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FINAL REPORT

**CONSULTANCY TO ASSIST IN THE DESIGN OF MANAGEMENT
SYSTEMS FOR THE GOVERNMENT OF KENYA PUBLIC
PROCUREMENT OVERSIGHT AUTHORITY (PPOA)**

VOLUME 4

HUMAN RESOURCES POLICY AND ADMINISTRATION MANUAL

JULY 2007

This publication was produced for review by the United States Agency for International Development. It was prepared by Chemonics International Inc.

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PROCUREMENT OVERSIGHT AUTHORITY (PPOA)**

Contract No. AFP-I-00-04-00002-00

Order No. 08

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SECTION 1

Introduction

BACKGROUND

This human resources manual provides detailed information about Public Procurement Oversight Authority (Authority) human resources policies, procedures, and conditions of employment for staff. It is binding on employee as part of the contract of employment.

Any changes to policies and procedures in this manual will require authorisation of the Director-General. However, where changes in policy may have significant financial implications, the Director-General will seek approval from the Public Procurement Oversight Board (the Board) before implementation.

In areas where staff require clarification, the Director-General should be consulted for guidance and interpretation of any section of the manual, as well as for cases that may not have been specifically covered.

Responsibility

All employees will be held responsible for reading and understanding these regulations and any amendments that will be made as and when the Authority deems necessary. Ignorance of any of these regulations will not be accepted as an excuse for failure to act upon any matter or comply with the regulations as laid down in the manual.

Applicability

Unless expressly provided either in these regulations or where exception is authorised by the Board, these regulations shall apply to all employees.

ESTABLISHMENT OF THE AUTHORITY

The Public Procurement Oversight Authority is established under the Public Procurement and Disposal Act, 2005

The Authority's role is to oversee procurement in the entire public sector.

The scope of public sector includes all procurement entities in which the government has direct or indirect interest. This classification includes schools, local authorities, and development funds among others.

The Public Procurement Oversight Board

The Act provides for the establishment of the Public Procurement Oversight Board as an unincorporated body. The Advisory Board shall consist of the Director-General and nine members appointed by the Minister and approved by Parliament from persons nominated by the prescribed organizations.

The functions of the Advisory Board are:

- to advise the Authority generally on the exercise of its powers and the performance of its functions
- to approve the estimates of the revenue and expenditures of the Authority
- to recommend the appointment and/or termination of the Director-General in accordance with the Act
- to perform such other functions and duties as are provided for under the Act

The Public Procurement Administrative Review Board

The Public Procurement Administrative Review Board is established under the Act. The composition and membership of the Review Board shall be in accordance with the Public Procurement and Disposal Regulation, 2006. The Act stipulates that the Authority shall provide administrative services to the Review Board.

SECTION 2

Management Philosophy and Guiding Principles

VISION

To be a world-class Public Procurement Oversight Authority

MISSION

To innovatively design and facilitate an effective supply chain system that provides value for money, by ensuring competition, fairness, transparency, and accountability, while contributing to national socio-economic development

MOTTO

Spearheading best procurement practices for a better nation

VALUES

The Public Procurement Oversight Authority's operations and service delivery to the public will be based on a value system whose core elements will be:

- integrity
- ethics and professionalism
- impartiality

These key elements will further be underpinned by the following attributes:

- promptness, efficiency, and effectiveness
- creativity and innovativeness
- discipline
- commitment and team work
- customer focus
- social responsibility
- transparency and accountability

SECTION 3

Organization Structure

The structure of an organization is a reflection of what the organization does and how it undertakes its key functions. The Authority will strive to maintain a simple flat organization structure to ensure that each member of staff is adequately involved in the delivery of the expected service.

The structure is outlined below and in the organogram attached as an annex.

DIRECTOR-GENERAL

The office of the Director-General will have overall responsibility for the Public Procurement Oversight Authority as per the Act, namely:

- ensure that procurement procedures established under the Act are complied with
- monitor the public procurement system and report on its overall functioning and present to the Minister for Finance such other reports and recommendations for improvements as the Director-General considers advisable
- assist in implementation and operation of the public procurement system and in doing so:
 - prepare and distribute manuals and standard documents to be used in connection with procurement by public entities
 - provide advice and assistance to procuring entities on procurement matters
 - develop, promote, and support training and professional development of persons involved in procurement
 - issue written directions to public entities with respect to procurement, including the conduct of procurement proceedings and dissemination of information on procurements
 - ensure that procuring entities engage procurement professionals in their procurement units
- initiate public procurement policy and propose amendments to the Act or to the regulations
- perform such other functions and duties as are provided for under the Act

TECHNICAL DIVISION

The role of this division will be three-fold and will be carried out by three departments namely: Compliance and Policy, Capacity Building, and Research, Monitoring, and Evaluation. Each of these departments will be headed by a seasoned professional manager in the respective field.

The responsibility of the Director, Technical Services will be to steward the Division in an integrated manner so delivery of service by the three departments can be fully optimized. The specific key functions of the Director will include:

Compliance and Policy Department

- responsibility for ensuring that procurement entities comply with procurement procedures established under the Act
- developing policy, distributing manuals and standard documents, and issuing directives, as well as providing the necessary advice and assistance to procuring entities
- receiving and dealing with complaints on performance of the public procurement not related to appeals against contract awards or not directed to the Review Board
- approving a specifically permitted procurement procedure provided for by regulations on request by procuring entities
- ensuring that the boards of surveys and disposal of stores and equipment are carried out by the procuring entities in accordance with the Act and regulations
- processing recommendations from procuring entities on debarment

Capacity Building Department

- ensuring that there is adequate capacity in public procurement entities in terms of professional personnel and skills
- ensuring that a comprehensive training needs assessment for public procuring entities is done and developing policy and guidelines for promoting and supporting the required training, including professional self development
- ensuring that an appropriate training curricula and training manuals are developed and properly used by outsourced trainers, including collaborative training institutions
- supporting development of training capacity in public institutions for different level of training, in liaison with other key stakeholders

Research, Monitoring, and Evaluation Department

- establishing baseline indicators and monitoring against compliance and performance indicators
- collection, analysis, and review of data from public procurement entities, based on set/agreed performance indicators to determine the overall performance
- obtaining and assessing feedback from stakeholders and the general public on the performance of public procurement

- improvement in efficiency, transparency, competition in procurement practice, and value for money
- benchmarking and comparative analysis of public procurement performance with international standards and best practices and recommending improvements

FINANCE AND ADMINISTRATION DIVISION

The division will be headed by the Director, Finance and Administration and below him/her will be three departments, namely Finance, Human Resources and Administration, and Information Communication Technology (ICT) Manager, all seasoned professionals. This division will provide support services in finance and procurement, human resources, ICT, and procurement. The functions under each department will be as follows:

Finance and Procurement Department

- ensuring that there are sound financial policies and procedures aimed at efficient and effective use of funds
- managing the planning and budgeting process in line with the Ministry of Finance guidelines
- developing strategies for sourcing of funds beyond the exchequer
- ensuring that there are adequate financial controls and that audit queries are dealt with expeditiously
- preparation of the organization's accounts
- ensuring that asset inventory and records are properly maintained
- procurement services for the Authority

Human Resources and Administration Department

- coordinating manpower planning for the organization including the budgetary implications
- carrying out recruitment within the agreed policy framework
- managing the remuneration and benefits policy while ensuring that they are sufficiently competitive to attract the best talent
- coordinating training needs assessment, developing and implementing training plan
- managing and coordinating the performance and career management systems notably performance contract with the Ministry of Finance and staff performance appraisal
- managing welfare services

Information Communication Technology Department

- automation of administrative business processes like finance, HR, procurement, and inventory management
- automation of core function processes like compliance, capacity building, monitoring and evaluation, and appeals board
- management of ICT-based projects and other initiatives that require ICT facilitation
- managing relationships with suppliers and vendors who provide services and products
- developing ICT capacity building program
- ensuring that objectives of the ICT strategy and ICT policies are met and adhered to

SECTION 4

Definition of Terms

Authority. These terms and conditions of service are governed by the Advisory Board as provided by the Act, and are managed by the Board.

Unless otherwise expressly provided either in the terms and conditions of service or elsewhere, or unless the context otherwise requires, all employees of the Authority shall be required to observe the provisions of these terms and conditions of service.

All employees are also subject to relevant provisions of other regulations, rules, and instructions as may be issued by the board or other authorities empowered to do so.

Amendments. The terms and conditions of service may be reviewed from time to time by the authority of the Board.

Interpretation. The interpretation of the terms and conditions of service shall rest with the Director-General subject to the right of appeal to the Board.

Delegation. The Board may delegate any of its functions and powers under the terms and conditions to the Committee of the Board or to the Director-General, who may in turn delegate his duties and powers to any employee of PPOA.

Powers of the Director-General. The Director-General shall enforce these regulations as s/he may consider necessary, subject to any instructions of general nature as may be given by the Board acting in accordance with the provisions of the Act.

Definition of Terms. The terms in subsequent sub-paragraphs will have meanings specifically assigned. Unless otherwise stated or implied, words in the masculine gender include the feminine gender, words in the plural include the singular and words in the singular include the plural.

Authority. Public Procurement Oversight Authority.

Advisory Board. Public Procurement Oversight Advisory Board.

Committee. Finance and General Purposes Committee of the Authority.

The Act. Act establishing PPOA.

Director-General. Chief Executive of the Authority.

Employee. A person employed by the Authority on monthly rated terms.

Officer. Includes employees, unless otherwise stated or implied.

Spouse. The legal marriage partner of an employee as specified under the marriage Act or in accordance with the relevant customarily law.

Dependent Child. An unmarried and unemployed biological child, including an adopted child under the age of 22 years. For purposes of personnel records, all dependent children must be declared at the time of appointment or at the time of birth or at the time of adoption if it occurs during employment with the Authority.

Immediate Family. Includes the employee's spouse, dependent children as defined above, the employee's biological father and mother and employee's spouse biological father and mother as listed in the employee's personnel records and confirmed in the employee's or spouse' birth certificate.

Next-of-Kin. The name of the person provided by the officer for the purpose of contact during emergency. In case of death, the person assumes the role of legal administrator of the deceased's estate.

Family Domicile. This is the location specified by the employee as his/her family domicile as shown in the employee's personnel record.

Basic Salary. Means pay of an employee exclusive of house allowance, overtime, subsistence allowance or any other allowances.

Gross Salary. Means pay of an employee, including all allowances.

Reimbursable Allowances. Allowances paid to an officer as reimbursement for the expenditure incurred in the course of duty, such as accommodation allowance or transfer allowance

Remunerative Allowances. Allowances paid to an officer in addition to salary, as form of compensation for additional responsibilities, such as overtime allowance, acting allowance, or special duty allowance.

Per Diem. An allowance payable to an employee while on duty outside his/her own station. Per diem will be based on a 24-hour period divided in quarters for partial days. The management will determine whether the distance involved or the work being performed justifies an overnight stay.

Financial Year. The period from 1 July to 30 June of the following year.

SECTION 5

General Terms and Conditions

STAFF DEPLOYMENT

An employee must serve at such places in Kenya as the Director-General may determine. The employee must devote himself or herself entirely to the duties of his post during such hours of duty as may be prescribed.

The services of an employee are not limited to the work that may be specified in his/her contract of service or letter of appointment. S/he may be called upon at any time to perform any other reasonable duties within his or her ability in connection with the Authority's discharge of its functions.

Hours of Duty

The hours of duty for employees will be such as may be prescribed from time to time for the station, office or other place of employment at which they are working, whether temporarily or permanently employed at such places.

The office hours at the Authority, Monday to Friday are:

8.00 a.m. to 1.00 p.m.
2.00 p.m. to 5.00 p.m.

Duty Attendance

No employee may be absent from duty during working hours, leave the appointed place of work, or proceed to a place other than that at which s/he is usually employed, exchange duties with another employee, or alter his or her hours of attendance without the prior permission of his superior officer.

Responsibility

Every employee will be responsible through the immediate superior officer to the head of his or her division, department or unit for the proper and efficient discharge of the duties entrusted to him or her. It is the duty of every employee responsible for the work of other employees to give special attention to efficiency and economy in the work, disposition of the employees under him or her, the use of all property of the Authority, the methods of working, and the number of employees employed under him or her.

Conflict of Interest

An employee will be required to declare to the Director-General his/her business interests where companies or partnerships in which the employee holds interest and any conflict in whatever nature with the Authority's interests.

Conduct Toward the Customer

The conduct of any employee must be civil and obliging and s/he must couch written communication in courteous language. Any communication from the customer or a corporate body must be dealt with expeditiously and courteously.

Part-Time Employment Elsewhere

The salary of an employee is fixed on the assumption that his/her whole time is at the disposal of the Authority unless it is otherwise specifically stated in terms of service. An employee is prohibited from engaging in trade or in any commercial undertaking that may be in conflict with the interest of the Authority or rendering professional assistance to, or accepting any remuneration from private persons or firms.

Medical Examination and Fitness Tests

Employees must undergo such medical examinations and go through such fitness tests as may be required by the Authority.

Contracts and Directorship

The Authority shall not enter into a contract, arrangement or agreement with an employee or with any partnership or company in which s/he is a shareholder unless s/he has made full disclosure of the measure of his/her interest in the contract and the Director-General has given approval for the contract to proceed.

No employee may accept a directorship in any company holding a contract with the Commission, except as a nominee of government or with the express permission of the Director-General. Any employee who finds s/he is about to deal officially with any matter concerning a business organization in which s/he has an interest, must disclose such interest to the Director-General.

APPOINTMENTS AND PROMOTIONS

The Authority will seek to create a working environment that will attract and retain qualified and experienced staff. Such staff should have the capabilities that will enable the Authority to achieve its objectives. In this regard, the Authority will need multidisciplinary and appropriately qualified staff. The process will entail identifying the optimum staffing needs, identifying skills development needs and recruitment of staff to operationalise the recommended structure.

Established vacant posts shall, as far as possible be filled from within unless there are no suitable candidates in the organization, in which case recruitment from outside shall be considered.

Power to Make Appointments

The power to appoint persons to hold or act in any office in the Public Procurement Oversight Authority is vested in the Board.

In consultation with the Chairman of the Board, the Director-General may engage temporary staff and report such appointments to the Advisory Board during its next meeting.

Categories of Appointments

An employee may be appointed in the service of the Authority on the following terms:

Permanent and Pensionable

Permanent and pensionable appointment applies to employees who, after successful completion of their probationary period, are eligible to join the Authority's staff pension scheme.

Contract

Appointment on contract terms shall apply to vacancies that cannot be filled on pensionable terms or where suitable candidates can only be appointed on contract terms.

Temporary

Appointment on temporary terms will apply to cases where the services of an employee would normally not be required beyond a period of 12 months.

Casual

Casual employees may be appointed for a period not exceeding three months and paid wages on a daily basis.

Policy on Selection for First Appointment

It is the policy of the Authority to attract and recruit individuals who are qualified by job-related standards of education, training, and experience or who can be trained to perform work in a manner that will contribute to the attainment of the objectives of the Authority.

In making a selection for appointment, preference will be given to qualified and suitable Kenyan citizens. Information concerning a candidate's general background and/or previous employment will be verified at this point

Appointment on contract terms of service will normally be for a maximum period of 36 months and renewable, if need be. At the expiry of the contract period, an employee will be entitled to gratuity which shall be calculated at the rate of 31 percent of the employee's basic salary during the contract period.

Appointments in all cases shall be made in accordance with existing job descriptions and specifications for various cadres of staff in their respective fields of employment. For the purposes of appointment, the relevant schemes of service, career progression guidelines formulated for the Authority shall form an integral part of these terms and conditions of service.

Secondment of staff to and from the Authority may be made in accordance with existing government procedures and will normally be for a period of three years. Secondment will be authorized only in cases where there are no reciprocal transfer arrangements for pension purposes.

RECRUITMENT PROCESS

Determination of Vacancy

When a vacancy occurs, the head of the Human Resources and Administration Department will notify the Director-General of the fact and advise whether the vacancy should be filled by promotion from within or recruitment from outside.

Internal Promotion

Where the head of a department/division recommends an internal promotion of an employee serving in the department/division in which the post exists, s/he shall furnish the Director-General the reasons for doing so.

Advertisement

Application for appointment to vacant posts will be invited by public advertisement in the press or the job may be internally advertised.

Application for Employment Form

All applicants for employment for posts in the Authority's permanent establishment must, before engagement, complete the prescribed form of application for employment. The applicants must account for the whole period of any previous employment held, which must be supported by satisfactory documentary evidence.

Short-listing and Interviewing Candidates

The Human Resources and Administration Department, in consultation with heads of divisions and department managers concerned, shall carry out short-listing of candidates. Shortlisted candidates shall be interviewed by relevant committee of the Authority, which will make the final selection and submit a list of successful candidates to the Advisory Board for approval. However, the Advisory Board may delegate approval authority to the Director-General or Management Committee for recruitment of certain categories of staff.

Regret Letters

Applicants who are unsuccessful at the interviews will be so advised in writing, while those not shortlisted for interviews will be advised in the advertisement to treat their applications as unsuccessful if no response is received after a specified period.

OFFER OF EMPLOYMENT

Probationary Period

All newly appointed employees of the Authority will be required to undergo a probationary period of six months.

During the probationary period, the head of division or department manager shall submit progress reports on a prescribed format, indicating the employee's performance. Based on the head of department's recommendations, the Human Resources and Administration Department

will advise the Director-General whether the probationary period ought to be extended or the appointment terminated.

If the period of probationary service has been unsatisfactory, it may be terminated or extended once for a period of three months. If the period is extended, the individual's performance shall be reviewed again to determine whether or not performance has improved.

The holder of a probationary appointment who has completed the normal or extended period of probation satisfactorily shall be confirmed in the post. If the probationary service is unsatisfactory after the extended period, the appointment shall be terminated.

A staff member whose performance and conduct fully demonstrates that s/he meets the high standard of efficiency, competence, and integrity and has also been proved to be medically fit will have his/her appointment confirmed after the probationary period.

Letter of Appointment

The Director-General will sign the letter of appointment for all employees. The letter of appointment for the Director-General will be signed by the Chairman of the Advisory Board or the Permanent Secretary.

The letter of appointment must be acknowledged by the employee through his/her signature before or on the date of engagement and a copy filed in his/her personal file.

The letter of appointment to an employee on first appointment shall be made in duplicate and shall contain the following details:

- employee's name
- date of appointment
- period of probationary
- the post and grade to which the candidate is appointed
- department in which s/he will serve
- the terms of appointment after probation (permanent, contract, etc.)
- the salary scale and amount payable as basic salary
- benefits applicable, such as medical
- leave entitlement
- the housing and other allowances payable
- the period of notice required on termination of service by either party

Date of Appointment

An appointment made from within Kenya will take effect from the date of assumption of duty. An appointment made from outside Kenya will take effect from the date of departure for Kenya.

Medical Examination

Every candidate whom it is proposed to employ shall be required to undergo a medical examination conducted by a doctor recommended by the Authority or any other government

medical practitioner. Employees of the Authority will also be required to undergo regular medical check-ups.

Particulars of Next-of-Kin

An employee shall be required to complete the particulars of the next-of-kin form and notify the Human Resources and Administration Department of any change in name and address of next-of-kin.

Official Secrets Act Declaration

On appointment and on termination of service, every employee shall be required to sign a declaration of secrecy form under the Official Secrets Act, Cap. 187.

The Authority's Employment Card

Every employee shall be issued with the official employment card by the Authority.

In the event of loss of the employment card, an employee shall apply for a replacement upon payment of a specified fee. If a replacement of the card is as a result of change of designation or marital status, no fee shall be charged.

On termination of appointment, the employee shall be required to surrender his/her employment card to the Director-General.

Certificate of Service

A certificate of service will be issued to an employee upon retirement, resignation, dismissal or termination of appointment. The certificate shall contain a fair assessment of the employee and will be signed by the employee's head of department/division and countersigned by the Director-General.

Clearance Certificate

An employee will be required to obtain a clearance certificate on resignation, dismissal, termination of appointment or retirement. In case of death, the next-of-kin shall obtain the clearance certificate.

SALARIES AND MERIT INCREMENTS

Salary and Salary Scale

The salary and salary scale of every employee shall be shown in his letter of offer or letter appointing him/her to permanent and pensionable or contract terms. Where an employee has been promoted or demoted to a particular grade, his/her new salary and salary scale shall be shown in the letter advising him/her of the promotions or demotion as the case may be.

Salary Scales

The Authority's salary structure consists of seven salary scales as indicated below:

Scale	Job
1	Director-General
2	Director
3	Manager
4	Officer
5	Assistant
6	Senior Support Staff
7	Support Staff

Calculation of Salary

Salaries will be stated in Kenyan shillings on a monthly basis. Every employee shall continue to earn uniform monthly salary every 12 months until the anniversary of incremental month or other change advice thereto. The computation for a broken period of a particular month will be made with reference to the number of days in the month in question.

Hourly Payment

Where remuneration is paid on an hourly basis, the hourly rate will be used only for the number of hours actually worked. No remuneration will be payable for meal time or other absences from duty.

Date of Payment of Salary on First Appointment

On first appointment, an employee will be paid full salary from the date of assumption of duty.

Payment of Salary

Locally

Salaries will be paid monthly in Kenyan shillings. Employees, except those serving on casual terms, are required to open bank accounts to which their salaries will be remitted.

Outside Kenya

Employees who are outside Kenya on training, attachment or secondment may have their salary or part thereof paid outside Kenya through arrangements that the Authority may have with the external agencies or through money transfer. Such payment will be subject to the country's exchange control regulations.

Salary on Promotion

If an employee is promoted from one grade to another and his/her salary on the effective date of promotion is less than the minimum of the salary scale of the new grade, s/he will receive the minimum of the salary scale attached to the new grade.

Salary on Promotion in Overlapping Scales

Where overlapping scales are involved, officers will be awarded one annual increment on promotion.

Merit Increment

A merit increment is an increase of salary of specified amount, determined by the Authority that is granted at regular intervals. Merit increments will be performance-linked, hence the name, which means that the employee has to perform satisfactorily to earn it.

An employee whose performance of duties is unsatisfactory will not be granted a merit increment until s/he improves. For purposes of convenience, award of a merit increment will be synchronized with the performance appraisal cycle and, in this connection, all merit increments will be granted and implemented from one calendar date.

The employee's performance will be appraised and rated annually for the purpose of merit increment. An employee whose performance is unsatisfactory will not be granted the increment for the period under review.

New employees will need to have been confirmed in appointment and worked satisfactorily for a minimum of three months, after confirmation, to be eligible for the first merit increment.

Withheld Increment

When an increment is withheld for reasons of unsatisfactory performance, the employee will be advised of the reason in writing and requested to improve performance on areas of shortfall, within a specified period not exceeding six months. Another performance review will be done after completion of the period and if performance is satisfactory, the increment should be awarded. If the performance is still unsatisfactory, the increment for that year would be stopped altogether.

Stopped Merit Increment

When an increment is stopped it means that the employee's performance for the period under review is critically below standard and a matter of concern to the Authority. Consequently, the employee will be warned in writing that persistent unsatisfactory performance will jeopardize his/her employment and/or career with the Authority.

Procedure for Withholding or Stoppage of Increments

Increments should not be withheld or stopped unless the employee's performance has been appraised against set performance targets agreed with the employee and documented accordingly. The process of performance appraisal is outlined elsewhere under performance management.

BONUS

Bonus is granted when the collective performance of all employees result in achievement of performance contract targets agreed with the Ministry of Finance. When the bonus is granted, each employee will be paid proportionately to his contribution reflected by individual performance rating in the performance appraisal for the period under review. This will ensure that those who perform better get appropriate reward as an incentive for continuous performance improvement.

ALLOWANCES

Allowances are payable to the employees of the Authority as appropriate and at such rate as will be determined by the Advisory Board from time to time. The following allowances will be in force at the rates shown below.

Acting Allowance

An employee may be appointed in an acting capacity, in a higher post, for a period of 30 days or more, if s/he meets the necessary qualifications for the job.

During the acting appointment, acting allowance will be paid at the rate of the full difference between the employee's salary and the minimum salary of the job group assigned to the higher post, or in case where an employee has attained the minimum salary assigned to the higher post, the full difference between his/her basic salary and the salary point at which an employee would have entered the higher post had s/he been promoted.

An employee who is appointed in an acting capacity will be eligible during the tenure of his/her acting appointment for travelling privileges and other related allowances, such as hotel or accommodation allowance for the higher post, but not leave or house allowances.

Special Duty Allowance

Where an employee does not possess all necessary qualifications but is appointed to perform the duties of a higher post, for a period of 30 days or more, the employee will be granted a special duty allowance at the rate of 10 percent of the an employee's substantive basic salary.

Accommodation Allowance in Kenya

An employee who travels outside the duty station on official duties and is required to stay overnight and makes his/her own arrangements for boarding and lodging, will be paid a non-accountable allowance at the rates shown below:

	Malindi Mombasa (Kenyan shillings)	Nakuru, Nyeri, Eldoret, Embu, Kericho, Kisumu Kakamega (Kenyan shillings)	All other areas (Kenyan shillings)
Job Group	Per Diem	Per Diem	Per Diem
1	10000	10000	10000
2, 3	6000	4000	3000
4, 5	4000	2500	2000
6, 7	2500	2000	1500

Meal Allowance

When an employee is traveling on duty and is not required to spend a night away from his/her permanent station, s/he shall be eligible for an allowance for lunch and dinner at 15 percent and breakfast at 8 percent of the respective per diem rates given above.

Leave Allowance

After continuous working for several months, an employee requires leave from his/her duties to allow rest and to recuperate energies before resumption of duty. To facilitate this process, leave allowance will be paid to all regular employees of the Authority over a year at the rate of one month's equivalent of the employee's current basic salary.

House Allowance (Amounts to be advised)

Job Group	Job Category	House Allowance Per Month (Kenyan shillings)
1	Director-General	
2	Director	
3	Manager	
4	Officer	
5	Assistant	
6	Senior Support Staff	
7	Support Staff	

OVERTIME

Eligibility for Overtime

Employees in the executive, management, and officer grades will not be entitled to overtime pay, because staff in this category are normally called upon to perform duties of a supervisory nature and this factor is taken into account in determining the rate of their remuneration.

However, in exceptional circumstances, where an employee is engaged in special duties of which s/he is required beyond working hours and s/he cannot be given time off in lieu, consideration will be given by the Advisory Board for a grant of honorarium, which will be determined on the merit of each case.

Overtime will be paid to employees in support grades in cases where they work for more than the official normal working time of 40 hours per week.

Overtime Rates

Overtime will be paid at the following rates:

- one and a half times the standard hourly rate for overtime during normal working days
- two times the standard hourly rate for work on weekends and designated public holidays

Overtime will be paid in units of one complete hour. To qualify for overtime payment, an employee must work continuously for a period of not less than one hour unit in a single overtime session. However, the total amount should not exceed 50 percent of the monthly basic salary.

Approval of Overtime

The budget holder for the specific projects/department will be responsible for approving overtime before it is incurred. The manager or officer concerned will authorize payment of overtime allowance, when s/he is satisfied that the task at hand has been completed as assigned.

Employees claiming overtime must complete an overtime form. The form shows dates for which overtime is being claimed, nature of work, number of hours worked, and authority. The form will be forwarded to the Finance Manager for processing and payment.

The Finance Manager will monitor the use of overtime. In cases of excessive overtime, the Human Resources Manager, with the budget holder, will review the work allocation and deployment of staff and make recommendations for alternative work allocation methods or use of temporary staff.

Time Off in Lieu (TOIL)

Time off in lieu (toil) only applies to staff who are not eligible to claim overtime. Work that involves traveling or working during weekends or designated public holidays will be compensated by TOIL for each weekend or holiday worked or traveled.

TOIL must be approved by the head of division and Human Resources Manager and will be equivalent to the number of days worked.

LEAVE

There will be various categories of leave as outlined below:

- annual leave
- compassionate leave
- unpaid leave
- study leave
- special leave for sportsmen/women
- maternity leave
- sick/convalescent leave
- compulsory leave
- pre-retirement leave

Annual Leave

An employee will 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 three months’ service before being granted annual leave. For this purpose, a leave year will begin on 1 January and end on 31 December.

Annual leave, which excludes Saturdays, Sundays, and public holidays, will be granted as follows:

Job Group	Days per Year
1 to 5	30 days
6 and 7	24 days

Where leave is nonetheless accumulated due to exigencies of work and is duly authorized and the accumulation approved by Director-General, arrangements may be made to commute a portion of the leave for cash.

Annual leave must be taken within the leave year it falls due or be forfeited. Deferment of annual leave from one leave year to another shall not be permitted except in exceptional circumstances, with prior approval of the Director-General.

An employee may use his/her annual leave at any time during the leave year, but shall not be eligible for such annual leave if s/he 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 Advisory Board employment at the end of a calendar year after having used his/her annual leave.

Compassionate Leave

When an employee has exhausted his/her leave days within the year, s/he may be granted compassionate leave of up to five days, under exceptional circumstances, e.g. attending a funeral. In granting this leave, the Director-General shall take into account the frequency of such absences by the employee and the effect of such absences on his/her work.

The employee requesting compassionate leave shall furnish his/her immediate supervisor with sufficient and acceptable proof or documentary evidence in support of such request.

Unpaid Leave

Unpaid leave may be granted, at the discretion of the Director-General, to an employee who has exhausted leave earning, on the grounds of urgent personal business or proven cases of exceptional hardships. Unpaid leave when granted shall not exceed 30 days.

An employee on unpaid leave shall continue to discharge his/her liabilities to the Authority in respect of any financial advances during the period of absence.

The period of unpaid leave will not count for retirement benefits; hence the Authority will not make any contribution or remittance on behalf of the employee during this period

Study Leave

The Authority shall have absolute discretion to accept or reject an application for study leave. Study leave shall only be granted on the basis of the needs of the Authority and in the interest of staff development. The leave may be of any duration as the Authority may determine and subject to such conditions as may be laid down.

Special Leave for Sportsmen/Women

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

Maternity Leave

Female members of staff who are required to be absent from duty on account of confinement, shall be granted maternity leave with full pay for a maximum period of 60 working days, which is inclusive of the annual leave due for the year.

An application for maternity leave should be submitted to the Director-General 30 days before the expected date of confinement. In addition, it should be supported by a medical certificate indicating the day of delivery.

Should it be necessary to extend maternity leave beyond the prescribed period of 60 working days such extension shall be regarded as unpaid leave.

The unpaid leave will not count for retirement benefits; hence the Authority will not make any contribution or remittance on behalf of the employee during this period

Sick/Convalescent Leave

Sick/convalescent leave is a period of absence of an employee granted on recommendation of a qualified medical officer for the employee's treatment and recuperative purposes. A medical certificate by the medical officer must be submitted to the Director-General through the supervisor or immediate senior officer within two days of absence.

An employee on sick leave is entitled to full pay for the first three months (60 consecutive days) and, in exceptional circumstances, for a further three months (60 consecutive days) on half pay.

If, after the last three months with half pay, the employee has not recovered, s/he may be asked to use accrued leave days or proceed on unpaid leave.

In cases of a continued period of ill health beyond one year, an employee shall be examined by a medical board to determine such employee's physical and mental fitness to continue in Authority's employment.

Annual leave entitlement and other benefits based on service continue to accrue during periods of sick leave.

Notwithstanding the aforesaid, an officer who by virtue of the definition of "workman" qualifies for sick leave on half pay, in terms of the Workmen's Compensation Act, Cap 236 may be granted such leave in accordance with the law.

Sick/Convalescent Leave Arising from Employee's Negligence or Misconduct

In the case of sick/convalescent leave rendered necessary by the employee's own negligence or misconduct, his/her full salary may be forfeited for the whole period of absence from duty.

Compulsory Leave

If in the interest of the service, it is considered necessary to keep an employee away from his duties for some time, the Director-General may approve that an employee be sent on compulsory leave under the recommendation of a head of division/department. The period of such compulsory leave shall not exceed 30 continuous calendar days.

Pre-retirement Leave

An employee proceeding on retirement will be granted three calendar months leave inclusive of annual leave. This shall run concurrently with a notice of retirement.

MEDICAL SCHEME

The medical scheme is intended to assist an employee and his/her family in maintaining good health, because a healthy employee is an asset to the Authority.

For the purposes of this section, the term "family" means the spouse and the children of the employee who are under the age of 22, and are undergoing an approved full-time education or are wholly dependent on the employee.

The Authority will provide medical cover to permanent and contract employees, spouse, and four dependent children less than 22 years of age. However, employees will meet the cost of covering dependents in excess of the specified number of children. The details of the medical scheme will be communicated to staff separately.

INSURANCE

The insurance taken by the Authority shall not in any way affect any personal insurance policy an individual employee may have taken out for him/herself. The Authority shall undertake to provide the following insurance covers for its permanent and pensionable employees:

Workmen's Compensation Insurance

The Authority will take insurance cover against accidents to employees arising out of and in the course of their employment under the terms of the Workmen's Compensation Act, Cap. 236

Group Personal Accidents Insurance

The Authority shall have a group personal accidents insurance policy to cover employees against accidents in the course of duty.

Group Life Assurance

The Authority shall take out a group life insurance policy for its employees to cover death in-service. This includes funeral cash provision for the life insured and eligible dependents.

TRANSPORT AND TRAVELING

Traveling in Own Car on Official Duty

An employee who owns a car and is traveling on official duty may seek prior permission of the Director-General to use his/her car.

Where such permission is granted, the employee will be entitled to a mileage allowance at the pegged to the prevailing automobile association of Kenya. The following rates shall apply:

Engine Capacity	Shillings per km.
Over 2600	70.70
2301–2600	52.55
2001–2300	44.55
1851–2000	34.20
1651–1850	32.75
1451–1650	27.05
1351–1450	24.45
1251–1350	22.35
1051–1250	20.35
1050 and below	18.35

The mileage rates payable in respect of any motor vehicle are based on the cost of running such vehicles fully loaded and no additional allowances shall be payable for the conveyance of passengers in such a vehicle. The allowances are inclusive and no payments shall be made for spares or labor used on any motor vehicle renewals, breakdowns, depreciation or other charges in connection with such motor vehicle.

Traveling in Authority's Vehicle

An employee traveling on duty will be granted permission by the Director-General or an officer authorised by him/her to use the Authority's vehicle.

The Authority's vehicles are intended for official purposes only, and should not be used for private purposes. An employee who makes improper use of the Authority vehicle shall render himself/herself liable to disciplinary action.

Whenever an Authority vehicle is used, it is compulsory that the details of the journey be indicated in the work ticket. Any driver (or any other employee for the time being authorized to drive the vehicle) found operating without a work ticket authorizing the journey in question, or found carrying unauthorised passengers or goods, shall be subject to disciplinary action. The Government Vehicle Check Unit is empowered to stop and check any Authority's vehicle and prefer charges where appropriate against the driver/officer.

Traveling on Termination of Appointment or Retirement

On termination of appointment, or on retirement, an employee and his eligible family members shall be provided with free transport to his/her home in Kenya, provided that such transport is claimed and taken within three months of his cessation of duty. This privilege does not apply to an employee who resigns his/her appointment, or who is dismissed from service with loss of all benefits.

Transportation of the Deceased Employee for Burial

If an employee dies while in the employment of the Authority, the Authority shall provide a coffin at a cost of 15,000 shillings, which is non-accountable, and transport to take the body to its final burial place, and provide transport for immediate family members.

On the death of a spouse or a child below 22 years of age who has been a dependent to the employee for duration of not less than three months, the Authority shall provide transport for the immediate family members. In exceptional cases, the Director-General at his/her discretion may provide any other assistance deemed necessary.

Commuter Allowance

This allowance is payable to members of staff on salary scales six and below. This allowance will be paid at a flat rate as provided for in Authority circulars issued from time to time.

PROVIDENT FUND

The authority will operate a contributory provident fund of which employees shall be members. The details will be set out in the trust deed and scheme rules, which will be made available by the Human Resources and Administration Manager.

STAFF PERFORMANCE APPRAISAL

The Authority's success is dependent on its ability to recruit high-caliber staff and to empower them to reach their full potential through a focused, stretching, and rewarding career. In this regard, a continuous process of monitoring and evaluating staff's performance and development of competencies will be adopted.

The key success factors in this process will include:

- formulation of the Authority's annual business plan and budget
- developing the Authority's performance contract
- setting "SMART" performance targets for individual employees
- undertaking a continuous review of performance against the set performance objectives
- reviewing performance staff development needs and carry out career planning
- recognizing and rewarding achievements

The Authority's business plan and performance contract provide the basis from which the Director's performance contract is derived. This is then translated into a work plan for the year for the Authority, cascaded down to heads of division/departments, and thereafter to the rest of the employees as performance targets.

Annual Performance Review

This is the annual process of setting performance targets and concurrently carrying out appraisal against the previous year's performance targets. This will be done by the employee and the employee's supervisor at the beginning of each performance review period.

Performance Targets

The performance targets will be derived from the Authority's work plan for the year. A performance target is a short, specific, written statement that describes what an individual should achieve and how and when. Performance targets must be achievable, realistic, and measurable so that performance can be reviewed against them.

Performance Appraisal

This is a formal discussion held between an employee (appraisee) and the supervisor (appraiser) with following primary objectives:

- review how the employee has performed against the performance targets
- areas that need improvement through training, change in work methods, etc., will be identified and appropriate recommendations made
- discuss the future career path for the employee, including opportunities for promotion
- recommend a training and development program for the year aimed at enhancing the employees' performance in their current jobs, help them achieving objectives and developing them to progress along their career paths

The supervisor will be required to monitor, discuss, and record the employee's performance throughout the year. Employees are encouraged to keep a documented record of their achievements/shortcomings.

Training and development will be specific and should detail what action is required to satisfy the need, such as a formal training course, mentoring or secondment. The Human Resources Manager will be responsible for ensuring training and development takes place and is evaluated.

Annual Staff Performance Appraisal Report

Annual staff appraisal reports in respect of all employees shall be submitted by those in authority over them.

The reports shall indicate the standard of performance in the employees' profession or skill as well as general conduct. The main objective of the appraisal report is to enable the Authority gauge the employee's performance. It is therefore important that reports be accurate, realistic, and as informative as possible.

The aim shall be to obtain a comprehensive and objective assessment with the full knowledge and understanding of the employees' job contents and performance in that job.

The report will indicate the appraisee's training needs as well as potential for advancement.

The appraisal report form shall be completed by the employee's immediate supervisor (reporting officer) and reviewed and countersigned by the reporting employee's immediate supervisor.

The appraisal should be confined to the evidence on performance or non-performance of the employee against the agreed set performance targets and the behavior of the employee that has a bearing on his/her performance at work.

Continuous Assessment of Staff

Authority employees with supervisory responsibilities should regard appraisal as a continuous process. Whenever an employee displays weaknesses in his/her work, the supervisor must attempt to assist him/her overcome these weaknesses there and then. Whenever an employee produces outstanding performance, his/her supervisor must commend him/her on the spot in order to reinforce that behavior.

Employees must be advised by their supervisors, whether verbally or in writing, of any faults or shortcomings, the remedying of which may reasonably be supposed to be within their power as soon as these become apparent.

Performance Rating System

Preparation for Appraisal

A meaningful and effective performance appraisal requires adequate preparation involving the following two steps:

Step 1: Self-Appraisal

In preparation for an appraisal, every employee should review his/her own performance against objectives and performance indicators/competencies agreed for the appraisal exercise. For annual appraisals, the employee should identify objectives for the next year and his/her training and development needs.

By conducting self appraisal, the employee takes initial responsibility for representing his/her achievements to his/her supervisor and has the opportunity to consider own performance, training and development needs, and career path. This also provides him/her with a communication channel to the supervisor and on the overall s/he becomes involved in evaluation of own performance and career progress.

Step 2: Appraisal Interview

The next step is the appraisal interview, during which the supervisor will review and discuss self-appraisal and make his/her evaluation. Each employee will have an opportunity to discuss his/her performance with his/her immediate supervisor in terms of his/her job description and all specific objectives and tasks set for the period. In addition, the appraisal process provides the supervisor and the employee with an opportunity to reflect on changes in the job vis-à-vis the job description, such as changes in scope or responsibility.

The appraisal interview will give the employee a chance to find out how his/her performance is being assessed and to receive guidance on how to improve it. It is also an opportunity to discuss career aspirations.

The appraisal interview is a two-way process and both parties should have full opportunity to air their views as part of a constructive dialogue. The appraisal interview should be a positive

validation of employee's contribution to the organization, and should not be judgmental or victimising in any way.

At the interview, employees must be shown what has been written about them, including recommendations on training or future career development. These recommendations will be discussed and the record of the interview signed by the appraiser and the appraisee.

A copy of the completed evaluation form, after the Human Resources Manager has commented on it, will be given to the employee for his/her record.

Following are ratings to be used in evaluations:

Excellent	Exceptional performance against indicators. The appraisee clearly exceeds the job requirements and frequently performs tasks beyond his/her position.
Very good	Appraisee has met performance requirements and made above average contributions for the employee's level and experience.
Good	Appraisee has met all performance requirements as expected for the employee's level of level and experience.
Fair	Appraisee falls short of meeting some performance indicators and requires improvement via remedial action/training.
Poor	Appraisee falls short of many indicators and therefore does not meet job requirements.

TRAINING AND DEVELOPMENT

General Policy

The Authority recognizes the need for training and development of all its employees. It is therefore imperative for the Authority to offer training opportunities for its entire staff to improve their work performance and personal development.

More particularly, the training and development of staff shall be directed towards achieving the following objectives:

- enhance organizational performance by helping all employees to improve their efficiency and effectiveness
- assist each employee in gaining competence and skills in preparation for more responsible positions within the Authority and help each employee prepare for changes as the Authority develops to meet changing needs
- ensure that sufficient trained human resource is available to meet the Authority's requirements in future, by identifying those requirements and providing appropriate training and development opportunities for staff

- encourage staff development and, as a way of motivating them, the Authority will offer free training to its employees for courses mounted by the Authority

Sponsorship for Educational and Professional Training

Subject to available funds, the Authority shall endeavor to assist employees in acquiring additional qualifications relevant to their jobs through sponsorship for various courses.

The Authority shall undertake a training needs assessment and prepare yearly training projections for all its employees.

Staff shall be considered for sponsorship provided they are on permanent and pensionable terms of service and those they have rendered satisfactory service for a minimum of two years.

A Staff Development Committee shall be responsible for selection of suitable employees, based on the training projections for training sponsorships locally and abroad. The Staff Development Committee shall be chaired by an appointee of the Director-General. The members shall be the heads of departments, with the head of Human Resources and Administration Department as its secretary.

Conditions Applicable to Employees on Training

An employee will be subject to the terms and conditions of service outlined in his/her contract of employment and in this manual.

Salary

An employee attending any course will be deemed to be on duty and all regulations pertaining to his/her employment will be applicable.

Provided that his/her study and conduct report is satisfactory, an employee shall be eligible to receive annual increments.

Allowances

An employee traveling to attend a course of training outside his/her duty station shall be deemed to be traveling on duty and shall be re-imbursed traveling and subsistence expenses incurred.

Leave

An employee on a full-time course of study at an academic/professional institution and who is granted the student's vacation may be required to resume duty during vacation provided that s/he enjoys a minimum of one month's vacation in a year. Such an employee will not be eligible for any additional leave in respect of the period of the course.

Progress Report

The Authority shall require the training institutions to submit progress reports on sponsored employees. The frequency of such reports shall depend on the individual courses undertaken.

Resumption of Duty

Employees shall resume duty immediately upon the expiry of their approved period of training.

Examination Grants

An employee who, through his/her own initiative and in his/her own time, embarks on a course relevant to his/her duties with prior approval of the Director-General, may be reimbursed 50 percent of tuition and examination fees for the course, provided it is established that:

- the course is directly related to the nature of his/her substantive post or the post s/he may occupy on completion of the course
- the course will improve the employee's work performance and enhance his/her potential for additional responsibilities
- the employee has completed the course registered for

Service Bond

An employee sponsored for a course lasting a year or more, abroad and in local institutions, shall be required to sign a service bond prior to leaving for the course. The amount of bond shall be equal to the amount of direct expenses incurred on the employee by the Authority, consisting of tuition fees, book allowance, and related expenses during the period of training.

The employee shall be required to serve the Authority for a period equivalent to the duration of the course.

In case of default over the service bond, legal action shall be taken against the defaulting employee to make good the bond amount, which shall be paid on the unexpired period on a pro-rata basis.

Expenses to be Met by the Employee

The employee shall meet expenses relating to passport fees, laundry, refreshments, recreation, entertainment, voluntary subscriptions, and other personal expenses.

EMPLOYEE CONDUCT AND DISCIPLINE

Introduction

It is the Authority's policy that disciplinary action should be appropriate to the nature of the offense that has been committed; fair and consistent with set precedents, within the provisions of

the human resources policies; subject to terms and conditions of the employee's contract of employment; and recorded and placed in the employee's file for future reference.

In all disciplinary cases, employees will be allowed to make their representations and will have the right to appeal, after the disciplinary decision has been conveyed to them.

Discipline Advisory Committee

The Director-General shall establish a Discipline Advisory Committee, which will advise him/her on disciplinary cases involving employees.

The Committee shall be composed of heads of departments as members. The Director, Finance and Administration shall be the Chairman, while the Manager of Human Resources and Administration shall be the Secretary to the Committee.

Grievance Procedure

When an employee has an individual problem or grievance not being a matter of discipline, s/he should first approach the immediate supervisor with a view to solving it.

The immediate supervisor shall carefully consider any submissions made and endeavor to settle the matter, counsel the employee or indicate what other action s/he proposes to take.

If the employee is not satisfied with the decision proposed, s/he may appeal to successive higher authorities, if necessary, up to the Director-General. In such a case, the employee shall inform the immediate lower authorities that s/he intends to appeal to the next higher authority.

Where the aggrieved employee indicates his/her intentions to appeal, s/he shall request for permission, which should neither be denied nor delayed, and shall be required to make an appointment with the next higher authority.

Disciplinary Procedures

Investigations

It is important to give the employee a fair and just hearing and treatment on matters brought against him/her. It is therefore necessary for the supervisor or those in authority to do a thorough investigation on the matter at hand to ensure that decisions are based on facts and not unfounded suspicions and/or perceptions.

Due Process of Disciplining

When an employee is deemed to have committed an offense his/her immediate supervisor shall institute an investigation, taking into account whether the employee is a habitual offender or a first offender or whether there were extenuating circumstances that occasioned the commission of such an offense.

Counseling

When circumstances indicate there is no need to resort to formal procedures, the immediate supervisor should talk over the matter with the employee. If it becomes obvious the matter is more serious, discussions should be adjourned and the formal disciplinary procedure invoked.

Classification of Offenses

To maintain consistency in the application of discipline, a list of offenses, which is by no means exhaustive, is given below for reference:

Minor Offences

Punishment for minor offenses ranges from caution to warning (oral or written). Examples of minor offenses include, but are not limited to, the following:

- continued lateness to work
- absence from duty for a period of two days without permission
- idling and loitering during working hours
- avoiding work on account of feigned sickness
- pecuniary embarrassment
- causing unnecessary commotion in the premises, client organizations or in public places
- contravention of traffic laws while using organization vehicles
- any other offenses deemed to be against proper conduct

Major Offenses

Punishment for major offenses ranges from severe reprimand to dismissal/termination of appointment or even prosecution in a court of law. Examples of major offenses include, but are not limited to, the following:

- absence from work for a period of three to 10 days without permission or acceptable excuse
- entering into any other employment/occupations
- breach of standing regulations
- misuse of the Authority's equipment
- repetition of minor offenses
- sexual harassment
- misuse of the Authority's vehicles

Gross Misconduct Offenses

Punishment for gross misconduct offenses may result in summary dismissal or prosecution in a court of law. Examples of gross misconduct offenses include, but are not limited to:

- absence from work for a period of more than 10 days without permission
- repetition of major offenses

- willful neglect to perform official duties or carelessly and improperly performing any work that is in one's line of duty
- insubordination
- willful misuse/damage of the organization's property
- physical violence on self or other employees
- soliciting, giving or accepting bribes or commissions
- Accepting or giving gifts/presents and failing to declare such gifts/presents to the Authority
- misappropriation and theft of Authority's property, including collusion with other staff or outsiders to secure personal monetary or material rewards
- fraud and obtaining money by false pretence
- writing or publishing official information that has not been cleared for publication by the Director-General
- divulging information to unauthorised persons
- use of abusive language or behavior deemed inappropriate to the Authority and the public
- being under the influence of alcohol or harmful drugs in the workplace
- being convicted of a criminal offense with a custodial sentence

Disciplinary Measures

Verbal Caution/Warning

The supervisor will involve counsel the employee against the undesirable behavior in question. A note will be made in the employee's personal file.

Written Warning

In the case where an employee has been cautioned previously over a breach of discipline, and where no improvement has been noted, or the offense is such that it constitutes misconduct, the immediate supervisor shall issue a written warning to an employee.

At this stage a "show-cause letter" will be addressed to the employee, a copy of which should be furnished to the next level supervisor. A show-cause letter shall form part of an employee's disciplinary record.

If an employee is deemed to be guilty of committing the offense, not amounting to serious misconduct, s/he shall be given a written warning that must be acknowledged by the employee and a copy duly signed thereof, filed in the employee's personal file.

The letter of warning will spell out that more severe penalties, including dismissal, on the continued breach of regulations may be resorted to.

When in the opinion of the immediate supervisor, the employee's disciplinary case is such that it constitutes gross misconduct, major or serious offense, s/he shall write to the next level supervisor detailing the nature of the offense committed and the history of the case.

In cases of serious misconduct where dismissal or termination of service is likely and where interdiction or suspension from duty is deemed necessary to facilitate full investigation into the case, a show-cause letter will be written to the employee on the recommendation of the head of department, to the Director-General. The employee will remain suspended or interdicted until the disciplinary matter in dispute has been fully investigated and reported to the Discipline Advisory Committee.

Validity of Warning

Any warning letter issued shall remain valid for a period of 12 months from the date of the committal of the offense.

Interdiction

The Director-General or an officer deputed by him/her may order the interdiction of an employee, having committed a serious or grave offense. Such employee must cease forthwith to exercise the powers or duties of his position. The case will then be referred to the Discipline Advisory Committee for final decision.

During the period of such interdiction, which shall not normally exceed two months, proceedings will be instituted against him/her to establish the facts of the case, which may lead to his/her dismissal, or otherwise, from service.

An employee who is interdicted shall be eligible to payment of half of his/her basic salary and full housing allowance entitlement.

During interdiction, the employee may not leave his/her duty station without permission of the head of department, or an officer deputized by him/her in this regard, but must stay away from the office premises unless otherwise required.

When disciplinary or criminal proceedings have been taken against an employee under interdiction, and such employee is not dismissed from service, the whole of any salary withheld under the above, will be restored to him/her upon the termination of such proceedings.

Suspension

Where an employee has been charged with a criminal or grave offense, the Board may order his/her suspension from the exercise of his/her duties, pending consideration of the case.

An employee who is suspended may not leave his/her duty station without the permission of the Board or of an officer who is empowered to give such permission on his/her behalf.

While an employee is thus under suspension, s/he will not be entitled to any salary, but the Board may grant such a suspended employee a sustenance allowance as it may deem appropriate, depending on the merit of the case.

An employee on suspension will be eligible to payment of full housing allowance.

Powers to Issue Warning

For the purposes of these regulations, the following categories of offenses will be dealt with as outlined here below:

- minor offense – supervisor
- major and gross offenses – Director-General

Appeals against Disciplinary Action

An employee to whom punishment has been meted shall have the right to appeal to the appropriate superior officer, up to the Discipline Advisory Committee. Any such appeal must be made in writing within 14 days and will be heard and determined on as early as possible.

Forms of Punishment

The following are the punishment that may be meted out as a result of disciplinary proceeding:

- surcharge or recovery of the cost or part of the cost of any loss
- termination of employment
- summary dismissal
- reduction in rank or seniority
- stoppage of increments
- withholding of increment
- deferment of increment
- reprimand

Surcharging

The amount of surcharge will be recovered from the employee's salary in monthly installments, subject to a maximum not exceeding 25 per cent of the basic salary for each installment.

The surcharge may be imposed on an employee who:

- has negligently or intentionally failed to collect any money due or belonging to the Authority the collection of which the Authority is responsible
- is personally responsible for any improper payment of Authority funds that are not vouched for
- is personally responsible for any deficiency of funds, damage to, or destruction of any other property of the Authority
- knowingly uses without authority stores, vehicles, equipment, buildings or other Authority property or services provided for official purposes

- is personally and directly responsible for additional expenditure or liability incurred by the Authority

Termination of Employment

When employee has been found guilty of commission of an offense not amounting to gross misconduct, his/her employment may be terminated and s/he shall be eligible for payment of a salary as set out in the terms and conditions of service, and also be paid any other benefits as due.

Summary Dismissal

An employee who is found guilty of committing a major or gross misconduct and due process of the disciplinary proceedings has been made may be liable to summary dismissal.

ILLNESS OR DEATH AT WORK

Serious Illness of Employee

When an employee becomes seriously ill, the supervisor will inform the head of Human Resources, who should in turn ensure that the employee's next-of-kin is duly informed of the illness.

Death of Employee

When an employee dies, the supervisor must immediately inform the Head of Human Resources department who, apart from taking necessary action on the records of the employee concerned, must also ensure that the employee's next-of-kin are appropriately informed.

EMPLOYEES APPEARING IN COURT

As Witnesses and Assessors in Criminal Cases

An employee who is summoned to court as a state witness in a criminal case, or as an assessor, will be regarded as travelling on duty and the Authority shall meet the relevant expenses. In this case, any expenses reimbursed by the court shall be credited to the revenue of the Authority.

Private Civil Cases

An employee who is summoned to court at the request of a private individual, and in connection with a civil case in which the Authority has no interest, will make his/her own travel and leave arrangements.

Cases against the Authority

An employee who is summoned to court by a private individual or individuals, taking action against the Authority, will be regarded as travelling on duty, and any expenses reimbursed by the private individual shall be credited to the Authority.

LEGAL PROCEEDINGS AGAINST EMPLOYEES ARISING FROM OFFICIAL DUTIES

When a criminal prosecution or civil suit is instituted against an employee as a result of an act of omission by him/her in the course of his/her official duties, s/he may apply to the Board for assistance in his/her defense.

If the Director-General is satisfied that the employee acted in good faith in the execution of his official duties, and that it is in the interest of the Authority that the employee should be defended, the Board may consider meeting expenses incidental to the case from the Authority's funds, including the cost of hiring an advocate to defend the employee in the case.

If any fine or award of costs or compensation is ruled by the court, the Board may meet the expenses.

It is emphasized that employees against whom criminal proceedings are instituted as a result of the performance of their official duties and who desire the Authority to undertake or assist in their defense, must apply to the Board immediately after they are arrested or served with summons. They must not appoint themselves brief advocates in their defense and subsequently apply for assistance from the Board.

PUBLIC AND POLITICAL RESPONSIBILITIES

Newspapers and Publications

An employee of the Authority must not, except with the express permission of the Director-General, act as an editor of any newspaper or take part directly or indirectly in the management thereof, nor publish in any manner anything that may reasonably be regarded as being of a political or administrative nature whether under his/her own name, under a pseudonym or anonymously.

An employee may, however publish in his/her own name, matters relating to subjects of professional or general interest not involving public matters, politics, the Authority or government affairs.

Publication of Articles and Public Address

An employee who wishes to publish an article or deliver a speech, the substance of which may subsequently be published, or the substance of which may reasonably be regarded as being of political or administrative nature, shall seek permission to do so from the Director-General and a draft of the proposed article or speech must be submitted for approval.

Interviews

An employee whether on duty or on leave, must not accept to be interviewed on issues affecting the Authority matters of public policy. The spokesperson of the Authority shall be the Director-General or an officer duly authorised by him/her.

Political Views

An employee of the Authority is entitled to his or her own views on political matters, but is not permitted to express those views publicly.

Opinion on Foreign Powers

Although it is not the desire of the Authority's management to interfere with the liberty of free speech, any lack of discretion on the part of any employee in expressing an opinion on the actions of a friendly foreign power that may embarrass the Kenyan government may precipitate disciplinary proceedings against the employee.

Disclosure of Information

An employee must not disclose any information concerning the affairs of the Authority or its employees, or show or release any official document to any person not connected with the Authority unless authorised by the Director-General.

Official Secrets Act Declaration

An employee of the Authority is required to sign a declaration under the Official Secrets Act on entering and leaving the service of the Authority.

Code of Conduct

The Authority shall have a code of conduct that shall be signed by all employees upon employment.

UNIFORMS AND PROTECTIVE CLOTHING

Uniforms and protective clothing may be supplied to employees as the Director-General may from time to time determine, subject to availability of funds.

A permanent record shall be kept by the Procurement Section showing the receipt issues of the person issued with uniforms and his/her sections of work.

An employee may be required at any time to produce for inspection the uniform or protective clothing issued to him/her.

Uniforms

Every employee who is supplied with a uniform and/or accessories must, when on duty, appear in such uniform neat and clean.

An employee when in uniform may not enter premises licensed to sell liquor, except when required to do so in the course of his/her duties.

Dress Code

Every employee shall be appropriately dressed at all times when s/he is on duty or when entering or leaving the Authority's premises. The Authority may, if it considers that the dress of an

employee is inappropriate, order the employee to leave the Commission's premises and return when s/he is appropriately dressed.

ABSCONDMENT FROM OFFICE

If any employee absents him/herself from duty without permission for a continuous period of seven days, s/he may be regarded as having forfeited his/her appointment with effect from the date of such absence.

If such employee subsequently presents himself/herself for duty, s/he may, if the circumstances warrant such a cause, be reinstated, subject to such disciplinary measures as may be taken against him/her.

An employee who is regarded as having forfeited his/her appointment will be deemed to have been dismissed.

HIV/AIDS PANDEMIC

The Authority recognizes that HIV/AIDS is not only a health problem but also a serious economic and social problem, and as such the entire Kenyan nation has an active role to play in curbing the spread of epidemic and in the search for solutions to mitigate the suffering of those afflicted.

The Authority is equally aware that the spread of the epidemic could have an adverse effect on overall performance and productivity of the Authority and the nation at large through medical cost and loss of man hours.

The Authority shall therefore undertake an aggressive behavior-change sensitization campaigns among the entire workforce in order to confirm the reality of HIV/AIDS and to stem the tide of the painful losses to HIV/AIDS pandemic.

The Commission shall provide care and support of the infected and affected through guidance, counseling, and linking them to the relevant experts in the field.

TERMINATION OF EMPLOYMENT

Resignation

Employees who intend to resign must give one month written notice or make payments in lieu of notice, equivalent to one month salary. The employee will be required to make payments in lieu based on gross salary for the portion of the notice period not served.

Leave cannot be taken as part of the notice period, except with the agreement of the Director-General or the Human Resources and Administration Manager.

Outstanding annual leave entitlement earned at the time of separation will be paid together with other terminal benefits.

Termination of Employment by the Authority

Employees will be notified of termination of employment by the Authority in writing.

Where full notice is not given, payment of gross salary will be made in lieu of the period of notice which cannot be serviced, except in cases of summary dismissal, when no payment will be made in lieu of notice.

Summary Dismissal

Employees whose termination is through summary dismissal will not be given notice or paid any salary in lieu of notice. They will also not be entitled to any benefits.

Retirement

The normal retirement age is 55 years and an employee's service shall terminate on attainment of this age, or earlier, where an independent medical opinion confirms that the employee is in poor health or otherwise unfit to work.

An employee's service may be terminated under early retirement rule on medical grounds, inefficiency and poor performance. In all retirement cases, the employee shall be given three months' notice.

When it has been determined that an employees service is still needed beyond this age, the Authority shall draw up an agreement contract with the employee. Such contract will qualify for a gratuity at the rate of 31 percent of the basic salary on expiry of his contract.

Retirement in Public Interest

If the Director-General after having considered every report in his possession made with regard to an employee, is of the opinion that it is desirable in the public interest that the service of such an employee should be terminated on grounds that cannot be suitably dealt with under any other provisions of these regulations, s/he shall notify the officer in writing, specifying the complaints by reason of which his retirement is contemplated, with the substance report or part thereof that is detrimental to the employee. The officer will be accorded a chance to show cause why s/he should not be retired in public interest. Based on a proven report concerning an employee's misconduct and the employee's defense, such an employee will be retired in public interest.

Redundancy

Redundancy should be treated according to the existing statutes and laws. Authority assumes responsibility for ensuring that its staff complement is at an optimum level at all times. In this regard, voluntary staff redundancy may be considered or the Authority may declare redundancies if the situation so warrants.

Exit Procedure

The Human Resources and Administration department will complete a certificate of clearance. This form has been developed to ensure all termination administration procedures are conducted.

All employees leaving the employment of the Authority, for whatever reason, must complete a certificate of clearance. The certificate will be completed in triplicate, with one copy sent to the Human Resources and Administration, one copy to Finance, and one retained by the departing employee. It will certify that the employee has:

- completed all reports, other documents and other tasks necessary for the smooth transfer of responsibilities
- cleared outstanding financial obligations to the Authority
- returned all Authority documents, equipment, and other property to the appropriate persons
- final payment to the employee is dependent upon completion of the certificate of clearance

Exit Interview

Before leaving, the employee will have an exit interview with the head of the department or the Human Resources and Administration Department.

The departing employee will be required to undergo a retirement training and counseling session and complete a termination interview form before the exit interview takes place. Such employee will also sign the Official Secrets Act form on leaving service. In the event of summary dismissal, there will be no exit interview.

Public Procurement Oversight Authority – Organization Chart

