

REPUBLIC OF KENYA



COUNTY GOVERNMENT OF KITUI

THE COUNTY ASSEMBLY

SECOND ASSEMBLY- SECOND SESSION (2018)

**COMMITTEE ON LABOUR AND SOCIAL
WELFARE**

**REPORT ON THE MOTION ON UNFAIR LABOUR
PRACTICES IN THE KITUI COUNTY PUBLIC
SERVICE**

**The Clerk's Chamber
County Assembly of Kitui,
Assembly Buildings,
Kitui, Kenya**

SEPTEMBER, 2018

TABLE OF CONTENTS

PREFACE

1.1 Composition	4
1.2 Mandate	5
1.3 Background	5
1.4 Committee Proceedings	6
1.5 Acknowledgement.....	6

EVIDENCE AND SUBMISSION BY WITNESSES

2.1 Introduction	8
2.2 Evidence by Mr Alex Kimanzi, the County Secretary and Mrs Hellen Mutuku, Dr, Human Resource.....	8
2.3 Evidence by Penninah Njiru Former DSCA Kitui South	10
2.4 Evidence by Former Sub County Administrators	10
2.5 Evidence by Joshua Nyamai Mutembei, Former Kitui Central SCA	12
2.6 Evidence by Dominic Mumbu, Ass Dr, Department of Environment.	12
2.7 Evidence by Nathan Vungo, Former Kitui Town Administrator	13
3.0 FINDINGS AND OBSERVATIONS	14
4.0 RECOMMENDATIONS.....	16
5.0 CONCLUSION	18

ABBREVIATIONS

CGA	County Government Act
CO	Chief Officer
CS	County Secretary
HR	Human Resource
KCPSB	Kitui County Public Service Board (“the Board”)
PSC	Public Service Commission
SCA/ DSCA	Sub County Administrator/ Deputy Sub County Administrator

ANNEXES

Annex 1- Adoption of Report

Annex 2- Sample leave letter from CS to former SCAs

Annex 3- Sample re- designation letter from KCPBS to former SCAs

Annex 4- Approval of Joyfred Kasamba’s Leave application dated 30/11/2017

Annex 5- Response letter from CS to Labour Committee on employment status

Annex 6- Response by Former Sub County Administrators

Annex 7- Recall to headquarters

1.0 PREFACE

Mr Speaker,

It is my pleasant pleasure to present the report of the Committee on Labour and Social Welfare on the inquiry into unfair labour practices in the Kitui County public service.

1.1 Composition of the Committee

The Committee on Labour and Social Welfare was constituted on 11th October, 2017 via a resolution of the House and elected its Chairperson and Vice Chairperson on 18th October, 2017. It is composed of the following members:-

1.	Hon Munyoki Mwinzi	Chairperson
2.	Hon Regina Mueni	Vice Chairperson
3.	Hon David Munyau	Member
4.	Hon Anthony Ndooh	“
5.	Hon Charles Maema	“
6.	Hon Munira Mohammed	“
7.	Hon Anthony Mbiti	“
8.	Hon Stephen Katana	“
9.	Hon Josephine Mutie	“
10.	Hon Nicholas Mwalali	“
11.	Hon Boniface Kasina	“

1.2 Committee's Mandate

The Committee is established under Standing Order 190(1). Pursuant to Standing Order 190(5), the mandate of the Committee is to:

1. Investigate, inquire into and report on all matters relating to the mandate, management, activities, administration, operation and estimates of the assigned department;
2. Study programs and policy objectives of departments and the effectiveness of the implementation;
3. Study and review all county legislation referred to it;

4. Study, assess and analyse the relative success of departments as measured by the results obtained as compared with their stated objectives;
5. Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
6. To vet and report on all appointments where the constitution or any law requires the County Assembly to approve, except those under Standing Order 185(Committee Appointments); and
7. Make reports and recommendations to the county assembly as often as possible, including recommendation of proposed legislation.

The Second Schedule of the Standing Orders requires the Committee to: consider all matters relating to labour, trade union relations, manpower or human resource planning, gender, social welfare, etc.

1.3 Background

Mr Speaker,

On 20th March, 2018, Hon Peter Kilonzo, the Majority Party Leader tabled a motion on matter of urgent county importance that is Unfair Labour Practices in the Kitui County Public Service.

The motion read as follows:

AWARE that Article 41(1) of the Constitution provides for the right to fair labour practices;

CONCERNED that, there have been allegations of intimidation, frustrations, imposition of compulsory leave and un procedural interdictions of staff including the Chief Finance Officer, Assistant Director Ministry of Environment, the Communications Department, amongst others, without adherence to the applicable laws;

FURTHER CONCERNED that Article 47(1) of the Constitution provides for the right to fair administrative action which should be expeditious, efficient, lawful, reasonable and procedurally fair;

NOTING that intimidation, frustration and fear of the unknown negatively affects productivity leading to non- performance, resignations, brain drain amongst other adverse effects;

This House hereby resolves that;

- i. The Committee on Labour and Social Welfare to conduct an inquiry into this matter and other matters touching on staff welfare by interrogating the County Secretary and other relevant staff or parties, and table its report within a period of one month after approval of this motion;
- ii. The Public Service Board to provide credible evidence on what advisory role they might have played in this matter;
- iii. The head of human resource be interrogated by the Committee on Labour and Social Welfare to know the root- cause of these matters touching on staff welfare.

The Motion was adopted by the House and the Committee on Labour and Social Welfare was tasked by the House to investigate the matter and thereafter and table a report for consideration.

1.4 Objectives

Hon Speaker,

The Committee sought to:

- i) Examine and inquire into the above matters and any other relevant matter and report to the County assembly;
- ii) Examine adherence to the law by the Office of the County Secretary and the Public Service Board;
- iii) Make recommendations for improvement of staff welfare, adherence to the law, amongst other relevant issues.

1.5 Committee Proceedings

Hon Speaker,

In its inquiry, the Committee held several sittings during which it received oral and written submissions and examined evidence from several witnesses.

The Committee received both oral and written evidence from:

1. Mr. Alex Kimanzi, the Acting County Secretary;
2. Mrs. Hellen Mutuku, Deputy Director, Human Resource Kitui County;
3. Mrs Penninah Njiru, Former Deputy Sub County Administrator, Kitui South;
4. Cosmus Musee Mwanzia- Former Sub County Administrator Mwingi North;
5. Benard Mulevu- Former Sub County Administrator Kitui Rural;

6. Stephen Salee- Former Sub County Administrator Mwingi Central;
7. Penninah Nzile- Former Sub County Administrator Kitui West;
8. Joyfred Mumo Kasamba- Former Sub County Administrator Kitui East;
9. Joshua Nyamai Mutembei- Fomer Kitui Town Administrator.
10. Mr. Dominic Mumbu, Assistant Director, Environment;
11. Mr Nathan Vungo, Kitui Town Administrator.

The Committee thereafter retreated to Pride Inn Hotel Westlands from 27th to 30th September, 2018 to compile its report.

The outcome of the meetings held with the above stakeholders, evidence adduced and documents received form the basis of the Committees findings and recommendations as outlined in this Report.

1.6 Acknowledgement

The Committee on Labour and Social Welfare extends its gratitude to the Speaker of Kitui County Assembly for his guidance, the Office of the Clerk and the staff of the County Assembly for their continuous support, assistance, and commitment executing their duties.

It is therefore my pleasant duty, on behalf of the Committee on Labour and Social Welfare, to present this Report and recommend it for consideration and adoption by the House.

SIGNED.....

HON. MUNYOKI MWINZI, M.C.A.

CHAIRPERSON, COMMITTEE ON LABOUR AND SOCIAL WELFARE

DATE.....

This Report was compiled by:

Mercy Mbinya- First Clerk Assistant

2.0 EVIDENCE AND SUBMISSIONS BY WITNESSES

Hon Speaker,

2.1 INTRODUCTION

Article 195 of the Constitution states that a County Assembly or any of its committees has power to summon any person to appear before it for the purpose of giving evidence or providing information.

This part records the key evidence submitted by the witnesses outlined earlier in this Report. The Committee commenced oral evidence receiving exercise 17/05/2018 and concluded the exercise on 02/08/2018.

2.2 EVIDENCE BY THE COUNTY SECRETARY MR ALEX KIMANZI AND MRS HELLEN MUTUKU DEPUTY DIRECTOR HUMAN RESOURCE

The Acting County Secretary and the Deputy Director Human Resource appeared before the Committee on 17/05/2018 to adduce evidence on the matter of alleged unfair labour practices in the Kitui County public service.

Regarding the Sub County Administrators, they stated that:

1. The Deputy Director, Human Resource reviewed staff leave and noted that the Sub County Administrators had not taken leave.
2. On 11/12/2017, the CS wrote a letter directing them to proceed on annual leave as from 13/12/2018. See Annex 2.
3. They were not coerced or influenced to proceed on leave, but were only advised to do so as they had not proceeded on leave.
4. Once they were done with their leave, and after consultations, the CPSB re- designated them to Deputy Directors, Administration in various Ministries vide letters dated 02/05/2018. See Annex 3.
5. The decision to re- designate them as Administrators was based on a staffing need for Administrators within the Departments, as the Deputy Directors were performing both administrative and technical duties. It was therefore important for the Departments to have Administrators to give the Deputy Directors time to focus on the technical duties. Based on their administrative experience, it was decided that the Sub County Administrator's should be re- designated as Administrators.
6. The re- designation procedure was followed to the letter.
7. The Organizational structure (Organogram) provides for the position of Deputy Director, but not Deputy Director- Administration. The cabinet approved this position so as to regularize it.
8. Regarding allegations that the Sub County Administrators have no duties, they were assigned specific administrative duties as per the letter dated 02/05/2018. See Annex 3.

9. Following the vacancy created by the re- designation, the CPSB advertised the Sub County Administrators positions. It was safer to employ staff as Administrators whose background was well known that to advertise for the positions.

Regarding various appointments on an acting capacity, they stated as follows:

1. There are interim appointments and acting appointments. Interim appointments are temporary awaiting filling of the position and should be for six months, while for acting appointments one should be qualified and should be for six months.
2. Appointments of the Kitui Town Administrator and Kitui South Sub County Administrators were interim awaiting substantive filling of the positions and it was thought that the positions would be filled within a short period of time.
3. Looking back, the Office of the County Secretary could have done better in Kitui South by not allowing both the Sub County Administrator and the Deputy Sub County Administrator to proceed on leave at the same time.

Regarding the interdiction of Dominic Mumbu the Assistant Director, Environment, it was stated that:

1. He was interdicted on 01/02/2018 on various allegations including disposal of asbestos at Kiongwe, charcoal burning and transport and sand harvesting, contrary to an imposed ban, so as to pave way for investigations and was put on half pay.
2. A Committee on investigations was formed and he appeared to defend himself.
3. As at 17/05/2018, this Committee formed had already examined some members of staff and outsiders, and was awaiting to question other parties regarding the issuance of permits after which it would make its findings in conclusion of the matter, awaiting a final decision on whether to reinstate him or not.

Regarding the intimidation, harassment and frustration of the staff and security within the offices, it was stated that:

1. The County Secretary is not aware of any issues concerning the intimidation, harassment and frustration of staff. However, it was a fact that the Office of the Governor was attacked by persons looking for the Deputy Governor and the Chief of Staff, and the police were to arrest the suspects.
2. He would ensure that there is a favourable work environment in the Kitui County public service and ensure job security.
3. To address security issues, security has been improved and the Office of the Governor now uses armed officers to man the gate.

2.3 EVIDENCE BY MRS PENNINAH NJIRU- FORMER DEPUTY SUB COUNTY ADMINISTRATOR, KITUI SOUTH

Hon Speaker,

Mrs Penninah Njiru appeared before the Committee on 05/07/2018 to adduce evidence on the matter of alleged unfair labour practices in the Kitui County public service.

She submitted that:

1. She was employed as the Deputy Sub County Administrator Kitui South on 01/01/2014.
2. On 13/12/2017, despite not having pending leave days, the County Secretary (CS) sent her on 45 days leave on grounds that she had not taken leave in a while.
3. She was to report to the CS on 9/2/2018 which she did but he told her to go back she would be communicated to. On 19/02/2018 due to lack of further communication, she went back to his office but was once again sent back home, whereupon she decided to report to her workstation at Mutomo.
4. On 14/03/2014, she once again went to the CS and he said he had no communication, at which point she made an appointment with the Governor. The Governor told her he would call the CS, so she reported to the CS but there was no further communication.
5. She has been to the CS's office thrice without any assistance.
6. Currently, there is someone holding her position on an acting capacity, but she still reports to work every day and signs the attendance register, despite not discharging any duties.
7. Members of the public are served by the Ward Administrator.
8. She still gets her full salary every month without allowances.
9. The County Secretary was to write to the Ward Administrator to hand over to her but he has never done so.
10. The affected Sub County Administrators got letters of re-designation but she was never served with any letter and the experience has traumatized her.
11. Her prayers to the Committee were that:
 - i) she should be informed of any mistakes she may have made so that she can reform;
 - ii) she should be given an opportunity to continue working as she ready and willing to serve the County.

2.4 EVIDENCE BY FORMER SUB COUNTY ADMINISTRATORS

Hon Speaker,

The following Former Sub County Administrators appeared before the Committee on 5/07/2018:

- i) Cosmus Musee Mwanzia- Former Sub County Administrator Mwingi North;
- ii) Benard Mulevu- Former Sub County Administrator Kitui Rural;
- iii) Stephen Salee- Former Sub County Administrator Mwingi Central;

- iv) Penninah Nzile- Former Sub County Administrator Kitui West;
- v) Joyfred Mumo Kasamba- Former Sub County Administrator Kitui East;
- vi) Joshua Nyamai Mutembei- Former Sub County Administrator, Kitui Central.

They stated that:

1. They were recruited by the County Public Service Board of Kitui through a competitive process as Sub County Administrators, and reported for duty in January and February, 2014.
2. Since recruitment, they have been diligently served the County Government and the people of Kitui with a lot of dedication, commitment and great passion.
2. On 13/12/2017, seven out of the eight Sub County Administrators were asked to proceed on leave awaiting further directions from the Office of the County Secretary by 6/01/2018.
3. The circumstances leading to their leave are unique for each party as some had pending leave days, others had exhausted their leave days and one was already on leave when they received this letter. For instance, one Joyfred Mumo Kasamba- Former Sub County Administrator Kitui East, was already on leave with effect from 01/12/2018 (See Annex 4) when he was served with a letter alleging that he had not proceeded on leave.
4. On 8/02/ 2018, except for Joshua Mutembei they were served with recall letters to the County Headquarters to report to various County Ministries to perform administrative duties.
5. On 03/05/2018 they were all served with re-designation letters by the Kitui County Public Service Board re-designating them as Deputy Directors Administration in various Ministries.
6. That in the re- designation letters they were advised to await communication on their deployment from the office of the County Secretary, which they had not received as at 05/07/2018.
7. They were willing, ready and committed to serving the County Government and its leadership with dedication and loyalty.
8. Their prayers to the Committee were:
 - i) That communication on their deployment from the Office of the County Secretary be fast tracked which would give them substantive positions in their respective Ministries.
 - ii) That they be promoted to the next job group as required for re-designation cases by the Public Service Commission in the Human Resource Policies and Procedures Manual for the public service (May, 2016) B 21(3)(V).

2.5 JOSHUA NYAMAI MUTEMBEI- FORMER SUB COUNTY ADMINISTRATOR KITUI CENTRAL

The circumstances under consideration are similar to those of the former Sub County Administrators, with the following additional information:

1. He was re-designated but has no positing letter up to date.
2. The CS keeps telling him to wait when he inquires about it.
3. He reports to the CS daily but has no duties or office but gets salary every month.
4. A well wisher went to court on his behalf which is the reason as to why he has no recall letter, but the CPSB talked to him and he agreed to be re-designated at which point he instructed his advocate to withdraw the case.
5. He requests that:
 - a) the communication on his deployment be fast tracked from the CS which will give him a substantive position
 - b) that he be promoted to the next job group as is required before re-designation in compliance with the Human Resource manual.

2.6 EVIDENCE BY DOMINIC MUMBU, ASSISTANT DIRECTOR, ENVIRONMENT

Hon Speaker,

This witness appeared before the Committee on 02/08/2018 to adduced evidence on the matter of his interdiction.

He stated as follows:

1. He was appointed by the Kitui County Public Service Board as Assistant Director, Environment with effect from 01/01/2014.
2. On 01/02/2018 he was interdicted on the following acts of gross misconduct:
 - i) disposal of hazardous asbestos at Kiongwe catchment area;
 - ii) collusion with persons involved in illegal charcoal trade and transportation to issue permits
 - iii) collusion with transporters and merchants of sand in violation of the existing ban on sand harvesting;
3. On 08/02/2018, he was issued with a letter on gross misconduct and interdiction signed by the County Secretary, requiring him to show cause why disciplinary action should not be taken against him on the basis of the above allegations.
4. 08/02/2018 he responded to the letter, requesting to be informed of the specific instances on where, when, and with whom he committed the alleged offences.
5. According to him, he was interdicted without following the due process because:
 - i) A show cause letter was not issued.
 - ii) Allegations he was accused of were assigned to other officers headed by staff who do not report to him.

For instance, issuance of movement permits for charcoal and sand harvesting duties were assigned to the Assistant Director, Energy.

6. He reports to his immediate supervisor twice per week and he is on half salary.
7. Regarding the allegations of poor performance, he stated that:
 - i) He signed a performance contract every year with his supervisor and met all the targets. In 2017 the County Government of Kitui was awarded the best County in tree growing and forest conservation, the docket he was in charge of, by the State Ministry of Environment and Natural Resources;
 - ii) He has aided in attracting bilateral and multilateral donor funding through engagement of parties and donors, including the Anglican Development Services (ADSE), African Development Bank (AFDB).
8. He requested to be informed of the following:
 - i) Why his interdiction has not been concluded within the stipulated period that is 1st February to 31st July, 2018;
 - ii) Why mistakes and inefficiency of the implementation of policies and regulations in the environment department were being leveled on a junior officer – Assistant Director, yet there is a Chief Officer and County Executive Committee Member who are in charge of policy formulation and implementation.
 - iii) the Kitui County Public Service Board and Human Resource Department to state the role they have played in this matter.
 - iv) The county secretary to state when to a issue decision letter about the investigations
 - v) the investigation report should be true, fair and in compliance with law.
9. He also pleaded with the Committee to prioritize his matter and write to the county secretary asking for his investigation report because six months are over and there was no response availed.

2.7 NATHAN KASAMBA VUNGO- FORMER KITUI TOWN ADMINISTRATOR

Hon Speaker,

He appeared before the Committee on 02/08/2018 to adduce evidence on the matter of unfair labour practices in the Kitui County public service.

He stated as follows:

1. He was recruited as the town administrator Kitui on 14/10/2014.
2. On 13/12/2017 the County Secretary sent him on 45 days leave.
3. After the 45 days, he reported to the county secretary and was informed that he will be deployed to the finance department.
4. Further, he does not have a re- designation and a deployment letter and he does not discharge any duties for the County, despite earning a salary.
5. As at 02/08/2018, he was not in any office and he does not report to anyone.

6. He wrote to the county secretary on 13/06/2018 inquiring about his deployment or re-designation letter but the CS told him to wait and he has been going back and forth to his office but without any positive response.
7. He wrote again to the CS asking for the way forward but as 02/08/2018, there was no response.
8. He feels his rights are being violated for he had not been to office for 7months and two weeks as at 02/08/2018.
9. He made the following prayers;
 - i) He be re- designated to any office under the same job group because he is willing to serve the public and be assigned duties and responsibilities;
 - ii) He should be promoted to the next job group as he is qualified.

3.0 COMMITTEE FINDINGS AND OBSERVATIONS

Hon Speaker,

From the oral and written evidence submitted, the Committee made the following general observations and findings-

1. **THAT**, there were various officers earning salaries without performing any substantive duties, for example Peninnah Njiru and Nathan Vungo. This is contrary to Article 201(d) of the Constitution which calls for prudent and responsible use of public resources.
2. **THAT**, the position of the County Secretary has been held in an acting capacity for over three years, during which period the Kitui county public service has experienced various challenges ranging from threats of strike to unprocedural re- designations, amongst others. This is contrary to Section 34(3) of the Public Service Commission Act, 2017, which states that an Acting appointment shall be for a period not exceeding 6 months. Further, the positions of Deputy Sub County Administrator Kitui South has also been held in an acting capacity for over six months contrary to the above legal requirement.
3. **THAT**, the Public Service Board acting together with the office of the County Secretary violated or ignored the provisions of the PSC HR Policies and Procedures Manual for the Public Service B.21(3)(V) which states that “authorized officers shall be required to promote qualified officers before processing the re-designation requests.”

The witnesses who appeared before the Committee stated that they were re- designated without being promoted.

4. **THAT**, as at 2nd August, 2018, former Sub County Administrators turned Deputy Directors- Administration were operating without re-deployment letters. This made it difficult for them to discharge their duties effectively. Further the County Secretary

seemed very uncooperative in issuing the letter, and there seemed to be unresolved issues between the Former Sub County Administrators and the County Secretary.

5. **THAT**, the County Executive Committee created the positions of Administrators in the various Ministries. The County's organogram provided for the position of Deputy Director, but not Deputy Director Administration. Section 46 of the CGA mandates the County Executive Committee to determine the organisation of the county and its various departments.
6. **THAT**, the Kitui County Public Service Board has not put in place measures to ensure expeditious handling of disciplinary cases, as was evident in the case of Dominic Mumbu, interdicted on various allegations. This is contrary to Article 47 of the Constitution which bestows upon every person the right to administrative action that is expeditious, efficient, lawful, reasonable and procedurally fair.
7. **THAT**, various officers have been marginalized in performance of their duties. For instance, Mrs Peninah Njiru, Former Deputy SCA Kitui South, has not been assigned any other substantive duties after her duties were assigned to the Ward Administrator. As such, she just reports to the office and does discharge any duties.

As at 15/08/2018, Peninah Njiru Deputy had not been re- deployed to another Ministry. See Annex 5.

Further, as at 15/08/2018, and following the establishment of the position of Municipal Manager, Nathan Vungo, former Kitui Town Administrator, applied for the position but was unsuccessful. The office of the County Secretary stated that he will be deployed in another Ministry, which had not yet taken place as at 15/08/2018. See Annex 5.

8. **THAT**, the affected officers assured the Committee that they have no political interests and are ready to serve the County and there is no reason for them to not be assigned substantive duties.

The Committee therefore noted that the County Secretary and the Public Service Board should show cause why action should not be taken against them for: failing to give the officers substantive duties while still earning salaries and why they should not be surcharged.

9. **THAT**, lack of promotions is a major labour issue facing the Kitui County public service. The former Sub County Administrators who appeared before the Committee stated that they should have been promoted before re-designation but this did not occur. Further, as the Committee reviewed promotions for the period January to 30th June, 2018 and noted

that the promotions were mainly done in the Ministries of Health and Sanitation, and Agriculture Water and Livestock Development.

The views expressed by the witnesses who appeared before the Committee most probably represent the views of many other officer who are due for promotion but the same has not been effected.

10. THAT, the rights of county workers was not being adequately addressed and their rights were not being protected. This evidenced through lack of promotions, unprocedural re-designations, lack of fair administrative action in disciplinary cases, amongst others.

11. THAT, as at 13/09/2018, Dominic Mumbu had been charged with arson to Tourist Building Kitui which occurred in February, 2018. As such, Standing Order 85 on matters sub judice barred the Committee from considering the matter further until conclusion of court proceedings.

4.0 RECOMMENDATIONS

Hon Speaker,

Based on the oral and written evidence, submissions received and observations, the Committee makes the following recommendations:

- 1. THAT,** though there is an Acting County Secretary, a substantive County Secretary be nominated and forwarded for approval by the County Assembly for approval in adherence to Section 44 of the County Government Act, noting that such a key position has been held in an acting capacity for over three chaotic years. This will play a role in addressing some of the challenges facing the Kitui county public service. Further, all other positions held in an acting capacity in the Kitui County public service should be filled expeditiously. This should be done within 30 days after adoption of this Report.
- 2. THAT,** the former Sub County Administrators re- designated as Deputy Directors-Administration, be issued with deployment letters and also promoted in compliance with human resource regulations within 30 days after adoption of this report.

These officers are:

- i) Cosmus Musee Mwanzia;
- ii) Benard Mulevu;
- iii) Stephen Salee;
- iv) Penninah Nzile;
- v) Joyfred Mumo Kasamba;
- vi) Joshua Nyamai Mutembei.

3. **THAT**, the Public Service Board should put in place measures to ensure expeditious handling of disciplinary cases, to ensure that such cases are not pending for long periods of time which is demotivating to staff and against fair administrative action. This will also reduce wastage of public resources whereby staff earn salaries for prolonged periods of time while not discharging any duties.
4. **THAT**, the Kitui County Public Service Board be strictly guided by applicable laws, in discharge of its duties, failure to which the Committee will not hesitate commence removal from office proceedings for gross violation of the law in line with Article 251 of the Constitution and Section 58(5) of the County Government Act.
5. **THAT**, the responsible officers to strictly follow due procedures in re- designations, interdictions, and disciplinary cases. This will reduce litigation issues which are costly to the County and improve staff morale leading to improved performance for an effective public service.
6. **THAT**, whenever an office is established in the Kitui County public service, the same should be forwarded to the Assembly for approval. This is in compliance with section 62(2) of the County Government Act which states that if the Public Service Board intends to establish or abolish an office, it shall submit its proposal to the county assembly for approval through the County Executive Committee member responsible for the county public service.
7. **THAT**, the Public Service Board should ensure that public officers are promoted progressively so as to improve their morale and protect their welfare, which will lead to improved performance. The Board should also analyze officers due for promotion and the funds required, for consideration by the Budget and Appropriations Committee. The Committee should also make sufficient budgetary allocations for the promotions.
8. **THAT**, the County Secretary and the Public Service Board should inform the affected officers of the decisions that have made regarding the status of their employment within 30 days after adoption of this Report. Further, if they are dissatisfied with the decisions made, the affected parties are advised to appeal to the Public Service Commission in compliance with Section 77 of the County Government Act.
9. **THAT**, the County Secretary, Public Service Board officers and relevant accounting officers be surcharged for allowing public officers to earn salaries while they do not perform any duties, which has led to loss of public funds.

5.0 CONCLUSION

In conclusion, the Committee notes that it is through the human capital that Kitui County will be able to effectively provide services to its residents. The Committee therefore urges the CEC Member Public Service Management and Administration, the County Secretary and the Public Service Board to protect staff rights and welfare and also adhere to relevant employment laws to ensure an effective public service for improved service delivery.

We Members of the Committee on Labour and Social Welfare have adopted this Report and hereby affix our signatures to affirm our approval and confirm its accuracy, validity and authenticity:-

NAME	DESIGNATION	SIGNATURE
1. Hon Munyoki Mwinzi	Chairperson	.....
2. Hon Regina Mueni	Vice Chairperson	.....
3. Hon David Munyau	Member	.....
4. Hon Anthony Ndoo	Member	.....
5. Hon Charles Maema	Member	.....
6. Hon Munira Mohammed	Member	.....
7. Hon Anthony Mbiti	Member	.....
8. Hon Stephen Katana	Member	.....
9. Hon Josephine Mutie	Member	.....
10. Hon Nicholas Mwalali	Member	.....
11. Hon Boniface Kasina	Member	.....