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COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

THIRD ASSEMBLY, SECOND SESSION

**REPORT BY LABOUR RELATIONS, MEMBERS SERVICE
AND FACILITIES**

ON

**THE ANNUAL REPORT (2022) OF THE BUNGOMA
COUNTY PUBLIC SERVICE BOARD**

Clerk's Chambers

MARCH, 2023

County Assembly Buildings

PO BOX 1886,

BUNGOMA, KENYA

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CHAPTER ONE

1.0 PREFACE

Mr. Speaker Sir, on behalf of The Labour Relations, Members Service and Facilities Committee and in accordance with Sections 59 (1) (f) and 59 (5) of the County Governments Act, 2012 and pursuant to the provisions of Standing Order 217 (5) (a), it is my pleasant duty to present this report on the 2022 Annual Report of the Bungoma County Public Service Board.

It is a pre-requisite under Section 59 (1) (f) and 59 (5) of the County Governments Act, 2012 for the County Public Service Board to prepare regular reports for submission to the County Assembly on the execution of its functions and on the extent to which the values and principles envisaged in Articles 10 and 232 of the Constitution of Kenya are complied with in the county public service.

This 2022 Annual Report of the Board as is required in Section 59(5) should be delivered each December to the County Assembly and shall include the following:

- a) All steps taken and decisions made by the board;
- b) Specific recommendations that require to be implemented in the promotion and protection of the values and principles;
- c) Specific decisions on particulars of persons or public body who have violated the values and principles including action taken or recommended against them;
- d) Any impediment in the promotion of those values and principles;
- e) The programmes the board is undertaking or has undertaken in the medium term towards the promotion of these values and principles.

1.1 Committee Mandate

Mr. Speaker Sir,

The Sectoral Committee on Labour Relations, Members Service and Facilities is constituted pursuant to the provisions of Standing Order 217 of the County Assembly of Bungoma and has executed its mandate in accordance with number (5) of the aforementioned Standing Order that provides:

(a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;

(b) study the programme and policy objectives of departments and the effectiveness of the implementation;

(c) study and review all county legislation referred to it;

(d) study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;

(e) investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;

(f) to vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 208 (Committee on Appointments); and

(g) Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

1.2 Committee Membership

Mr. Speaker Sir,

The following are the Members of the Committee on Labour Relations, Members Service and Facilities Committee:

1. Hon. Hentry Nyongesa	Chairperson
2. Hon. Catherine Kituyi	Vice Chairperson
3. Hon. Jackson Wambulwa	Member
4. Hon. Antony Lusenaka	Member
5. Hon. Joan Kirong	Member
6. Hon. Milliah Masungo	Member
7. Hon. Everton Nganga	Member
8. Hon. Charles Nangulu	Member
9. Hon. Jerusa Aleu	Member
10. Hon. Jacob Psero	Member
11. Hon. Poycarp kimeta	Member

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|---------------------------|--------|
| 12. Hon. Metrine Wilson | Member |
| 13. Hon. Everlyne Anyango | Member |
| 14. Hon. Alice Kibaba | Member |
| 15. Hon. Brigid Katasi | Member |

1.3 Committal of the CPSB Annual Report

The 2022 Annual report of the CPSB was tabled in the House on 14th March 2023 and subsequently stood committed to the Labour Relations, Members Service and Facilities committee for processing and reporting back. The committee retreated to consider the report from 16th to 20th March, 2023 at Victoria Comfort Inn Hotel, Kisumu and compiled this report for consideration by this Honorable House.


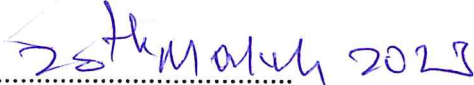
1.4 Acknowledgement

Mr. Speaker Sir, May I take this opportunity to thank your eminent Office and the Office of the Clerk for facilitating the Committee while it discharged its mandate.

In addition, I wish to salute the distinguished Honorable Members of this Committee for their input and valuable contributions to the report.

The Committee also takes pride in the secretariat for their unwavering commitment and dedication in the compilation of this report.

Mr. Speaker Sir, it is therefore my pleasant duty on behalf of the Committee to present this report on compliance by the County Public Service Board to the provisions of Sections 59(1) (f) and 59 (5) of the CGA, 2012 for approval by this Honourable House.

SIGNED.......... DATE.....

Hon. Hentry Nyongesa; MCA Bumula Ward

Chairperson, Labour Relations, Members Service and Facilities Committee

1.5 Summary

Mr. Speaker Sir, this report highlights the following aspects:

- a) First, the report expounds on the establishment, composition and functions of the CPSB and its secretariat.
- b) Secondly, the report indicates the programmes delivered in the year; career progression guidelines, appointments, translation of terms, confirmation in appointment, promotions, re-designations and absorption.
- c) Thirdly, the report demonstrates the financial position and analysis of activities facilitated by the Board and the status on the pending bills as at 31st December, 2022.
- d) Last but not least, the report presents the achievements and challenges during the period.
- e) Lastly, the report provides the Conclusions and probable recommendations.

CHAPTER TWO

2.0 Committee Analysis of the Annual Report

2.1 Establishment, Composition and Functions of the Board

2.1.1 Establishment

The County Public Service Board is established vide Article 235 of the Constitution of Kenya and section 57 of the County Governments Act, 2012; in each county as a corporate body with perpetual succession and a seal; and capable of suing and being sued in its corporate name.

2.1.2 Composition of the CPSB and its Secretariat

The CPSB as currently constituted comprises of the Chairman, four (4) members, the Secretary/ Chief Executive Officer as enlisted below:

a) Mr. Jonathan Namulala	Chairperson
b) Mrs. Christine Sifuna	Vice Chairperson
d) Mr. Bonee Wasike	Member
e) Mr. Geoffrey Cherongis	Member
f) Mrs. Rose Soita	Member
g) Mr. Joseph Makata	CEO/Secretary

The Board is supported by a Secretariat of eleven (11) staff, six (6) male and five (5) Female.

2.1.3 Functions and powers of the Board

The mandate of the CPSB is stipulated in Section 59(1) of the County Governments Act 2012 outlined as follows:

- 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.*
- 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 of the COK 2010.*
- 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 the counties.*
- h) *Advise the county government on human resource management and development.*
- i) *Advise the 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.*

In the performance of its functions under subsection (1)(e), the County Public Service Board shall have powers to—

- (a) inform and educate county public officers and the public about the values and principles;*
- (b) recommend to the county government effective measures to promote the values and principles;*
- (c) assist county government in the formulation and implementation of programmes intended to inculcate in public officers the duty to uphold the values and principles;*

- (d) advise the county governments on their obligations under international treaties and conventions on good governance in the county public service;*
- (e) visit any county public office or body with a view to assessing and inspecting the status of compliance with the values and principles;*
- (f) investigate, on its own initiative or upon a complaint made by any person or group of persons, the violation of any values and principles;*
- (g) 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;*
- (h) cooperate with other institutions working in the field of good governance in the public service; and*
- (i) perform any other functions as the Board considers necessary for the promotion of the values and principles.*

59 (5) *The report by the County Public Service Board under subsection (1)(f) shall—*

- (a) be delivered each December to the county assembly;*
- (b) include all the steps taken and decisions made by the board;*
- (c) include specific recommendations that require to be implemented in the promotion and protection of the values and principles;*
- (d) include specific decisions on particulars of persons or public body who have violated the values and principles, including action taken or recommended against them;*
- (e) include any impediment in the promotion of the values and principles;*
and;
- (f) include the programmes the board is undertaking or has planned to undertake in the medium term towards the promotion of the values and principles.*

CHAPTER THREE

3.0 Delivery of Programmes

Mr. Speaker Sir, the Chapter highlights the Board's achievements and challenges during the year together with recommendations for improvements and intents for the year 2022.

During the year, the Board held regular meetings to deliberate on various correspondences and human resource matters in the county public service. The decisions, instructions and guidelines were communicated to the respective authorized officers for implementation.

3.1 Appointments, Translation of terms, Confirmation in appointment, Promotions, Re- designations and absorption

The Board used respective National Schemes of Service as career progression guidelines to recruit, promote and re-designate staff. In line with its mandate under Section 59(1) (b) of the CGA 2012, the Board appointed, translated terms, confirmed, undertook promotions, re-designations and absorbed casuals as outlined below:

- a) Competitively appointed one hundred and nine (109) officers in the departments of: Agriculture (67), Governor's office (31) and Deputy Governor's Office (11). Among those appointed sixty nine (69) were male representing 63% and forty (40) were female representing 37%.
- b) Translation of terms from contract to permanent and pensionable terms of one hundred and forty one (141) personnel from the Department of Health. Out of which fifty five (55) were male representing 39% and eighty six (86) were female representing 61%.
- c) Confirmation in appointment of six hundred and seventy four (674) personnel; in the departments as enumerated: two hundred and ninety seven (297) in Health, four (4) in the Office of the County Secretary, seventeen (17) in Gender, Culture, Youth & Sports, eleven (11) in Lands, three hundred and twenty nine (329) in Public Service Management & Administration, eight (8) in Environment & Tourism and eight (8) in Water.
- d) Promotion of four hundred and thirteen (413) personnel; in the Departments of Health (261), CPSB (2), Lands, Urban, Physical Planning & Housing (2), Water and Natural Resources (16), Environment & Tourism (33), Agriculture, Livestock, Irrigation, Fisheries & Cooperative Development (84), Office of the Governor (3) and Finance & Economic Planning (12) .
- e) Re-designation of one hundred and thirty three (133) personnel; in the Departments of Health (84), Lands, Urban, Physical Planning & Housing (2), Water & Natural Resources (1), Environment & Tourism (2), Agriculture, Livestock, Irrigation, Fisheries & Cooperative Development (33), Finance & Economic Planning (10) and Public Service & Management (1).

- f) Absorbed six hundred and sixty six (666) casual workers from the defunct Local Authority and county departments out of which three hundred and eighty eight (388) were male representing 59% and two hundred and seventy two (272) were female representing 41%.

3.2 County Human Resource Policies

It's worth noting that six (6) County Human Resource policies were developed and are in use namely: Discipline Manual, Staff Performance Appraisal, Internship Policy, Diversity Policy, Human Resource policies& Procedures Manual and Human Resource Development Policy.

3.3 Exit of Officers from County Public Service

During the year under review, a total of two hundred and thirty four (234) officers exited the county public service through resignation (17), mandatory retirement age (146), death (23), end of contract (43) and early retirement (5). Out of these, one hundred and thirty five (135) were male representing 58% while ninety nine (99) were female representing 42%. *The detailed list of exit by gender, ethnicity and nature of exit is outlined on page 12-15 of the Board's Report.*

3.4 Training Programmes

3.4.1 Capacity Building

During the year under review, the Board facilitated seven (7) training programmes consisting of courses lasting less than six months. Six (6) members of the Board and seven (7) secretariat were trained.

3.4.2 Sensitization of the County staff on Code of Conduct and Ethics

The County Public Service Board in consultation with Ethics and Anti- Corruption Commission developed the Code of Conduct and Ethics (COCE) pursuant to the provisions of the Leadership and Integrity Act (LIA) 2012, further to the provisions of the Public Officer Ethics Act (POEA) 2003. The code was intended to establish standards of integrity and ethical conduct in the leadership and management of public affairs of the County Executive and Public Service by ensuring that the state and public officers respect the values, principles and provisions of the Constitution and other applicable laws or policies on the standards of conduct and performance expected of holders of public office in the discharge of their duties.

The Board in collaboration with the Offices of the County Attorney and County Secretary organized an induction training for state and public officers and invited the EACC Nairobi based officers to help in the training which was held at Mabanga Agricultural Training College.

A total of nine hundred and sixty six (966) officers were trained in the following category:

- 260 Ward and Village Administrators
- 102 Public Health Officers, Registered Clinical Officers, Nurses and Nutritionists
- 137 Public Health Officers, Registered Clinical Officers, Nurses and Nutritionists
- 161 Public Health Officers, Registered Clinical Officers, Nurses and Nutritionists
- 11 County Executive Committee Members and Chief Officers

- 254 Early Childhood Development Education Teachers and Vocational Training Centres instructors
- 41 staff from the Office of the Governor.

CHAPTER FOUR

4.0 Financial Report

Mr. Speaker Sir,

During the financial year 2022/2023, the Board was allocated a budget of Kshs. 60,911,146 out of which Kshs. 30,911,146 is meant for recurrent and 30,000,000 for development. Funds meant for development were reviewed downwards in the Supplementary Budget despite being the first allocation on the vote since the Board's inception.

4.1 Financial Expenditure

As at 31st December, 2022, the Board had expended a total of Kshs. 17,381,761 on the following programmes and activities:

No.	Activity	Total (Kshs.)
1.	Finalization of HRM Policies	1,502,000
2.	Training on collective bargaining agreements at KSG-Mombasa	1,289,100
3.	Facilitated a two weeks refresher course at KIHBT to our driver	63,000
4.	Facilitated gazettement of leadership course for state officers	350,000
5.	Facilitated a one month senior management course for three of our officers at KSG	408,840
6.	Facilitated Board training in building capacity for new leadership at KSG- Mombasa	783,600
7.	Payment of staff salaries	4,457,750
8.	Facilitated administration of biannual wealth declaration exercise in the County Public Service	602,700
9.	Facilitated two officers to attend procurement training in Mombasa as organized by KISM	321,800
10.	Recruitment of County Chief Officers	1,027,600
11.	Office operation and administration costs	1,652,000
12.	Confirmation in appointments	1,014,600
13.	Part payment to our creditors	3,405,371
14.	Facilitated one of our HRM Officer attend Human Resource Training organized by IHRM in Nakuru	163,800
15.	Facilitated two officers attend the 39 th ICPAK Annual Seminar in Mombasa	339,600
Total		17,381,761

4.2 Pending Bills

As at 30th June 2022, the Board had pending bills totaling to Kshs. 9,049,181. Kshs. 3,405,371 was processed and paid to Westend International Consultants as per the directive from the Office of the Controller of Budget hence leaving outstanding bills of Kshs. 5,643,810 as detailed in the *Status on pending Bills as at 31st December, 2022 on page 20-21 of the Board's Report.*

CHAPTER FIVE

5.1 ACHIEVEMENTS AND CHALLENGES

5.1.1 Achievements

Mr. Speaker Sir, during the year under review the Board boasts of the following accomplishments:

- a) Appointed one hundred and nine (109) personnel in the Departments of Agriculture, Governor's Office and Deputy Governor's Office.
- b) Translated terms of service from contract to P&P of one hundred and forty one (141) personnel in the Department of Health.
- c) Confirmed in appointment six hundred and seventy four (674) personnel in the departments of Health and Office of the County Secretary.
- d) Promoted four hundred and thirteen (413) personnel in the Departments of Health, CPSB, Lands, Urban, Physical Planning & Housing, Water & Natural Resources, Environment & Tourism, Agriculture, Irrigation, Livestock, Fisheries and Cooperatives Development, Office of the Governor and Finance& Economic Planning.
- e) Re- designated one hundred and thirty three (133) personnel in the Department of Health, Lands, Urban, Physical Planning & Housing, Water & Natural Resources, Environment & Tourism, Agriculture, Irrigation, Livestock, Fisheries and Cooperatives Development, Finance& Economic Planning and Public Service Management and Administration.
- f) Absorbed six hundred and sixty (660) County Casual Workers from the defunct local authority and other county departments.
- g) Finalized six (6) County Human Resource Management Policies
- h) Sensitized nine hundred and sixty six (966) County employees on Code of Conduct and Ethics.

5.1.2 Challenges

Mr. Speaker Sir, during the year under review the Board reported the following drawbacks:

- a) Delay in disbursement of funds by the National Treasury that affected the smooth operations of the Board.
- b) Insufficient budgetary provisions to implement the Board's programmes as expected especially the sensitization exercise on values and principles.
- c) Delay by some county departments in making timely payments to Media Houses that run adverts from the County Public Service Board on their behalf.
- d) Lack of office space
- e) Shortage of staff
- f) Delayed feedback from some departments in the County.

CHAPTER SIX

6.0 COMMITTEE GENERAL OBSERVATIONS AND RECOMMENDATIONS

6.1 Committee Observations

Mr. Speaker Sir, the Committee made the following observations:

- (i) The committee takes cognizance of the Board's effort in compliance with the provisions of Section 59(f) of the County Governments Act, 2012; in submission of the 2022 Annual report to the County Assembly.
- (ii) Section 59(5) of the CGA, 2012 provides for the specific information that the annual report from the CPSB to the County Assemblies should contain. The committee made the following observations in regard to the submitted report;
 - a) The CPSB complied with the provisions of 59(5) (a) which requires that the annual report is to be delivered each December to the County Assembly. The committee noted that the report was received by the Office of the Clerk on 20th of December 2022 and tabled on 14th of March 2023.
 - b) The report did not include all the steps taken and decisions made by the Board contrary to Section 59(5) (b).
 - c) The report did not indicate the specific recommendations that require to be implemented in the promotion and protection of values and principles as required by Section 59 (5) (c).
 - d) The report did not include the specific decisions on particulars of persons or public body who had violated the values and principles, including the action taken or recommended against them as provided in Section 59(1) (d).
 - e) The report did not indicate any impediment in the promotion of values and principles.

- f) The report included the training programs the board undertook in the medium term towards the promotion of the values and principles.
- (iii) There was no proof of compliance or any explanations for non-compliance to Section 59(6) of the CGA 2012 which requires that: *the Board shall 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.*
- (iv) The report did not highlight the comprehensive list of names and qualifications of those appointed in various departments.
- (v) From the 2022 Annual Report of the Board, the committee noted that there were no casual workers in the current establishment of the CPSB and County Government of Bungoma.
- (vi) The report lists the absorption of 660 casuals on permanent and pensionable terms as an achievement yet it is in the public domain that the 660 casuals' case is still pending in court and there were pending applications bordering on contempt of court by the County Public Service Board.
- (vii) The report did not demonstrate the extent to which the values and principles referred to in Articles 10 and 232 are complied with in the county public service.
- (viii) The report did not highlight the County Wage bill in so far as advising the county government on human resource management and development is concerned.

6.2 Committee Recommendations

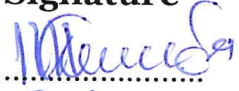



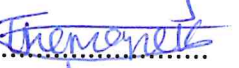


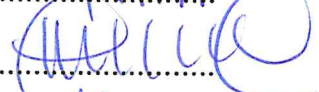



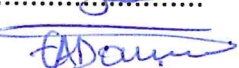
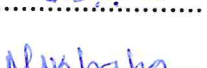
Mr. Speaker Sir,

The committee recommends as follows:

- i. That, in lieu of democratic principles and separation of powers as anchored in Article 175 (a) and effective service delivery, the independence of the CPSB should be guaranteed to stop reliance on the County Executive for budgeting and exchequer releases for the execution its functions. As a body corporate, the CPSB should be allowed to run its own accounts and manage its exchequer releases.
- ii. That the County Executive Committee Member responsible for Finance & Economic Planning should strive to ensure the Board is considerable funded to implement its programmes and activities with minimal hitches including allocating funds for development for the construction of an administration block.
- iii. That the CPSB should hasten the process of customization of the schemes of service and development of more policies to enhance the operations of the Board and the needs of the county public service
- iv. That the CPSB should play its advisory role as envisaged under Sec. 59 (1) (f) (g) (h) of the CGA, 2012, and take to task the County Executive on adherence to the management of the County Public Service wage bill as envisaged under Regulation 25(1) (b) the PFM Regulations, 2015 and Section 107(2) (c) of the PFM Act, 2012.
- v. That the CPSB should endeavor to broaden its scope in the sensitization of the County workforce and the public on National Values and Principles of the Public Service Leadership and Integrity.
- vi. Subsequent Annual reports should be gazetted within 7 days as stipulated in section 59(6) of the County Governments Act (CGA).
- vii. The CPSB should ensure compliance with the existing legal framework and court orders to settle the issue of the 660 casual employees once and for all.

ADOPTION SCHEDULE

We the undersigned members of the Labour Relations, Members Service and Facilities Committee append our signatures adopting this report with the contents therein.

No.	Name	Designation	Signature
1.	Hon. Hentry Nyongesa	Chairperson	
2.	Hon. Catherine Kituyi	Vice Chairperson	
3.	Hon. Jackson Wambulwa	Member	
4.	Hon. Antony Lusenaka	Member	
5.	Hon. Joan Kirong	Member	
6.	Hon. Milliah Masungu	Member	
7.	Hon. Everton Nganga	Member	
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11.	Hon. Poycarp kimeta	Member	
12.	Hon. Metrine Wilson	Member	
13.	Hon. Everlyne Anyango	Member	
14.	Hon. Alice Kibaba	Member	
15.	Hon. Brigid Katasi	Member	