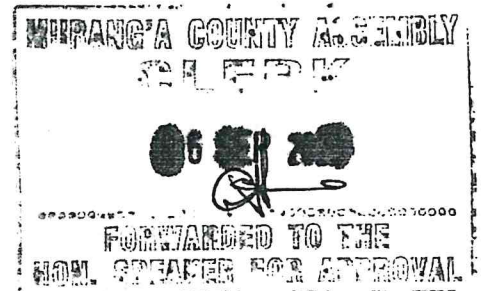


REPUBLIC OF KENYA



MURANG'A COUNTY ASSEMBLY

THIRD ASSEMBLY

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THE REPORT OF GOVERNANCE, LABOUR, JUSTICE AND LEGAL  
AFFAIRS COMMITTEE ON THE REPORT ON THE EXECUTION OF THE  
FUNCTIONS OF THE COUNTY PUBLIC SERVICE BOARD FOR THE  
PERIOD ENDED 31<sup>ST</sup> DECEMBER 2022

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Clerk's Chambers  
Murang'a County Assembly Buildings  
MURANG'A

August 2023

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## 1.0 BACKGROUND

Mr. Speaker, pursuant to Standing Order 204(5), the Departmental Committee on Governance, Labour, Justice and Legal Affairs is mandated;

- a) To investigate, inquire into and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the Department of public service and the county public service board.
- b) To study the program and policy objectives of Department of public service and the county public service board and the effectiveness of their implementation;
- c) To study and review all the legislation referred to it;
- d) To study, assess and analyze the relative success of the Department of public service and the county public service board measured by the results obtained as compared with their stated objectives.
- e) To investigate and inquire into all matters relating to the Department of public service and the county public service board as may be deemed necessary, and as may be referred to it by the House.
- f) To vet and report on all appointments where the Constitution or any law requires the County Assembly to approve.
- g) To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

Further, Hon. Speaker, the Governance, Labour, Justice and Legal Affairs committee also deals with all matters related to constitutional affairs, the administration of law and justice, including the elections, ethics, integrity and anti-corruption and human rights, and administrative justice, labour, trade union relations, manpower or human resource planning, County Public Service and ensuring and co-ordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

The Committee on Governance, Labour, Justice and Legal Affairs as currently constituted, comprises of the following Members: -

- |                                 |                   |
|---------------------------------|-------------------|
| 1. Hon. Jeremiah Gichobe Mbatia | -Chairperson      |
| 2. Hon. Pauline Muchiri         | -Vice Chairperson |
| 3. Hon. Moses Muchiri Maina     | -Member           |
| 4. Hon. Loise Mbogo             | -Member           |
| 5. Hon. Grace Sharleen Wambui   | -Member           |
| 6. Hon. Anthony Marubu Chege    | -Member           |
| 7. Hon. Laban Chomba Njaramba   | -Member           |
| 8. Hon. Bernard Ruiru Njeri     | -Member           |
| 9. Hon. Thomas Muteti Mwaura    | -Member           |
| 10. Hon. Mark Gicheru Wainaina  | -Member           |

**Hon. Speaker**, Section 56 of the County Governments Act, 2012 provides that each county shall, in accordance with Article 235 of the Constitution, have its own public service to be known as county public service, where the county public service shall be headed by a county secretary appointed under section 44 of the County Governments Act, 2012. For purposes of subsection (1), the designation county public officer shall be restricted to an officer appointed by the county government.

**Hon. Speaker**, section 57 of the County Governments Act, 2012 provides that there is established a County Public Service Board in each County, which shall be a body corporate with perpetual succession and a seal; and capable of suing and being sued in its corporate name. Article 235 of the Constitution of Kenya, 2010 provides that a county government is responsible, within a framework of uniform norms and standards prescribed by an Act of Parliament, for establishing and abolishing offices in its public service; appointing persons to hold or act in those offices, and confirming appointments;

and exercising disciplinary control over and removing persons holding or acting in those offices. It should be noted that section 57 of the County Governments Act, 2012 actualizes Article 235 of the Constitution, 2010.

**Hon. Speaker,** the County Public Service Board is expected to perform the following functions on behalf of the county government pursuant to section 59 of the County Governments Act, 2012:

- i. establish and abolish offices in the county public service;
- ii. appoint persons to hold or act in offices of the county public service including in the Boards of cities and urban areas within the county and to confirm appointments;
- iii. exercise disciplinary control over, and remove, persons holding or acting in those offices as provided for under this Part;
- iv. prepare regular reports for submission to the county assembly on the execution of the functions of the Board;
- v. promote in the county public service the values and principles referred to in Articles 10 and 232 of the Constitution, 2010;
- vi. 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;
- vii. facilitate the development of coherent, integrated human resource planning and budgeting for personnel emoluments in counties;
- viii. advise the county government on human resource management and development;
- ix. advise county government on implementation and monitoring of the national performance management system in counties;

- x. 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.

**Hon. Speaker,** in the performance of its functions under subsection (1)(e), the County Public Service Board shall have powers to—

- i. inform and educate county public officers and the public about the values and principles;
- ii. recommend to the county government effective measures to promote the values and principles;
- iii. assist county government in the formulation and implementation of programmes intended to inculcate in public officers the duty to uphold the values and principles;
- iv. advise the county governments on their obligations under international treaties and conventions on good governance in the county public service;
- v. visit any county public office or body with a view to assessing and inspecting the status of compliance with the values and principles;
- vi. investigate, on its own initiative or upon a complaint made by any person or group of persons, the violation of any values and principles;
- vii. recommend to the relevant lawful authority, any necessary action in view of the violation of the values and principles by any person or public body;
- viii. cooperate with other institutions working in the field of good governance in the public service; and
- ix. perform any other functions as the Board considers necessary for the promotion of the values and principles

**Hon. Speaker**, noteworthy, the reports under subsection (1) (d) shall contain the details of persons appointed including gender, persons with disabilities, persons from the minority and marginalized communities.

Further **Hon. Speaker**, under section 59 (1) (f) of the County Governments Act, 2012 as provided above, the County Public Service Board is obliged to evaluate and report to the county assembly on the extent to which the values and principles referred to in Articles 10 and 232 of the Constitution, 2010, are complied with in the county public service. **Hon. Speaker**, the report by the County Public Service Board under subsection (1)(f) shall –

- i. be delivered each December to the county assembly;
- ii. include all the steps taken and decisions made by the board;
- iii. include specific recommendations that require to be implemented in the promotion and protection of the values and principles;
- iv. include specific decisions on particulars of persons or public body who have violated the values and principles, including action taken or recommended against them;
- v. include any impediment in the promotion of the values and principles; and
- vi. include the programmes the board is undertaking or has planned to undertake in the medium term towards the promotion of the values and principles.

**Hon. Speaker**, the County Public Service Board is therefore, required to publish a report required under this section in the county Gazette not later than seven days after the report has been delivered to the county assembly.

**Hon. Speaker**, the Secretary, Murang'a County Public Service Board submitted the report on the execution of the functions of the County Public Service Board pursuant to Section 59 (1) (d) of the County Governments Act, 2012.

Hon. Speaker, the County Public Service Board submitted the Annual report on the execution of its functions within the prescribed statutory deadlines, which is December 31. Upon committal, the Committee in a meeting held on Thursday, March 16, 2023, resolved to scrutinize the report, where the Committee also requested for comprehensive details on the functions. The Committee also held a workshop, where it scrutinized the report and made recommendation in form of a report therefrom.

## **2.0 OBJECTIVES OF THE SCRUTINY**

The following were the objectives of the scrutiny:

- a) To establish compliance of the County Public Service Board with Articles 10, 232 of the Constitution, 2010;
- b) To establish whether the report by the County Public Service Board on the execution of the functions of the Board complies with the provisions of Section 59 (1)(d) of the County Governments Act, 2012;
- c) To determine compliance with timelines on submissions of the report to the County Assembly pursuant to section 59(6) of the County Governments Act;
- d) To identify the functions that have been executed by the Board for the period in question;
- e) To find out the challenges that the Board has encountered in the execution of functions by the Board;
- f) To make recommendations to the House for adoption.

## **3.0 METHODOLOGY**

The committee while examining the report on the execution of the functions of the Board for the period ended 31<sup>st</sup> December 2022 as per Article 10, 232 of the Constitution, 2010, used the following methods:

- a) Held a committee workshop to scrutinize the annual report;



- b) Requested for a comprehensive report on the functions that the Board carries out in details;
- c) Consulted the Constitution and the County Governments Act, 2012 on matters public service;
- d) Made references to the previous Committee reports on the same subject;
- e) Reviewed the Committee mandate on scrutiny and processing of constitutional reports by the County Assembly and its committees;
- f) Questions and answers, including clarification on possible provisions on scrutiny of such reports in the standing orders.

#### 4.0 FINDINGS

**Hon. Speaker,** upon committal of the Annual report on the execution of functions by the County Public Service Board for the period ended December 31, 2022, the committee held a meeting on Thursday, March 16, 2023 to securitize the report, where it was apparent from the outset that the report was piecemeal, which necessitated the committee to require the County Public Service Board to submit a response thereof to facilitate discussions on the said report. Certainly, the County Public Service Board submitted the response to the Committee. Nonetheless, it was deemed appropriate that the Board appears before the committee to discuss in details execution of each of its functions, clarifying any queries that the committee had, but that did not materialize due to the fact that more pressing issues took precedence particularly vetting of county government officers including the County Public Service Board, county integrated development plan 2023-2027, Annual development plan, the county Fiscal strategy paper and the budget estimates for the financial year 2023/2024. As such the committee resolved to finalize consideration of the report as it plans for a meeting with the County Public Service Board before the end of the calendar year.

**Hon. Speaker,** The Committee on Governance, Labour, Justice and Legal Affairs in a sitting held on Thursday, March 16, 2023, while discussing the Annual report on the execution of functions of the County Public Service Board for the period ended December 31, 2022, observed the following:

- a) That information on the execution of each function is very brief and does not reflect how the functions were executed in the entire year;
- b) That safe for the attachments, and the functions of the Board as extracted from the County Governments Act, 2012; the report is 1.5 pages long, which is very scanty, with the understanding that the report entails functions that were executed in the entire year;
- c) That details in respect of the disciplinary cases have not been provided;
- d) That justification on promotions and re-designations by the Board in the form of a report is lacking;
- e) That detailed report on demotions and retirement has not been provided.

In view of the observations, the committee requested the County Public Service Board to submit a report on the following concerns:

- i. The function as stipulated under section 59 of the County Governments Act, 2012;
- ii. The nature of the function and the activities that the Board discharged in respect of the function; for instance, advisory on human resource management and development-what does the function entail, and in each of the activities highlighted, what advice did the Board render?
- iii. What the Board has contributed to ensure there is a balance in the staffing levels and optimal wage bill?

- iv. The percentage of staff in relation to the entire workforce that will retire in the county service for the next five years, from which departments and the succession strategy to address the issue;
- v. The policies and guidelines that the Board issued and submitted to the County Assembly for approval on each of the functions; if none has been issued or submitted why; for instance- on disciplinary issues, are there disciplinary policy, procedures and guidelines in place?
- vi. On compliance with Section 59 (j) of the County Governments Act, 2012 on recommendations to SRC; what issues are pending implementation, for instance salaries and allowances to health workers, what was the SRC recommendation, how has the Board advised on the matter, and the status to date;
- vii. On establishment of offices, an advisory report on what offices should be established or abolished in Murang'a County Government and the rationale for the advisory; whether the Board has advised before, attaching the evidence thereof;
- viii. A report on the link between the current skills inventory, succession policy and plans (if available) and the internship policy;

The programme and subprogramme under which each function is anchored in the Annual Development plan and the budget.

Hon. Speaker, the Committee found out the following from its scrutiny of the Annual report on the execution of functions of the County Public Service Board: -

- a) **On establishment and abolishment of offices in the County Public Service and appointment of 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, the Committee found out the following:**

- i. That the Board has and will establish and abolish offices in line with vision 2030 medium term plan II and the County Integrated development plan;
  - ii. That in pursuit of this mandate, the Board has approved promotion of various officers in different job groups in all departments;
  - iii. That the function is domiciled in Administration, Planning and Support Services programme under personnel Services with a budget of Kshs. 3 million and County Co-ordination and Management under recruitment and selection with a budget of Kshs. 5 million.
- b) **On exercise of disciplinary control over, and remove, persons holding or acting in those offices as provided for under this part, the Committee found out the following:**
- i. That the Board is mandated to dispense of disciplinary cases in accordance with the labour laws;
  - ii. That in pursuit of this mandate, the Board in conjunction with the County Human Resource Advisory Committee handled matters related to discipline, promotions and training requests from the County Public Service;
  - iii. That recommendations from this Committee were subsequently forwarded to the Board for review and determination, where four disciplinary cases were escalated to the Board for the period in question and appropriate action taken;
  - iv. That the function is domiciled in County Co-ordination and Management programme under training and capacity building with a budget of Kshs. 2 million;
  - v. That the recommendations from County Human Resource Advisory Committee are subsequently forwarded to the Board for review and determination;
  - vi. That four disciplinary cases were escalated to the Board for the period in question and appropriate action taken.

c) **On preparation of regular reports for submission to the County Assembly on the execution of the functions of the board, the Committee found out the following:**

- i. That the Board prepares annual reports for submission to the County Assembly on the execution of the functions of the board' and presents the report to the County Assembly of Murang'a before the end of the year;
- ii. That the Board prepares and submits quarterly and annual reports to the County Assembly on the functions of the Board and the Extent of compliance to the values and principles of the public service.

d) **On promotion of the values and principles referred to in Articles 10 and 232 in the County Public Service; the Committee found out the following:**

- i. That the Board's mandate is to enhance budgetary allocations for promotion of values and principles, review and enhance the observation of the formulated policies on the observation of values and principles and to enhance and ensure collaboration between National and County Government to facilitate continuous transition to devolved system of Government.
- ii. That in its mandate, the Board in the period ended December 2022 ensured that every public officer maintained high, standards of professional ethics, displays high standards of integrity in that officer's dealings; and is transparent when executing functions;
- iii. That the Board ensured that all officers in the public service complied with the provisions of the relevant professional association regarding registration and used public resources in an efficient, effective and economic manner;
- iv. That the Board ensured fair competition and merit as the basis of appointments and promotions, balance of gender, all ethnic group and persons living with disabilities who are not adequately represented.

- e) **On evaluation and reporting 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 Committee found out the following:**

That the Board prepares annual statutory reports for submission to the County Assembly on the execution of the functions of the board' and presents the report to the County Assembly of Murang'a before the end of each year.

- f) **On facilitation of the development of coherent, integrated human resource planning and budgeting for personnel emoluments in the county; the Committee found out the following:**

- i. The Board was instrumental in the development of the 2022/2023 Human Resource budget that was subsequently approved by the County Assembly;
- ii. The Board on cohesion and integrity ensures there's a clause in the job advertisements indicating that people from outside the county are encouraged to apply and also in the job advert women and youth are encouraged to apply;
- iii. The Board is supposed to sensitize employees about the policy on values and principles but due to budgetary crisis this has not been achieved;
- iv. That the function is domiciled in County Co-ordination and Management programme under Human Resource Policies with a budget of Kshs. 3 million.

- g) **On advisory to the County Government on human resource management and development; the Committee found out the following:**

- i. The Board develops human resource management and development policies and dispensation of disciplinary cases in accordance with the labor laws in the pursuit of this mandate;
- ii. That the function is domiciled in County Co-ordination and Management programme under Human Resource Policies with a budget of Kshs. 3 million;
- iii. That the Board will develop 7 policies in the following areas:
  - Recruitment policy
  - Values and principles

- Training policy
- Discipline policy
- Promotion policy
- Performance policy
- Leave policy

**h) On advisory to the County Government on implementation and monitoring of the national performance management system in the county**

- i. That the Board will advise the county government on Performance management system; In pursuit of this mandate on a continuous basis;
- ii. That the Board has monitored implementation of the performance appraisal system through the offices of CEC Member for Public Service and Administration, County Secretary and Director Human Resource Management. The board has also reviewed 4 quarterly appraisal reports and one annual report.
- iii. That the function is domiciled in County Co-ordination and Management programme under Performance Management with a budget of Kshs. 7 million

**i) On the recommendations made to the Salaries and Remuneration Commission, on behalf of the County Government, regarding remuneration, pensions and gratuities for County Public Service employees, the Committee found out the following:**

- i. That the Board complies with Section 59 (j) of the County Governments Act, 2012;
- ii. That in pursuit of this mandate, the Board has continuously consulted with SRC as regards this mandate more so on matters relating to remuneration of staff in county public service.

## 5.0 RECOMMENDATIONS

The committee recommended as follows:

- a) That the County Public Service Board should ensure strict compliance with the Constitution and the County Governments Act, 2012 on execution of its functions;
- b) That the County Assembly should consider appropriating adequate budget to the County Public Service facilitate execution of its functions as required under the law;
- c) That the County Public Service Board should ensure effective monitoring of implementation of performance management systems in line with the provisions of the County Governments Act, 2012;
- d) That the County Public Service Board should ensure effective participation of all stakeholders in line with the requirements of the Constitution, 2010 and the County Governments Act, 2012;
- e) That the County Public Service Board should fast track formulation of the following policies:
  - i. Recruitment policy
  - ii. Values and principles policy
  - iii. Training policy
  - iv. Discipline policy
  - v. Promotion policy
  - vi. Performance management policy
  - vii. Leave policy



## 6.0 CONCLUSION

Mr. Speaker, the Committee is hopeful that if the County Public Service operates within the confines of Article 10,232 of the Constitution, 2010 and sections 56,57,58,59 of the County Governments Act, 2012 in the execution of its functions, efficient service delivery would be realized.

The Committee is grateful to the Office of the Speaker, the Office of the Clerk of the County Assembly and the Committee secretariat for their support during report writing.

Mr. Speaker Sir,

It is therefore my pleasant duty and privilege, on behalf of the Committee on Governance, Labour, Justice and Legal Affairs to table this Report and recommend it to the House for adoption.

Signed



The Hon. Jeremiah Gichobe Mbatia, MCA


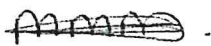




Chairperson, Governance and Legal Affairs Committee

Date .....<sup>31<sup>st</sup></sup> day of August, 2023



## Report adoption

The following committee members adopted the report;

| S/No | NAME                         | DESIGNATION   | SIGNATURE   |
|------|------------------------------|---|---|
| 1.   | Hon. Jeremiah Gichobe Mbatia | Chairperson   |    |
| 2.   | Hon. Pauline Muchiri         | Vice Chairperson  |   |
| 3.   | Hon. Moses Muchiri Maina     |   |    |
| 4.   | Hon. Loise Mbogo             |   | vacation  |
| 5.   | Hon. Grace Sharleen Wambui   |   |   |
| 6.   | Hon. Anthony Marubu Chege    |   |   |
| 7.   | Hon. Laban Chomba Njaramba   |   |  |
| 8.   | Hon. Bernard Ruiru Njeri     | Member  |  |
| 9.   | Hon. Thomas Muteti Mwaura    |   |   |
| 10.  | Hon. Mark Gicheru Wainaina   |  |  |

