

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY
OFFICIAL REPORT

Wednesday, 29th March, 2017

The House met at 10.05 a.m.

[The Speaker (Hon. Mung'ata) in the Chair]

PRAYERS

Hon. Speaker: Good morning, Hon. Members. Let us proceed.

PAPER LAID
COUNTY PUBLIC SERVICE BOARD ANNUAL REPORT FOR 2016

Hon. Katela: Thank you, Mr. Speaker, Sir. I beg to lay the following Paper on the floor of the House today, Wednesday, 29th March, 2017; the County Public Service Board Annual Report for 2016.

Hon. Speaker: Paper is laid. Proceed.

NOTICE OF MOTION
COUNTY PUBLIC SERVICE BOARD ANNUAL REPORT FOR 2016

Hon. Katela: Thank you once more, Mr. Speaker, Sir, I wish to give notice of the following motion; that this House discusses and approves the labor, public service and ICT committee on County Public Service Board Annual Report for 2016 as laid today Wednesday, 29th March, 2017.

Hon. Speaker: Notice issued. Proceed.

MOTION
COUNTY PUBLIC SERVICE BOARD ANNUAL REPORT FOR 2016

Hon. Katela: Mr. Speaker, Sir,
That aware that the Labor, Public Service and ICT committee under Standing Order 190 is mandated to deal with all matters related to Labor, trade union relations, manpower or human resource planning; information, communication and technology; Aware that Section 59(1) (d) of the County Governments Act requires the County Public Service Board to prepare regular reports for submission to the County Assembly on the execution of the functions of the Board;

I wish to move the motion that this Hon. House discusses and approves the Labor, Public service and ICT committee's report on the County Public Service Board Annual Report 2016.

Thank You Mr. Speaker, Sir. I call upon Hon. Mueni to support the motion.

Hon. (Ms.) Mueni: Thank you Mr. Speaker, Sir. I stand to second the motion.

Hon. Speaker: Thank you. The motion is properly laid, proceed and deliver the report.

Hon. Katela: Mr. Speaker, Sir, I start to read. Mr. Speaker, Sir, Section 59(1) (d) of the County Governments Act requires the County Public Service Board to prepare regular reports for submission to the County Assembly on the execution of the functions of the Board.

Mr. Speaker, Sir, the Act stipulates the powers and functions of the County Public Service Board by stating in parts;

- (a) Establish and abolish offices in the county public service;
- (b) Appoint persons to hold or act in offices of the County Public Service including in the Boards of cities and urban areas within the county and to confirm appointments;
- (c) Exercise disciplinary control over, and remove, persons holding or acting in those offices as provided for under this part;
- (d) Prepare regular reports for submission to the County Assembly on the execution of the functions of the Board;
- (e) Promote in the County public service the values and principles referred to in Articles 10 and 232
- (f) Evaluate and report to the County assembly on the extent to which the values and principles referred to in Articles 10 and 232 are complied with in the county public service;
- (g) Facilitate the development of coherent, integrated human resource planning and budgeting for personnel emoluments in counties;
- (h) Advice the County government on human resource management and development;
- (i) Advice County government on implementation and monitoring of the national performance management system in counties;
- (j) Make recommendations to the Salaries and Remuneration Commission, on behalf of the County government, on the remuneration, pensions and gratuities for county public service employees.

Mr. Speaker, Sir, the committee on Labor, Public Service and ICT committee is established pursuant to Standing Order 190 and the Second Schedule of the Standing Orders which defines its mandate as follows; "all matters relating to Labor, trade union relations, manpower or human resource planning; information, communication and technology.

Mr. Speaker, Sir, the committee has thirteen (13) Hon. Members with Hon. Katela as the Chairman. Mr. Speaker, Sir, the committee scrutinized the 2016 annual report with regard to the functions of the County Public Service Board as listed below.

ESTABLISH AND ABOLISH OFFICES IN THE COUNTY PUBLIC SERVICE;

As a pre-requisite, this function requires Staff Audit to be conducted after which the number of offices in the county and their details can be established. The Board started the audit on 15th December and by 22nd December, Masinga, Yatta, Matungulu, Kangundo, Kathiani and Mwala sub-counties had been covered. However, the urban sub-counties of Machakos and Mavoko are still ongoing.

This year, 2017, the board expects that the data collected in the field will be captured in the computerized Human Resource system, a report generated and analyzed to give findings. Based on the findings of the audit, the Board will be in a position to identify and abolish those offices that have been rendered defunct and irreverent for the new dispensation.

At the same time, the Board will be in a position to identify any need for creation of new offices that can support service delivery in the new dispensation. These proposals for creation and abolition of offices will then be submitted to the County Assembly for approval.

APPOINT PERSONS TO HOLD OR BE IN OFFICES OF THE COUNTY PUBLIC SERVICE INCLUDING IN THE BOARDS OF CITIES AND URBAN AREAS WITHIN THE COUNTY AND TO CONFIRM APPOINTMENTS.

Mr. Speaker, Sir, in a bid to enhance service delivery in the departments, the Board responded to departmental recruitment needs and made the following appointments.

3.2.1 Recruitment 2016

s/No	CADRE	DEPARTMENT	NUMBER
1	MEDICAL DOCTORS	HEALTH	15
2	CLINICAL OFFICERS	HEALTH	85
3	NURSES	HEALTH	627
4	PHARMACEUTICAL TECHNOLOGIST	HEALTH	30
5	LAB TECHNOLOGIST	HEALTH	27
6	RADIOGRAPHERS	HEALTH	10
7	COUNTY DIRECTOR PHYSICAL PLANNER	LANDS	1
8	REVENUE CLERKS	FINANCE AND REVENUE MANAGEMENT	300

Mr. Speaker, Sir, the Board engaged officers on contract as shown in the table below;

Contracts 2016

S/NO	CADRE	DEPARTMENT	NUMBERS
1	Project Engineers	Transport and Roads	12
2	Foremen	Transport Roads	3
3	Plant Operator	Transport and Roads	1
4	Driver	Office of The Governor	1
5	Procurement Officer	Health	1
6	Cleaners	Health	14
7	Supervisor	Health	2
8	Watchman	Office of The Governor	47
9	Research Officer 3	Office of The Governor	1
10	Protocol	Office of The Governor	2
11	Maintenance Officer 2	Office of The Governor	1
12	Senior Officer Attendant	Office of The Governor	1
13	Librarian 2	Office of The Governor	1
14	Accounts	Office of The Governor	1
15	Assistant Director, Film Production	Machawood	1
16	Instructor III	Education Youth and Social Welfare	6
17	Human Resource Officer I	MSWEB	1
18	Accountant	MSWEB	2
19	Secretarial Assistant	MSWEB	1
20	Clerical Officer 2	MSWEB	1
21	Support Staff II	Agriculture, livestock and Fisheries	5

ACTING APPOINTMENTS 2016

Mr. Speaker, Sir, in response to departmental requests to appoint persons on acting capacities, the Board made the following acting appoints. In some cases like the department of Finance, the Board competitively recruited the Head of Supply chain Management who declined the offer.

A. Finance department		
No	Finance	Acting Appointment
1.	Finance	Ag. Head Supply Chain Management
2.		Ag. Deputy Director County Treasury
B. County public Service Board		
3.	CPSB	Ag. Secretary
4.	CPSB	Ag. Deputy Secretary
5.	CPSB	Ag. Human Resource Officer 1- Compliment Control
D. Decentralized Units & County Admission		
7.	Decentralized	Ag. Director Hygiene and Sanitation
8.	Decentralized	Ag. Director Co-Ordination And County Administration
9.	Decentralized	Ag. Director Co-Ordination And County Administration
E. County Law Office		
10.	County Law	Ag. Senior Administrative Officer

Promotions 2016

Mr. Speaker. Sir, during the year under review, it came to the attention of the Board that there were many Health care workers who had stagnated in one job group for several years. In an interjectory move, the board conducted promotion interviews in August and September and promoted the officers.

It also emerged that some officers had earned their promotions from the Public Service Commission as evidenced by their letters of promotion. However, these promotions were not effected in their pay slips and the Board endorsed these promotions.

There was the other category of staff falling within the common cadre of advancements which the Board handled their cases. In all this undertaking, the Board was guided by the schemes of service for the various cadres.

Below is a summary of the promotions

No	Cadre	Department	Numbers
1	Medical Consultants	Health	22
2.	Medical Officers	Health	30
3.	Clinical Officers	Health	56
4.	Nursing Officers	Health	333
5.	Medical Laboratory Technologist	Health	20
6.	Public Health Officers	Health	38

7.	Physiotherapist	Health	13
8.	Plaster	Health	1
9.	Health Records and Information Officers/Technicians	Health	4
10.	Medical Eng Technologist	Health	5
11.	Radiographers	Health	7
12.	Supply Chain	Health	2
13.	Nutrition	Health	3
14.	Occupational Therapist	Health	9
15.	Orthopedic Technologist	Health	5
16.	Dental	Health	2
	Clerical officers	Health	1
18.	Administrative Officer	Health	1
19.	Health Administrative Officer	Health	1
20.	Cooks	Health	1
21.	Support Staff	Health	9
22.	Telephone Operators	Health	2
23.	Senior Superintendent Electrical	Public works and Housing	1
24.	Senior Assistant Livestock Health Officer	Agriculture and Livestock	1

Advertisements 2016

Mr. Speaker Sir, the Board received recruitment requests from the user departments and developed the following advertisements in line with the schemes of service.

No	Jobs Advertised in 2016	Required
1.	Principal Physical Planner	2
2.	County Director Physical Planning	1
3.	ECDE care-givers (1080) post	1080
4.	Human Resource Management Officer II	8
5.	Human Resource Management Officer	6
6.	Senior Human Resource Management Officer	4
7.	Chief Human Resource Management Officer II	5

Confirmation in Appointment 2016

The Board received probation reports from the various Departments with the request for confirming the Employees in their appointments. It also came to light that quite a number of officers devoted/seconded from the National Government had not been confirmed their appointments. The Board approved the following confirmations in appointment;

No	Department	Designation	No .of staff	Job Group
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1.	Health and Emergency Services	Medical Doctors	8	M
2.	Health and Emergency Services	Senior Nursing Officer	14	K
3.	Finance and Revenue Collection	Senior Accountant	1	L
4.	Health and Emergency Services	Nursing Officer 3	11	H
		Enrolled Nursing 3	5	G
5.	Health and Emergency Services	Support Staff Supervisor	2	E

Re-Designations 2016

Mr. Speaker Sir, the Board managed to process and approve the following re-designation cases that were recommended to the Board by the Department Human Resource Committees.

No.	Department	Current Designation	Re-Designation Title	No. of Staff	Job Group
6	Health	Public Health Technician	Public Health Officer 1	4	K
7.	Health	Senior Medical Laboratory Technologist 1	Medical Laboratory Technologist	4	K
8.	Health	Senior Medical Engineering Technician	Medical Engineering Technologist	1	K
9.	Health	Enrolled Nurse 1	Registered Nurse 11	1	J
10.	Health	Senior Enrolled Nurse	Nursing Officer 1	19	K
11.	Health	Senior Public Health Technician	Assistant Public Health Officer 1	7	K
12.	Health	Chief Inspector	Senior Physical Planner	1	L
13.	Decentralized Units	Public Relation Officer 1	Administrative Officer 1	1	N
14.	Decentralized Units	Sub-County Administrator	Deputy Director Coordination and County Administrator	1	P
15	Decentralized Units	Deputy Sub-County Administrator	Assistant Director-Education, Youth and Social Welfare	1	P
16.	Decentralized Units	Sub-County Administrator	Deputy Director	1	Q

17.	Education, Youth and Social Welfare	Senior Administrative Officer	Assistant Director Gender and Social Welfare	1	P
18.	Lands and Urban Planning	Works Officer	Principal Physical Planner	1	N

EXERCISE DISCIPLINARY CONTROL OVER AND REMOVE PERSONS HOLDING OR ACTING IN THOSE OFFICES AS PROVIDED FOR UNDER THIS PART

Mr. Speaker, Sir, the Board received recommendations for dismissal from service from the Departmental Human Resource Committee and upon scrutiny it was resolved to uphold the recommendations as below;

NO.	DEPARTMENT	NATURE OF THIS CASE	NO. OF STAFF INVOLVED	BOARD'S DECISION
1.	WATER and IRRIGATION	DESERTION OF DUTY	11	DISMISSAL FROM SERVICE
2.	WATER and IRRIGATION	CHRONIC ABSENTEEISM	1	DISMISSAL FROM SERVICE
3.	WATER and IRRIGATION	GROSS MISCONDUCT	1	DISMISSAL FROM SERVICE
4.	WATER and IRRIGATION	INSUBORDINATION AND DESERTION	1	DISMISSAL FROM SERVICE

So far, no aggrieved officer has made an appeal to the Public Service Commission of Kenya despite that the parties were appraised on their right to appeal.

PREPARE REGULAR REPORTS FOR SUBMISSION TO THE COUNTY ASSEMBLY ON THE EXECUTION OF THE FUNCTIONS OF THE BOARD;

In fulfillment of this function, this is the 4th annual progress report since its inception.

PROMOTE IN THE COUNTY PUBLIC SERVICE THE VALUES AND PRINCIPALS REFERRED IN ARTICLES 10 AND 232.

Mr. Speaker, Sir, during the year under review, the board actively participated in mounting an employee induction programme geared towards sensitization on the values and principals referred to in articles 10 and 232. This programme is anticipated to be continuous to enable the sensitization of new entrants to the county public service on issues of Governance and work ethics. The induction programme covers among others issues Ethics and Integrity and Governance.

EVALUATE AND REPORT TO THE COUNTY ASSEMBLY ON THE EXTENT TO WHICH THE VALUES AND PRINCIPLES REFERRED TO IN ARTICLES 10 AND 232 ARE COMPLIED WITH IN THE COUNTY PUBLIC SERVICE.

The Board in its activities endeavored to encore and adhere to the values and principles referred to in Article 10 and 232 of the Constitution in the following thematic areas;

- Ensuring that candidates meet the requirements of chapter six of the constitution during recruitment
- Ensuring that employees declare their wealth as required.
- Fair competition and merit in appointments and promotions.
- Observing diversity and fair regional distribution in appointments.
- Responsive, prompt and equitable service delivery.
- Ensuring professionalism and ethics in all our operations.
- Benchmarking- the Board members have actively participated in constructive engagements with constitutional Commissions like Gender and Equality Commission, Salaries and Remuneration Commission for guidance and technical support. The Board has also interacted with other County Public Service Boards under the auspices of the County Public Service Boards Forum.

ADVICE THE COUNTY GOVERNMENT ON HUMAN RESOURCE MANAGEMENT AND DEVELOPMENT:

Mr. Speaker, Sir, in 2016, the Board, in many consultative for a various departments provided guidelines in matters of recruitment, confirmations, promotions, re-designation, and industrial relations among others.

The Board will continue to sensitize unions for a need to have a recognition agreement that will guide in handling matters related to industrial engagements.

The Board played host to benchmarking teams of Kericho County, Mandera, County and Wajir County.

MAKE RECOMMENDATIONS TO THE SALARIES AND REMUNERATION COMMISSION, ON BEHALF OF THE COUNTY GOVERNMENT, ON THE REMUNERATION, PENSIONS AND GRATUITIES FOR COUNTY PUBLIC SERVICE EMPLOYEES.

The Board participated in job Evaluation which adopted the Patterson model of job evaluation. It is expected that the clinics will disseminate the details of this report to the Counties.

CHALLENGES FACED BY THE COUNTY PUBLIC SERVICE BOARD

Mr. Speaker, Sir, the committee noted that the County Public Service Board has the following challenges;

External Interference in Boards work-

While executing its mandate, the Board has constantly suffered interference from Executive and the Legislature. This includes usurping of the powers and functions of the Board centrally to persistent advice by the Board.

The committee noted instances specifically on the revenue clerks whereby persons not recruited by the Board were deployed to work. This created a situation whereby persons with appointment letters from the Board were yet to be deployed to duty stations. The committee held deliberations with the County Public Service Board, Department of Finance and Labour and together agreed to resolve the matter amicably and appraise the assembly in due time.

Office space

The Board has not yet moved to the new offices that have been under construction for the last two years. The construction of the offices has stalled indefinitely.

Board Capacity

In the month of September, the acting Chairperson was appointed by the Executive and a Vice Chairperson was elected from among the Board members. The position of Chairperson and Vice Chairperson were initially held by one Board member. The board therefore requires a substantive chairperson.

Financial Constraints

Mr. Speaker, Sir, there is slow or no disbursement of funds from the finance department to meet the board's operational costs. This has resulted to delayed payment of suppliers and inability to procure working tools. The Board's budget was slashed and the amounts approved were too meager to support the Board's activities. The committee observed that due to the financial constraints the board was facing challenges as it continued to conduct the staff audit.

Job Insecurity for Board members.

On 8th May, 2016, the positions of Board Members and the secretary were advertised despite the security of tenure attached to these offices. This was viewed as a way of intimidation and interference with independence of the Board.

COMMITTEE RECOMMENDATIONS

Mr. Speaker, Sir, the committee noted that the Machakos County Public Service Board had zeal to serve the County Government but was constantly facing challenges such as political interests.

Mr. Speaker, Sir, the committee noted that on several occasions, the user departments had presented their staffing requests to the board and once the Board had recruited, the user

departments would fail to deploy officers hence creating a situation whereby people have appointment letters but not yet deployed to duty stations.

Mr. Speaker, Sir, informed by the deliberations held with the County Public Service Board, Finance department and the Labour department and also on the committee's observations, the following are the committee's recommendations;

1. That the Board should be properly constituted as per Section 57 and 58 of the County Governments Act which clearly stipulates the establishment and composition of the County Public Service Board.
2. That the user departments should deploy officers who are recruited solely by the Board.
3. That the Board should be allowed to work independently and adequately funded to enable it perform its functions as per the Board's budget.
4. That the County Public Service Board members should enjoy security of tenure of office as Section 58 (4) of the County Governments Act states in part that a member of the Board shall
 - (a) Hold office for a non- renewable term of six years;
 - (5) States how members of a board may be removed from office;
 - (a) On grounds set out for the removal of members of a constitutional commission under Article 251(1) of the Constitution;
 - (b) By a vote of not less than seventy five percent of all the members of the County Assembly.

In conclusion, Mr. Speaker, Sir, the County Public Service Board of Machakos has been marred by many challenges and the committee hopes that this report will be implemented to the latter in a bid to foster sanity in the Machakos County employment endeavors.

Mr. Speaker, Sir, the committee is grateful to your office and that of the Clerk to the County Assembly for the support that was accorded to it in the process of compiling this report. Thank you, Mr. Speaker, Sir.

Hon. Speaker: The report is laid and I welcome debate.

Majority Leader (Hon. Mwonga): Thank you, Mr. Speaker, I want to start by applauding the Chairman and his committee for job well done. I also want to applaud the County Public Service Board for the report which they submitted to this committee. However, Mr. Speaker, I would wish to request this report to be deferred, maybe to next week because there are some consultations I want to make with the executive side basing my argument on the challenges faced by the service Board.

Mr. Speaker, one of the challenges is political interference by the executive and the legislature and when we talk about the legislature, it is touching on the integrity of this House.

So, Mr. Speaker, it is my humble request that, this report be deferred if the Chairman is in agreement with me, Mr. Speaker. Thank you, Sir.

Hon. Speaker: I believe that is an adjournment. Let me hear Hon. Kitheka.

Hon. Kitheka: Thank you, Mr. Speaker and the House at large. Mr. Speaker, I wish to point out some issues before the request for deferment by the Majority Leader. I only request, when he is going to refer to these issues he is talking about, to refer to the acting positions of the Chief Executives because they are not here and we know very well there are many who are acting in that capacity and also the County Secretary who is in acting capacity. I do not see any impression of the same in this document. Thank you.

Hon. Speaker: Yes, Majority Leader.

Majority Leader (Hon. Mwonga): Mr. Speaker there are many issues which I did not highlight on this. I only highlighted on the challenges but there are very many issues on the report. That is why I am requesting for more time and I agree with Hon. Member for Machakos Central

Hon. Speaker: I think Hon. Members it is in good order that we give time and that the further debate of the report will be done in the next order when the matter is referred back to the House Business Committee for further balloting.

ADJOURNMENT

Hon. Speaker: Then that will be the business for this morning.

The House rose at 10.40 a.m.