed whose objectives are to:
- i. Ensure that the collective bargaining process is compliant with the Constitution of Kenya, 2010 and the relevant legislations;
 - ii. Identify the parties recognized by law to engage in collective bargaining;
 - iii. Provide consistency and uniformity in the collective bargaining process;
 - iv. Provide a platform for consultations with all stakeholders;
 - v. Provide a standard period for collective bargaining across the public service; and
 - vi. Promote labour relations and industrial peace.
- (2) The collective bargaining in the public service may include salaries, allowances, benefits and working conditions as shall be agreed upon from time to time.

COUNTY PUBLIC SERVICE BOARD
P. O. Box 95 -40300,
HOMA BAY, Kenya
Telephone:

Website: www.HomaBay.go.ke

Email address : info@HomaBay.go.ke

REPUBLIC OF KENYA



DEPARTMENT OF ROADS, TRANSPORT AND PUBLIC WORKS
VEHICLE FUEL FORM

Transport Unit

Name of Driver:.....
Designation:..... Date:.....

TYPE OF VEHICLE:

Year:..... Make:.....
Model:..... Plate No.:.....
Last Service/km reading:.....
Current meter reading:.....
K/M Covered:.....

DESCRIPTION

Date of purchase:.....
Petrol Station..... Address.....
No. of liters purchased..... Units.....
Purchaser's Name.....

Signature.....Date.....
Approved by (Transport Officer' s Name).....

Signature.....Date.....
Fueled by Supplies Chain Management Officer:
Name.....
Designation.....Sign.....Date.....

REPUBLIC OF KENYA



**DEPARTMENT OF ROADS, TRANSPORT AND PUBLIC WORKS
MECHANICAL /SERVICE FORM**

Transport Unit

Name of Driver:..... Date:.....
Type of Vehicle:..... Year:.....
Make:..... Model:..... Plate No.:.....
Last Service/Meter reading

Current Meter reading	.....
KM covered	.....

Description of problem

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

Driver's Signature.....Date.....
Transport Officer's Name.....Sign.....Date.....

Supplies Chain Management Unit

Receiving Officer Name.....Signature.....
Date.....
Remarks.....
.....
.....
.....

REPUBLIC OF KENYA



DEPARTMENT OF ROADS, TRANSPORT AND PUBLIC WORKS
MECHANICAL REPORT AFTER REPAIRS/SERVICE

Transport Unit

(This form will be filled by the mechanic who repaired the vehicle)

Type of Vehicle..... Make.....
Model..... Plate No.....
Current meter reading.....

Description of job

done.....
.....
.....
.....

Name.....Designation.....
Sign.....Date:.....

Job Satisfaction

Name.....Designation.....Date.....

Transport Officer

Name.....Designation.....Date.....

Remarks.....
.....
.....
.....

REPUBLIC OF KENYA



DEPARTMENT OF ROADS, TRANSPORT AND PUBLIC WORKS
POOL VEHICLE(S) REQUISITION FORM

Transport Unit

Part I (To be completed by officer requisitioning for a vehicle)

Name of Officer.....Designation.....
Period/Time of utilization of the vehicle..... Days/Hours
Route of Travel
Purpose of the Journey
Sign.....Date

Part II Clearance by the County Secretary/Chief Officer/Supervisor

Remarks.....
.....
.....
Sign.....Date

Part II I(To be completed by Transport Officer)

Confirmation of availability of Government Transport..... (Yes/No)
If Yes, State vehicle Registration No
Name of Driver
Fuel provision
Sign.....Date

Part IV-APPROVAL

Approved/Not Approved.
Reasons:.....
.....
.....

REPUBLIC OF KENYA



OFFICE OF THE GOVERNOR
DEPARTMENT OF ROADS, TRANSPORT AND PUBLIC WORKS
HIRE OF VEHICLES FORM

Part I (To be completed by officer requisitioning for a vehicle)

Requisition for Hired Vehicles

Name of OfficerDesignation..... Date

Type of Vehicle.....

Date and Time the vehicle should be returned.....

Reason for Hire Destination.....

Period of utilization of the vehicle.....

Part II (To be completed by Transport Officer)

This is to confirm that there is no/or the reistransport available within the County. (Indicate what is applicable).

Transport Officer's Name..... Sign..... Date.....

Part III (To be completed by the Supplies Chain Management Unit)
Supplies Chain Management Unit:

Receiving Officer:

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

Type of vehicle hired.....

Firm:(From the pre-qualified list)

State whether fuel is separate or inclusive.....

Date and time the vehicle should be returned.....

Part V (Confirmation of Payment)

Chief Finance Officer:

Rates of hiring the vehicles..... Fuel.....

Amendment Rate..... Total K/m.....

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

REPUBLIC OF KENYA



COUNTY GOVERNMENT OF HOMA BAY
DEPARTMENT RESPONSIBLE FOR HR MATTERS IN THE COUNTY
TRAINING PLAN TEMPLATE

You can use this form to record the needs that you have identified for your team as a whole. This can help you to prioritize and document the training that needs to be done to make sure the workforce is working at optimum capacity. This form should be filled by Head of Department, approved by Authorized Officer and a copy forwarded to CPSB at the 1st Quarter of a financial year.

Priorit yarea	Identifi ed skill gap	Strategic objective	Who needs training ?	Type of training	Descrip tion of training	Training providers	Indicative cost	Delive ry dates	Remarks
<insert priority>	<insert the training need>	<insert strategic objective reflected in the annual work plan ;as captured in the strategic plan>	<insert the type of training >	<insert the type of training >	<insert a description of the training >	<insert the name of the training provider>	<insert cost of training>	<insert deliver ydates >	<was the course und ertaken>

Developed by..... Designation..... Date.....

Approved by..... Designation.....Date.....

REPUBLIC OF KENYA



DEPARTMENT RESPONSIBLE FOR HR MATTERS IN THE COUNTY
IMPACT OF TRAINING ASSESSMENT TEMPLATE

This template is a guide to assessing employee output/effectiveness on work performance after undergoing training which was based on findings of a Training Needs Assessment exercise. Impact of Training Assessment can be carried out at least six months after completion of the training program. The exercise should be carried out by Employee’s immediate supervisor in the presence of the employee.

Employee details	Priority area trained	Date of training	Skills/Competencies /Knowledge expected to have been acquired	Date of Assessment	Output (Evidence of training)	Supervisor’s remarks
			(relate to the strategic objectives of the training)		(Were objectives of the training achieved through performance of the employee?)	

Remark by Immediate Supervisor (This should focus on the value addition of the training to the enterprise/ service delivery.....

Sign..... Date.....

Employees acknowledgement.....

Sign.....Date.....

Chief officer/ Authorized officer’s recommendation.....

Sign.....Date.....

REPUBLIC OF KENYA
HOMA-BAY COUNTY GOVERNMENT
APPLICATION FOR ANNUAL LEAVE FOR OFFICERS OTHER THAN
CHIEF OFFICERS
(To be completed in triplicate)

Name.....
P/NO.....
Designation.....
Duty Station.....
Date.....

The County Secretary
P.O Box 469-40300,
HOMA-BAY.

Thro'
(Head of Department/Sub-County Administrator)

.....
.....

APPLICATION FOR LEAVE

(To be submitted at Least 30 days before commencement of leave)

Tick as appropriate

Annual Maternity Paternity Sick specify Others

PART 1

(To be completed by applicant)

1. I wish to apply for.....Days annual leave beginning on
2. My leave address will be:-.....
3. During the period of leave , my salary for the month of.....should :
*(a) Continue to be paid into my Bank Account
*(b) Be paid at the following address:

.....

*(c) Be included in the payroll ofstation

4. As I am taking not less than one-half of my Annual Leave due to me, I wish to receive my leave due allowance. In addition, I wish to receive / do not wish to receive my pay for the month ofthree days before the date of commencement of leave in terms of Regulation H of code of Regulations.

5. I understand that I will require permission should I desire to spend leave outside Kenya in accordance with relevant regulations.

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

PART II

(To be completed by the Head section)

6. *(a) Recommended. Arrangements will be made for the performance of the duties of the above Officer during his/ her absence.

*(b) Not recommended for the following reasons:

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

Name of Head.....

Station.....

Designation.....

Signed.....

Date.....

His /Her duties will be performed by:

Name.....

Designation.....

