

# REPUBLIC OF KENYA



## MANDERA COUNTY GOVERNMENT

# Mandera County Government Manual

## Volume 1

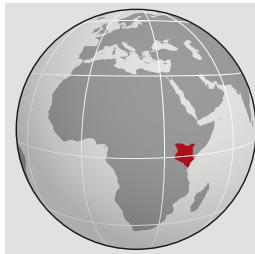
AUGUST, 2018

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**PUBLISHED BY OFFICE OF THE GOVERNOR, MANDERA.**

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*A county with unlimited opportunities and endless possibilities*



ETHIOPIA



Malka Mari

Hara Hurile

Banissa

Banissa

Ramu

Mandera

Dandu

Mandera West

Takaba

Mandera North

MANDERA

Lafey

Liberia

Mandera East

Finno

As-Habito

Wargadud

Shimbir Fatuma

El Wak

Mandera South

SOMALIA

WAJIR

Kutulo

Refugee Camp

Hospital

Major River

Minor Road

Major Road

County Boundary

Sub-County Boundary

Lake/ Ocean

## Mandera County factfile

Mandera County is located in the north eastern region of Kenya formerly called North Eastern Province. The county population is about 1,025,756 (559,943 males and 465,813 females) 2009 census.

It occupies an area of 25,991.5 square kilometres and has six constituencies - Mandera East, Lafey, Mandera North, Mandera South, Banisa and Mandera West. Mandera shares international boundaries with Ethiopia to the north and northwest and Somalia to the east and borders Wajir County to the south and southwest.



**EXECUTIVE OFFICE OF THE GOVERNOR**

**P.O. BOX 13 – 70300**

**MANDERA**

**MANDERA COUNTY GOVERNMENT MANUAL**

**2018**

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## **ABBREVIATION AND ACRONYMS**

**DHRMAC:** Departmental Human Resource Management Advisory Committee

**HR:** Human Resource

**PAS:** Performance Appraisal System

**PAF:** Personnel Action Form

**MCG:** Mandera County Government

**WIBA:** Work Injury Benefit

**DOSH:** Director of Occupational Safety and Health Services

**CPSB:** County Public Service Board

**CEC:** County Executive Committee

## **Foreword**

On my re-election as the Governor of Mandera County for a second term, I set out, together with Deputy Governor Mohamed Ahmed Arai, the details of our shared desire for an exemplary devolved political system in Kenya and beyond.

The Mandera County Government Manual sets out the internal rules and procedures under which Mandera County Government operates. It is a milestone in our devolution journey, because for the first time, guidelines on how the county government Executive interacts internally, as well as with other arms like the County Assembly and National Government, have been established.



The Mandera County Government Manual is primarily intended to provide a guide for members of Cabinet, the County Executive Committee Members, County Chief Officers, and county public servants, in the carrying out of government business. However, it will also serve to bring about greater transparency about the mechanisms of government.

Cabinet has endorsed the Mandera County Government Manual as an authoritative guide for ministers and officials, and I expect everyone working in government to be mindful of its contents.

Kenya has a liberal and modern Constitution that takes cognizance of historical and practical aspects of our lives, particularly Chapter 11 on Devolved Government. I see the Mandera County Government Manual as being invaluable in recording this and ensuring that the functions and roles of the county government are far more open. The manual will also help in reinforcing the need for accountable exercise of power.

**Ali Ibrahim Roba**  
**Governor,**  
**Mandera County Government**  
**2018**

## **ACKNOWLEDGEMENT**

The Office of the Governor Mandera County Government registers profound gratitude to many individuals, staff who worked tirelessly to craft this first volume of the Mandera County Government manual.

First, His Excellency the Governor Captain Ali Ibrahim Roba who personally developed the framework for the manual borrowing from lessons and experiences of his first term and guided the drafting team from time to time.

We equally thank Governor Roba for entrusting the team to undertake the rigorous exercise of concluding this document. This being the first time County Government is publishing such a document, we acknowledge it may still have gaps but is open for improvements in subsequent volumes.

The Office of the Governor is grateful to team from Mandera County Public Service Board – Mr. Abdinur Maalim Hussein, the chair, the secretary Mr. Abdifata Ogle, the Legal Advisor Mr. Adan Kullow, Ms. Lydia Wanyonyi and Mr. Williab Habwe for their tireless work in typesetting, design, layout and last but not least Mr. David Ohito Aol, the Chief of Staff for his editorial guidance and direction during production.

## CHAPTER ONE

### GOVERNMENT STRUCTURES, CABINET, GOVERNANCE AND OFFICIAL COMMUNICATION

Section A provides a summary of matters related to the Cabinet, Cabinet Committee, Government Structures, Official Communication and Official Correspondences. It shall be read alongside the Constitution of Kenya, the County Government Act, 2012, the Intergovernmental Relations Act, 2012, the Public Service Commission Regulations and other statutes.

The Public Service shall be responsible for the implementation of government policies and programmes as guided by the following values and principles of public service as stipulated in Article 232 of the Constitution:

- (a) High standards of professional ethics
- (b) Efficient, effective and economic use of resources
- (c) Responsive, prompt, effective, impartial and equitable provision of services
- (d) Involvement of the people in the process of policy making
- (e) Accountability for administrative acts
- (f) Transparency and provision of timely accurate information to the public
- (g) Fair competition and merit as the basis for appointment and promotion
- (h) Representation of Kenya's diverse communities and
- (i) Affording adequate and equal opportunities for appointment, training and advancement at all levels of the public service, of:
  - (i) Men and women
  - (ii) Members of all ethnic groups and
  - (iii) Persons with disabilities.

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

- (a) All State organs in both levels of government; and
- (b) All State and County corporations.

Public service will also be bound by the national values and principles of governance as stipulated in Article 10 of the Constitution. These include:

- (a) Patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people;

- (b) Human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized;
- (c) Good governance, integrity, transparency and accountability; and
- (d) Sustainable development.

## **1.0 ORGANIZATION AND PORTFOLIO STRUCTURE OF THE COUNTY EXECUTIVE**

The County Executive shall be organized in line with the Constitution of Kenya and pursuant to Section 30 of the County Governments Act Number 17 of 2012 and all other enabling laws and resolutions.

This section contains portfolio responsibilities and changes made in the structure of the County Executive which shall be as detailed in the below outline.

<b>Office of the Governor</b>	<ol style="list-style-type: none"> <li>1. Office of the Deputy Governor</li> <li>2. Chief Officer, Deputy Governor Office</li> <li>3. PA to the Deputy Governor</li> <li>4. Office of the Chief of Staff</li> <li>5. Office of the Deputy Chief of Staff and Chief operations Officer</li> <li>6. Political Advisor</li> <li>7. Security Advisor</li> <li>8. Religious Advisor</li> <li>9. Economic Advisor</li> <li>10. Legal Advisor</li> <li>11. Special Advisor -Gender, Youth and Special Group</li> <li>12. County Attorney</li> <li>13. PA to the Governor</li> <li>14. Special Aide to the Governor</li> <li>15. Mandera County Government spokesperson and Governor's speech writer</li> <li>16. Elders/Religious Advisory Council</li> <li>17. Protocol Service Department</li> <li>18. Governor's Delivery Unit</li> <li>19. Governor's Press Service Unit</li> <li>20. Liaison Office</li> <li>21. Efficiency Monitoring Unit</li> <li>22. Legal Services &amp; Compliance Unit</li> <li>23. County Government Printer and County Gazette Unit</li> </ol>
<b>COUNTY SECRETARY</b>	<ol style="list-style-type: none"> <li>1. De-Radicalization &amp; Counter Violence Extremism</li> <li>2. Governance, Civic Education &amp; Public Participation</li> <li>3. Deputy-County Secretary</li> </ol>

<b>MANDERA COUNTY GOVERNMENT MINISTRIES AND THEIR DEPARTMENTS</b>		
<b>S/NO</b>	<b>Ministries</b>	<b>Departments/Units (Headed by Directors)</b>
1.	<b>Public Service Management conflict management cohesion, integration and Devolved Units</b> <ol style="list-style-type: none"> <li>1. Public Service Management</li> <li>2. Conflict management, cohesion and integration</li> <li>3. Devolved Units</li> </ol>	<ol style="list-style-type: none"> <li>1. Public Service Management (HR)</li> <li>2. Conflict management, cohesion and integration</li> <li>3. Inspectorate and Enforcement Services</li> <li>4. Devolved Units</li> </ol>
2.	<b>Agriculture, Irrigation, Livestock and Fisheries</b> <ol style="list-style-type: none"> <li>1. Agriculture and Irrigation:</li> <li>2. Livestock and Fisheries</li> </ol>	<ol style="list-style-type: none"> <li>1. Agriculture</li> <li>2. Irrigation</li> <li>3. Livestock</li> <li>4. Veterinary Services</li> <li>5. Fisheries</li> </ol>
3.	<b>Finance (County Treasury) and ICT</b> <ol style="list-style-type: none"> <li>1. Accounting and financial services</li> <li>2. Revenue Services</li> <li>3. Economic Planning &amp; Statistics</li> <li>4. ICT and E-Government</li> <li>5. Special Program and Disaster Management</li> </ol>	<ol style="list-style-type: none"> <li>1. Supply Chain Management</li> <li>2. Treasury services</li> <li>3. Special Programs, Disaster preparedness and management.</li> <li>4. Budget</li> <li>5. Internal Audit</li> </ol> <ol style="list-style-type: none"> <li>1. Revenue</li> <li>2. Economic Planning &amp; Statistics</li> </ol> <ol style="list-style-type: none"> <li>1. Information and Technology Unit</li> <li>2. Printing and County Gazette Unit</li> <li>3. Communication &amp; Public Relation Unit</li> </ol>
6.	<b>Education, Culture and Sports</b> <ol style="list-style-type: none"> <li>1. Education &amp; Vocational Training</li> <li>2. Culture, Tourism and Sports</li> </ol>	<ol style="list-style-type: none"> <li>1. Early Childhood Development</li> <li>2. Youth Polytechnic and Vocational Education</li> <li>3. Quality Assurance</li> <li>4. Culture, Tourism and Sports</li> </ol>
5.	<b>Gender, Youth and Social Services</b> <ol style="list-style-type: none"> <li>1. Gender &amp; Social Services</li> <li>2. Youth Affairs</li> </ol>	<ol style="list-style-type: none"> <li>1. Gender and Social Services</li> <li>2. Youth Affairs</li> </ol>

6.	<b>Health Services</b> 1. Medical Health services 2. Public Health Services	1. Medical Services 2. Public Health services
7.	<b>Water Services, Environment, Energy and Natural Resources</b> 1. Water Services 2. Energy, Environment, and Natural Resources	1. Water services 2. Environment, Energy and Natural Resources
<b>S/NO</b>	<b>New Ministries</b>	
8.	<b>Lands, Survey, Physical Planning, Housing and Urban Development.</b> 1. Lands, Survey and Physical Planning 2. Housing and Urban Development	1. Lands, Survey and Physical Planning 2. Housing and Urban Development
9.	<b>Roads, Transport and Public Works</b> 1. Roads and Transport 2. Public works	1. Roads and Transport 2. Public Works
10.	<b>Trade, Investment, Industrialization and Cooperative Development</b> 1. Trade, Investment, Enterprise Development and industrialization 2. Cooperative development	1. Trade, Investment, Enterprise Development and industrialization 2. Cooperative development 3. Cooperative Audit

## 1.1 The Cabinet

1. The Cabinet is comprised of the Governor, the Deputy Governor, Executive Committee Members and personal advisors who are *ex-officio* members.
2. The Chief of Staff, who is the special secretary to the Governor, is the only official allowed to attend Cabinet meetings regularly.
3. The Governor may invite senior public service officials to give a special presentation to ministers in the Cabinet room.
4. The Governor may invite visiting dignitaries to meet members of Cabinet in the Cabinet room.
5. Respective Chief Officers may be required to be available to assist ministers at Cabinet meetings.

6. The permission of the Governor is required for any officials, including Chief Officers, to attend Cabinet meetings.
7. The Governor may invite officials of the County Public Service Board to give special presentations on matters relating to County Public Service.

## **1.2 The Cabinet Meetings Timetable**

1. The County Secretary shall publish cabinet meetings calendar every year and MUST set out dates and venues of the meetings.
2. The Cabinet meetings are held on the last Tuesday of every month at 2:00p.m. at the Mandera County Headquarters, or at such places as may be determined by the Governor.
3. The Cabinet meetings may be held at other times and other places as necessary.
4. The County Secretary shall, in advance, circulate the venue of the meetings and other relevant communications.
5. The Governor may, in exceptional circumstances, alter the date of the meetings or cancel Cabinet meetings.
6. The County Secretary shall, if Cabinet meeting time and venue is altered or cancelled, circulate notice of change of date and venue of Cabinet meeting, outlining reasons for the alteration or cancelation.

## **1.3 Cabinet Business and Matters for Cabinet Consideration**

1. The following issues and matters may require consideration by the Cabinet:
  - a) Proposals relating to the service delivery and delivery of the Government's priorities
  - b) Proposals requiring new or amendments to legislation or regulations
  - c) Proposals relating to general policy which require a collective decision of the Cabinet
  - d) Proposals affecting the Government's financial position, or important financial commitments
  - e) Proposals relating to a conflict of interest, functions or powers between ministries which has not been resolved at Cabinet level
  - f) Proposals, which by law, require the approval of Cabinet.

2. Proposals affecting Government's position or economic policy should always be discussed with the County Executive Committee Member for Finance before they are submitted to the Cabinet.
3. Proposals relating to conflict of functions shall not be referred to the Cabinet until all other possible means of resolving the conflict have been exhausted, such as personal correspondence, official discussion between concerned ministers, or personal discussion with the Governor.
4. Proposals not involving questions of general policy, which fall wholly within the responsibility of a single ministry, and do not require decision of the Cabinet, need not be brought to Cabinet at all.
5. Proposals for consideration by Cabinet shall be presented in self-contained memoranda prepared by the relevant ministry as prescribed in **paragraph 1.5**.
6. Nothing in these rules shall limit or otherwise affect the inherent rights of the County Executive Committee Members to submit to the Cabinet, memoranda setting out their views on general issues of policy which affect government's financial position or conflict of powers.

#### **1.4 Agenda of Cabinet**

1. The County Secretary takes instructions from the Governor on the subjects to be discussed at a particular meeting.
2. A minister may propose the subjects to be discussed in form of Cabinet memorandum through the County Secretary.
3. The County Secretary shall, in advance, circulate the agenda paper listing the items of the business with reference to relevant memoranda and any previous discussions in Cabinet.
4. The agenda paper MUST indicate the time, date and venue of the meeting.
5. Matters not on the agenda should only be raised if necessary, incidental to the topic under discussion or require very agent attention from the Cabinet.
6. The Governor may veto or discontinue matters not on the agenda or any other business (AOB).

## **1.5 The Cabinet Memoranda**

1. A Cabinet memorandum intended for consideration by the Cabinet MUST be signed by the minister concerned and submitted in original form to the County Secretary at least seven days before the meeting at which it is to be considered.
2. The Cabinet memorandum shall be brief, clear and in written form.
3. The Cabinet memorandum shall explain the subject matter and MUST conclude with a precise statement of the decision sought.
4. The structure of a Cabinet memorandum shall be in the following format:
  - a) Objective of the memorandum
  - b) Background of the subject matter
  - c) Analysis of the problem
  - d) Precise statement of the decision sought
  - e) Financial implications
  - f) Legal implication if any
  - g) Recommendations to the Cabinet
5. A sample template of a Cabinet memorandum shall be developed and installed in soft in each Cabinet member's official computer by the County Secretary.
6. County Executive Committee Members are expected to ensure adherence to the approved standard format in preparation of Cabinet memoranda submitted to the Cabinet.
7. Where a matter being submitted to the Cabinet involves more than one ministry, other County Executive Committee Members should co-sign the memorandum as a sign of their concurrence regarding the matter being submitted.
8. Whenever other ministries have been consulted, they MUST countersign a memorandum to indicate their concurrence with the views expressed. In case of a divergent view, the extent of the divergence should be indicated clearly for record.
9. Where a memorandum proposes a new programme, project, initiative or legislation, the memorandum should clearly describe:
  - a) Implications in terms of finances, legal, manpower and administrative capacity
  - b) Whether the necessary resources are available
  - c) When necessary legislations shall be put in place - time, date and person responsible.

- d) Whether the necessary strategy required for operation and maintenance has been put in place.
- 10. While it is sometimes useful to include a summary of the main points brought out in the body of the memorandum, such a summary should not exceed a paragraph.
- 11. To facilitate reference in discussion, paragraphs should be numbered.
- 12. Supporting data and other details should be provided in an appendix and numbered.
- 13. In case the County Executive Committee Member desires to seek the authority of the Cabinet to make a public statement, a draft press statement should be attached.
- 14. When a memorandum is proposing introduction of policy or legislation or amendment of an existing policy or legislation, a draft policy or bill should be attached.
- 15. The County Executive Committee shall spend enough time to prepare the memorandum and other relevant documents.
- 16. It's the duty of County Executive Committee Member to personally examine all memoranda before their submission to the Cabinet.
- 17. When submitting a Cabinet memorandum, the County Executive Committee Member responsible should ensure that adequate copies of the memorandum and other relevant documents (attachments) are produced and submitted for circulation and tabling.

## **1.6 Attendance of Cabinet**

- 1. Cabinet meetings take precedence over all other County Government business.
- 2. Regular and punctual attendance of Cabinet meeting is expected of all persons permitted to attend the Cabinet meetings.
- 3. All Cabinet members MUST attend every meeting of the Cabinet, unless the Governor has granted prior written approval for absence.
- 4. Where the County Executive Committee Member is unable to attend any meeting, he/she should, preferably in writing, notify the County Secretary as early as possible.

## **1.7 Cabinet Minutes and Decisions**

- 1. The County Secretary shall avail, in the Cabinet room, hard copies of minutes of the previous meeting one hour before the subsequent meeting, for correction and validation.

2. The County Secretary shall, in drafting Cabinet minutes, avoid reference to opinions expressed by particular County Executive Committee Members.
3. The County Secretary shall, in drafting Cabinet minutes, record the decision of the Cabinet, together with such summary of the discussion as may be necessary for the guidance of those called upon to take action on a decision.
4. Decisions of the Cabinet are drawn up in the form of regulations, instructions, circulars, recommendations and orders.
5. The County Secretary shall communicate Cabinet decisions through a County Secretary's Memo in prescribed form, to the County Executive Committees responsible for implementation.
6. The County Secretary's Memo MUST contain the Cabinet decision, date of the decision and relevant extracts of the minutes prominently marked "FOR ACTION".
7. The County Executive Committee Member responsible for implementation shall communicate the Cabinet decision through an Executive Memo in prescribed form to the Chief Officer responsible for implementation.
8. The County Executive Memo MUST contain the Cabinet decision, date of the decision and relevant extracts of the minutes prominently marked "FOR ACTION".
9. The Chief Officer MUST cascade/communicate Cabinet decisions to the lowest level of the department.
10. The County Secretary shall prepare a Secretary Memo in prescribed form to the Head of Delivery Units who shall report to the Governor on the implementation status and provide reason for failure to implement a Cabinet decision.
11. The County Secretary shall maintain a register for the recording of all Cabinet decisions, the date of forwarding to ministries for action and the date on which action is completed.
12. The Executive Committee responsible for implementation is required to report to the County Secretary the actions that have been taken on a Cabinet decision.
13. If for any reason a decision of the Cabinet has not been implemented, the Executive Committee responsible for implementation is required to report to the County Secretary within reasonable time.

14. Nothing in this rule absolves County Executive Committee Members from their personal responsibility to ensure that necessary action is taken by their ministries to implement Cabinet decisions on matters within their jurisdiction.
15. County Executive Committee Members and County Chief Officers are personally responsible for the safe custody of the extracts of Cabinet minutes sent to them.
16. In no circumstances should any person other than the County Executive Committee Members have access to the complete minutes of a Cabinet meeting at the County Secretary's Office.
17. Under no circumstance shall the County Secretary circulate full copy of the minutes without approval of the Cabinet.
18. Despite rules outlined in this paragraph, the minute of the Cabinet and the discussion therein remain confidential unless the Cabinet decides otherwise.
19. In case any legal entity requires extracts of the minutes, the request must be made in writing and addressed to the County Secretary. The County Secretary MUST consult the Governor before providing extracts of Cabinet minutes.

### **1.8 Return of Cabinet Documents**

Cabinet documents, including those relating to committees of the Cabinet, remain the property of the County Government. A County Executive Committee Member on relinquishing office shall surrender to the County Secretary all such documents.

### **1.9 Confidentiality and Collective Responsibility**

1. The principle of collective responsibility demands strict confidentiality in all Cabinet proceedings and documentation.
2. A Cabinet decision is a collective decision and Cabinet members MUST defend it collectively.
3. While the idea of arriving at a Cabinet decision could have been given by specific members, there shall be no any reference to persons who have contributed to those decisions, rather, such decisions MUST be referred to as the Cabinet decisions.
4. Effective Cabinet confidentiality requires the protection of Cabinet deliberations, not only at the time an issue was current, but also in the future.
5. Method of discussion in Cabinet meeting and questions addressed thereof are essentially an internal matter, and is no concern of the County Assembly or the public.

6. The collective responsibility of County Executive Committee Members depends, in practice, on the existence of free and frank discussion between members of the Executive Committee and such discussions are compromised, if the manner in which they are carried is laid bare.

#### **1.10 Chairs of Meetings and Quorum for Cabinet**

1. The Governor chairs meetings of the Cabinet.
2. The Cabinet Committee shall be chaired by the Governor, and in his absence, the Deputy Governor or Minister elected by the members present.
3. A quorum for Cabinet meeting shall be more than one half of its membership.
4. No substantive agenda touching on a given ministry shall be discussed in the absence of the respective minister.

#### **1.11 Code of Dressing at Cabinet meetings**

1. The dress code for all Cabinet meetings and other formal events shall be professional attire, and all Cabinet members are required to be formally dressed, that is to say: (a) trousers, shirt and tie; or safari suit or Kaunda suit for male members.
2. In cold weather, all Cabinet members shall wear full formal suit, shirt, tie and boots.
3. All female members shall dress in a smart, decent and dignified manner.
4. Cabinet members of the Islamic faith may, on Fridays, wear a white *kanzu* buttoned at the neck and open shoes. The religious hat is also acceptable.
5. Non-compliance with the dress code may result in the individual being dismissed to change into appropriate clothing, dismissed for the remainder of the meeting, or other consequences as may be deemed necessary by the Governor.
6. Where the Governor dismisses the County Executive Member from a meeting for non-compliance with this guideline, the County Executive Committee member will be deemed absent.
7. It is the responsibility of the County Secretary to enforce the dress code and uniform rules.

#### **1.12 Declarations of Private Interests/Conflict of interest**

1. Ministers and officials attending Cabinet or Cabinet committee meetings MUST declare any private interests which may give rise to a conflict with their public duties.
2. The County Secretary shall maintain a register called Conflict of Interest Register.

3. The County Secretary MUST record such declaration in the in Conflict of Interest Register and in Cabinet minutes.
4. The Governor or Chair of Cabinet Committee meetings may excuse a minister from a discussion when conflict of interest is declared.

## **1.13 The Cabinet Committees**

### **1.13.0 The Cabinet Committees**

1. The Cabinet may establish standing or ad hoc committees of its own members with delegated authority to deal with specified subjects.
2. Each Cabinet Committee shall comprise of County Executive Committee and Chief Officers and may appoint any other critical officer as may be deemed necessary.

### **1.13.1 Standing Cabinet Committee**

1. The Governor shall, through a Cabinet resolution, appoint members of the following standing committees:
  - a) Committee on Land Administration
  - b) Committee on Health Management
  - c) Committee on Water Management
  - d) Committee on Road and Infrastructure.
2. Cabinet members shall volunteer to join any standing committee of their choice.
3. The maximum members of any standing committee shall be four.

### **1.13.2 Committee Business**

1. Cabinet Committee members shall, at the first sitting, elect a Chairperson and Vice Chairperson to perform such duties as may be delegated by the Committee.
2. The Chief Officer responsible for matters relating to the standing committee shall be the secretary to the Committee (hereafter referred to as “The Cabinet Committee Secretary”).
3. A Cabinet Committee shall hold meetings at such places as may be determined by the Chair of the Committee.
4. A quorum for Cabinet committee meeting shall be a half of its membership.
5. A Cabinet committee shall hold at least one meeting every two months.

6. The decisions of a Cabinet committee shall be by consensus and where a vote becomes necessary, by a simple majority.

#### **1.13.3 Agenda of Cabinet Committees**

1. The relevant Cabinet Committee Secretary shall prepare an agenda for each meeting of the Cabinet committee.
2. The Chairperson of the relevant committee shall approve the agenda, date and time of meeting.
3. The relevant Cabinet Committee Secretary shall circulate approved agenda together with memoranda at least seven days before the date of the meeting.

#### **1.13.4 Memoranda for Cabinet Committees**

1. Memoranda for Cabinet committees shall be submitted to the relevant Cabinet Committee Secretary in the same way as memoranda for a full Cabinet meeting.
2. Memoranda approved by the relevant Chairperson of the Cabinet committee shall be circulated with the agenda at least seven days before the meeting.

#### **1.13.5 Attendances at Cabinet Committee Meeting**

1. County Executive Committee Members appointed to a specific Cabinet Committee are required to attend and participate in all meetings of the Cabinet committee.
2. No substantive agenda touching on a given ministry shall be discussed in the absence of the respective minister.
3. The relevant chairperson may require the attendance of any public official to speak on any item under discussion. Upon discussing the agenda for which the public official had been invited for, the official will be excused to leave the meeting.

#### **1.13.6 Cabinet Committee Minutes and Decisions**

1. The proceedings of the Cabinet Committee shall be recorded in writing by the relevant Cabinet Committee Secretary.
2. The Cabinet committee minutes shall be submitted to the Cabinet meeting for endorsement.
3. The Cabinet meeting may alter a Cabinet committee decision or ask a Cabinet committee to further consider the matter under discussion.

4. The County Secretary shall be the custodian of the Cabinet committee documents.

### **1.13.7 Ad hoc Committee and Task Forces**

1. The Governor, through a Cabinet resolution, may appoint temporary task force or ad-hoc Cabinet committees.
2. The provisions of **Clause 2.0** of this circular relating to the standing Cabinet committee business, agenda, memorandum, attendance and decisions shall apply, with the necessary modifications, to the appointment of a task force or ad hoc committee.

## **1.14 Government Communications and Correspondence**

### **1.14.0 Government Communication**

#### **1.14.1 Communication by/with County Secretary**

1. The County Secretary may communicate directly with the Governor/Deputy Governor by way of minutes, phone, emails, letters or verbally, as may be appropriate.
2. The County Secretary may see the Governor by arrangement whenever he/she wishes to do so.
3. The County Secretary shall inform the Governor at the earliest opportunity of any important event connected with the administration of functions of the County Government.
4. The County Secretary may communicate with the ministers on official matters by letters or minutes.
5. The County Secretary shall not communicate with the Chief Officers directly without awareness and permission of concerned minister.
6. In any matters that may require direct communication with the Chief Officers or routine instructions, the County Secretary must do so and shall confirm his/her instructions to the relevant minister.
7. To maintain a clear line of communication, authority and to avoid multiplicity of roles, the County Secretary shall not communicate with the Heads of Departments, Directors or Board Members under the control of other ministries or departments.
8. The County Secretary may communicate with Sub-County Administrators to coordinate or implement functions allocated to him/her or functions allocated to the Governor's office.

9. Where the function in question involves more than one ministry, the County Secretary should involve respective ministers.

#### **1.14.2 Communication by/with the County Executive Committee Members**

1. The CECs may communicate directly with the Governor through the Chief of Staff by minutes, letters or verbally, as may be appropriate.
2. The CECs may see the Governor/Deputy Governor by arrangement whenever he/she wishes to do so.
3. The CECs shall inform the Governor/Deputy Governor at the earliest opportunity of any important event connected with the functions or tasks assigned to them.
4. A CEC may communicate with other ministers on official matters by letters or minutes.
5. A CEC may communicate with the Chief of Staff and advisors directly or through the County Secretary.
6. A CEC may communicate with their Chief Officers on official matters by letters, minutes or verbally.
7. A CEC shall communicate with a Chief Officer of another ministry through the relevant minister.
8. To maintain clear line of communication, authority and to avoid multicity of roleS, a CEC shall not communicate with a Chief Officer of another ministry directly.
9. In any matters that may require direct communication with Chief Officers or routine instructions, a CEC shall confirm his/her instructions directly to the relevant CEC as soon as possible.
10. A CEC shall not communicate with the Heads of Departments, Directors or Board Members under the control of the other ministries or departments.
11. The CECs may communicate with Sub-County Administrators to coordinate or implement functions allocated to him/her through his or her Chief Officer.
12. Where the function in question involves more than one Ministry, a CEC shall involve respective CECs.

#### **1.14.3 Communication by/with the Chief of Staff**

1. The Chief of Staff may communicate with Governor/Deputy Governor by minutes, telephone, letters, email or verbally, as may be appropriate.
2. The Chief of Staff shall inform the Governor/County Secretary at the earliest possible opportunity, of any important event connected with the administration of functions of Government allocated to them.
3. The Chief of Staff may communicate with the CECs by letter or minutes.
4. To maintain clear line of communication, authority and to avoid multiplicity of roles, the Chief of Staff may not communicate with the Chief Officers.
5. The Chief of Staff may not communicate directly with directors or officials of departments under control of another ministry.
6. The Chief of Staff may communicate with Sub-County Administrators on behalf of the Governor directly to coordinate or implement functions of the Government.

#### **1.14.4 Communication by/with the Advisors**

1. Advisors may communicate with the Governor/Deputy Governor by minutes, letters or verbally, as may be appropriate.
2. Advisors may see the Governor or the County Secretary by arrangement, whenever they wish to do so.
3. An Advisor shall inform the Governor/County Secretary at the earliest possible opportunity of any important advice connected with the administration of functions of the County Government.
4. Advisors may communicate with the CECs or Chief Officers by letter or minutes.
5. To maintain clear line of communication, authority and to avoid multiplicity of roles, Advisors may not communicate directly with Chief Officers.
6. In any matter that may require direct communication with the Chief Officers or routine instruction, an advisor shall confirm his instructions directly to the relevant CEC.
7. Advisors may not communicate with Directors, Heads of Department or Sub-County Administrators directly to coordinate or implement function of the Government.

#### **1.14.5 Communication by/with Chief Officers**

1. Chief Officers may communicate with the Governor/County Secretary through the appropriate CEC, not directly.
2. Chief Officers may communicate directly with their respective CECs by minutes, emails, letters, telephone or verbally, as may be appropriate.
3. Chief Officers may see their CECs by arrangement whenever they wish to do so.
4. A Chief Officer shall inform their CEC at the earliest opportunity of any important event connected with the administration of functions of ministry allocated to them.
5. A Chief Officer may communicate with the Heads of Departments or Directors under their control by letter, minutes or verbally.
6. If a Chief Officer wishes to communicate with a department not falling within his portfolio, he will do so through the appropriate Chief Officer and not directly.
7. To maintain clear line of communication, authority and to avoid multiplicity of roles, a Chief Officer may communicate with officials of departments under his general control through the appropriate Director or Head of Department, as the case may be, and not directly.
8. In any matters that may require direct communication with the Chief Officers or routine instruction, the Chief Officer shall confirm his/her instructions directly to the Director or Head of Department as soon as possible.
9. A Chief Officer may not communicate directly with directors or officials of departments that do not fall within his/her portfolio.
10. A Chief Officer may communicate with Sub-County Administrators directly to coordinate or implement function allocated to them.
11. Where the function in question involves more than one department, the Chief Officer should involve respective chief officers directly.

#### **1.14.6 Communication by/with Directors**

1. To maintain a clear line of communication, authority and to avoid multiplicity of roles, directors may communicate with their ministers through the appropriate Chief Officer, not directly.

2. In any matters that may require direct communication with the CEC or routine instruction, the director concerned shall confirm his instructions directly to the Chief Officer as soon as possible.
3. Directors may communicate directly with their respective Chief Offices by minutes, letters, emails telephones, or verbally, as may be appropriate.
4. Directors may see their Chief Officers by arrangement whenever they wish to do so.
5. A director shall inform the Chief Officer at the earliest opportunity of any important event connected with the administration of functions of Government allocated to them.
6. Directors may communicate directly with officials under their control by letter, minutes or orally.
7. If a director wishes to communicate with a department not falling within his portfolio, he/she will do so through his Chief Officer and not directly. In the absence of the Chief Officer, a director will communicate with other department through his/her minister.
8. A director may communicate with Sub-County Administrators through his/her Chief Officer to coordinate or implement functions allocated to them.

#### **1.14.7 Responsibilities and Communication by/with the Sub-County Administrator**

1. It is the responsibility of the Sub-County Administrator to coordinate the implementation of Government policies, programmes and service delivery in the Sub-County and Wards.
2. A Sub-County Administrator has varying responsibilities to every Chief Officer and a special responsibility to the Governor for coordinating and guiding all Government activities in a Sub-County.
3. The Sub-County Administrator shall be functionally responsible to the relevant Chief Officer.
4. For the avoidance of doubt, it is the responsibility of the Sub-County Administrator to supervise and manage staff deployed across the sub-county to coordinate and implement government policies and functions.
5. The Sub-County Administrator may grant leaves, such as paternity/maternity and sick leaves, with express permission of the respective Chief Officer.

6. The Sub-County Administrator MUST communicate, in writing, to the respective Chief Officer on leave documents and forms to the respective Chief Officer or Head of Department at the earliest time possible.
7. Application for annual leave shall be submitted on the appropriate form to the respective Authorized Officer or Head of Department.
8. County staffs/officers deployed across the sub-county shall report to the sub-county to coordinate or implement functions allocated to them.
9. County staffs/officers intending to leave their sub-county headquarters on tour or leave must have express permission, and must notify the Sub-County Administrator of the probable period of absence and date of departure, at least three days in advance.
10. The Sub-County Administrator shall report to the relevant ministry and the office of the Governor on staff return, staff performance, activities and project implementation.

#### **1.14.8 Communication by/with the County Public Service Board**

1. All communication with the Board shall be addressed to the Secretary, County Public Service Board.
2. Officers of the Board may communicate with the Board only in exceptional cases, and should channel their communications through the Secretary of the County Public Service Board.
3. The Secretary to the Board will communicate the decisions of the Board to County ministries/ departments in respect to all cases through the County Secretary/respective Chief Officers, in writing.
4. The Governor and CECs may communicate with the County Public Service Board by letter or minutes through the Chairperson of the Board.
5. A Chief Officer may communicate with the County Public Service Board through the Secretary, Public Service Board.
6. For the avoidance of doubt, directors or heads of department and administrators shall not communicate with the County Public Service Board directly.

### **1.15. GOVERNMENT CORRESPONDENCE**

#### **1.15.0 Forms of Correspondence**

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 days, unless it can genuinely be established that such consultations require a longer period.
2. Correspondence within the County Public Service should be as concise as possible, indicating the general background to the issue and advice or decision sought on the issue.
3. Each correspondence should be confined as much 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. Documents received in foreign languages should be translated to English or Kiswahili.

5. Any information relating to Government business should not be communicated to the general public without the sanction of the Authorized Officer of the County Department concerned.
6. 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.
7. The responsibility of ensuring that correspondence reaches its destination rests with the sender.

#### **1.15.1 Communication by Public Officers**

1. A public officer shall communicate to his Authorized Officer through his head of department.
2. All communication to the County Public Service Board shall be through his/her 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.

#### **1.15.2 Correspondence with Other Governments or Administrations**

Any correspondence between Mandera County Government and other administrations shall be through the office of the Governor, or after approval is secured by respective ministries/County Departments.

#### **1.15.3 Classified Correspondence**

1. The application of security level of County communication shall be as per the Government of Kenya Security Manual in regards to instructions on classified correspondence.
2. The appropriate classification should be clearly marked at the top and bottom of every page of all classified documents.
3. Authorized Officers will be held responsible for ensuring that the most careful attention is paid to security matters in all offices under their control. The attention of all officers having access to classified information should be particularly drawn to the Security

Manual regularly.

#### **1.15.4 Use of Modern Means of Communication**

1. For faster communication, County Departments shall adopt modern means of communication such as use of e-mail, fax and telephones.
2. 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.

### **1.16. Confidentiality, Data Protection and Press Statements**

#### **1.16.0 Unauthorized Disclosures of Information**

1. Matters under consideration by the Cabinet or a committee of Cabinet should not be disclosed to Press, the media or a journalist, unless with the approval of the Governor.
2. Disclosure of matters under consideration by the Cabinet or a committee of Cabinet is considered contravention of the oath of secrecy and must therefore be avoided.
3. County Executive Committee Members and other officials shall not discuss a policy which has not yet been published by authorized persons.
4. County Executive Committee Members shall not discuss unpublished policies in public places.

#### **1.16.1 Data Protection**

1. County Executive Committee Members have a personal responsibility to ensure that all members of their staff understand that the appropriate data security precautions are strictly observed in their ministries.
2. Government documents and Cabinet extracts shall only be accessed by ministers, chief officers or by their immediate officials responsible for the implementation or formulation of particular policies/decisions.
3. County Executive Committee Members MUST ensure and satisfy themselves that strict confidentiality is observed in the handling of Cabinet and Cabinet committee documents, and that all instructions on the same are carried out.
4. County Executive Committee Members are supposed to notify the County Secretary of any disclosures of information about the proceedings of Cabinet, which may come to their

notice and assist in investigations involving the ministries and departments under their supervision.

5. All public officials handling sensitive documents shall adhere to the Public Officer Code of Conduct and Oath of Secrecy.
6. Members of Cabinet have responsibilities that go beyond their ministries, and will in that capacity, receive documents which do not concern any of their staff.
7. Experience shows that leakage of information often occurs as a result of skillful piecing together, by the Press and other interested persons, of isolated scraps of information, each in itself apparently of little importance, gathered from several sources. The only safe rule is, therefore, never to mention such matters, even in the form of guarded allusions, except to those who must be informed in public interest.
8. Confidentiality cannot be secured solely by rules, no matter how carefully drawn. Public business cannot however be transacted without a fairly wide dissemination of confidential information within circles. It is therefore essential to observe high standards of discretion by all who acquire knowledge of such information in the course of their duties.

#### **1.16.2 Official Tours, Speeches and Broadcasts**

1. When addressing meetings, County Executive Committee Members must keep within the restricted jurisdiction of their responsibilities and hence, avoid directives/announcement that ought to be given by the Governor or the Deputy Governor.
2. In the event they are confronted by circumstance that may require involvement from another ministry, the County Executive Committee Member concerned must first consult the colleague in charge for purposes of presenting correct information.
3. The Governor should invariably be consulted before any matter relating to inter-governmental relations with other counties and non-governmental organizations.
4. Press statements relating to inter-governmental relations shall only be made with the approval of the Governor or Deputy Governor.
5. Whenever County Executive Committee Members visit county government or government institutions for which they are responsible, they should ensure that prior and adequate notice is given to the head of the institution concerned.

6. This rule does not apply to invitations to County Executive Committee Members to speak to students at training institutions.
7. County Executive Committee Members must remember that their principal task is to promote the image of the County Government, and any promise or undertaking made must be made in the name of the county.

#### **1.16.3 Effects of Business in the County Assembly on Government Business**

1. Unless they have first obtained the consent of the Governor, County Executive Committee Members shall avoid saying anything which might affect the programme of County Government business in the County Assembly.
2. County Executive Committee Members shall only present authorized documents to the County Assembly.
3. County Executive Committee Members shall not promise to submit any legislation without the express approval of the Cabinet.
4. County Executive Committee Members shall not make statements which might have financial consequences without prior consultation with the County Executive Committee Member responsible for Finance and Economic Planning.

#### **1.16.4 Press Articles and Interviews by County Executive Committee Members**

1. County Executive Committee Members and public servants are precluded from journalism in any form. This prohibition does not however extend to authorship or writing of literary, historical, scientific, philosophical or romantic nature.
2. The rules should not be construed as barring County Executive Committee Members from communicating with the Press. The County Executive Members shall, in consultation with the Director, Governor's Press Services, address the Press or give interviews.
3. County Executive Committee Members may, in some occasions, engage the Press or issue statements to inform, educate and enlighten the public on matters of interest regarding their ministries. The Director, Governor's Press Services, will perform the intermediary role between the County Executive Members and the Press.

4. The decision to engage the Press directly or issue a Press statement by a County Executive Committee Member will however be guided by their obligations to the people of Mandera and coordinated through appropriate channels.
5. The granting of special interviews to individual Press representatives is the discretion of County Executive Committee Member concerned. Such interviews should however be confined to expounding County Government policy or work of their respective ministry.
6. The County Executive Committee Member must remember his or her obligation to the people of Mandera while conducting such interviews, and should avoid favouring any media house, as this may raise serious concerns from others and generate uncalled for hostility to the County.
7. It is highly recommended that the Governor's spokesperson handles critical communication with the Press as the spokesperson of government.
8. County Executive Committee Members should bear in mind that their relations with the Press are always liable to be the subject of questions relating to County Policy.
9. In cases where opinions or personal views are published or broadcast in media, the officials must include a disclaimer that such content is personal opinion and not that of the County Government.

#### **1.16.5 Civil Servants and the Press**

1. Civil servants may not communicate in writing with the media on matters affecting the County Government programmes or policies without specific authority from the County Executive Committee Member concerned.
2. Communication to the Press will always be transmitted through the Press Director.
3. Civil servants will not grant interviews or make statement to Press representatives on matters affecting County Government programmes or policies, except with the specific authority of the County Executive Committee Member concerned, and in the presence of a representative of the ministry responsible for matters concerning information.

#### **1.16.6 Procurement of Communication Devices and Computers**

1. The ministries shall not procure communication device such as phones and other mobile devices, computers and other accessories, without clear guidance from the ICT department.

2. The department in charge of ICT shall determine the appropriate communication devices and service plan for each ministry based on availability of funds, and only after determination that the need for such devices is valid.
3. The departments in charge of ICT will retain ownership and maintain inventory controls over the devices, and administer the service plan.

### **1.16.7 Political Activities**

An officer may not engage in political activity anywhere, whether national or local, which would be prejudicial to the interest of the service or be inconsistent with his position.

### **1.17 Absence of County Executive Committee Members from Mandera County**

County Executive Committee Members who wish to be absent from Mandera County require written permission of the Governor. In the case of a Chief Officer or Head of Department, a written permission from the minister concerned or immediate supervisor is a must.

### **1.18 Integrity and Professionalism**

All County officers/ staff shall be expected to maintain high standards of performance, integrity and professionalism in line with the County's mission, core values and code of conduct.

### **1.19 Official Seals**

The use of official seals in all County Government offices must be confined strictly to official requirements. Applications by private persons for impressions of official seals must be rejected.

### **1.20 Consultation and Cooperation**

#### **1.20.0 Consultations with Other Ministries**

In order for County Chief Officers to perform their functions effectively, they are advised to maintain good and regular consultative mechanisms with other ministries and the Governor's Office.

#### **1.20.1 Consultation Between County Executive Committee Members at Official Levels**

It is the duty of County Executive Committee Members and County Chief Officers to ensure that they, and all officers under their supervision, embrace consultations and cooperation at all levels.

### **1.20.2 County Chief Officers and Heads of Departments**

1. It is the duty of County Chief Officers to ensure that consultations and cooperation within, and among ministries and departments, are strengthened.
2. Chief Officers shall also determine the appropriate levels of either verbal consultations or written communications, and the extent of the consultations in the ministry's hierarchy.

### **1.20.3 County Executive Committee Members and External Advisors/Consultant**

1. County Executive Committee Members are at liberty to seek advice from external persons outside the County Government officials while looking for information on any subject affecting the administration of their ministries.
2. While the information so obtained may be valuable in apprising themselves of all aspects of any particular matter, the County Executive Committee Members are advised to exercise good judgment before using such advice in policy or decision-making.

## **1.21. Government Structures - Executive Offices Under the Office of the Governor**

### **1.21.0 Functions of County Ministries/ Departments**

The allocation of functions to County Departments shall be as set out in the Governor's Circulars issued from time to time.

### **1.21.1 Departmental Framework, Strategic and Action Plan**

1. Every ministry/department MUST develop strategic directions, action plans and clear arrangements for internal control (hereafter referred to as "The Departmental Framework").
2. The departmental framework must set out departmental vision, priorities, structures, human resource and financial management.
3. The departmental framework MUST outline arrangement for performance monitoring and internal control.
4. The departmental framework MUST take into account the County Integrated Development Plan, County sectoral plans, County spatial plans, city or municipal plans and other policies, if any.

5. Each department must develop the following documents: Departmental Strategic Plan, Customer Service Charter, Work Plans, Procurement Plans, Budget Plans and programme-based plans.

### **1.21.2 Reporting**

The Deputy Governor, County Executive Committee Members, County Secretary, Chief of Staff and Special Advisors are answerable directly to the Governor for the discharge of responsibilities assigned to them by the Governor.

### **1.21.3 Access of County Executive Committee Members to the Governor and Relationship with the Governor**

1. The Governor may request County Executive Committee Members or special advisors to see him at any time to discuss any function entrusted to them.
2. County Executive Committee Members and special advisors are expected to keep in constant and close touch with the Governor by letter, phone, minutes or verbally.
3. It is the duty of the County Executive Committee Members or special advisors to inform the Governor at the earliest opportunity of any important event which require to be brought to the attention of the Governor.
4. County Executive Committee Members are accorded audience with the Governor by arrangement, whenever they wish to do so.

### **1.21.4 Functions and Responsibilities of County Governor**

1. The Governor shall:
  - (a) Diligently execute the functions and exercise the authority provided for in the Constitution and legislation
  - (b) Perform such State functions within the county as the President may from time to time assign on the basis of mutual consultations
  - (c) Represent the county at national and international forums and events
  - (d) Appoint, with the approval of the county assembly, the County Executive Committee in accordance with Article 179(2)(b) of the Constitution
  - (e) Constitute the County Executive Committee portfolio structure to respond to the

functions and competencies assigned to and transferred to each county

- (f) Submit the county plans and policies to the county assembly for approval
- (g) Consider, approve and assent to bills passed by the county assembly
- (h) Chair meetings of the County Executive Committee
- (i) By a decision notified in the County *Gazette*, assign to every member of the County Executive Committee responsibilities to ensure the discharge of any function within the County, and provision of related services to the people
- (j) Submit to the County Assembly an annual report on the implementation status of the county policies and plans
- (k) Deliver annual state-of-the-county address containing such matters as may be specified in county legislation
- (l) Sign and cause to be published in the County *Gazette*, notice of all important formal decisions made by the governor or by the County Executive Committee.

2. Performing the functions under subsection (2), the governor shall:

- (a) Provide leadership in the county's governance and development
- (b) Provide leadership to the County Executive Committee and Administration based on the County's policies and plans
- (c) Promote democracy, good governance, unity and cohesion within the county;
- (d) Promote peace and order within the county
- (e) Promote the competitiveness of the county
- (f) Be accountable for the management and use of County resources
- (g) Promote and facilitate citizen participation in the development of policies and plans, and delivery of services in the county.

### **1.21.5 Powers of the Governor**

3. The Governor:

- (a) May, despite section 40, dismiss a County Executive Committee member at any time, if the Governor considers that it is appropriate or necessary to do so
- (b) Shall dismiss a County Executive Committee member, if required to do so by a resolution of the County Assembly as provided for under Section 40
- (c) May appoint an accounting officer for each department, entity or decentralized unit of

the county government

(d) Shall have such powers as may be necessary for the execution of the duties of the office of governor.

#### **1.21.6 Functions of the Deputy Governor**

1. The Deputy Governor shall deputize the governor in the execution of the Governor's functions.
2. The Governor may assign the Deputy Governor any other responsibility or portfolio as a Member of the County Executive Committee.
3. When acting in office as contemplated in Article 179(5) of the Constitution, the Deputy Governor shall not exercise any powers of the Governor to nominate, appoint or dismiss, powers that are assigned to the Governor under the Constitution or other written law.
4. The Governor shall not delegate to the Deputy Governor any of the functions referred to in subsection (3).

#### **1.21.7 County Secretary**

1. The County Secretary is the head of public service and, in accordance with such instructions as may be given by the Governor, arranges the business and keeps the minutes of meeting of the Cabinet, and conveys the decisions of the Cabinet to relevant person or authorities.
2. The County Secretary is responsible to the Governor for ensuring that action is taken by the relevant authorities on all Cabinet decisions and for this purpose, he/she will maintain a register of all Cabinet decisions and action taken thereon.

#### **1.21.8 County Executive Committee Member**

1. A County Executive Committee Member is a public officer appointed by the Governor upon approval by the County Assembly.
2. In addition to the functions provided under Article 183 of the Constitution of 2010 and Section 36, 37 and 39 of the County Government Act, 2012, a County Executive Committee Member shall, subject to the general direction and control of the Governor, exercise supervision over the department(s) which are under his/her purview.

3. It is the duty of the County Executive Committee Member to advise the Governor on all matters of policy that fall under his/her responsibilities.
4. The County Executive Committee Member shall assist in the formulation of policy, ensure that decisions on policy are transmitted to proper quarters for execution, and keep the Governor informed of the progress made in translating such decisions into action.
5. The County Executive Committee Member must inform the Governor in advance of their itinerary when they are leaving their headquarters on official business, together with the address of where they can be contacted at any time.
6. Annual leave for a County Executive Committee Member MUST be approved by the Governor.

7. General responsibilities of the ministers are:

- a) The CEC in charge of the department is responsible and answerable to the Governor for the exercise of the powers on which the administration of that department depends.
- b) The CEC has a duty to the Governor to account and to be held to accountable for all the policies, decisions and actions of the department.
- c) The CEC may delegate to his or her responsibility to the chief officer for a defined range of departmental work.
- d) When the CEC devolves such responsibility to the Chief Officer, that delegation should be made in writing.
- e) Where a CEC delegates authority to departmental officials or to officials in any agency through which the department operates, there should be a clear definition in writing of the delegation of those responsibilities.
- f) Where the CEC delegates powers to officials, the decisions taken using these powers remain decisions for which ministers are accountable to Governor.
- g) The CEC may consider the best way to run his/her departments through written guidelines.

### **1.21.9 Chief Staff**

1. The Chief of Staff is responsible to the Governor for the general efficiency of the public service, for co-ordination of the activities of public servants and for the overall organization of the machinery for the execution of County Government policies.
2. The Chief of Staff is required to maintain close contact with all County Executive Committee Members who have a corresponding duty to facilitate the maintenance of this contact.
3. The Chief of Staff is ultimately responsible to the Governor for ensuring that all agencies of the County Government are adequately staffed for the performance of their functions.
4. The Chief of Staff is the supervisor of the Delivery Unit responsible for tracking and monitoring progress of all County projects and reports to the Governor.
5. All County Executive Committee Members have a duty to keep the Chief of Staff informed of staffing and operational problems and major policy issues in their ministries.
6. The Chief of Staff supervises the Protocol office, as well as the Communication Departments/Governor's Press Service.

### **1.21.10. The Legal Advisor**

1. The County Government Act, 2012 makes special provision for the Governor's authority to establish the office of Legal Advisor in the County Government. The Legal Advisor is the head of the Legal Department and is not responsible to any County Executive Committee Member in the exercise of his/her professional judgment.
2. The Legal Advisor is the principal legal advisor to the County Government and his/her opinion should be sought at an early stage in all matters which have legal, legislative or constitutional ramifications.
3. A request for legal advice should be addressed to the Legal Advisor under the signature of the Deputy Governor, County Executive Committee Member or County Chief Officer to the ministry or department concerned.
4. The request shall summarize the issue and clearly state the specific points on which advice is required. All relevant papers should be attached and referenced.
5. In case of litigation, the ministry concerned is responsible for supporting the Legal Advisor in signing affidavits and providing all required information, documents and evidences.

6. County Executive Committee Members and County Chief Officers shall never accept any liability on behalf of the County Government without having received advice from the Legal Advisor's office.
7. County Executive Committee Members shall desist from engaging private lawyers to represent the County Government in court, unless otherwise advised by the office of the Legal Advisor.
8. It is highly advised that ministries engage the office of the Legal Advisor in matters of litigation, drafting legislation, drafting policies that may affect their ministries right from the beginning, rather than seeking help when it is too late.
9. It is also important to engage the office of the Legal Advisor in the conception of any projects that may require County Government agreement, compliance and others, right from their conception, to ensure protection of Mandera County interests.
10. All communication from or to the County Assembly on legislations, drafting of bills and regulations, should be done through the office of the Legal Advisor.

### **1.21.11 Political Advisor**

1. The County Government Act, 2012 makes special provision for the Governor's authority to establish the office of Political Advisor in the County Government.
2. The Political Advisor is not responsible to any County Executive Committee Member in the exercise of his/her professional judgment.
3. The Political Advisor is the principal political advisor to the County Government and his/her opinion shall be sought at an early stage in all matters which have political ramifications.
4. A request for political advice should be addressed to the Political Advisor under the signature of the Deputy Governor, County Executive Committee Member or County Chief Officer to the ministry concerned.
5. The request should summarize the issue and state clearly the specific points on which advice is required. All relevant papers should be attached and referenced.
6. County Executive Committee Members and County Chief Officers shall not participate in political activities that may affect the County Government of Mandera, unless otherwise advised by the office of the Political Advisor.

### **1.21.12 Economic Advisor**

1. The County Government Act, 2012 makes special provision for the Governor's authority to establish office of Economic Advisor.
2. The Economic Advisor is not responsible to any County Executive Committee Member in the exercise of his/her professional judgment.
3. The Economic Advisor is the principal economic advisor to the County Government and his/her opinion should be sought at an early stage in all matters which have economic implications.
4. A request for economic advice should be addressed to the Economic Advisor under the signature of the Deputy Governor, County Executive Committee Member or County Chief Officer to the ministry concerned.
5. The request shall summarize the issue and state clearly the specific points on which advice is required. All relevant papers should be attached and referenced.
6. County Executive Committee Members and County Chief Officers should not propose any activities, projects or initiative that have economic impact and may affect the County Government of Mandera, unless otherwise advised by the office of the Economic Advisor.
7. It is important to engage the office of the Economic Advisor during the budget making process, meeting with investors and donors or in regard to emergency programmes.
8. The Ministry of Finance should work very closely with the office of the Economic Advisor in the planning and tendering process.

### **1.21.13 Security Advisor**

1. The County Government Act, 2012 makes special provision for the Governor's authority to establish office of Security Advisor in the County Government.
2. The Security Advisor is not responsible to any County Executive Committee Member in the exercise of his/her professional judgment.
3. The Security Advisor is the principal security advisor to the County Government and his/her opinion shall be sought at an early stage in all matters which have security implications.
4. A request for security advice shall be addressed to the Security Advisor under the signature of the Deputy Governor, County Executive Committee Member or County Chief Officer to the ministry concerned.

5. The request should summarize the issue and state clearly the specific points on which advice is required. All relevant papers should be attached and referenced.
6. County Executive Committee Members and County Chief Officers shall not engage with the national security team or private security personnel, unless otherwise advised by the office of the Security Advisor.
7. It is important to engage the office of the Security Advisor during political unrest or terror attacks.

#### **1.21.14 Religious Advisor**

1. The County Government Act, 2012 makes special provision for the Governor's authority to establish office of Religious Advisor in the County Government.
2. The Religious Advisor is not responsible to any County Executive Committee Member in the exercise of his/her professional judgment.
3. The Religious Advisor is the principal religious advisor to the County Government and his/her opinion should be sought at an early stage in all matters which have religious connotations.
4. A request for religious advice should be addressed to the Religious Advisor under the signature of the Deputy Governor, County Executive Committee Member or County Chief Officer to the ministry concerned.
5. The request should summarize the issue and state clearly the specific points on which advice is required. All relevant papers should be attached and referenced.
6. County Executive Committee Members and County Chief Officers should not engage or fund religious leaders, imams, religious groups or religious entities, unless otherwise advised by the office of the Religious Advisor.
7. It is important to engage the office of the Religious Advisor during Islamic festivals and Eid programmes.

#### **1.21.15 The Director, Governor's Press Service**

1. The County Government Act, 2012 makes special provision for the Governor's authority to establish office of the Director, Governor's Press Service (DGPS) in the County Government.

2. The DGPS is not responsible to any County Executive Committee Member in the exercise of his/her professional judgment.
3. The DGPS shall provide strong and effective leadership and management of the Governor's Press Service.
4. The director shall lead and develop standards and regulations in the Governor's Press Unit.
5. The Governor's Press Director shall be responsible for planning and covering the Governor's functions and the County Government's activities in electronic and print for dissemination to the media and public.
6. The director shall prepare media supplements, documentaries, press releases/media features.
7. The officer shall build and maintain a database of news/information on the Governor and other ministries.
8. It is highly advised that there should be coordination of all the press related issues in all the ministries with the DGPS.
9. All the ministries shall inform the press department two days prior to any event coverage for proper coordination and mobilization of external media practitioners.

#### **1.21.16 Head Delivery Unit/The Delivery Unit**

1. The head/Leader of the Delivery Unit is responsible for monitoring, tracking and reporting of achievements and bottlenecks in County Government projects.
2. He/She shall help in identifying and selecting priority projects to be tracked in consultation with the Governor and Chief of Staff, and align them to the Big 4 Agenda of Jubilee Administration.
3. He/She will develop smart monitoring systems to collect data and present the same in a centralized system for use by the Executive. The head shall ensure that the data collected can be presented in graph and chart formats, and will be responsible for not only tracking Mandera County Government achievements, but also ensuring that the right interventions are made at the right time to ensure that the county as a whole remains focused and committed to its core mandate.
4. He/She will be responsible for investigating and intervening to solve data problems where progress appears to be slipping off track (by conducting in-depth investigation, convening stakeholders and providing technical support).

5. He/She shall provide support to the Governor on public service delivery. He/She will monitor progress on and strengthen of Mandera County Government's capacity to deliver on key campaign priorities of the Governor.
6. The Head of Delivery Unit, in consultation with the Chief of Staff, Director of Governor's Press, speech writers and spokesperson, will ensure the Governor's and Deputy Governor's speeches during landmark events capture core achievements in statistics and state of progress of key projects.
7. He/She will be responsible for scrutinizing policy proposals to see whether implementation plans are feasible.
8. He/She will address delivery capability gaps in public sector workforce, closely consulting with departments/ministries, as well as CECs and Chief Officers to recommend training and capacity building of staff across departments.
9. He/She will champion embedding of the Delivery Unit staff within the wider delivery system.

### **2.21.17 Efficiency Monitoring Unit**

This Unit will be under the Office of the Governor and will be led by a Head who will report to the Governor. The Head of the Efficiency Monitoring Unit will be assisted by a Deputy and seven other members.

#### **2.21.17 .1 The Efficiency Monitoring Function entails**

- Continuous monitoring and analysing the implementation of Government policies, programmes and projects with a view to advising the County Government on problems being encountered in their implementation and recommending remedial measures;
- Reviewing existing management systems, procedures and practices of public sector organizations with a view to improving their effectiveness and efficiency;
- Studying implemented projects and drawing practical experiences for future use in planning and designing of similar projects; assessing sustainability of completed development projects;
- Monitoring working environment in the public sector and the conditions of public offices with a view to making appropriate recommendations for improvement.

### **1.21.18 Head of Protocol Office**

1. It is the responsibility of the Protocol Office to ensure cooperation and a good relationship with the office of the Governor.
2. The Protocol Office is responsible for gubernatorial protocol matters and ceremonial events. It organizes and coordinates protocol affairs for major County Government officials and private functions at the Governor's request, and manages matters related to courteous reception, privileges and access of visitors to the Governor's Office.
3. The office coordinates and organizes official ceremonies and social events at the County headquarters, including gubernatorial and other official visits, presentation and agreement signing ceremonies, farewell receptions, meals, refreshments etc.
4. The Protocol Office will be in charge of advance planning, organizing and supporting tasks related to official visits and ceremonial events, by working closely with the Chief of Staff, County Secretary, as well as other divisions/departments within the Mandera County Government and where required, with external agencies.
5. The office shall organize, in advance, visits by the Governor and ensure the planning, reception and seating arrangement at events and functions run smoothly.
6. The office shall be responsible for the organization and coordination of national government and diplomatic visits; forms of address at meetings and events. It will also be in charge of history, application and usage of Mandera County emblems and symbols. The office will also be in charge of the County's ceremonial dress, etiquette, as well as commemorative ceremonies, unveilings and any public event that requires the observance of protocol.
7. The office will be responsible for national government and diplomatic meetings and visits, ensuring that flags of countries of visiting ambassadors and or heads of state are hoisted to acknowledge the presence of the visiting dignitaries in the county.
8. The office shall provide basic information, literature, County magazines and fact sheets to visitors, where necessary, as well as recommend souvenirs and gifts for VIPs.

### **1.21.19 Head of Intergovernmental and Donor Relations**

1. It is the responsibility of the Head of Intergovernmental and Donor Relations to coordinate the relationship between the Council of Governors and Mandera County Government.
2. The Head of Intergovernmental and Donor Relations shall liaise with the Intergovernmental Technical Committee on matters relating to Mandera County Government and any other matter of interest between the Intergovernmental Technical Committee and Mandera County Government.
3. He/she shall coordinate activities between the national government ministries and Mandera County Government ministries.
4. The Head of Intergovernmental and Donor Relations shall follow up on pending issues between the County and the national government ministries.
5. He/she shall coordinate appointments for the Governor with foreign embassies and other government ministries and agencies, as well as non-governmental organizations.
6. The Head of Intergovernmental and Donor Relations shall also lobby for donor support for various projects in Mandera County.
7. He/she will act as the link between external stakeholders and Mandera County Government.

### **1.21.20 Donors Fund Management**

#### **1.21.20.1 Financial Management and Disbursements**

The overall purpose and objective of Donors Fund Management principle is to ensure that:

- a) Project funds flow efficiently to all implementing entities to facilitate timely implementation
- b) Funds channeled to projects will be used for the purposes intended in an efficient and economical manner
- c) Projects' financial reports will be prepared in an accurate, reliable, and timely manner
- d) Project assets will be safeguarded from loss, abuse, or malicious damage.

#### **1.21.20.2 Financial Management Procedures**

Financial management procedures to be applied in the implementation of donor funds shall cover:

- a) Planning and budgeting
- b) Funds flow and disbursement management

- c) Accounting and record keeping
- d) Internal control and management oversight mechanisms, including internal audit
- e) Financial reporting, both in-year and end-year arrangements
- f) External audit arrangements

#### **1.21.20.3 Procurement Arrangements**

- a) All contracts other than those to be procured on the basis of International Competitive Bidding (ICB) and consulting services shall follow the procedures set out in the Public Procurement and Asset Disposal Act (PPADA) of 2015. The PPADA sets out the rules and procedures of public procurement and provides a mechanism for enforcement of the law.
- b) All procurement for general and health sector related commodities with contracts estimated to cost above the World Bank/donors shopping threshold MUST be procured as defined and set out in the procurement plan/manual of the World Bank or other donors guidelines.
- c) The County or the Department shall comply with any terms or conditions specified in a grant or fund agreement on procurement arrangements.

#### **1.21.20.4 Financial Management and Fund Disbursement**

- a) Funds received in the form of grants or donations shall only be spent in accordance with Articles 221 and 223 of the Constitution and provisions of the Public Finance Management on donation and grant.
- b) Management and disbursement of donor funds shall follow the procedures set out in the Public Finance Management Act (PFM) of 2012. The PFM sets out the rules and procedures of public finance management and provides a mechanism for enforcement of the law.
- c) The County or the Department shall comply with financial accounting rules and procedures for money specified in the agreement between the recipient and the development partner.
- d) The County or the Department shall comply with any terms or conditions specified in a grant or fund agreement.
- e) Donor funds will be used only to finance intended programmes as specified in the agreements and in accordance with the integrated development plan.

#### **1.21.20.5 Donor Fund Audit**

Subject to audit in terms of Article 229 (4) of the Constitution, the County or the Department shall administer and account for the grant or donation by using:

- a) Government financial accounting and auditing laws and, administrative procedures
- b) Any financial accounting rules and procedures for money specified in the agreement between the County and the development partner
- c) The County Executive Committee Member responsible for Finance may permit a donor of a grant to audit such funds on the basis of its own financial accounting rules.

#### **1.21.20.6 County Chief Officers**

- 1. County Chief Officers are public officers appointed by the Governor upon approval by the County Assembly.
- 2. Subject to the general direction and control of the County Executive Committee Member, a County Chief Officer exercises supervision over the department(s) for which the County Executive Committee Member is responsible.
- 3. It is the duty of County Chief Officer to advise the County Executive Committee Member on all questions of policy coming within the scope of the County Executive Committee Member's responsibilities.
- 4. The County Chief Officers shall fund and assist in the formulation of policy, ensure that decisions on policy are transmitted to the proper quarter for execution, and to keep the County Executive Committee Member informed of the progress made in translating such decisions into action.
- 5. County Chief Officer is also responsible to the County Executive Committee Member for the organization and control of the ministry.
- 6. County Chief Officers must inform the County Executive Committee Member, in advance, of their itinerary when they are leaving their headquarters on official business, together with the address of where they can be contacted at any time.
- 7. County Chief Officers must obtain approval in advance from their own County Executive Committee Member.

8. Annual leave for County Chief Officers MUST be approved by the respective County Executive Committee Member.
9. General responsibilities of Chief Officers are :
  - a) The Chief Officer is normally appointed as an accounting/authorized officer of the department.
  - b) The Chief Officer shall establish and document a clear allocation of responsibilities amongst officials in the department.
  - c) The Chief Officer is responsible for efficient and effective use of available resources and the organization, staffing and management of the department.
  - d) The Chief Officer is responsible to the Minister for ensuring a high standard of financial management in the department.

## **1.22. The County Public Service Board and Human Resource Matters**

### **1.22.0 The County Public Service Board**

1. It is the responsibility of the County Public Service Board (CPSB) to establish and abolish offices in the Public Service, appoint persons to hold or act in those offices and confirm appointments as stipulated in the County Government Act.
2. The CPSB shall Investigate, monitor and evaluate the organization, administration and personnel practices of the public service.
3. The CPSB shall hear and determine appeals in respect of County Governments' public service.
4. The CPSB may recommend to the Governor the establishment of an office in the public service in accordance with the County Government Act.
5. The CPSB shall also, whenever required by the Governor, advise the Governor on matters pertaining to public service.

## **1.23. The Office of the County Printer**

There shall be the Office of the County Printer.

The Office of the County Printer shall be an office under the County Secretary.

### **1.23.1 Functions of the Office of County Printer**

The office of the County Printer shall be responsible for the printing and publication of the County *Gazette* and shall:

- a) Publish in the County *Gazette* such documents as are approved by an authorized officer
- b) Advise the County Government on all matters pertaining to printing and publication of documents
- c) Enter into such partnerships and collaborations with other public sector or private sector printing offices as are necessary for the proper execution of its mandate
- d) Perform any other function as may be necessary for the proper execution of its mandate.
- e) The County Printer shall publish a special *Gazette* on the request of an authorized officer at any other time as may be required.
- f) The County Printer shall co-ordinate and liaise with the office of the Government Printer and shall ensure that there is no duplication in the printing and publication of documents.

### **1.23.2. Recruitment of the County Printer**

- a) The Office of the County Printer shall be headed a County Printer.
- b) The County Printer shall be competitively recruited and appointed by Mandera County Public Service Board.

### **1.23.3. Qualifications of the County Printer**

A person shall be appointed a County Printer if the person:

- a) Is a holder of a university degree in a course relevant to matters of printing and publishing from a university recognized in Kenya
- b) Has knowledge and experience of at least five years in the relevant field
- c) Satisfies the requirement of Chapter Six of the Constitution of Kenya

### **1.23.4. Responsibilities of the County Printer**

- a) The County Printer shall be the overall head of the Office of the County Printer
- b) Responsible for the day-to-day running and operation of the office
- c) Administration, organization and control of staff of the office
- d) Implementation of policies and programmes of the office and reporting thereon to the County Executive Committee Member

- e) Development of operational plans for achieving the objectives of the office
- f) Performance of any other function necessary for the implementation of assignments by the County Executive Committee Members, Office of the Governor or any other authorized officer.

## **CHAPTER TWO: FINANCE, PROCUREMENT AND CONTRACT MANAGEMENT**

Chapter 2 provides a summary of matters related to finance, procurement and contract management. It shall be read alongside the Constitution of Kenya, the County Government Act, 2012; the Public Finance Management Act 2012 and the Public Procurement and Disposal Act of 2015.

### **2.0 PROCUREMENT AND CONTRACT MANAGEMENT**

#### **2.1 Initiating Procurement Requirements**

1. Departments MUST ensure annual procurement plans are prepared in conformity with the County Integrated Development Plan, fiscal strategic paper, budget estimates and appropriation plan.
2. A procurement process can only be started after confirmation that funds are available for procurement and signed approval from the Chief Officer has been obtained.
3. Procurement requirements are initiated using a requisition form filled by the user department and submitted to the Procurement Unit.
4. A requisition form filled by the user department shall have the signature of the Chief Officer and MUST indicate availability of funds as projected in the integrated development plan, fiscal strategic paper, budget estimates and appropriation plan.
5. The process of requisition and obtaining of authorization is spelt out in the Public Procurement and Disposal Act, 2015 and the regulations made thereunder.

#### **2.2 Role of the Procurement Unit**

1. The Procurement Unit is responsible for acquisition of goods, works and services for ministries.
2. The Procurement Unit shall carry out its responsibilities in strict adherence to the Public Procurement and Disposal Act, 2015 and the regulations made thereunder.
3. The Procurement Unit shall maintain, and update annually, standing lists of registered tenderers required by the procuring entity.
4. The Procurement Unit shall prepare, publish and distribute procurement and disposal opportunities, including invitations to tender, pre-qualification documents and calls for expressions of interest.

5. The Procurement Unit shall co-ordinate the receiving and opening of tender documents.
6. The Procurement Unit shall co-ordinate the evaluation of tenders, quotations and proposals.
7. The Procurement Unit shall implement the decisions of the procurement, evaluation, inspection and disposal committees, including co-coordinating all activities of these committees.
8. The Procurement Unit shall not procure goods, works and services without a formal request from user ministry.
9. Any performance security specified in a contract is to be received by the procuring entity.
10. Any procurement that may require land survey and mapping shall be communicated to the ministry in charge of land matters before advertisement.

### **2.3 Role of the User Department/ Ministry**

1. It is responsibility of user department to initiate procurement and disposal requirements and forward them to the Procurement Unit.
2. Participate in the evaluation of tenders, proposals or quotations.
3. Report departures from the terms and conditions of a contract.
4. Give details of any required variations to the Procurement Unit.
5. Maintain records of contract management.
6. Endorse goods, works and services received notes.
7. Prepare technical specifications.
8. Assist in preparation of procurement and disposal plans.
9. Supervise project implementation in cooperation with the ministry of Public Works.
10. The user department shall officially write a letter to the Sub-County Administrator and clarify the project awarded, the name of the contractor, and general description of the project and responsibility of the department officer in the sub-county and Sub-County Administrator to supervise implementation of the project.
11. Forward payment vouchers to the Finance Department for processing.

## **2.4 Role of Finance Ministry**

- 1) The ministry of Finance shall, in consultation with a user department, monitor contract management to ensure implementation of contracts in accordance with the terms and conditions of the contracts.
- 2) Approve procurement requests and plans within the limits of approved budgets.
- 3) Process advance payments as may be specified in contracts, and maintain a record for advance payment.
- 4) Complete payment vouchers, ensuring the deduction of any advance payments already made, retention percentages, and any contractual penalties incurred by a supplier.
- 5) The ministry of Finance shall not process payments unless the ministry concerned forward:
  - a) Original claim from the contractor
  - b) Payment certificate issued by the project manager or supervising engineer
  - c) original of any interim or final inspection report
- 6) The ministry of Finance shall not process payment vouchers unless authorized by the user department by forwarding relevant information from the contract document and vouchers.
- 7) Copy of the contact agreement, award letter, acceptance letter, security bonds and guarantee if any as certified by the legal department, must be provided by the contractor/supplier to facilitate payment.

## **2.5 Role of the Department of Public Works**

- 1) It is the responsibility of the Department of Works to develop a bill of quantities in consultation with the user department.
- 2) Appoint a project manager and supervising engineer and supervise projects in consultation with the Procurement Unit and the user department.
- 3) Maintain close supervision of a contractor's performance, work done, materials used, and labour force on the site to ensure that potential problems are identified as early as possible.

- 4) Notify the contractor in writing, requesting rectification of any deficiencies in workmanship, materials used, safety or environmental standards, or other required performance standards.
- 5) Hold regular site meetings with the contractor to identify the causes of any slippage in the schedule of works.
- 6) Receive regular progress reports from the contractor and ensure that written records of any disputes or contract variation orders issued are maintained.
- 7) Initiate and supervise any process for claims against insurance or the contractor.
- 8) Participate in inspections for interim and final handover of works.
- 9) Prepare interim and final payment certificates.
- 10) Release performance securities and retentions money to the contractor.

## **2.6 Role of the Ministry of Lands**

1. The Ministry of Lands is responsible for land matters and shall ensure efficient administration and sustainable management of the public land resource in the county.
2. The ministry shall allocate land to projects awarded and undertake physical planning, land surveys and mapping.
3. Register allocated land in the name of the user department/ministry and issue allocation letters/title deeds.
4. The Procurement Unit shall not advertise any project that may require land survey or mapping without prior approval of the ministry in charge land matters.

## **2.7 Initial and Final Takeover of Works**

1. The Inspection and Acceptance Committee shall be established by the procuring entity as per the Public Procurement and Disposal Act, 2015 and the regulations made thereunder.
2. The County Procurement Unit, or the procurement entity, shall constitute the Inspection and Acceptance Committee as prescribed in the Public Procurement and Disposal Act, 2015 and regulations thereunder.
3. Initial and final takeover of works shall be certified by an Inspection and Acceptance Committee.

4. Following the end of the defects liability period and subject to all defects being rectified, the Inspection and Acceptance Committee shall certify the final takeover of the works and sign the Certificate of Completion.
5. After issuance of the final takeover certificate by the Inspection and Acceptance Committee, a Final Certificate shall be raised to authorize payment of the balance of any retention monies due to the contractor.

## **2.8 Contract Supervision and Supervision Account**

1. It is the responsibility of the Department of Works to maintain close supervision of the contractor's performance, work done, materials used, and labour force on site to ensure that potential problems are identified as early as possible.
2. Nothing in this rule absolves the user department from its supervisory responsibility to ensure that the work done, materials used and labour force conform to specifications and conditions of the contract.
3. All supervision costs are incurred from the supervision account maintained by the user department.
4. Where a project involves more than one ministry, the cost of supervision shall be shared equally.
5. A contract MUST deposit supervision fees into the supervision account as specified in the tender document before commencement of a project.

## **2.9 Procurement Records Management**

1. Procurement records shall be managed, created, used, maintained, safeguarded, preserved and disposed of in accordance with the Public Procurement and Disposal Act and regulations thereunder.
2. Procurement records/project file shall be a self-contained file with all key documents for each procurement activity, in line with the requirements of Regulation 34 (3) of the Public Procurement and Disposal Regulations.
3. Procurement records/project file shall be preserved in official, approved and registered files.

## **2.10 Content of the Procurement Record /Project File**

The records/project file shall include:

- a) A brief description of the goods, works or services being procured
- b) Reasons for using a procedure other than open tendering
- c) A copy of the advertisement that was placed in the newspaper
- d) Extract of the budget
- e) Requisition from user department
- f) Tender opening minutes and tender evaluation minutes
- g) The evaluation criteria
- h) LSO/LPO or the notification award
- i) Contract/agreement document
- j) Progress reports
- k) Inspection and acceptance certificate
- l) Delivery note
- m) Payment voucher
- n) An explanation if the procurement proceedings were terminated
- o) Names and addresses of the bidders

## **2.11 Other Significant Procurement Documents**

The following documents shall be treated as part of procurement records:

- a) Feasibility studies and surveys carried out or accepted by the procuring entity for the preparation of tender documents and reports
- b) Receipts for sale of tender documents
- c) Requests for, and clarifications issued by the procuring entity
- d) Any negotiations records and end of activity reports

## **2.12 Project File Cover**

The following information must appear on the project file cover:

- a) Name of the ministry or department
- b) File reference number
- c) File title

- d) Date on which the file was opened
- e) Related files
- f) Disposal information

## **2.13 File Movement Controls**

A file movement register should have the following format:

- a) Date out
- b) Date in
- c) File title
- d) File reference number
- e) To whom the file is issued and requisite signature
- f) Signature of officer receiving file in registry
- g) No officer shall keep a file in his/her possession for more than four days
- h) Files should be promptly returned to the records office once an officer is done with it

## **2.14 Financial Management**

### **A) Roles the County Treasury**

1. The County Treasury/Finance Department is mandated by the Constitution and other laws to oversee all public expenditure and ensure prudent and economic use of public resources allocated to county ministries, departments and agencies.
2. The County Treasury/Finance Department shall carry out its responsibilities in strict adherence to the Public Finance Management Act, 2012, the Procurement and Disposal Act, 2015 and the regulations made thereunder.
3. All ministries must submit their annual and supplementary estimates to the County Treasury within the stipulated timelines. These estimates must be consistent with the county financial and economic policies, as well as priorities, before they are submitted to the County Assembly.
4. Ministries shall consult the County Treasury on all matters relating to expenditure, and the general financial or economic policy.
5. The County Treasury/Finance Department shall not process payment without written approval from the concerned ministry.

6. In the event that the Finance department releases any payment/fund without prior approval of the concerned ministry, the ministry concerned must notify the minister in charge of finance and the Governor immediately, in writing.

#### **B) Appointment of Accounting Officers**

1. The County Treasury is responsible for the appointment of Accounting Officers.
2. The Accounting Officers are accountable to the County Assembly for ensuring that resources entrusted to them are used in a way that is lawful, authorized, effective, efficient, economical and transparent.

#### **C) Economic Policy Management**

1. The County Treasury is responsible for the formulation and management of macro-economic policies as provided for by the Public Finance Management Act.
2. It formulates, implements and monitors macro-economic policies. In addition, it manages the public debt; county guarantees, and ensures that county financial obligations are within the fiscal framework.
3. Above all, it is responsible for mobilizing domestic and external resources for financing county government budgets. In the discharge of its mandate, the County Treasury will be guided by the Constitution and other laws in force.

#### **2.15 Mandatory Reports**

##### **2.15.0 Mandatory Reports Under the County Government Act, 2012**

Mandatory reports under the County Government Act include, but are not limited to:

- a) Annual report on the implementation status of county policies and plans as per Section 30(j) of the County Government Act
- b) Annual performance reports as per Section 47(c) of the County Government Act
- c) County sectoral plans as per Section 109 of the County Government Act
- d) County Spatial Plan as per Section 110 of the County Government Act
- e) City and Municipal Plan as per Section 111 of the County Government Act
- f) County Public Service Regular Report as per Section 59 of the County Government Act
- g) Annual report on citizen participation as per Section 92 of the County Government Act

## **2.15.1 Mandatory Reports Under the Public Finance Management Act.2012**

Mandatory reports under the Public Finance Management Act include, but are not limited to:

- a) Report on deviation from financial objectives as per Section 108 of the Public Finance Management Act, 2012
- b) Financial reports to be submitted to the Commission on Revenue Allocation with a copy to the Controller of Budget, as per Section 109 of the Public Finance Management Act, 2012
- c) Financial report to be submitted to the Auditor General as per Section 115 of the Public Finance Management Act, 2012
- d) Report on loans as per Section 122 of the Public Finance Management Act, 2012
- e) Report on quarries as per Section 124 of the Public Finance Management Act, 2012
- f) Regular report by accounting officers as per Section 147 of the Public Finance Management Act, 2012
- g) Annual financial statement as per Section 163 of the Public Finance Management Act, 2012
- h) Annual reporting by accounting officers as per Section 164 of the Public Finance Management Act, 2012
- i) Annual reporting by receivers of revenue as per Section 165 of the Public Finance Management Act, 2012
- j) Quarterly reports as per Section 166 of the Public Finance Management Act, 2012
- k) Annual reporting by administrators of county public funds as per Section 167 of the Public Finance Management Act, 2012
- l) Quarterly reporting by administrators of county public funds as per Section 168 of the Public Finance Management Act, 2012
- m) Reporting by urban areas or cities funds as per Section 180 of the Public Finance Management Act, 2012
- n) Annual reporting by the County Treasury on county corporations as per Section 185 of the Public Finance Management Act, 2012
- o) It is the duty of the County Chief Officer to report suspected offences as per Section 201 of the Public Finance Management Act, 2012

## **2.15.2 Mandatory Reports Under the Public Procurement and Asset Disposal Act, 2015**

Mandatory reports under the County Government Act include, but are not limited to:

- a) Duty of the accounting officer to report termination or cancellation of procurement and asset disposal proceedings as per Section 63(2) of the Public Procurement and Asset Disposal Act, 2015
- b) Reports on direct procurements of a value exceeding Kshs. 500,000 as per Regulation 62 of the Public Procurement and Disposal Regulations, 2006
- c) Reports on disposal of public asset(s) to employees as per Regulation 93(2) of the Public Procurement and Disposal Regulations, 2006
- d) Quarterly reports by the procurement management unit as per Section 114(6) of the Public Procurement and Asset Disposal Act, 2015
- e) Report on alternative methods as per Section 124(15) of the Public Procurement and Asset Disposal Act, 2015
- f) It is the duty of the accounting officer of a procuring entity to report all contracts awarded as per Section 138(2) of the Public Procurement and Asset Disposal Act, 2015
- g) Quarterly reports by the accounting officer of a procuring entity as per Section 139(5) of the Public Procurement and Asset Disposal Act, 2015
- h) Quarterly reports by the head of a procuring entity as per Section 152 of the Public Procurement and Asset Disposal Act, 2015
- i) Reports on preference and preservation as per Section 155(5) of the Public Procurement and Asset Disposal Act, 2015
- j) Half-year report as per Section 157(12) of the Public Procurement and Asset Disposal Act, 2015
- k) Report on preference or reservation scheme as per Section 158(2) of the Public Procurement and Asset Disposal Act, 2015
- l) Quarterly and annual reporting as per Section 162(2) of the Public Procurement and Asset Disposal Act, 2015

## **2.15.3 Annual Reports**

- 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:

- a) 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
- b) A statement of intended objectives which were to be achieved after implementation
- c) Environmental influences/factors during implementation
- d) Outcomes/impacts in relation to the originally stated objectives
- e) An analysis on whether the activity in question has been managed efficiently and effectively as planned
- f) Recommendations and suggestions for future improvement of Government policies and programmes
- g) Where feasible, ministries shall publish one report covering the County Departments within the ministries

- 2) The result of research or scientific investigations should be published in scientific journals, or as separate monographs, and not in annual reports. The reports should, however, include a reading list referring to these separate publications.
- 3) Annual reports will be prepared on the basis of a financial year.
- 4) Annual reports should not be published without prior sanction of the authorized officer concerned.

#### **2.15.4 Reporting to the County Assembly**

The County Treasury is required to, within forty five days after the end of each quarter, to consolidate quarterly reports on financial and non-financial performance of County Government entities and submit a report to the County Assembly with copies of the reports to the Controller of Budget, Auditor-General and the Commission on Revenue Allocation; and publish and publicize the reports.

#### **2.15.5 Implementation**

The County Secretary has an oversight role in the implementation and enforcement of the provisions of this circular.

### **2.15 Audit Committee**

The Public Finance Management Act, 2012 and Public Finance Management Regulation, 2015 require that each public entity shall establish an Audit Committee.

The Audit Committee forms a key element in the governance process by providing an independent expert assessment of the activities of top management, the quality of the risk management, financial reporting, financial management and internal audit, to the board of directors or a supervisory board or executive management.

The committee ensures that external audit recommendations are fully addressed, that the quality of internal audit is of an appropriate standard and that line management has full regard to internal audit recommendations.

The Audit Committee's role is vital because they are the watchdog to ensure independence of internal audit. It is also their responsibility to see to it that the information made available to the owners (stakeholders) is reliable, thereby enabling them to make judgments about the quality of the management and the future prospects for Mandera County Government.

## **2.16 Functions of Audit Committee**

- a) The key function of the Audit Committee is to support the Executive Management, Accounting Officers, Boards and board chairs, by improving and strengthening public financial management
- b) Monitoring and reviewing the risk, control and governance processes that have been established under Mandera County Government
- c) To ensure best practices like making sure that cost-effective control and processes are in place to add value and improve Mandera County Government operations
- d) Introducing an independent perspective and constructive challenge that helps Mandera County Government achieve its objectives of risk management
- e) NOT undermining the Executive Management or boards
- f) Audit Committee members should have no management or executive functions.

## **2.17 Responsibilities of an Audit Committee**

The purpose of the Audit committee is to provide assistance to the accounting officer or governing body. An Audit Committee's roles and responsibilities shall be set out in its charter, and shall be determined after consideration of entity-specific factors. An Audit Committee can involve all or a combination of the following duties and responsibilities:

- (i) Obtain assurance from management that all financial and non-financial internal control and risk management functions are operating effectively and reliably
- (ii) Provide an independent review of an entity's reporting functions to ensure the integrity of financial reports
- (iii) Monitor the effectiveness of an entity's performance management and performance information
- (iv) Provide strong and effective oversight of an entity's internal audit function
- (v) Provide effective liaison and facilitate communication between management and external auditors
- (vi) Provide oversight of the implementation of accepted audit recommendations
- (vii) Ensure an entity effectively monitors compliance with legislative and regulatory requirements and promotes a culture that commits to lawful and ethical behaviour.

## **2.18 Mandate of the Audit Committee**

- a) The audit committee should drive the assessment of the performance of the head of internal audit
- b) Examine internal and external audit reports and recommendations after management response to ensure action is taken
- c) There should be adequate mechanisms in place to enable the Audit Committee to facilitate adequate disposal of all PAC/PIC recommendations. This shall be done through follow-ups to ensure positive action is taken
- d) The Audit Committee is responsible for communicating with internal and external auditors

In its overseeing role, the committee should focus on:

- (i) The changing business environment
- (ii) Changing financial reporting requirement
- (iii) Audit findings, including comments on governance, risk and controls
- (iv) Proposed audit scope and audit coverage and approaches with respect to complex, high risks, and judgment areas
- (v) Management's response to specific audit recommendations

## **2.19 Appointment of Audit committee**

- a) The County Executive shall competitively source for four members of the Audit Committee from suitably qualified persons, one of whom shall be the chair
- b) The County Governor shall nominate one senior officer to sit in the Audit Committee
- c) The Audit Committee shall report to the Governor

## **2.10 Terms of Office of Members of the Audit Committee (Including Chairs)**

- (a) The initial term of appointment to the committee shall be for a period of not more than three years. The term of appointment can be extended for a further three years, giving a maximum total period of service of six years.
- (b) The term should only be extended after the performance of the member has been reviewed
- (c) Members of the Audit Committee shall be appointed by individual letters of appointment by the appointing authority. The letters of appointment should clearly spell out the effective date and term for which the appointment will run

(d) The Treasury shall nominate an officer to be appointed by the respective appointing authority as the Treasury representative. The Treasury representative shall perform functions enumerated in the appointment letter

(e) A person shall cease to be a member of an Audit Committee if:

- i. that person is convicted of a criminal offence and sentenced to a term of imprisonment of not less than six months
- ii. that person is absent from two consecutive regular meetings of the committee without leave of absence
- iii. that person resigns, in writing, from the Audit Committee
- iv. that person's term of office expires
- v. that person ceases to be a member by virtue of withdrawal of his or her nomination to the Audit Committee by the nominating institution
- vi. that person becomes an employee or officer of the concerned entity
- vii. that person is discovered to have a conflict of interest as prescribed as at the time of his appointment and failed to disclose it
- viii. The audit committee is disbanded.

## **2.11 Chairperson**

(a) Effectiveness and true independence of the audit committee hinges on the chair's effectiveness.

(b) In the appointment of the chairperson of the Audit Committee, careful consideration shall be given to leadership qualities because the Chairman of the Audit Committee is the person who gives rise to confidence in the overall efficiency of the Audit Committee, which would be beneficial to the effective planning, and bringing the meetings to right direction.

(c) The characteristics of an effective audit committee chair include:

- (i) An independent proactive leader with confidence and integrity
- (ii) A highly respectable and experienced person, who possesses strong interpersonal skills and is available to develop and closely monitor the committee's agenda
- (iii) A person with excellent working knowledge of an Audit Committee's functions and risk management frameworks

## **2.12 Secretary**

The entity's head of internal audit shall be the secretary to the committee.

## **2.13 Role of the Secretary**

- a) Draft the Audit Committee's meeting agenda for the Chair's review, performing work pertaining to calling of meetings, facilitating the distribution of material to the Audit Committee members, and write the minutes of the Audit Committee meetings
- b) Maintain a record for the Audit Committee's meetings that detail all required activities to ascertain whether they are completed and assists the committee in reporting to the accounting officer/board/full council about what it has accomplished.

## **2.14 Meetings of Audit Committee**

Audit committee meetings shall be held on a timely and regular basis and their proceedings, recommendations and discussions formally minuted. A meeting agenda shall be prepared and distributed in advance to enable adequate evaluation by committee members. A detailed agenda and strong chairing is vital in order for the committee meetings to remain focused.

## **2.15 Agenda Setting**

- a) The committee shall determine its own agenda. However, it is considered beneficial for the committee's Chair to liaise with the accounting officer or chief executive of the governing body, management, internal audit and external audit prior to setting the agenda so that recent developments can be included.
- b) In setting the agenda, the most significant risks and threats to the entity shall be emphasized as well as the ongoing evaluation of what is being done to mitigate such risks
- c) The agenda and documents supporting matters to be discussed in the meeting shall be circulated to the Audit Committee members and persons who are to attend the meeting at least 14 days in advance. This is to provide time for consideration of the matters or request for additional supporting information

## **2.16 Frequency and Timing of Meetings**

- a) The Audit Committee shall meet at least quarterly. The timing of meetings shall depend on individual entity processes, audit reporting and financial statement preparation

timeframes. For example, the Audit Committee shall meet to review the financial statements before they are submitted to external auditors.

- b) The timing of Audit Committee meetings shall be planned annually in advance to ensure the availability of all members. The timing shall be communicated to other personnel such as internal and external auditors and line management, so that their availability can also be confirmed as they may be required to attend selected meetings.
- c) The committee's Chair may call additional meetings if deemed necessary to address any matters referred to the committee or in respect of matters that the committee wishes to pursue.

## **2.17 Attendance Quorum**

A quorum shall consist of a majority of members of the committee, including the Chair, one of whom shall be an independent external member. Proxies shall be appointed on the basis of personal qualities and skills.

## **2.18 Voting**

- (i) The notice of a meeting which will require voting must clearly specify the issues and names of persons to be deliberated on and require any member of the Audit Committee who has any interest in a matter to be considered to declare as much before deliberations and voting on such matters.
- (ii) Views of all dissenting members shall be taken and appropriately recorded.

## **2.19 Minutes of meetings**

- (a) Meetings shall be conducted on a formal basis and be effectively minuted by the secretary as a record of the proceedings and any decisions made.
- (b) The minutes shall cover each agenda item and document the discussion held and outcome or conclusion from the discussions. This shall include any recommendations, action points, allocation of tasks to relevant persons, and allocation of time for follow-up and further consultation. The minutes shall contain sufficient information to provide an understanding of the activities of the Audit Committee and the committee's recommendations, conclusions and outcomes.
- (c) The minutes of meetings shall be prepared and distributed to committee members within seven working days after the conclusion of a meeting.
- (d) The minutes shall be confirmed as true record of the meeting at the next meeting. If any important details have been incorrectly recorded or omitted, they shall be discussed and the minutes amended prior to confirmation at a subsequent meeting.
- (e) After the minutes are confirmed as true record of the previous meeting, they shall be signed by the Chair and the Secretary.
- (f) Copies of the minutes shall be distributed to all members. In addition, a copy of the Audit Committee's minutes shall be forwarded to stakeholders who may have an interest in the activities of the committee, for example external audit and management.

## **2.19 Initial Information Requirements for the Audit Committee**

When a new Audit Committee is constituted and when new members are appointed, the secretariat shall be required to produce the following:

- (i) The Public Finance Management Act, 2012 and the Public Finance Management Act, Regulations 2015
- (ii) Strategic plan of the entity
- (iii) The service charter
- (iv) Performance contract
- (v) Budget and procurement plan
- (vi) Risk policy framework and risk profile
- (vii) The internal audit strategic plan

- (viii) An internal audit charter that spells out the internal audit purpose, authority and responsibility for approval by the committee
- (ix) Internal audit budget and risk based annual work plan
- (x) Any other relevant legislations, guidelines or documents

## **2.20 Progress Reports from the Internal Audit Unit**

During regular meetings, the Internal Audit Unit shall provide the Audit Committee with a progress report summarizing:

- a) Work performed in comparison with the approved annual work plan
- b) A report on consulting engagements undertaken and other special assignments
- c) Key issues emerging from internal audit work
- d) Management response to key audit findings and recommendations
- e) Risks which management has accepted to undertake and which are not acceptable according to the internal auditor's opinion
- f) Major disagreements with management
- g) Major limitations affecting the achievement of internal audit objectives
- h) Key issues emerging from external audit work
- i) A report on cooperation between internal and external audit
- j) Internal and external quality assurance reports on the internal audit function, if any
- k) Periodic management accounts and/or budget performance reports, either quarterly or half-yearly.

## **2.21 Key Relationships and Access to Audit Committee**

### **Relationship with Accounting Officer or Governing Body**

- a) A key role of the Audit Committee is to act as an independent source of counsel to the accounting officer or governing body, and to act as a forum for the resolution of any audit/management disagreements.
- b) The accounting officer or governing body has a key role in supporting the effectiveness of the Audit Committee by:
  - (i) Providing capacity building to all public national government entity Audit Committees
  - (ii) Providing policies and guidelines on Audit Committees

- (iii) Monitoring the effectiveness of Audit Committees
- (iv) Providing periodic updates of Audit Committee activities through the website.
- c) The accounting officer of the concerned entity shall be responsible for the implementation of recommendations made in the audit reports and shall develop response and action plan which he/she shall submit to the Chairperson of the Audit Committee within fourteen days.
- d) The accounting officer of a national or county government entity may, by invitation, attend Audit Committee meetings.

## **2.22 Meetings with Accounting Officer or Governing Body**

- (a) It is considered beneficial after each Audit Committee meeting for the Chair to issue a brief or minutes to the accounting officer, giving the Audit Committee resolutions and recommendations for implementation.
- (b) It is also considered beneficial for the Chair to meet with the accounting officer or governing body at the end of the year to review the performance and achievements of the Audit Committee and to also discuss key issues and focus of the audit committee for the coming year.

## **2.23 Relationship with Line Management**

- (a) The role of the Audit Committee with respect to line management shall focus mainly on the management's response to audit findings and implementation of audit recommendations.
- (b) The Audit Committee shall determine whether the management's response to audit findings is satisfactory, cost-effective and in line with the entity's risk management framework. The Audit Committee shall also ensure that the recommendations will enhance the effectiveness and efficiency with which the entity delivers its services.
- (c) If required, line management may, by invitation, attend Audit Committee meetings, but they are not eligible to vote.

## **2.24 Relationship with External Audit**

- (a) External audit and the audit committee shall have a strong and candid relationship. Open, regular, frank and confidential dialogue shall be the norm, allowing the Audit Committee to

utilize the technical knowledge and experience of external audit in assessing, for example, the quality of the entity's internal control systems and financial reports.

- (b) The Audit Committee shall be instrumental in facilitating communication and effective relationship between internal audit and external audit.
- (c) The internal audit shall, on behalf of the Audit Committee, monitor and report on the implementation of external audit findings and recommendation.

## **2.25 Audit Committee Reports**

- (a) The Audit Committee, in the course of its work, shall issue periodic, annual and special / investigative reports. The reports of the audit committee shall be accessed by stakeholders through the management
- (b) The Audit Committee shall produce periodic reports to the accounting officer/ governing body/chief executive officer citing key issues affecting the operations of the entity. Investigative/special reports shall be addressed to the requesting authority
- (c) The annual report of the Audit Committee shall include:
  - (i) Introduction and background
  - (ii) Audit committee effectiveness
  - (iii) Preparation of the Audit Committee charter
  - (iv) Calendar of activities
  - (v) Significant issues considered by the committee
- (d) The internal audit effectiveness:
  - (i) Internal audit charter
  - (ii) Strategic plan
  - (iii) Risk-based annual work plan
  - (iv) Internal audit reports
  - (v) Positioning, staffing and facilitation of internal audit function
- (e) Effectiveness of management
  - (i) Strategic plan and delivery of mandate
  - (ii) Performance contract
  - (iii) Annual procurement plan
  - (iv) Annual budget

- (v) Risk management policy and profile
- (vi) Adequacy and effectiveness of internal control
- (vii) Governance structures and processes
- (viii) Tone at the top

## **2.26 Assessment of Audit Committee performance:**

### **Annual Self-Assessment:**

- a) The Audit Committee shall assess its performance and achievements against its mandate, roles, duties and responsibilities that should be captured in the calendar of activities on an annual basis. The aim of the self-assessment is to ensure that the Audit Committee is meeting its objectives efficiently and effectively. The self-assessment report shall be presented by the Chair to the accounting officer/ governing body. The report shall be ready at the same time as the final accounts of the entity.
- b) Areas for self-assessment should include the audit committees' understanding, communication and oversight responsibilities in regard to the financial statements, risk management, internal controls, compliance, ethics, management, internal auditing, external auditing, resources and special assignments and investigations.
- c) The committee shall also assess its composition, training, meetings, charter and performance.
- d) Where the self-assessment highlights a need for enhancements to the role, operational processes or membership of the committee, the Chair shall take action to ensure that such enhancements are implemented. The Chair may need to consult with the accounting officer or governing body to obtain appropriate support to ensure all enhancements are implemented.

## **2.27 Audit Committee Management Feedback**

The Audit Committee shall seek feedback from the senior management on their effectiveness.

## **2.28 Use of an External Facilitator (External Evaluation)**

The Audit Committee may use an external facilitator to provide assistance with the self-assessment process. The committee's Chair and external facilitator shall provide feedback to the Audit Committee members and present the findings of the evaluation to the accounting officer or governing body.

## **CHAPTER THREE: HUMAN RESOURCE MANAGEMENT AND DEVELOPMENT**

### **3.0 Recruitment, Selection and Appointment**

#### **3.0.1 Human Resource Plans**

Every ministry/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. On the basis of these Human Resource Plans, ministries/County Departments shall be required to develop annual recruitment plans, which will be forwarded to the County Public Service Board at the beginning of each financial year to enable it plan to fill the vacancies.

#### **3.0.2 Categories of Appointment**

Appointments in the public service fall into three categories:

1. Permanent and pensionable
2. Contractual terms i.e. medium term appointments (three months to six years renewable contract)
3. Temporary-short-term appointment (casual, hourly or daily paid).

#### **3.0.3 Powers of Appointment and Categories**

The authorities empowered to make appointments and promotions in the County public service are:

1. The Governor, with the approval of the County Assembly is empowered to appoint:
  - (i) County Secretary
  - (ii) The Governor has authority to appoint personal staff like Chief of Staff, advisors, and other officers attached to his/her office
  - (iii) County Executive Committee Members
  - (iv) County Chief Officers - Governor to nominate qualified and experienced chief officers from among persons competitively sourced and recommended by County Public Service Board
  - (v) Chairperson of County Public Service Board
  - (vi) County Public Service Board members

- (vii) Secretary to the County Public Service Board
2. The County Executive Committee, with the approval of County Assembly, is empowered to appoint:
  - (i) City Board members
  - (ii) Municipality Board members
  - (iii) Town Committee members
  - (iv) Other board members established under County Assembly Act
3. County Public Service Board will appoint and promote:
  - (i) City/Municipality managers
  - (ii) Sub-County Administrators
  - (iii) Other staff of the County Public Service

#### **3.0.4 Appointment Procedures**

1. The procedures to be followed in filling vacancies within the scope of the County Public Service Board are set out in the Board's Regulations, which may be 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 to an authorized officer as may be determined from time to time
3. Appointments made under the powers delegated by the County Public Service Board to an authorized officer shall be processed through the appropriate County Department's Human Resource Management Advisory Committee in accordance with County Public Service Board regulations and guidelines issued from time to time
4. The procedures to be followed in appointing persons to hold offices within the scope of the County Government are provided for in the County Government Act, 2012 and other statutes.

#### **3.0.5 Reporting of Vacancies**

1. An authorized officer shall declare all vacant posts to the County Public Service Board in accordance with the procedures set out in the Board's regulations
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 declaration of vacancies. Such requests shall be forwarded by the authorized officer upon recommendation by the Human Resource Management Advisory Committee
4. Recommendations for filling vacancies in an acting capacity shall be submitted to the County Public Service Board. Such recommendations shall be accompanied by a draft indent and a seniority list of officers, including an account of their performance.

### **3.0.6 Recruitment**

1. Recruitment shall be guided by the values and principles of the public service spelt out in Article 232 of the Constitution
2. In recruitment, the Mandera County Public Service Board shall ensure that the staff appointed into the county public service has the necessary skills, knowledge and attitude to deliver efficient and effective services
3. In the recruitment process, due consideration shall be given to:
  - a) Appropriate organizational structure in each department
  - b) Optimal staffing levels
4. Schemes of service and career progression guidelines.

### **3.0.7 Recruitment of Non-Citizens**

1. It is the policy of the Government not to employ non-citizens where there are citizens with the appropriate qualifications available. Approval to recruit a non-citizen will be granted by the CPSB, subject to the guidelines provided by the state department responsible for labour and existing protocols.
2. The CPSB 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 years, and only renewable once.
3. In applying for authority to recruit a non-citizen, an authorized officer shall confirm that there is no citizen with the required qualifications available for appointment and the candidate has complied with the provisions of the Immigration Act and regulations.

4. Recruitment from outside Kenya shall also be subject to the following:
  - a) That the candidate is prepared to accept an appointment on contract terms
  - b) That the Government of the country to which the candidate belongs raises no objection to his recruitment
  - c) The candidate complies with the requirements of the Immigration Act
5. Non-citizens shall 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.

### **3.0.8 Advertisement of Vacant Posts**

1. The County Public Service Board shall advertise all vacant posts in a manner that reaches the widest pool of potential applicants and allows for at least fourteen days before closing the advertisement.
2. The advertisement shall have the following details: the title of the post, number of vacancies, job description, person specification and proposed remuneration.
3. The advertisement shall be delivered in approved hard copies and soft copy to the County Public Service Board to be posted on its website, local dailies and local notice boards.

### **3.0.9 Appointment on Contract Terms**

1. Appointment on contract terms shall be made under the following circumstances:
  - a) Where persons to be appointed may not qualify for pension as per the respective pension scheme
  - b) Where officers are appointed to serve on fixed term projects
  - c) Appointments at senior levels as determined by the County Public Service Board from time to time
  - d) Where capacity in the public service is lacking or specific skills are required
  - e) Personal staff of specified state officers as determined by the Board from time to time. Such staff shall serve during the tenure of the State officers
2. Appointment of officers on contract and renewal of such contracts shall be made on

authority of the County Public Service Board. Authorized officers shall report to the Board all cases of appointment on contract terms which require renewal at least three 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 months before the expiry of the contract for renewal.
4. Contract appointments shall be limited to a maximum period of five years, renewable subject to demonstrable performance and other terms of the contract.

### **3.1 Confirmation of Appointment and Admission to Pensionable Establishment**

1. An officer appointed to the Service in a pensionable post shall be confirmed in and admitted to the permanent and pensionable establishment on completion of probationary period of six months satisfactory service.
2. Service on contract terms may be taken into account in full as probationary service, in the case of an officer who has been appointed on probation to pensionable establishment.
3. The powers of confirmation of all officers in their appointments shall be exercised by the CPSB.
4. The supervisor shall make a report on the officer's suitability for confirmation or otherwise at least one month before the end of the probationary period to the County Chief Officer Public Service Management for onward transmission to the CPSB and inform the officer accordingly.
5. Where the supervisor fails to submit a report during the probationary period, the officer's appointment shall be deemed confirmed.
6. Where an officer's performance is unsatisfactory, he/she shall be informed in writing and the probation period may be extended to a maximum period of three months.
7. 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 Human Resource Regulations.
8. Where an officer has served on terms other than pensionable and is subsequently appointed to 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 shall, however, not be required to serve probation.

### **3.2 Re-Designation**

1. The authorized officer shall have powers to re-designate officers from Job Group 'A' to 'J' upon recommendation of Human Resource Management Advisory Committee, subject to suitability interview for those moving to non-related cadres.
2. Re-designation of staff in Job Group 'K' and above shall remain the responsibility of the County Public Service Board.
3. Re-designation of officers shall be subject to the following conditions:
  - a) Suitability interviews for officers who are moving from one cadre to another
  - b) Suitability interviews shall not apply for posts which fall within the same job family
  - c) Shall be limited to positions in the first two entry levels in any cadre
  - d) Shall take effect from the date of the decision
  - e) Authorized officers shall be required to promote qualified officers before processing re-designation requests
  - f) Re-designation with continuous service will be allowed only for technical cadres whose job specifications are similar for both graduate and non-graduate officers
  - g) Shall be subject to existence of vacancies
4. The above notwithstanding, re-designations shall be based on an officer's demonstration of competence, merit and ability in performance.

### **3.3 Promotion to Posts in Common Establishment**

1. Promotion to posts within a common establishment shall cover the first two grades at entry level or as determined by the Board from time to time.
2. The effective date of an officer's promotion shall be the date of the County Public Service Board decision or date of the Departmental Human Resource Management Advisory Committee (DHRMAC) meeting.
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 shall be the date on which he/she commenced to act.

4. Seniority during consideration for promotion shall be taken into account.
5. In selecting candidates for promotion, consideration shall be given to fair competition, merit and ability as reflected in work performance and results, as well as seniority, experience and academic or professional qualification.
6. In processing promotions, the provisions of the various schemes of service shall strictly be adhered to and in cases of officers in common cadres, the committee shall conclude their cases.
7. Promotions under delegated authority shall be processed taking into account an officer's demonstrable performance, in addition to fulfilling other requirements prescribed in the career guidelines.
8. Where an officer is to be promoted upon satisfying requirements which include the passing of relevant Commission's/Board's examinations, the officer shall be promoted with effect from the date he/she passed the examination.

### **3.4 Transfers and Posting in the County**

1. Employees who wish to move from one ministry to another will have to apply for vacant positions as and when advertised. Further, deployment of officers in their substantive capacity within a ministry shall be undertaken by the respective authorized officer on recommendation of DHRMAC.
2. Posting of officers from one station to another in their substantive capacity within a department shall be undertaken on recommendation of departments and approval by DHRMAC.
3. The power to deploy a county public officer from one department to another shall vest in the head of the county public service. Inter-departmental postings and deployments shall be done by the County Secretary upon recommendation by the DHRMAC.
4. Inter-county transfers shall be subjected to approval by the County Public Service Board. Any employee who wishes to move from one county to another will have to apply and get a vacancy/approval from either receiving or releasing county.

### **3.5 Training and Development**

1. The County Government policy on training is to ensure continuous upgrading of core competencies, knowledge, skills and attitudes of public officers, including their ability to assimilate technology to enable them create and seize opportunities for career growth, social advancement, economic growth and development.
2. The County Departments are supposed to allocate funds to finance staff training programmes. The funds shall be used for job-related courses that enhance performance and service delivery.
3. All training must be based on identified training needs. County public officers should have at least five days training in a year, while newly recruited or transferred officers must be inducted within three months of joining the County public service.
4. DHRMAC shall make deliberations on issues relating to training of county staff. County Departments shall prepare training projections based on training needs assessment to guide the committees in nominating officers for training in consultation with the Human Resource Development Unit under the Public Service Department.
5. Induction and orientation training is expected to help an employee familiarize with the work environment and requirements. County Departments, in liaison with the Department of Public Service, are expected to conduct induction training within three months for newly recruited officers and those who have joined County Departments on transfer, promotion and re-designation.
6. All training shall be done in accordance with the laid-down training regulations and all officers shall be given equal opportunity to be trained.
7. Training in the county public service shall be based on training needs assessments, which shall be conducted every year in each County Department. County Departments shall prepare training projections based on training need assessments to guide the training committees in nominating officers for training.
8. Staff training needs can be obtained from various schemes of services at various levels for each cadre. The performance appraisal system has a provision for identifying training needs for each individual employee.

9. County departments may design specific in-house training programmes as a method of developing training interventions which address identified training needs. In addition, training can be provided under institutional training, both locally and abroad.
10. The DHRMAC shall deliberate and conclude all training cases below six months, while training cases of six months and above shall be recommended and referred to the County Public Service Board for approval.
11. Once a course is approved, the Director of Human Resource shall issue course approval letters to officers proceeding on authorized training in accordance with service regulations. Officers shall be required to obtain course approvals before commencement of training.
12. The County Government shall enter into formal agreement with serving officers proceeding on approved courses of training locally or abroad lasting six or more months. The period of the bond for courses lasting six or more months shall be determined by the duration of the course as follows:
  - a) Six months up to one year - one year bond period
  - b) More than one year up to two years - two years bond period
  - c) More than two years up to three years - three years bond period
  - d) More than three years - as per the duration of the course, but not exceeding five years

### **3.6 Performance Management System**

#### **3.6.0 Performance Management Plan**

1. The County Executive Committee shall design a performance management plan to evaluate performance of the county public service and implementation of county policies.
2. The plan shall provide for, among others:
  - a) Objective, measurable and time-bound performance indicators
  - b) Linkage to mandates
  - c) Annual performance reports
  - d) Citizen participation in the evaluation of the performance of county government
  - e) Public sharing of performance progress reports
3. The governor shall submit the annual performance reports of the County Executive Committee and public service to the County Assembly for consideration.

4. The performance management plan and reports under this section shall be public documents.

### **3.6.1 Performance Contracting**

1. Performance contracting is a negotiated process in which County Departments set their performance targets based on their mandates, functions and strategic objectives.
2. The County Department responsible for public service shall issue guidelines to guide Public Service agencies in implementation of performance contracts.
3. Performance contracts shall be anchored on the County's development goals and cascaded to all departments, sections, levels and cadres of employees and grassroot institutions for the purpose of complete integration of the process. The integration shall include linking the performance contracts with the Performance Appraisal System (PAS) and the Performance Rewards and Sanctions Framework.

### **3.6.2 Performance Appraisal System**

1. Prior to the beginning of the performance period, departments will prepare work plans based on their strategic plans. The Departmental Work Plans shall include departmental priority objectives from which individual performance targets shall be derived. Departmental heads shall 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 shall be derived from the Departmental Work Plans and officers' job descriptions. The work plan shall briefly describe the performance targets or expected results on specific assignments and activities for which a staff member is responsible during the performance year.
3. The appraisee shall 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 shall be performance indicators.
4. The appraisal period will cover one year starting from 1st July to 30th June of the following year. The performance appraisal reflects the summation of the year's performance and the strategic objectives shall be derived from the County Department's strategic plan and performance contract, and cascaded to the department, division and

individual employees.

5. Performance appraisal is an on-going process throughout the performance period. Milestones over the review period shall be documented and maintained in the Appraisee's personal file. Performance measurement shall be undertaken in accordance with the PAS guidelines issued to the County Public Service from time to time. Departments will carry out mid-year performance reviews and end-of-year appraisals.
6. There will be rewards and sanctions to establish a basis for rewarding exemplary performance and administering sanctions for poor performance, motivate employees to have positive attitude to work and to enhance productivity in the public service. This will also create linkages between institutional and individual performance. The County Public Service Board shall be responsible for the administration of the rewards and sanctions policy. It will also handle appeals after employees have exhausted all review mechanisms.

### **3.6.3 County Performance Management Steering Committee**

1. The County Secretary shall constitute a County Performance Management Steering Committee which shall implement, monitor and evaluate the performance management system in the County.
2. The composition of the committee shall be as follows:
  - a) Chairperson - to be appointed by the County Secretary from among County chief officers
  - b) Secretary – Director of Administration/Human Resource Development
  - c) Members - Chief officers of other County Departments
3. The role of the County Performance Management Steering Committee is to:
  - a. Coordinate the performance contracting system at the County level
  - b. Ensure integrity and credibility of overall process of staff performance appraisal is safeguarded and maintained in County Departments
  - c. Propose measures to improve staff performance management process

### **3.6.4 Departmental Performance Management Committee**

1. Each County Department shall establish a Departmental Performance Management Committee whose role will be to:

- a) Ensure staff appraisal process conforms to County Departments' strategic objectives
- b) Ensure staff appraisal process is adequately linked to the County Departments' objectives, work plans and performance contracts
- c) Ensure that performance of all officers in County Department is evaluated and feedback relayed to the officers in writing at the end of the year
- d) Arbitrate in case of disagreement on appraisal ratings between supervisor and appraisee
- e) Compile County Departments' annual performance appraisal reports
- f) Implement the internal monitoring and evaluation framework
- g) Hold quarterly performance review meetings

2. Members of the Performance Management Committee shall be expected to perform their duties with diligence, integrity, impartiality and confidentiality.
3. Members of the Performance Management Committee shall not discuss or make recommendations in respect of their own performance reports. The Chief Officer shall complete the performance appraisal reports for the members of the Committee and make appropriate recommendations to the County Executive Committee Member.
4. Members of the Performance Management Committee may not be eligible to participate in any award for which they have been nominated.

### **3.6.5 Rewards and Sanctions**

1. Authorised officers, on the recommendation of Departmental Management Committee, may reward excellent performance and invoke appropriate sanctions for poor and very poor performance in accordance with existing service regulations.
2. The Supervisor may however recommend other specific interventions, depending on insight gained during the appraisal. In addition, the PAS will form the basis for placement, promotion and mobility of staff within and across the County public service. In respect to recommendations for rewards for excellent performance, care shall be taken to avoid overrating of performance in order to safeguard the integrity of the evaluation process.
3. Excellent performance shall attract a bonus award of one month's basic salary.
4. Good performance shall not attract any reward as it will be performance to the expected standards for which an officer earns a salary. Nevertheless, for purposes of the new

Performance Management and Performance Appraisal Policy, good performance is regarded as acceptable and a good basis for achievement of excellent performance in the following year.

5. While fair performance shall be exempted from sanctions, officers performing at this level shall be alerted of the consequences of deterioration of performance.
6. Poor performance shall attract a cautionary letter for the first year, a warning letter in the second year and separation in the third year.
7. Very poor performance shall attract a warning letter in the first year and separation in the second year.

### **3.7 Code of Conduct and Ethics**

1. This code of ethics contains general rules of conduct to be observed by a public officer so as to maintain integrity and uphold the dignity of the public office to which he/she has been appointed. Every public officer occupies a special position within the County public service and should ensure that his/her conduct, both in public and in private life, does not bring the service into disrepute
2. Regulations governing discipline in the County public service and the procedure to be followed in cases of breach of discipline are contained in the County Public Service Board Regulations. In addition, an employee is required to comply with the provisions of Chapter Six of the Constitution on Leadership and Integrity and Articles 10 and 232 of the Constitution; Leadership and Integrity Act, 2012; Public Officer Ethics Act, 2003; Anti-Corruption and Economic Crimes Act, 2003; Labour Relations Act, 2007 and the Employment Act, 2007.
3. Officers are required to adhere to their respective professional codes of conduct. It is imperative that every public officer adheres to these rules of conduct, and such other rules, which may be introduced from time to time.

### **3.7.0 Office Hours**

1. Public Officers are required to work 40 hours spread over five days in a week. Government office hours are as follows:

<b>REGIONS</b>	<b>DAYs</b>	<b>TIME</b>
Nairobi and all other regions	Monday to Friday	8.00am to 1.00pm

		2.00pm to 5.00pm
Mombasa and Northern Kenya	Monday to Friday	7.30am to 12.30pm
		2.00pm to 5.00pm

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

### 3.7.1 Public Holidays

- The following days shall be observed as public holidays in accordance with the relevant parliamentary legislation:

DAY	DATE
New Year's Day	1 <sup>st</sup> January
Good Friday	
Easter Monday	
Labour Day	1 <sup>st</sup> May
Madaraka Day	1 <sup>st</sup> June
Idd-ul-Fitr	
Idd-Ul Adhaa	
Mashujaa Day	20 <sup>th</sup> October
Jamhuri Day	12 <sup>th</sup> December
Christmas Day	25 <sup>th</sup> December
Boxing Day	26 <sup>th</sup> December

*\*In accordance with the relevant religious calendar.*

- In addition to the above public holidays, Diwali will be observed as a public holiday by officers practicing that faith.

### 3.7.2 Rule of Law

A public officer shall carry out his/her duties in accordance with the law and shall not violate the rights and freedoms of any person enshrined under Chapter Four of the Constitution (the Bill of Rights).

### **3.7.3 Public Trust**

A Public office is a position of trust and the authority and responsibility vested in a public officer shall be exercised in the best interest of the country and the county.

### **3.7.4 Performance of Duties**

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

### **3.7.5 Professionalism**

A public officer shall carry out his/her duties professionally and treat fellow public officers with consideration and respect. He/she shall also act in a manner that is respectful. He/she shall also act in a professional manner in order to maintain public confidence in the integrity of the office. A public officer who is a member of a professional body shall observe the ethical and professional requirements of that body.

### **3.7.6 Financial Integrity**

A public officer shall not use the office to unlawfully or wrongfully enrich himself/herself or any other person. A public officer shall not maintain a bank account outside Kenya except in accordance with an Act of Parliament or seek or accept a personal loan or benefit in circumstances that compromise his integrity.

### **3.7.7 Pecuniary Embarrassment**

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

### **3.7.8 Moral and Ethical Requirements**

A public officer shall:

- (a) Not engage in activities that amount to abuse of office
- (b) Accurately and honestly represent information to the public
- (c) Not discriminate against any person

### **3.7.9 Gifts or Benefits in Kind**

1. A public officer is prohibited from 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.
2. A gift or donation to a public officer on a public or official occasion shall be regarded as a gift or donation to the County and shall be delivered to the respective County Department unless exempted under an Act of Parliament or County Assembly.
3. When presents are exchanged between public officers acting on behalf of the Government in ceremonial occasions with other Governments or their representatives, the presents received shall be handed over to the Government and any present in return shall be given at the Government's expense.

### **3.7.10 Wrongful or Unlawful Acquisition of Property**

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

### **3.7.11 Conflict of interest**

A “conflict of interest” involves a conflict between public duty and private interests of a public officer in which the officer’s private capacity interests would improperly influence the performance of their official duties and responsibilities.

A public officer:

- (a) 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
- (b) 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
- (c) Whose personal interest conflict with his official duties shall declare the personal interests to his supervisor or other appropriate body and refrain from participating in any deliberations with respect to the matter
- (d) shall not award a contract, or influence the award of a contract to:

- (i) Himself/herself
- (ii) A spouse or relative
- (iii) A business associate
- (iv) A corporation, partnership or other body in which the officer has an interest
- (e) Who is serving on a full-time basis shall not participate in any other gainful employment
- (f) Shall not allow himself/herself to be influenced in the performance of his/her duties by plans or expectations for or offer of future employment or benefits and shall disclose, in writing to the Board, all offers of future employment or benefits that could place him/her in a situation of conflict of interest
- (g) Shall not be engaged by or act for a person or entity in a matter in which the officer was originally engaged in as a public officer, for at least two years after leaving the public office

In this section, “personal interest” includes the interest of a spouse, relative, or business associate.

#### **3.7.12 Acting for Foreigners**

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

#### **3.7.13 Care of Property**

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

#### **3.7.14 Misuse of Official Information**

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

#### **3.7.15 Falsification of Records**

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

### **3.7.16 Political Neutrality**

A public officer shall not, in or in connection with the performance of his 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 office.

### **3.7.17 Impartiality**

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

### **3.7.18 Collections and Harambees**

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

### **3.7.19 Conduct of Private Affairs**

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

### **3.7.20 Citizenship**

A person who holds dual citizenship shall, upon appointment to a public office, not take up the offer before officially renouncing their other citizenship in accordance with the provisions of the Kenya Citizenship and Immigration Act, 2011.

### **3.7.21 Bullying**

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

### **3.7.22 Sexual Harassment**

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

- (i) Making a request or exerting pressure for sexual activity or favours
- (ii) Making intentional or careless physical contact that is sexual in nature
- (iii) Making gestures, noise, jokes or comments, including innuendos, regarding another person’s sexuality

### **3.7.23 Nepotism**

A public officer shall not practice undue favouritism to benefit their relations and close relatives at the expense of the service.

### **3.7.24 Acting through Others**

A public officer contravenes the code if he/she causes anything to be done through another person that would constitute a contravention of the code if done by the public officer, or allows or directs a person under their supervision or control to do anything that is in contravention of the code. Contravention shall not apply where anything is done without the public officer’s knowledge or consent, or if the public officer has taken reasonable steps to prevent it. A public officer who acts under unlawful direction shall be responsible for his/her actions.

### **3.7.25 Reporting Improper Orders**

A public officer shall report to an authorized officer or the County Public Service Board, as the case may be, any order required of him/her that he/she considers improper or unethical.

### **3.7.26 Declaration of Income, Assets and Liabilities**

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

An officer who fails to submit a declaration or clarification as required, or who submits

information that he knows is false or misleading, shall be liable to disciplinary action. If an investigation discloses that the public officer has contravened the code of conduct and ethics, the appropriate disciplinary action will be taken against the officer; or if the Board is of the view that civil or criminal proceedings ought to be considered, the matter may be referred to the Attorney General.

### **3.7.27 Uniforms for Officers**

Officers offering common services such as receptionists, drivers and support staff are required to wear uniforms and will be issued with at least two pairs of appropriate uniforms on deployment. Issues of uniforms and dates of their issue shall be recorded in the Stores Ledger. All officers who are provided with uniforms shall be required to maintain them in clean and decent conditions and to wear them at all times while on duty. Disciplinary action will be taken against any officer who fails to observe this regulation.

### **3.7.28 Dress Code**

All public officers are required to be well-groomed and decently dressed to maintain an appropriate standard of dress and personal hygiene while on duty. Employees may put on branded corporate attires for their respective county departments/agencies on Fridays.

### **3.7.29 Official Language**

All public officers are required to use official language in office (English or Kiswahili) as part cohesion, integration among staff.

## **3.8 Disciplinary Process**

The objective of disciplinary process is to create a motivated and dedicated public service delivery. It is expected that public officers will maintain integrity and uphold the dignity of the office to which they are appointed. Further, disciplinary cases shall be dealt with expeditiously, efficiently, lawfully and in a procedurally fair manner. The County Public Service Board has delegated the following disciplinary powers to the Departmental Human Resource Management Advisory Committee through authorized officers as per the County Public Service Board delegation instruments issued to the county departments from time to time:

- (a) Interdiction of officers
- (b) Suspension of officers
- (c) Reprimand (including severe reprimand) of any officer
- (d) 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
- (e) Withholding, deferment and stoppage of salary increment
- (f) Dismissal and reduction in rank in respect of officers

### **3.8.0 Disciplinary Procedure**

1. Disciplinary cases dealt with under delegated powers shall be processed through the respective Human Resource Management Advisory Committee.
2. If criminal proceedings are instituted against an officer or where an officer has been acquitted of a criminal charge in a court of law, the authorized officer shall not be prevented from dismissing him/her or otherwise punishing him/her on any other charge arising out of his/her conduct in the matter.
3. Where an officer has been charged with desertion of duty, the letter shall be addressed to his last known address by registered mail.
4. Disciplinary cases shall be dealt with promptly and finalized within a period of six months. Where it is found impracticable to do so, the authorized officer shall report individual cases to the County Public Service Board, explaining the reason for the delay.
5. The procedures to be followed by authorized officers in dealing with disciplinary cases are as follows:
  - a) Carry out a preliminary investigation and consultation about the circumstances surrounding the act of misconduct
  - b) Issue the public officer with statement of the alleged offence ('show cause' letter) and the charges framed against him/her and invite him/her to state in writing the grounds, if any, on which he/she will rely to exonerate himself/herself
  - c) The officer shall respond to the charges within twenty one days from the date of the 'show cause' letter
  - d) The case shall be presented to the Human Resource Management Advisory

Committee for deliberation and recommendations

- e) If the officer fails to respond within the specified period or if in the opinion of the authorized officer, the explanation given is not satisfactory, he/she shall forward the case with copies of the charge and the officer's reply if any, with his/her comments to the Committee for decision

6. While carrying out investigations, the authorized officer shall observe the following conditions:

- a) Constitute a team of not less than three officers to investigate the matter (where the team is more than three members, the team shall consist of an odd number).
- b) The officers conducting the investigation shall be senior to the accused officer and should not have dealt with the case before
- c) The report of the investigation shall be submitted to the HRM Advisory Committee 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
  - iv. Details on any matter that may affect the gravity of the case, if any

7. The report shall not contain any recommendation on the form of punishment to be meted out to the accused officer.

8. On receipt of the investigation report the authorized officer shall, on the recommendations of the Human Resource Management Advisory Committee, decide whether and how the accused officer shall be punished.

9. The report of the investigation shall include:

- a) The name of the officer charged
- b) The particulars of the charge as set out in the show cause letter
- c) The reply of the charged officer to the particulars of the charge
- d) New offences that may be unearthed during investigation
- e) The oral and documentary evidence availed on each issue and names of the witnesses, if any
- f) The conclusions or findings on each issue

g) A statement of opinion by the investigating officer or committee on whether the officer is guilty or innocent as charged, as well as any material information aggravating or mitigating the case

10. If, during the course of the investigation, new offences are unearthed, the authorized officer shall follow the disciplinary procedure stated above.
11. An officer who is absent from duty on grounds of illness shall produce proof of sickness/sick leave certified by a medical practitioner on resumption of duty. The officer shall also make every effort to notify the office of his sickness.
12. 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.
13. An officer who is dissatisfied by a decision made by an authorized officer may appeal to the Board within a period of thirty days from the date of the letter conveying such decision, provided that the Board may consider an appeal that is made out of time if, in the opinion of the Board, the circumstances warrant such consideration. The Board shall entertain only one appeal in each case.
14. An officer may apply for a review of his case within six months after the decision of the County Public Service Board. The Board may entertain an application for review out of time if, in the opinion of the Board, the circumstances warrant it.

### **3.8.1 Principles Guiding Exercise of Disciplinary Process**

1. Adherence to the principles of natural justice:
  - A person affected by a decision must be given an opportunity to be heard
  - The person making the decision must not be biased
2. Respect for the rule of law:
  - Everybody should be treated equally
  - No one is above the law
  - No one is exempt from law
  - No one can grant exemption to the application of the law
  - Acting within legal authority

- A person making a decision affecting a public officer must ensure that he/she is acting within legal authority and in accordance with the prescribed procedure.

### **3.8.2 Forms of Punishment**

Any of the following punishments may be meted:

#### **(a) Verbal/Preliminary Warning**

A situation may arise when there is need to caution an employee on a disciplinary issue. The employee's immediate supervisor shall meet with the employee in question and point out the nature of the offence or area of weakness and the improvement required. Preliminary warning will however, not be considered towards the number of warning required before an employee can be terminated.

#### **(b) Written Warning**

Any letter of warning shall be preceded by a discussion followed by a written explanation by the employee of the circumstances surrounding the case, and a report of which shall be kept in the employee's personal file. The report and the letter of warning shall be disregarded in consideration of any offence committed after one year, if no further complaints are registered against the employee. Warning letters shall be issued as soon as possible after an employee commits the offence. An employee may be served with a written warning if he/she is guilty of an offence other than gross misconduct or other lawful cause of dismissal. Such warning will be given three times and will be governed by the following rules:

##### **i) First Warning**

The first warning shall be in writing and shall remain in force for a period of twelve months from the date of issue.

##### **ii) Second Warning**

If within the twelve months period the employee commits a similar or any other offence which does not warrant dismissal, he/she will be given a second warning in writing. The two warnings will remain valid for a period of twelve months from the date of issue of second warning.

**iii) Third Warning**

If within the twelve months period the employee further commits an offence which does not warrant summary dismissal, he/she will be issued with a final warning letter, which will make him/her liable to summary dismissal for any other offence that he/she may commit thereafter. The final letter of warning shall remain valid for a period of one year from the date of issue.

**iv) Termination Arising from Prior Warning**

Employees who have received a third warning letter may be dismissed with/without further warning if they do not register any improvement or continue to breach regulations.

**(c) Reduction in Rank or Seniority**

Mandera County Government may demote an employee if in view of the management, the employee is not measuring up to the requirements and challenges of the position in which he/she has been placed, provided the employee has had a good performance record in the previous position.

Where an employee has been demoted, the County shall not adjust the salary downwards. However, the employee's salary shall be maintained at the current level until others in the grade to which he/she has been demoted reach the same level where his/her salary is.

**(d) Stoppage/Withholding/Deferment of Annual Increment**

An annual increment is earned and is not a right. An increment shall only be granted if an employee has discharged his/her duty with efficiency, diligence and fidelity. Any employee charged with any disciplinary offences may have his/her increment stopped, withheld or deferred.

**(e) Surcharge/Recovery of Cost of any Loss or Breakage**

Any employee who causes damage or loss of property or funds of Mandera County Government shall be required to make good of the loss/damage.

### **(f) Summary Dismissal**

This punishment will be applicable in the case of an employee who is found guilty of acts of omission or commission amounting to a serious offence or gross misconduct, as stated in the Employment Act 2007 and due process of the disciplinary proceedings, has been made.

## **3.9. Labour Relations**

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 shall be guided by the provisions of the Constitution, relevant legislations and the institutional framework for collective bargaining with public service unions.

### **3.9.0 Union Membership**

All employees may join any registered and recognized union of their choice. However, eligibility for an employee to join will depend on the recognitions agreement between the County Government and the respective union. Employees shall not be victimized for being members or participating in trade union activities. Employees who are not appointed as officials of any union may be granted permission to carry out official union duties. Employees are not allowed to be officials of more than one trade union. However, an official of a trade union may also be an officials of a federation to which the trade union is affiliated. Union meetings shall be convened to take place during employees' free time.

### **3.9.1 Recovery of Union Dues**

The County Government shall deduct trade union dues from the salaries of union members who have consented to and pay the monies so deducted into a specified account of the trade union. Deductions from an employee who has resigned his union membership and notified the employer in writing shall be stopped; and a copy of an employee's notification shall be forwarded to the union for information.

### **3.9.2 Dispute Resolution**

The County Government shall endeavor at all times to have good working relations with the

unions in order to maintain industrial harmony. However, should a trade dispute arise concerning any aspect of the employer/employee relationship, the resolution of that dispute shall be as provided for in the Labour Relations Act.

### **3.9.3 Employee Participation in Strikes**

An employee may participate in a strike if:

- (a) 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
- (b) The trade dispute is unresolved after conciliation
- (c) Seven days written notice of strike has been given to the County Government and the County Executive responsible for Public Service by the representative of the union.

The collective bargaining in the public service may include salaries, allowances, benefits and working conditions, as shall be agreed upon from time to time.

### **3.10 Leave Management**

In conformity with provisions of the Employment Act, annual leave is granted subject to the exigencies of work for recuperative purposes to enable an employee to renew his energies and improve efficiency. Annual leave is therefore, not normally commuted for cash nor is leave allowance payable to dependents or to the estate of the deceased in the event of an employee's death. Each Head of Department shall circulate a leave schedule in July for employees to provide anticipated leave dates in order to allow proper planning and deployment of the human resource.

### **3.10.0 Categories of Leave**

Leave falls into any of the following categories:

- (a) Annual Leave
- (b) Maternity Leave
- (c) Paternity Leave
- (d) Unpaid Leave
- (e) Special Leave for Sportsmen/women
- (f) Sick/Convalescent Leave

- (g) Compassionate Leave
- (h) Terminal leave

### **3.10.1 Annual Leave**

1. An employee shall be eligible for annual leave at the commencement of a “leave year” except in the case of a newly appointed employee who will be required to complete a minimum of three months’ service before being granted annual leave. For this purpose, a “leave year” will commence on 1<sup>st</sup> July of the Financial year and end on 30<sup>th</sup> June of the following year.
2. Annual leave for a newly appointed employee shall be calculated on a pro-rata basis for the year of his/her appointment.
3. All employees, irrespective of grade, shall be entitled to thirty days annual leave. The leave shall exclude Saturdays, Sundays and public holidays.
4. Annual leave is not cumulative. Hence, leave earned shall be taken within the leave year it falls due or be forfeited. However, an employee may, if he/she so wishes, carry forward from one leave year to another not more than one half of his annual leave entitlement.
5. Annual leave must be taken within the leave year it falls due or be forfeited. Deferment of annual leave from one year to another shall not be permitted except in very exceptional circumstances with prior approval of the County Secretary.
6. An employee may utilize his/her annual leave at any time during the “leave year”, but shall not be eligible for such annual leave if he/she is not returning for further service for a minimum period of three months. This condition does not, however, apply to an employee who resigns from Mandera County at the end of a calendar year after having utilized his/her annual leave.
7. An employee who has not utilized the annual leave due for the year in which his/her employment ceases will be entitled to terminal leave in accordance with section 28 (1) (b) of the Employment Act, 2007, which reads as follows:

*“Where employment is terminated after the completion of two (2) or more consecutive months of service during any twelve months’ leave earning period, to not less than one and three quarter (1<sup>3/4</sup>) days of leave with full pay, in respect of each completed month of service in that period, to be taken consecutively”.*

8. An employee intending to proceed on annual leave shall apply 30 days before the commencement of leave using the leave application form. The same form shall be used for applying for maternity and paternity leave.

### **3.10.2 Maternity Leave**

Female members of staff shall be granted maternity leave with full pay for a maximum period of ninety working days, which is exclusive of the annual leave due for the year. An application for maternity leave shall be submitted to the respective Chief Officer thirty days before the expected date of confinement. In addition, it shall be supported by a medical certificate indicating the date on which maternity leave shall commence.

### **3.10.3 Paternity Leave**

1. An employee shall be eligible for paternity leave for ten working days during the period of his spouse's maternity leave.
2. Paternity leave shall be granted on confirmation of the birth of a child. The name of the child's mother must correspond with the name of the employee's spouse as indicated in the employee's records.
3. An employee shall be eligible for paternity leave at least once a year. For this purpose, leave year will commence on 1<sup>st</sup> July and end on 30<sup>th</sup> June of the following year.
4. Paternity leave cannot be deferred, neither can it be commuted for cash, nor can the employee qualify for payment of leave allowance.
5. A newly appointed employee shall be eligible for paternity leave on completion of three months.

### **3.10.4 Unpaid Leave**

Unpaid leave may be granted by the County Public Service Board on recommendation of the respective Human Resource Management Advisory Committee on the following grounds:

- i. Urgent private affairs of exceptional nature not exceeding sixty calendar days
- ii. Officers whose spouses are posted to foreign missions during the tour of service
- iii. Officers who are appointed to international organizations where they cannot transfer their service or be on secondment for a period not exceeding three years

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

Unpaid leave will not be increment earning.

During the period of unpaid leave, the Government shall not make a contribution of its portion towards an officer's pension under the Public Service Superannuation Scheme. The officer shall however, be free to contribute his portion towards the scheme.

The period of unpaid leave shall not be pension earning under the Pensions Act Cap. 189.

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

### **3.10.5 Special Leave for Sportsmen/Women**

The County Secretary may grant an employee, who is selected to represent the County in national, regional or international fixtures, special leave with full pay for the necessary period of training and subsequent participation in sports. This special leave shall not be counted against the employee's annual leave entitlement.

### **3.10.6 Sick/Convalescent Leave**

Sick leave is defined as an approved absence of an employee from duty on account of illness. Sick leave shall be granted by a duly authorized medical officer as indicated hereunder and the medical certificate duly signed and submitted to an authorized officer through the supervisor or immediate senior officer within two days of absence. Convalescent leave means a period of absence of an employee granted on recommendation of a qualified medical officer for the employee's recuperative purposes immediately following an illness.

### **3.10.7 Rates of Sick Leave/Convalescent Leave**

1. Any absence of an employee from duty on account of illness shall be supported by a medical certificate given by a medical practitioner registered with the Kenya Medical Association.
2. An employee may also be granted convalescent leave, by an approved medical practitioner for recuperative purposes immediately following an illness. The medical

certificate shall indicate the convalescent leave days, which will be given according to calendar days.

3. Each medical certificate will be given for a maximum period of seven days. Upon expiry of the seven days, subsequent sick offs will be on the basis of medical reviews and certificates every seven days till recovery.
4. An employee on permanent or contract terms of service shall be granted sick/convalescent leave of up to three months on full pay, followed by three months on half ( $1/2$ ) pay in a leave year.
5. If the sickness persists, the employee shall appear before a Medical Board convened by the Director for Medical Services for an assessment of his/her fitness to continue in the service of Mandera County Government or otherwise. An employee who is found unfit for continued service shall be retired on grounds of ill health.

### **3.10.8 Compassionate Leave**

An employee, who has exhausted his/her annual leave entitlement may be granted compassionate leave of up to five working days in a leave year.

### **3.10.9 Leave for Special Purposes**

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

### **3.10.10 Terminal Leave**

An employee who has not availed himself/herself of annual leave due for the year in which his/her employment ceases, will be entitled to annual leave on pro-rata basis. An employee on permanent and pensionable terms who is due for retirement will also be entitled, in addition to his/her annual leave, to thirty days leave pending retirement. This leave must be taken a month

preceding retirement and will however, neither be commuted for cash nor will the employee qualify for additional leave allowance

### **3.11 Allowances**

The County recognizes that while the salary attached to respective posts represents appropriate remuneration of its holder for proper and efficient work performance, there are circumstances when additional payments are warranted. Additional payments are made in the form of allowances, either to reimburse an officer for the expenses incurred directly or indirectly in the execution of his/her duties, or to compensate him/her for services rendered over and above the normal job requirements. An allowance paid to County officers is subject to Salaries and Remuneration Commission (SRC) determination through circulars. All allowances are consolidated and capped at 40% of the approved total gross remuneration package, while 60% of the set remuneration package is basic salary. However, the following additional allowances shall be paid to County officers in accordance to their grade and/or responsibilities as approved by SRC.

- a) Non-practising allowance
- b) Special County duty allowance
- c) Any other allowance as may be approved by SRC/County from time to time

The following are the allowances that are currently applicable in the Service and the circumstances under which they are payable. The allowances shall be paid to County staff in accordance with their grade and/or responsibilities:

- a) House allowance
- b) Acting allowance
- c) Special duty allowance
- d) Hardship allowance
- e) Commuter allowance
- f) Non-practicing allowance
- g) Leave allowance
- h) Overtime allowance
- i) Extraneous allowance

- j) Trainers allowance
- k) Risk allowance
- l) Entertainment allowance
- m) Airtime allowance
- n) Uniform/dust coat allowance
- o) Subsistence and accommodation allowance (per diem)
- p) Any other allowance as may be approved by the County/SRC from time to time

### **3.11.0 House Allowance**

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

### **3.11.1 Commuter Allowance**

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

### **3.11.2 Leave Allowance**

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

### **3.11.3 Entertainment Allowance**

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 the government from time to time, subject to SRC approval.

#### **3.11.4 Extraneous Allowance**

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

#### **3.11.5 Acting Allowance**

When an officer is eligible for appointment to a higher post and is called upon to act in that post pending advertisement of the post, he/she is eligible for payment of acting allowance at the rate of twenty 20% of his substantive basic salary. Acting allowance shall not be payable to an officer for more than six months. Acting appointments shall not be approved to take effect from a date earlier than one 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.

The payment of acting allowance shall be subject to recommendation by the Departmental Human Resource Management Advisory Committee and approval by the County Public Service Board.

All recommendations for acting appointments shall be accompanied by a draft indent for advertisement of the vacancy and shall be forwarded to the County Public Service Board and other known appointing authorities in the County. 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 days. A recommendation for an acting appointment for a period of thirty days or less shall 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. 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

higher cost.

Acting allowance shall not be paid against any post falling within the common establishment.

In all cases, an officer must be appointed to act in writing by the County Public Service Board or such other officer to whom the Board may delegate such responsibility. An officer/staff assigned duties of a post that is more than two grades higher than his/her substantive grade shall be paid special duty allowance. Officers/staff on probation are not eligible for acting allowance.

### **3.11.6 Special Duty Allowance**

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/she shall be paid special duty allowance at the rate of 15% of the officer's basic salary. The payment of special duty allowance will be subject to recommendation by the Human Resource Management Advisory Committee and approval by the CPSB. When a post falls temporarily vacant due to the absence of the substantive holder, special duty allowance shall not be paid to an officer performing duties of such a post unless the period of absence exceeds thirty 30 days.

Officers shall not be called upon to perform duties of a post that is more than two grades higher than the officer's substantive grade. Special duty allowance shall not be payable to an officer for more than six months. 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. Employees on probation are not eligible for special duty allowance.

### **3.11.7 Daily Subsistence Allowance (Local Travel)**

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/her at the rates determined by the Government from time to time. Accommodation allowance shall be paid for a maximum continuous period of thirty days. Notwithstanding the provisions of paragraph (1) of this provision, an officer who is required to be away from his/her duty station for more than thirty days shall be paid accommodation allowance for the subsequent additional days at half rate up to a maximum period of five months. Beyond this period, if the officer

continues to work in the same station, this will be treated as a posting and accommodation allowance shall cease to be applicable.

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

### **3.11.8 Meal Allowance**

Meal allowance will only be paid to officers travelling on duty within the County/country but who are not required to spend a night away from the permanent duty station. Meal allowance shall not be paid alongside accommodation allowance. 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. Meal allowance shall not be paid as a compensation for officers who are required to work beyond the official working hours.

### **3.11.9 Daily Subsistence Allowance while Travelling on Duty Outside Kenya**

A public officer who is required to travel on duty outside Kenya shall be granted subsistence allowance at the daily rates determined by the Government from time to time. 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. Travelling expenses incurred from the airport to a hotel or other residential place and vice versa, airport charges, fees for vaccination, visas and passport charges shall be refunded.

Where an officer's travelling and accommodation expenses are covered in full by the Kenya Government or any other organization, a residual allowance of up to one-quarter of the standard rate of subsistence allowance shall be paid to him/her to cover incidental expenses. In cases where the sponsor does not meet the expenses directly but pays an allowance and such allowance

is less than the standard rate of subsistence allowance, the officer may claim the difference from the Government.

### **3.11.10 Overtime Allowance**

Where an officer in Job Group 'L' and below is required to work overtime, an allowance may be granted to him with approval of the departmental head for overtime worked in excess of forty hours per week, at the rate of one and a half times the officer's basic salary during working days and two times the officers basic salary during other days, including public holidays. Overtime allowance shall be paid subject to a maximum of ten hours per week.

This provision shall 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.

### **3.11.11 Transfer Allowance**

When an officer is transferred from one station to another, he/she will be eligible for transfer allowance amounting to one month's basic salary, provided the new station is not less than 40 kilometers from the former station. Transfer allowance shall be paid at least three days prior to departure.

Transfer allowance will not be paid to:

- a) Field officers such as surveyors, hydrologists, engineers, geologists and inspectors of works, when moving from one camp to another
- b) Officers who are deployed on temporary basis (i.e. on relief duty) for a period not exceeding five months
- c) Officers who are transferred at their own request.

### **3.11.12 Field Allowance**

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

### **3.11.13 Baggage Allowance**

When travelling on first appointment, transfer or termination of appointment, an officer shall be provided with a government vehicle to transport his/her luggage. In the absence of a vehicle, the officer shall be eligible for a baggage allowance at rates determined by the Government from time to time. The officer shall be expected to request for transport within three months of appointment, transfer or termination of appointment, failure to which the privilege shall be forfeited. In case of the death of an employee, the next-of-kin shall be eligible for a baggage allowance at rates determined by the Government from time to time.

### **3.11.14 Responsibility Allowance**

This allowance is payable to County staff on grades J-S to compensate them for the demands placed upon them by the nature of their duties.

### **3.11.15 Non-Practicing Allowance**

Non-practicing Allowance shall be paid to County officers who are qualified professionals and duly registered with professional bodies established and regulated through an Act of Parliament. staff under those categories shall be eligible to non-practicing allowance as shall be determined by the County and the Salaries and Remuneration Commission from time to time.

### **3.11.16 Trainers Allowance**

County officers/staff and public officers called upon to facilitate at workshops, seminars and conferences, shall be entitled to trainers allowance at the rate of Ksh.5,000 per two hour session or as may be approved by the County from time to time.

### **3.11.17 Risk Allowance**

County staff in risky areas outlined in the Annex shall be entitled to a risk allowance at a rate determined by the County.

### **3.11.18 Retreat Allowance**

Workshops which are meant to review, develop and produce reports shall be treated as retreats and shall be for a maximum duration of ten days. The participants of such retreats shall not exceed ten participants and shall be paid at a rate of Kshs.5,000 per day.

### **3.11.19 Other Allowances**

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

## **3.12 Benefits**

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

### **3.12.0 Allocation of Government Houses**

The County Government provides houses for employees who are required to pay rent at prevailing market rates as determined from time to time by the ministry responsible for housing. 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 County ministry responsible for housing from time to time. Applications for County Government housing shall be submitted to the County Executive responsible for housing through an authorized officer. The responsibility for the allocation of housing at institutions and recovery of rent rests with respective County Executives.

#### **3.12.1 Occupation of Government Houses**

On occupation of a Government house, the County Executive responsible for housing shall notify the authorized officer of the State Department in which the public officer is serving for the purpose of rent recovery.

#### **3.12.2 Government Mortgage Scheme**

This is applicable where the County Government, through the ministry responsible for housing, has established a mortgage scheme for state and public officers to facilitate the officers to purchase or construct residential houses. The scheme shall be managed in accordance with the

regulations developed by the ministry responsible for housing/County Treasury.

### **3.12.3 Medical Benefits**

The County Government has established a medical insurance cover to provide medical benefit for civil servants, their spouses and dependent children. The medical insurance cover shall be reviewed annually to ensure that the County Government and its employees get value for money invested in the scheme.

### **3.12.4 Medical Treatment Outside Kenya**

Employees and their dependents shall be eligible for medical treatment outside the country in cases where such treatment is not available locally, subject to prior authorization by the Director of Health Services and the scheme administrator.

### **3.12.5 Medical Ex-gratia Assistance**

The County Government shall provide medical ex-gratia assistance to cover in-patient medical expenses incurred by an officer, spouse and dependent children aged 25 years and below, subject to prevailing limits, upon exhaustion of the medical cover entitlement within a financial year.

All cases for ex-gratia assistance shall be referred to the County Treasury for consideration and approval on advice of the County ministry responsible for public service.

### **3.12.6 Transport**

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

### **3.12.7 Car Loan Scheme**

This is applicable where the County Government, through the Ministry responsible for finance, has established the civil servants car loan scheme to enable public officers purchase cars. The loan shall be disbursed as per the regulations developed by the ministry responsible for finance.

### **3.12.8 Eligibility for Transport**

The County Government shall provide transport for an officer travelling on duty outside the duty station. Transport shall be provided for an officer, his/her spouse and unmarried children aged twenty-five 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 years, for children living with disability or for those still in school, with the approval of the authorized officer.

### **3.12.9 Travelling by Public Service Transport**

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

### **3.12.10 Travelling by County Government Vehicles**

All officers in Job Group 'S' and below shall use pool transport when travelling on official duty. County Departments shall 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.

### **3.12.11 Use of Personal Vehicle**

In the absence of a Government vehicle, an officer may, with prior authority of the authorized officer, use his/her personal vehicle for official duty. Where such authority is granted, the employee shall claim reimbursement based on the prevailing Automobile Association (AA) of Kenya rates. The vehicle capacity shall be limited to 2,000 c.c.

### **3.12.12 Travelling by Air**

When travelling on duty to another country, an officer may travel by air. Air travel on duty within Kenya will require the prior approval in writing of the accounting officer. Such approval may be given when other modes of transport are unavailable, air travel is economical or where the saving of time is paramount. State and public officers shall travel as follows, subject to existing regulations governing the whole public service:

- a) Governor and Deputy Governor – business class
- b) All other state and public officers travel by economy class.

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.

#### **3.12.13 Travelling for Interview**

An officer who is invited for an interview by the County Public Service Board or a County Department following an internal job advertisement, shall be regarded as travelling on duty and his/her travelling expenses shall be charged to the appropriate vote of his County Department. This regulation will also apply to officers who travel to other stations to sit for examinations conducted by the Public Service Commission.

#### **3.12.14 Travelling on Retirement**

On retirement, the Government shall meet an officer's transport cost to his/her retirement destination within Kenya. The cost of transport in this case shall be limited to the cost of road and rail transport in respect of the officer, his/her nuclear family and baggage. The officer shall be expected to request for transport within six months of retirement.

#### **3.12.15 Transport Facilities on Bereavement**

Transport facilities for a deceased officer and immediate family members shall be provided at 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 years and below die while the officer is still in the service. The County Government shall provide a token contribution of Ksh.50,000 to defray funeral expenses for a deceased officer, one spouse and up to four children aged twenty-five years and below. Where Government transport is not available, a private hearse may be hired at the Government's expense. An officer who will represent the County Government at the burial of the deceased shall be granted official transport.

### **3.13 Exit from the Service/Termination and Terminal Benefits**

The Government has established various benefits payable to public officers who exit the service.

This section provides guidelines on various forms of exit from the service and the benefits payable. The various forms of exit from the public service include:

- a) Resignation
- b) Termination in accordance with the letter of appointment
- c) Expiry of contract
- d) Retirement, on attainment of mandatory retirement age
- e) 50-year rule
- f) Medical grounds
- g) Abolition/re-organization of office
- h) Retirement in public interest
- i) Dismissal
- j) Death

### **3.13.0 Resignation**

An officer may resign his appointment by giving one month notice or by paying one month's gross salary in lieu of such notice. An officer on contract may resign his appointment in accordance with the terms of the contract. On resignation, an officer is required to settle any outstanding liabilities to the Government. Any amount due to an officer shall be withheld and applied to settle any sum due from him. If any liabilities are outstanding, the matter shall be referred to the Attorney General for legal redress. An officer whose terminal benefits are determined under the Pensions Act shall not be eligible for pension or gratuity on leaving the service except in the specific circumstances defined in the Pensions Act or letter of appointment. An officer who resigns cannot, if subsequently re-employed after a break of service, count his previous service for pension. 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.

### **3.13.1 Termination of Appointment**

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

### **3.13.2 Mandatory Retirement Age**

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

### **3.13.3 Retirement on the ‘50-Year Rule’**

An officer, on attaining the age of 50 years, may opt to retire any time thereafter. An officer whose pension is determined under the Pensions Act and has completed ten years’ service, shall be eligible for pension should he/she retire or opt to retire under the 50-year rule. However, if he/she has less than ten years of service, he/she will be eligible for a gratuity in accordance with the Pensions Regulations. An officer shall be required to give one month’s notice of his/her intention to retire under the 50-year rule. An officer who is a member of the Public Service Superannuation Scheme and opts to retire under the 50-year rule shall be eligible for benefits under the scheme. Applications from officers to retire under the 50-year rule shall be approved by their respective authorized officers.

### **3.13.4 Retirement on Medical Grounds**

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. Where it is necessary to convene a Medical Board to determine an officer’s fitness for further service or otherwise, the authorized officer shall refer the case to the Director of Health Service. The Director of Health Service shall forward a report to the respective County Department within a period of one month after appearance of the officer before the medical board. The retirement of an officer on medical grounds shall require the authority of the County Public Service Board.

### **3.13.5 Retirement on Abolition/Re-organization of Office**

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

### **3.13.6 Dismissal**

Dismissal refers to termination of appointment arising out of disciplinary proceedings.

An officer whose pension is determined under the Pensions Act and is dismissed from the service, shall not be eligible for pension benefits. However, he/she will be entitled to the employer's contribution under NSSF Act and the Widows and Children's Pension Scheme. An officer who is a member of Public Service Superannuation Scheme shall, on dismissal, be eligible for terminal benefits as provided in the scheme. On contributory scheme, an employee shall be entitled to withdraw from the pension scheme an amount equivalent to his/her contributions, plus 50% of the employer's contribution. The balance of the pension shall be paid upon attaining the retirement age or transferring to another employer who has an established pension scheme.

### **3.13.7 Death**

Upon the death of a public officer, the legal beneficiary shall be paid death gratuity and dependent's 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.

### **3.13.8 Termination Process and Documentation**

Termination of staff and consultants shall be well documented and compliant with both local labor laws and the procedures set forth in this Policy Handbook and National Policies. Reasons for termination may include – but are not limited to – resignation, retirement, downsizing, disciplinary action, poor performance, misconduct, or the closing of a grant. The County Staff Policy Handbook and other existing national staff policies define eligibility and guidance for final payments.

In the event of termination as a result of disciplinary action (typically after three successive warnings within one year or immediate termination due to misconduct), the termination letter shall cite the breeches to the code of conduct outlined in the County and the National Staff Policy Handbook. All termination letters shall be reviewed by local legal counsel for adequate notice (effective date of termination) and sufficient grounds for termination. Suspension (with or

without pay) while an extensive investigation and termination process is undertaken, may at times be appropriate.

Terminated employees may be declared “ineligible for rehire by Mandera County Government on the PAF. The terminated employee must submit a final approved end of service checklist, asset and inventory management and the approved PAF, before any final payment. The employee’s supervisor and the finance department shall be consulted to ensure that all outstanding advances have been cleared, and equipment or remaining reports have been returned before final pay is given. All Mandera County Government property (including ID and business cards) are to be returned. The termination process is documented using the PAF, which must be signed by the supervisor, finance department, the human resource department, respective chief officer and the County Executive. The Chief Officer and County Executive for Public Service shall be alerted about all terminations before any action is taken. The final pay, including severance benefits (if any), is calculated by the human resource department and noted on the termination letter. A signature indicating the employee’s confirmation of the information on the form is recommended. If the employee refuses to sign, it shall be so noted on the end of service certificate. An exit interview shall be conducted by human resource representatives and an authorized officer.

### **3.14 Work Environment, Health and Safety**

This section provides guidelines and standards for the prevention and protection of officers against accident’s and occupational hazards arising at the work place. It also provides for guidelines, procedures and modalities for the administration and payment of compensation for work related injuries and accidents contracted during and outside the course of work.

#### **3.14.0 Obligations of Employer and Employee**

Mandera County Government has the obligation to provide safe working conditions for employees. Equally, the employees have an obligation to avoid any action that may endanger their lives, other County employees and the public in general. Strict compliance with professional safety regulations or any other safety law applicable

within the Country shall be compulsory and a breach of the same shall result in disciplinary action.

### **3.14.1 Guidelines to General Safety**

Authorized officers shall maintain healthy and safe working environment for officers under their respective departments. All officers have the responsibility to ensure their own safety and that of others when performing their duties.

### **3.14.2 Emergency Preparedness**

Every County Department shall put in place measures to prevent and mitigate against any disaster, including accidents, explosions, fires, floods, earthquakes and bomb threats. The departments must have laid-down procedures to be followed in case of such calamities. Authorized officers shall have a responsibility of ensuring that all officers and visitors are informed of and are fully conversant with the emergency procedures.

### **3.14.3 Fire Risk**

Continues drills shall be necessary such that when the fire alarm goes off, all employees and their visitors must immediately move to designated assembly points for further guidance.

### **3.14.4 Fire Precautions**

Authorized officers are responsible for ensuring that firefighting equipment are provided and/or installed in departments under their control and are adequately maintained as per the guidance of fire officers and occupational safety and health officers. They are also responsible for enforcing all necessary precautionary measures as directed by concerned agencies. General information on fire risk precautions and fire equipment are contained in publications which shall be obtainable from the Principal Fire Officer in the County Department responsible for Public Works. Regulations regarding fire safety shall be obtained from the County Department responsible for public service.

### **3.14.5 Fire Prevention**

The Principal Fire Officer and the County Fire Officers shall be responsible for providing advice on all matters concerning fire prevention, firefighting and fire protection in all Government premises. The County Department responsible for public works shall be responsible for ensuring that all buildings are fitted with firefighting equipment. Individual County departments shall be responsible for subsequent replacement of portable equipment and provision of refills for such equipment with advice from fire officers and the occupational safety and health officers.

Fire prevention and protection in buildings leased to the Government shall be the responsibility of both the property owners and occupiers of the building. Authorized officers of the County Department responsible for public works and that occupying leased premises shall be legally responsible to ensure compliance. Alterations will not be carried out on buildings without prior consultation with the fire officers and occupational safety and health officers. Emergency exits in buildings shall be kept clear of any obstruction that may hamper rescue and escape efforts in the event of a fire. No hazardous or highly inflammable materials shall be stored in buildings without the approval of the Principal Fire Officer or County Fire Officers. The location of firefighting equipment shall not be interfered with, neither shall firefighting equipment such as hose reels and extinguishers be used for purposes other than firefighting. Each Government building shall 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.

Fire officers may recommend any measures 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 enforce the recommendations without delay. Any officer who fails to implement such recommendations shall be held personally responsible for the consequences and in case of subsequent fire outbreak; will be liable for disciplinary action and/or prosecution. Fire Prevention Committees shall be established at every County Department to liaise with County Fire Officers. Authorized officers shall ensure that:

- a) Health and Safety Committees are formed in all premises used by officers in their County Departments and/or agencies

- b) The committee members and all officers are trained
- c) Firefighting drills are conducted in all premises at least once every twelve months in accordance with the requirement of the Factories and Other Places of Work (Fire Risk Reduction) Rules.

#### **3.14.6 Notification of Fires**

All fires, however small, must be reported to the County Principal Fire Officer or County Fire Officers or the police immediately they are noticed. The building or premises so affected by fire must be guard and no evidence should be interfered with until investigations are over. It is the responsibility of whoever detects a fire to initiate the alarm, inform the police and fire brigade, and try to control the fire during its initial stages. All Government buildings shall be fitted with fire detectors, alarms, water storage tanks and pumps dedicated to firefighting only, and as such shall be separate from regular water supply.

#### **3.14.7 Medical Examination**

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

#### **3.14.8 Provision of Protective Equipment and Clothing**

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

- a) Employees whose duties demand that they put on protective clothing or uniforms shall be supplied with the same and required to remain in their outfit throughout their official duties. The outfits shall be clearly labelled with name tags.
- b) Where uniforms have been supplied, they shall remain the property of the County Government and must be kept in good condition by respective employees at all times

#### **3.14.9 Safe Use of Potentially Dangerous Equipment**

Authorized officers shall ensure that all plants, including hoists and lifts, steam boilers, other equipment and pressure vessels, are properly maintained and undergo statutory examinations as

per the Occupational Safety and Health Act requirements.

### **3.14.10 Security**

It is the duty of employees to protect their property and those of the organization from loss, theft and/or malicious damage. Any theft, loss and/or damage under suspicious circumstances or neglect of security regulations should be reported immediately to supervisors.

### **3.14.11 Reporting of Accident**

Immediately a work place accident, an accident in a Government vehicle or development of an occupational disease resulting in death or injury to an officer comes to the notice of an officer under whom he/she is directly deployed, the supervisor shall make a claim for compensation in accordance with the procedure set out below:

- a) 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
- b) The forms should then be dispatched to an authorized officer in the department, the Occupational Safety and Health Officer of the region where the accident occurred, and for non-fatal cases, a medical practitioner
- c) The detailed procedures are contained in the relevant forms which are obtainable from the Director of Occupational Safety and Health Services in the State Department responsible for Labour.

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

Where the director declines to process the compensation, the County Executive Committee for

Health may either request the Director of Health Service at the County level to convene a Medical Board for reassessment of the Government's liability to pay compensation, or may request the Director of Occupational Safety and Health Services (DOSH) to appoint a medical panel for reassessment on the officer's diagnosis or injuries.

### **3.15 Casual Employment**

According to provisions of Section (74) of the County Government Act,2012, "The County Public Service Board shall regulate the engagement of persons on contract, volunteer and casual workers, staff of joint ventures and attachment of interns in its public bodies and offices".

The employment Act, 2007 defines a "casual employee" as a person the terms of whose engagement provide for his payment at the end of each day and who is not engaged for a longer period than twenty four hours at a time." Hiring of causal workers shall be approved by an authorized officer upon ascertainment of need and availability of funds in the budget to meet the resultant expenditure.

Casual workers shall be engaged only on urgent short-term tasks with the approval of the County Public Service Board. Casual workers shall not be engaged for more than three months as stipulated in the Employment Act (2007). The casual workers shall be hired on piece rate, time rate jobs, and shall be paid in accordance with the minimum wage guidelines issued by the Government from time to time. Due care shall be taken to avoid hiring the same casual workers repeatedly to avoid breaching existing Labour laws on the same.

A need or a vacancy for employment of casual employee (s) shall be declared by the Chief Officer of a County Department or an officer under delegated authority. In this respect, the Chief Officer or the officer acting on delegation authority shall certify that there is work that cannot be done by existing permanent employees and that there are sufficient funds in the departmental budget to pay for the said services. The chief officer or delegated officer shall undertake the following before writing to CPSB for approval:

- a) Specify the actual task or piece of work that demands the casual labour
- b) Specify the number of casuals employees required to perform the task
- c) Write a requisition for approval by the County Executive Committee (CEC), specifying the list of deliverables, timelines, frequency of review of progress towards achieving the deliverables, the duties and responsibilities of the causal employees, summary of requisite qualifications if any and duration of engagement
- d) Having been satisfied there is need to engage such employees, the CEC shall approve and communicate to the Chief Officer

### **3.16. Internship/Attachment**

Mandera County supports internship/attachment programmes that provide growth and learning opportunities to students in colleges and other learning institutions. Student interns are involved in education or training programmes designed to provide students with professional experience in the furtherance of their education and training, and are academically oriented for their benefit. Internships assist students in reaching their educational goals by giving them the opportunity to augment classroom instruction with exposure to a real world employment setting. Guidelines on internship/attachment give directions on how to engage the youth as interns in the County. Ultimately, the guideline aim to increase the young people's workplace skills and facilitate them to receive on-the-job experience.

The guidelines target young people who have attained post-secondary education in relevant fields and need to be engaged by public service organizations as interns for the purpose of getting working experience. The duration of internship/attachment shall be from three months to a maximum period of one year. Interns shall be identified through notices across Mandera County at both the headquarters and Sub-County offices. Information shall be availed indicating the type and

number of interns required, the period of time each is needed, and the deadline for applying for the internship/attachment. Applications and interviews for internship/attachments shall be undertaken centrally at the Mandera County Public Service Board. This shall be as per the needs and existence of vacancy at the Mandera County. Selection criteria and procedure shall therefore be based on the job description prepared for this purpose and the best suited candidates shall be identified based on the following considerations:

- i. Merit
- ii. Student from accredited colleges/institutions
- iii. Discipline (area of specialization)
- iv. Gender balance
- v. Ethnic and other minorities
- vi. Marginalized communities (as per Article 100 of the Constitution of Kenya)
- vii. Interns with special needs in accordance with the provision of various statutes

Applications for internship/attachment/apprenticeship shall be received at Mandera County headquarters or Sub-Counties at least one month before the commencement of the internship/attachment.

The Departmental Human Resource Management Advisory Committee shall process the internship/attachment applications and make recommendations to the County Public Service Board two weeks before commencement of the internship/attachment. The CPSB shall forward the list of selected/appointed candidates to the County Secretary for deployment to various departments.

### **3.17 Payroll Administration and Management**

The following will be observed in the administration and management of payroll:

- a) Ensure the Chief Officer or authorized officers make necessary changes and make staff returns to the Chief Officer in charge of Public Service before the 9th of every month to reduce interference with the system after payroll is run

- b) The Chief Officer of public service shall be an AIE holder of all County personnel emoluments to ensure that salaries and associated payments are paid in time and with proper documentation
- c) All statutory and third party deductions shall be remitted in time alongside the net salary
- d) The IPPD shall have a secure and independent Local Area Network to ensure staff working in the payroll section access it easily
- e) Conclude any disciplinary issues as stipulated to ensure the system is updated by removing those who have exited the service through various means
- f) Documentation to be strictly followed to ensure information is properly documented and that personnel files are up to date with the payment system of IPPD
- g) Concerted effort by all to ensure strict adherence and conformity to all regulations related to payroll administration
- h) Payroll preparation must be over by the 15th day of every subsequent month for proper control measures
- i) Payroll processing shall follow checker control system. All changes shall be updated on the personnel files with the Chief Officer for public service taking the overall responsibility of implementation
- j) Pre-payroll and post-payroll audit shall be done by the payroll manager with CCO Public Service and CCO Finance to authenticate the payroll
- k) All correspondences from the county to IPPD (Nairobi) shall be written and signed by the County Secretary via official email who shall copy the County Executive and Chief Officer of public service.
- l) The IPPD system shall be updated with passport-size photo of every staff for ease of processing County staff identity cards
- m) The County IPPD server shall be a desktop stationed in the Payroll Unit and shall not be accessed by other payroll staff except the payroll manager
- n) On the new employment, the CPSB shall send original appointment letters to CCO of the Department and Chief Officer for public service for record purposes and later sent to the human resource registry, who in turn shall share with the Payroll Unit for action
- o) Payment of salaries for new staff shall not be done in a hurry and shall wait for acquisition of personal numbers from IPPD

- p) All NPR, security manning County installations, sanitation groups and casual staff shall be paid through vouchers prepared at department level until the generation of temporary IPPD numbers are obtained
- q) Manual payroll payment shall not be used at all except for special cases to avoid providing avenues for corruption
- r) Banks shall receive the County payroll as processed through IPPD system with original watermarks in soft copy via official email of the Chief Officer for public service. The original IPPD staff list in hard copy approved and stamped by Chief Officer for Public Service and counter-signed by the Chief Officer for finance shall be sent thereafter
- s) The HR Payroll Unit shall be secured with metallic grills, fireproof windows, doors and fitted with CCTV cameras for monitoring
- t) Capacity building will be provided for all human resource officers, accountants, internal auditors and IT team on integrated payroll and personnel data operations for proper checks and balance
- u) The County Executive for finance shall open the County Salary Account where fund requests for salaries shall be deposited. The County shall transact with only one bank to reduce risks
- v) Reconciliation of salaries paid and balance in the above account shall be verified and closed before the 5th of the next month by the County Executives of finance and public service, and the County Secretary, with the final report going to the Governor
- w) All unclaimed salaries shall be documented and transferred to imprest account via a banker's cheque.

### **3.18 Record Management**

- i. Record management staff shall be taken for training courses to ensure they strictly follow record management guidelines
- ii. Scheme of service shall be followed during recruitment of record officers by the recruiting agency
- iii. All departments MUST keep up to date filing system and proper safety measures in place for storage and disposal

- iv. All County records and electronic filing system shall be digitized by scanning all the personnel documents in files and maintaining the same electronically
- v. All departments shall maintain personnel files for their respective staff at all levels
- vi. A record management policy shall be developed to safeguard and preserve public record and information for proper record-keeping to ensure transparency, efficiency and accountability in line with the existing laws like Public and Documentation Act
- vii. The department shall acquire necessary equipment for safeguarding personnel records i.e. new filing system adopted by Kenya National Archives
- viii. The Oath of Secrecy shall be administered to all County Government employees
- ix. All the departments shall have administration monitoring tools such as attendance register, mail register, assets register, gift register, conflict of interest register, wealth declaration register, station log book, visitors book, duty roster, leave roster, work plan etc.
- x. Departments shall put in place proper record management systems in all work stations and official documents shall be kept in hard copies in safe custody with adequate backup system
- xi. The County Executives shall review and formulate clear guidelines on drafting various legislation relating to County programmes by fast-tracking Bills that are still pending and implementing all Acts that have been passed by the County Assembly and distributing copies to all concerned departments

## **References and Further Reading:**

Alongside this handbook users are encourage to read and familiars themselves with the following Government Acts, procedures, policies, regulations and manuals:

- ❖ The Constitution of Kenya
- ❖ County Government Act, 2012
- ❖ Intergovernmental Relations Act, 2012
- ❖ Public Financial Management Act, 2012,
- ❖ The Public Procurement and Asset Disposal Act, 2015
- ❖ Urban Areas and Cities Act, 2012
- ❖ The Public Procurement and Disposal Regulations, 2006
- ❖ The Public Procurement and Disposal (Amendment) Regulations, 2013
- ❖ Public Officer Ethics Act, 2003
- ❖ Anti-corruption and Economic Crimes Act, 2003
- ❖ Leadership and Integrity Act, 2012
- ❖ Office of the Attorney General Act, 2012
- ❖ The Public Service Commission Act 2017
- ❖ The Pensions Act (Cap 189);
- ❖ Employment Act, 2007(Cap 226)
- ❖ Labour Relations Act, 2007
- ❖ Labour Institutions Act, 2007
- ❖ The Work Injury Benefits Act, 2007
- ❖ The Occupational Safety and Health Act, 2007
- ❖ Fair Administrative Action Act, 2015
- ❖ Public Service (Values and Principles) Act, 2015
- ❖ Widows and Children’s Pension Scheme (Cap.195)
- ❖ National Social Security Fund Act, 2013
- ❖ National Hospital Insurance Fund Act (Cap 255)
- ❖ The Persons With disabilities Act No. 15, 2003
- ❖ Human Resource Policies and Procedures Manual for the Public Service May, 2016
- ❖ Human Resource Development Policy for the Public Service June, 2015
- ❖ Discipline Manual for the Public Service May, 2016
- ❖ Diversity Policy for the Public Service May, 2016
- ❖ Internship Policy and Guidelines for the Public Service May,2016
- ❖ Framework for the Development and Review of Terms and
- ❖ Conditions of Service in the Public Service May, 2016
- ❖ Performance Rewards and Sanctions Framework for the Public Service May, 2016
- ❖ Guidelines on Staff Appraisal System (SPAS) in the Public Service May, 2016
- ❖ Guidelines on Declaration of Income, Assets and Liabilities May, 2009
- ❖ Public Service Commission’s Code of Conduct and Ethics (2004)

## APPENDIXES

### Appendix A: Interdiction upon Criminal Charge

**When replying please quote,**

**REF:**

**Date:**

To .....

(Registered mail to last known address)

Dear Sir/Madam,

**RE: INTERDICTION UPON CRIMINAL CHARGE**

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

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

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

(Signed)

Authorized Officer

## Appendix B: Gross Misconduct/Interdiction

REF NO.

Date:

To .....

.....

Thro'

(Supervisor)

.....

Dear Sir/Madam,

### **RE: GROSS MISCONDUCT/INTERDICTION**

It has been reported to this office that your general conduct and work performance as .....(Designation)..... has been found wanting and the following acts of gross misconduct have been noted against you:

1. .....
2. .....
3. .....etc

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

In view of the above, it is contemplated to dismiss you from the service on account of gross misconduct, but before this is done, you are hereby called upon to show cause why you should not be dismissed. Your representation if any, should reach this office within (such reasonable time) from the date of this letter failure to which the contemplated action will be taken without further reference to you.

In the meantime, it has been decided that you be and are hereby interdicted from exercising the duties of your office from the date of this letter pending finalization of your case. While on interdiction, you will be paid half salary and you should not leave your duty station without the express permission of your immediate supervisor.

Yours faithfully,

(Signed)

Authorized Officer

## Appendix C: Lifting of Interdiction

REF NO.

Date:

To .....  
.....

Dear Sir/Madam

### **RE: LIFTING OF INTERDICTION**

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

However, you are hereby warned that a repeat of the same or similar misconduct in future may lead to commencement of proceedings for your dismissal from the service. You should acknowledge within one month from the date of this letter that you have read and understood the contents herein.

(Signed)

Authorized Officer

## Appendix D: Suspension

REF NO.

Date:

To .....  
.....

(Registered mail to last known address)

Dear Sir/Madam,

### **RE: SUSPENSION**

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

***OR***

Your general conduct and work performance as .....(designation)..... has been found wanting and the following acts of gross misconduct have been noted against you (whichever applies).

1. ....
2. ....
3. ....

(Set out the particulars of the gross misconduct)

In view of the above, it is contemplated to dismiss you from the service on account of the conviction/gross misconduct, but before this is done, you are hereby called upon to show cause why you should not be dismissed.

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

In the meantime, it has been decided that you be and you are hereby suspended from exercising the duties of your office from the date of this letter pending finalization of your case. While on suspension, you will not be entitled to salary and you should not leave your duty station without the express permission of your immediate supervisor.

(Signed)

Authorized Officer

## **Appendix E: Lifting of Suspension**

**REF NO.**

**Date:**

To .....  
.....

(Registered mail to last known address)

Dear Sir/Madam,

### **RE: LIFTING OF SUSPENSION**

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

However, you are hereby warned that a repeat of the same or similar misconduct in future may lead to commencement of proceedings for your dismissal from the service. You should acknowledge within one month from the date of this letter that you have read and understood the contents herein.

(Signed)

Authorized Officer

## **Appendix F: Retirement in Public Interest**

**REF NO.**

**Date:**

To .....  
.....

Dear Sir/Madam,

### **RE: RETIREMENT IN PUBLIC INTEREST**

It has been noted that your general conduct and work performance as ..... (Designation)..... has fallen below the expected standards. The following complaints have been reported against you:

1. ....
2. ....
3. ....
4. ....

(Set out full particulars)

In view of the foregoing, it is contemplated to retire you in public interest in accordance with regulation.....(quote the correct regulation). However, before this is done, you are hereby asked to make written representation to this office, if any, as to why you should not be retired in the public interest.

Your representations should reach this office within ..... ( insert reasonable period) 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 G: Summary Dismissal

REF NO.

Date:

To .....  
.....

(Registered mail to last known address)

Dear Sir/Madam,

**RE: SUMMARY DISMISSAL**

This is to convey the decision of the CHRMAC or County Public Service Board that you have been summarily dismissed from the public service with effect from ....., being the date you absented yourself from duty without leave after it has been established that you did not give satisfactory reasons for the offence of absence from duty without leave or lawful authority. Consequential to this decision you hereby forfeit all your pension benefits.

In the event that you are dissatisfied with the decision, you may appeal within 90 days from the date of this letter to the Board.

In view of this decision, you are required to report to this office within thirty days from the date of this letter to handover all government property in your possession and to conclude arrangements for removal from the service.

Yours faithfully,

(Signed)

Authorized Officer

## **Appendix H: Reporting Misconduct**

**REF NO.**

**Date:**

To Authorized Officer

..... (Supervisor Department)

Dear Sir/Madam,

### **RE: REPORTING MISCONDUCT**

It has come to the attention of this office that..... who is a public officer working as..... in this department is reasonably suspected to have engaged in a misconduct contrary to the public officer code of conduct and service regulations. In particular, it has been alleged and reported to me as the officer's supervisor that the officer has..... (briefly state the particulars of the alleged misconduct)

This is therefore, to report to you, as the authorized officer, to initiate preliminary investigations into the allegations and, if necessary, commence disciplinary proceedings against the officer in accordance with applicable regulations as you may deem appropriate.(attach any available documentary evidence or report to support the allegations)

Yours faithfully,

(Signed)

Supervisor or Head of Department

## **Appendix I: Official Secrets Act, on Joining the Service**

### **REPUBLIC OF KENYA**

### **OFFICIAL SECRETS ACT, 1968**

#### **DECLARATION**

##### **To be signed by employees of the Mandera County Government on Appointment**

My attention has been drawn to the provisions of the Official Secrets Act, 1968, which are set out on the back of this document, and I am fully aware of the serious consequences which may follow any breach of these provisions.

I understand that the clauses of the Official Secrets Acts set out on the back of this document, cover material published in a speech, lecture, or radio or television broadcast, or in the Press, or in book form. I am aware that I should not divulge any information gained by me as a result of my appointment, to any unauthorized person, either orally or in writing without the previous official sanction in writing of the Department appointing me, to which written application should be made and two copies of the proposed publication be forwarded. I understand also that I am liable to be prosecuted if I publish without official sanction any information I may acquire in the course of my tenure of an official appointment (unless it has already officially been made public) or retain without official sanction any sketch, plan, model, article, note or official documents which are no longer needed for my official duties, and that these provisions apply not only during the period of my appointment but also after my appointment has ceased.

Signed.....

Witnessed..... Date .....

## **EXTRACTS FROM THE OFFICIAL SECRETS ACT, 1968**

### **Part II, clause of the Official Secrets Acts, 1968, provides as follows:**

1. Any person who, for any purpose prejudicial to the safety or interests of the Republic:-
  - a) approaches, inspects, passes over, is in the neighborhood of or enters a prohibited place; or
  - b) makes any plan that is calculated to be or might be or is intended to be directly or indirectly useful to a foreign power or disaffected person; or
  - c) obtains, collects, records, publishes or communicates in whatever manner to any other person any code word, plan, article, document or information which is calculated to be or might be or is intended to be directly or indirectly useful to a foreign power or disaffected person, shall be guilty of an offence.
2. Any person who takes a photograph of a prohibited place or who takes a photograph in a prohibited place, without having first obtained the authority of the officer in charge of the prohibited place, shall be guilty of an offence.
3. Any person who has in his possession or under his control any code word, plan, article, document or information which:-
  - a) relates to or is used in a prohibited place or anything in a prohibited place; or
  - b) has been made or obtained in contravention of this Act; or
  - c) has been entrusted in confidence to him by any person holding office under the Government; or
4. has been entrusted in confidence to him owing to his position as a person who holds or has held a contract made on behalf of the Pest Control Products Board or a contract the performance of which in whole or in part is carried out in a prohibited place or as a person who is or has been employed under a person who holds or has held such an office or contract, and who for any purpose or in any manner prejudicial to the safety or interests of the Republic:-
  - a) uses the code word, plan article, document or information; or
  - b) retains the plan, article or document in his possession or under his control when he has no right so to retain it or when it is contrary to his duty so to retain it, or fails to comply with all directions issued by lawful authority with regard to its return or disposal, shall be guilty of an offence.

5. Any persons who, having in his possession or under his control any plan, article, document or information that relates to munitions of war, communicates it directly or indirectly to any foreign power, or to any other person for any purpose or in any manner prejudicial to the safety or interests of the Republic, shall be guilty of an offence.
6. Any person who receives any code word, plan, article, document or information knowing or having reasonable grounds for believing at the time when he receives it, that the code word, plan, article, document or information is communicated to him in contravention of this Act, shall be guilty of an offence, unless he proves that the communication to him of the code word, plan, article, document or information was contrary to his wishes.
7. Any person who has in his possession or under his control any code word, plan, article, document or information of a kind or in the circumstances mentioned in paragraphs (a) to (d) inclusive of sub-clause (3) of this clause, and who –
  - a) communicates the code word, plan, article, document or information to any person, other than a person whom he is authorized to communicate it or to whom it is duty to communicate it; or
  - b) retains the plan, article or document in his possession or under his control when he has no right so to retain it or when it is contrary to his duty so to retain it, or fails to comply with all directions issued by lawful authority with regard to the return or disposal thereof; or
  - c) fails to take reasonable care of, or so conducts himself as to endanger the safety of, the code word, plan article document or information, shall be guilty of an offence and liable to imprisonment for a term not exceeding five years.
8. Any person who:–
  - a) allows any other person to have possession of any official document issued for his use alone, or communicates to any other person any code word so issued; or
  - b) without lawful authority or excuse, has in his possession any official document or code issued for the use alone of some person other than himself; or
  - c) On obtaining possession of any official document by finding or otherwise neglects or fails to restore it to the person or authority by whom or for whose use it was issued or to a police officer, shall be guilty of an offence and liable to imprisonment for a term not exceeding five years.

**Part IV, clause 20 of the Official Secrets Act, 1968, provides as follows:**

20. Any person who is guilty of an offence under this Act for which no penalty is specifically provided shall be liable to imprisonment for a term not exceeding fourteen years.

## Appendix J: Declaration of Income, Assets and Liabilities Form

PSC.2b



### PUBLIC SERVICE COMMISSION OF KENYA Declaration of Income, Assets & Liabilities (The Public Officer Ethics Act, 2003)

1. Name of the Public Officer

(Surname)

(First Name)

(Other Names)

\_\_\_\_\_

2. Birth Information

(a) Date of Birth: DD \_\_\_\_\_ MM \_\_\_\_\_ YY \_\_\_\_\_

(b) Place of Birth: DISTRICT \_\_\_\_\_

3. Marital Status: MARRIED/UNMARRIED

3. Address:

(a) Postal Address \_\_\_\_\_

(b) Physical Address \_\_\_\_\_

4. Employment Information

(a) Employment No. \_\_\_\_\_

(b) Designation \_\_\_\_\_

(c) Name of Employer \_\_\_\_\_

(d) Nature of Employment (Permanent, temporary, contract, etc)

5. Name of Spouse or Spouses

(Surname)

(First Name)

(Other Names)

(i) \_\_\_\_\_

(Surname)	(First Name)	(Other Names)
-----------	--------------	---------------

(ii). \_\_\_\_\_

(Surname)	(First Name)	(Other Names)
-----------	--------------	---------------

(iii). \_\_\_\_\_

(Surname)	(First Name)	(Other Names)
-----------	--------------	---------------

(iv). \_\_\_\_\_

(Surname)	(First Name)	(Other Names)
-----------	--------------	---------------

(v). \_\_\_\_\_

6. Names of dependent children under the age of 18 years

(Surname)	(First Name)	(Other Names)
-----------	--------------	---------------

(i). \_\_\_\_\_

(Surname)	(First Name)	(Other Names)
-----------	--------------	---------------

(ii). \_\_\_\_\_

(Surname)	(First Name)	(Other Names)
-----------	--------------	---------------

(iii). \_\_\_\_\_

(Surname)	(First Name)	(Other Names)
-----------	--------------	---------------

(iv). \_\_\_\_\_

(Surname)	(First Name)	(Other Names)
-----------	--------------	---------------

(v). \_\_\_\_\_

(Surname)	(First Name)	(Other Names)
-----------	--------------	---------------

(vi). \_\_\_\_\_

(Surname)	(First Name)	(Other Names)
-----------	--------------	---------------

(vii). \_\_\_\_\_

(Surname)	(First Name)	(Other Names)
-----------	--------------	---------------

(viii). \_\_\_\_\_

(Surname)	(First Name)	(Other Names)
-----------	--------------	---------------

(ix). \_\_\_\_\_

(Surname)	(First Name)	(Other Names)
-----------	--------------	---------------

(x). \_\_\_\_\_

8. Financial statement for: \_\_\_\_\_

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

a. Statement Date: \_\_\_\_\_

b. Income, including emoluments, for period from

\_\_\_\_\_ to \_\_\_\_\_

*(Including, but not limited to, salary and emoluments and income from investments. The*

*Period is from the previous statement date to the current statement date. For an initial declaration, the period is the year ending on the statement date.)*

Description	Approximate Amount

c. Assets (as of the statement date)

*(including, but not limited to, land, buildings, vehicles, investments and financial obligations Owed to the person for whom the statement is made.)*

Description  (include location of asset where applicable)	Approximate Amount

d. Liabilities (as of the statement date)

Description	Approximate Amount

8 Other information that may be useful or relevant:

---



---



---



---



---



---



---



---



---



---

I solemnly declare that the information I have given in this declaration is, to the best of my knowledge, true and complete:

Signature of Officer

---

Date:

---

Witness:

---

Signature: \_\_\_\_\_

Name:

---

Address:

---

## Appendix K: Leave Application Form



**MANDERA COUNTY GOVERNMENT**  
**P.O. BOX 13 – 70300 MANDERA, KENYA.**  
**TEL: 046 2104000**



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**LEAVE APPLICATION FORM**  
**(To be submitted at least 30 days before commencement of leave)**

Human Resource Department

Name:

Thro'

P/NO:

---

---

---

---

---

Designation:

Duty Station:

Date:

### **PART 1**

1. I wish to apply for \_\_\_\_\_ Days \_\_\_\_\_ leave beginning on \_\_\_\_\_ My leave Physical address will be:  
Tel: \_\_\_\_\_ Email \_\_\_\_\_  
Address \_\_\_\_\_
2. I understand that I will require permission should I desire to spend leave outside Kenya in accordance with the relevant regulations.  
Date: \_\_\_\_\_  
Signature \_\_\_\_\_

### **PART II**

**(To be completed by the Human Resource Department)**

3. a) The employee has a leave balance of \_\_\_\_\_ days as at \_\_\_\_\_. If approved the balance of leave days untaken as at the end of this leave period is \_\_\_\_\_ days.

Entitled (  ) Not entitled (  )

Name of the Human Resource Officer:

Designation:

Signature:

---

Official Stamp:

---

Date:

---

---

### **PART III**

**(To be completed by the head of department/supervisor)**

Your leave application has been:

4. a). Approved (  ). Arrangement has been made for the performance of the duties of the above officer during his/her absence to be undertaken by:

Name: \_\_\_\_\_ Telephone \_\_\_\_\_  
contact \_\_\_\_\_

Office:

---

---

Designation:

---

---

Date:

---

---

Name of the Head of Department/Supervisor approving the leave:

---

Date:

---

---

Signature of the Head of Department and official stamp:

---

b). Not approved (  ). For the following reasons:

---

---

---

## PART IV

### (Final approval by Human Resource Department)

5. Approved by:

Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Official Stamp:

---

---

Leave balance after the deduction of this current request  
is \_\_\_\_\_ days.

Leave data updated (  )  
updated \_\_\_\_\_

Date

### Appendix L: Vacancy Filling Requisition Form

REPUBLIC OF KENYA

MANDERA COUNTY GOVERNMENT



**OFFICE OF COUNTY PUBLIC SERVICE BOARD; P.O. BOX 356-70300, MANDERA**

### Vacancy Filling Requisition Form

Please complete this form in **BLOCK** letters as appropriate and submit to the Secretary, County Public Service Board, P.O. BOX 356-70300 MANDERA.

All Authorised Officers/Chief Officers requesting for recruitment of officers in their Ministry(s) or Department (s) should fill this form in duplicate (*one to be retained by Department and duplicate by the County Public Service Board*). Please ensure to have following items in place:-

- *Budgetary allocation for staff salaries*
- *Authorised establishment (departmental structure) from Public Service Management Department.*

### Request consideration

For the application to be considered fill in the below information (*on establishment*) required and attach a separate printed sheet(*indicating brief summary of the Position, Qualifications, Duties/Responsibilities, Core Competencies and Terms of Service*) and forward them together with the soft copy to the CPSB.

S/No	Position Title	Authorised Establishment (attach copy)	Number of Staff In-post-current	Number of staffs Requested for(Shortage)	Terms(indicate) Temporary/ casual/contract/p ermanent
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

### Requesting Ministry/Department (Justify the consideration)

Ministry/Department Name.....

Justification for the post

.....

Requisition Officer: Chief Officer: Name.....

Designation.....

....

Date.....Signature.....Official Stamp.....

Approved by CEC: Name.....

Designation.....

Date.....Signature.....Official Stamp.....

**Public Service Ministry (Confirm the Department Staff Establishment)**

Recommend/Not Recommend.....

Reason(s)

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

Officer: CEC/Chief Officer: Name.....

Designation.....  
..

Date.....Signature.....Official Stamp.....

**Ministry of Finance (Confirm Budget Allocation)**

Recommend/Not Recommend.....

Reason(s)

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

Officer: CEC/Chief Officer: Name.....

Designation.....  
..

Date.....Signature.....Official Stamp.....

**Office of County Secretary (Office of the Governor)**

Recommend/Not Recommend.....

Reason(s)

.....  
..

County Secretary: Name.....

Designation.....

Date.....Signature.....Official Stamp.....

**OFFICIAL USE ONLY**

## Office of County Public Service Board

Recommend (Approved)/Not Recommend (Approved).....

### Reason(s)

Name.....

Designation.....

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

Official Stamp.....

## Appendix M: Application for Employment

### APPLICATION FOR EMPLOYMENT FORM

REPUBLIC OF KENYA



MANDERA COUNTY GOVERNMENT



#### OFFICE OF COUNTY PUBLIC SERVICE BOARD; P.O. BOX 356-70300, MANDERA

Please complete this form in **BLOCK** letters as appropriate and submit to the Secretary, County Public Service Board, P.O. BOX 356-70300 MANDERA, KENYA.

#### **Vacancy Applied**

Vacancy/Post: .....

Vacancy No: .....

Department: .....

#### **Personal Details**

Name of applicant: ..... Title: .....  
Surname First Name Other Name(s) (Prof/Dr/Mr/Mrs/Miss/Ms/Rev)

Date of Birth: ..... Gender: Male ..... Female .....  
(dd-mm-yyyy)

Nationality: ..... ID No/Passport No: .....

Ethnic Community: .....

Employment/PNo: .....

Address: ..... Postal code: .....

Sub-County: ..... Ward: .....

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

Address: ..... , .....

Alternative contact Person: ..... Mobile: .....

Relationship to you: .....

#### **Current Employment Details (where applicable)**

Ministry/Department/Others: ..... Station: .....

Present Substantive Post: ..... Job group: .....

Effective date of appointment to the post: .....

(dd-mm-yyyy)

Salary (Monthly) in Ksh. ....

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

### Other Details (to be filled by all applicants)

Do you suffer from any impairment / disability? Yes..... No.....

If Yes, give details.....  
.....

Have you ever been convicted of any criminal offences or a subject of probation order?

Yes..... No.....

Have you ever been dismissed or otherwise removed from employment?

Yes..... No.....

If Yes, effective date.....

State reason (s) for dismissal/removal.....

*(Declaring the above information will not necessarily debar an applicant from employment in the County Public Service. Each case will be considered on its own merit)*

Have you ever been interviewed by County Public Service Board of Mandera before?

Yes..... No.....

If Yes, State the Post:.....

Interview date:.....

### Relevant Academic/Professional/Technical Qualifications as per the advertisement

Relevant Academic/Professional Qualifications (Starting with the highest)	Year obtained	Institution/college attended	Subject details (only where the job advertisement Requests for these)


List **ONLY** the academic/Professional/Technical qualifications that are relevant to the vacancy you are applying for as per the advertisement.

#### **Other Relevant Courses & Training attended/ Registration/Membership to Professional Bodies**

List **other courses** you have attended in the last five (5) years that are relevant to the post you have applied for.

Also indicate your membership status to relevant professional bodies as required in the advertisement.

<b>Course attended/ Registration/membership details</b>	<b>Year attended/Registere d for</b>	<b>Institution/ Body</b>	<b>Registering</b>

#### **Employment details**

Give details of your employment history starting with the current employment

<b>Position /Rank (start with current)</b>	<b>Period From –To</b>	<b>Employer</b>	<b>Main Duties /Responsibilities</b>

#### **Personal References (for new entrants into the civil service)**

The names of distinguished persons should not be used unless they really know you well; the names of relatives or of those from whom you send testimonials should not be used. The names of members or staff of the County Public Service Board of Mandera should also not be used.

**1. Full Name:** .....

Address: ..... Mobile No: ..... E-mail: .....

Occupation: .....

Period for which he/she has known you:.....

**2. Full Name:** .....

Address: ..... Mobile No: ..... E-mail: .....

Occupation: .....

Period for which he/she has known you:.....

### **For Serving Officers Only**

Give the name of your Head of Department and of your immediate supervisor

Name of Head of

Department..... Designation/Rank.....

Address.....

Telephone No. ..... Mobile No. ....

How long have you worked in this department?.....

Name of your immediate supervisor (if different from the Head of Department)

..... Designation/Rank

Address..... Tel. No..... Mobile No. ....

How long have you worked under this supervisor?.....

Indicate your last Performance Appraisal rating..... %

### **Declaration**

I hereby certify to the best of my knowledge that the particulars given on this form are correct and I understand that any incorrect information may lead to **disqualification/legal action against me by the CPSB without further reference.**

Date: .....  
(dd-mm-yyyy)

Signature of the Applicant.....

## Appendix N: Lifestyle Audit

### PUBLIC SERVICE COMMISSION SAMPLE TEMPLATES FOR SCHEDULE OF REGISTRABLE INTERESTS (Section 16 (12) of the Leadership and Integrity Act, 2012)

**Name of Public Officer:** .....  
**P/No:** .....  
**Designation:** .....  
**Pin No:** .....  
**ID No.:** .....  
**Date of Birth:** .....  
**Gender:** .....  
**Marital Status:** ..  
**Physical Address:** .....  
**Telephone No.:** .....  
**Email Address:** .....  
**Name of Institution:** .....  
**Date of First Appointment:** .....

**Table 1: Directorships in public or private companies, whether or not remunerated directly or indirectly**

S/No	Name of Company	Tax Pin No.	Public/ Private	Total No. of Shares	% of Shareholding	Nature of Remuneration (Direct/ Indirect	Gross Annual Dividends	Gross annual turnover	Remarks

**Table 2: Remunerated Employment (Including Office, Trade, Profession or Vocation Which Is Remunerated Or Which The Public Officer Has Any Pecuniary Interest)**

S/No	Name of Employer	Date of Appointment	Nature of Employment	Nature of Remuneration (Salary, Allowances, etc)	Gross Annual Income	Remarks

**Table 3: Securities (Shares, Bonds, Debentures Or Any Other Similar Holding) In A Company Or Enterprise Or Undertaking The Aggregate Nominal Or Market Value Of Which Exceeds A Prescribed Value While The Public Officer Was In Office**

S/No	Type of Security	Name of Company/ Enterprise	No. of Shares/Bonds/ Debentures, etc	Nominal/Market Value of Security	Remarks

**Table 4: Contracts for Supply of Goods and Services**

S/No	Name of Institution/Company	Tax Pin No.	Type/Nature of Contract	Types of Goods/ Services Supplied	Annual Value of Goods and Services Supplied	Remarks

**Table 5: Plans or Expectations For or Offers of Future Employment**

S/No	Name of Institution	Nature of offer of Future Employment	Proposed Date/engagement	Terms of Engagement	Nature of Exit from Public Service (Retirement, Resignation, etc)

**Table 6: Public Affairs Advice and Services to Clients**

S/No	Name of Institution	Nature of Advise/Service	Date Rendered	Nature of Remuneration	Gross Annual Pay	Remarks

**Table 7: Shareholdings (Amounting or Not Amounting to a Controlling Interest)**

S/No	Name of Company/Institution	Tax Pin No.	Total No. of Shares	% of Shareholding Held	Remarks

**Table 8: Land and Property**

S/No	Type of Assets (Fixed/Movable)	Physical Location	Description of Asset	Date Acquired	Nature of Ownership	Estimated Market Value	Remarks

**Table 9: Sponsorship (From Companies, Trade Unions, Professional Bodies, Charities, Universities or Other Organizations or Individuals)**

S/No	Name of Institution	Purpose of Sponsorship	Duration of Sponsorship	Cost of Sponsorship	Remarks

**Table 10: Travel Facilities And Overseas Visits (Made By A Public Officer Or The Public Officer's Spouse Or Child Substantially Catered for by the Office of The Public Officer)**

S/No	Name of Institution	Name and relationship of the Traveler (Spouse, Child Etc)	Date of Travel	Destination	Duration	Cost of Travel	Purpose of Travel	Remarks

**Table 11: Gifts, benefits and hospitality (to a Public officer or the Public officer's spouse or partner or child or any other material benefit of a prescribed value, from a company, organization or person within Kenya or overseas, which relates substantially to the membership of to a Public office or Parliament or County Assembly)**

S/No	Source of Gift, Benefit or Hospitality	Date Gift, benefit or Hospitality given	Purpose of Gift, Benefit or Hospitality	Nature of Gift, Benefit and Hospitality	Name and Relationship of Beneficiary to the Public Officer	Approximate Value of Gift, Benefit or Hospitality	Remarks

**Table 12: Miscellaneous Financial Interests (not falling within the above categories but which a reasonable member of the public would think might influence the conduct of a Public Officer in his office)**

S/No	Nature and Type of Interest	Value of Financial Interests	Description of Interest	Remarks

**Table 13: Non-financial interests (which may reasonably be thought to affect the way a member discharges the duties in a Public Office (such as unremunerated directorships; membership of public bodies such as hospital trusts, governing bodies of universities, colleges or schools, and other spheres of government; trusteeships, etc.)**

S/No	Nature and Type of Non-Financial Interest	Reason for Service/Participation	Description of Non-Financial Interest	Remarks

**Table 14: Pending civil and criminal cases touching on the Public officer or business associate or firm.**

S/No	Nature of Case Criminal/Civil)	Date of Commencement	Affected Party	Preferred Charges	Status of the Case (pending, ongoing, concluded)	Remarks

**Table 15: Possession of Dual Citizenship or Pending Applications for Dual Citizenship and the Status of Such Application**

S/No	Status of Citizenship (Kenyan/Dual)	Date Dual Citizenship Applied for	Date Dual Citizenship Granted	Country of second Citizenship	Remarks

## Appendix P: Staff Performance Appraisal Report

### MANDERA COUNTY GOVERNMENT



### OFFICE OF COUNTY PUBLIC SERVICE BOARD

**P.O. BOX 356-70300, MANDERA**

### Staff Performance Appraisal Report

**(For Officers in the County Public Service)**

## **PREAMBLE**

Each employee in the public service is required to set performance targets at the beginning of each financial year. The institutional performance targets are derived from MDAs Strategic Plans, Performance Contract and government's key priority areas. These performance targets are subsequently cascaded to the department, directorate, divisions, sections, units and to individual employees.

The Staff Performance Appraisal System (SPAS) is a component of Performance Management System in the Public Service integrating employee participation through work planning, target setting and execution, evaluation, feedback and reporting. This appraisal report will be completed by Public Officers in the County.

The Appraisee and the Supervisor should read the SPAS guidelines prior to embarking on the actual appraisal and will set Specific Measurable Achievable Realistic Time-bound (SMART) targets aligned to the Ministerial / Departmental / Directorate / Division / Section / Unit objectives as indicated in the annual work plan.

The supervisor and appraisee shall discuss and agree on the performance evaluation and rating at the end of the appraisal period. The completed SPAS report shall be submitted to the Head of HRM at the end of the appraisal period for deliberation by the Ministries, Departments and Performance Management Committee to help in decision making in relation to promotions and sanctions.

The Ministry are required to submit to the County Public Service Board the performance report at the end of appraisal period.

Performance rating scores shall be based on verifiable evidence and where the Appraisee is not satisfied with the SPAS evaluation, he/she may appeal to the County Public Service Board.

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

## **RATING SCALE**

The following rating shall be used to indicate the level of performance by an Appraisee

<b>Achievement of Performance Targets</b>	<b>Rating Scale</b>	<b>Rating Scale</b>
---	---------------------	---------------------

Achievement higher than 100% of the agreed performance targets.	Excellent	101% +
Achievement up to 100% of the agreed performance targets	Very Good	100%
Achievement between 80% and 99% of the agreed performance targets	Good	80-99%
Achievement between 60% and 79% of the agreed performance targets	Fair	60-79%
Achievement up to 59% of the agreed performance targets	Poor	59% and Below

## STAFF PERFORMANCE APPRAISAL REPORT

### *Section A: Particulars*

Performance Appraisal Period : From ..... To .....

#### **Employment Details**

Personal No : ..... Surname : .....

First Name : ..... Other Names : .....

Designation : ..... Terms of Service : .....

Job Group / Salary Scale / Pay Grade : .....

Ministry / State Department : .....

Directorate / Department / Division : .....

Section / Unit : .....

Duty Station : .....

Supervisor's Name : .....

Designation : .....

### *Section B: Strategic Objectives*

Strategic objectives, Departmental objective and Performance Contract Targets

Strategic objectives derived from the Ministry Strategic Plan

Departmental/Division/Unit Strategic Objective

.....  
 .....  
 .....  
 Individual Performance Targets derived from the Departmental / Directorate / Division / Section / Unit / Supervisor's Work Plan

Agreed Performance Targets	Performance Indicators	Achieved results in line with the performance indicators	Performance Appraisal Score (use rating scale)
To be completed by the Appraisee in consultation with the Supervisor at the beginning of the Appraisal period		To be completed by the Supervisor in consultation with the Appraisee at the end of the appraisal period	
1.			
2.			
3.			
4.			
5.			
<b>Total appraisal score on performance targets</b>			
<b>Mean appraisal score (%)</b>			

***Section C: Staff Training and Development Needs***

Appraisee's training and development needs in order of priority as identified by the appraisee and supervisor based on performance gaps

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

***Section D: To be signed at the beginning of the appraisal period***

Appraisee and management commitment to achieve the agreed performance targets.

Name of Appraisee .....

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

Supervisor's Name .....

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

Agreed Performance Targets	Performance Indicators	Targets changed or added	Remarks (indicate level of Achievements)
1			
2			
3			

Supervisor's Name .....

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

***Section E: Appraisee's comments and additional assignments***

a) Appraisee's comments on performance including any mitigating factors

.....

b) Additional assignments

- i) .....
- ii) .....
- iii) .....
- iv) .....

***Section F: Supervisor's comments***

Supervisor's comments on appraisee's performance at the end of the year including any factors that hindered performance (Please indicate if the appraisee requires to be put on a performance improvement plan/programme. If so, indicate the type).....

.....

Supervisor's Name.....

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

***Section G: Recommendation of rewards or sanctions to the MHRMAC/Performance Management Committee:***

- i) Reward type (Bonus, Commendation letter etc) .....
- ii) Other interventions (Counseling, Training and Development, etc) .....
- iii) Sanction (Warning, Separation, etc.) .....
- iv) Minute No..... Meeting held on .....

**Signed:**

Chairperson: Name .....

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

Secretary: Name .....

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

**Authorized Officer: Approved / Not Approved**

.....

Name .....

Designation.....

Signature .....

Date: .....



Aerial view of the Elwak SME Market.



Farming along river Daua



Aerial view of a section of Mandera town



**Mandera County Government**  
P.O. Box 13-70300  
Mandera, Kenya  
Tel: +254 0462104000,  
+254 0462104000  
Email: [info@mandera.go.ke](mailto:info@mandera.go.ke)



**Mandera County Government Official page**  
**@Mandera\_cgvt**  
**[www.mandera.go.ke](http://www.mandera.go.ke)**

**Mandera County Liaison Office**  
Delta House, 5th Floor Westlands,  
P.O.BOX 28855-01000  
Nairobi  
Email: [nairobiliaisonoffice@mandera.go.ke](mailto:nairobiliaisonoffice@mandera.go.ke)