



OFFICIAL HANSARD REPORT

COUNTY ASSEMBLY OF BOMET

THIRD COUNTY ASSEMBLY

ASSEMBLY DEBATES

DAILY HANSARD

The Assembly met at the Main Assembly Chamber,

Dr. Joyce Laboso Centre at 2:30 p. m

Third County Assembly- Second Session

Wednesday Afternoon 7th June, 2023

(The Assembly met at 2:30 p.m. in the

County Assembly Mini Chamber at County Assembly Buildings)

[Hon. Deputy Speaker (Hon. L. Rotich) in the Chair]

PRAYER

Hon. D. Speaker (Hon. L. Rotich): Honourable members, welcome to this afternoon's sitting

PAPERS

Hon. W. Kiprotich (Chepchas Ward, UDA): Honourable speaker I beg to lay the following Paper today 7th June 2023, the second supplementary budget for the Financial year ended 30th June 2023.

Paper Laid

Hon. D. Speaker (Hon. L. Rotich): I commit the paper laid to the committee on budget and appropriation and to report back to the Assembly within 7 days. The chair budget?

Hon. R. Cheptoo (Rongena/Manaret, UDA): Hon. Deputy Speaker the chair is not in but I am here on his behalf.

Hon. D. Speaker (Hon. L. Rotich): Are you able to report back to the Assembly within 7 days

Hon. R. Cheptoo (Rongena/Manaret, UDA): Yes, we will

Hon. O. Koskei (Nominated MCA, UDA): Hon. Deputy Speaker pursuant to Standing Order 201 5(g) this county assembly adopts the report of the committee on Labour and Public Service Board of the Bomet County Public Service annual report for the period ending 31st Dec 2022 laid on the table of the county assembly on Tuesday 25th April 2023.

The members include:

Hon. B. Rotich: chairperson

Hon. O. Koskei: vice Chairperson

Hon. E. Sang

Hon. E. Mibei

Hon. P. Korir

Hon. V. Chepkirui

Hon. P. Ronoh

The committee's mandate is derived from the Standing Order which defines the functions of the committee as to investigate and enquire into all mandates relating administration and operations of certain departments.

Pursuant to Standing Order 201(5) and the second schedule of county assembly standing orders all matters relating to labour, county public service, trade union, manpower or Human resources. Section 59 of the county government's act provides that the report by the County Public Service Board shall be delivered each December to the county assembly including all the decisions and steps taken by the board.

Section 59(6) of the county government act states that the board shall publish the report required under this section in the county gazette not later than 7days after the report has been given to the county assembly.

It is therefore my pleasure to table this report on behalf of the committee on labour for debate.

The committee wish to acknowledge the office of the Speaker, clerk and staff for the support they gave during the writing of this report.

Honourable speaker all the members appended their signatures.

Article 232(1) of the constitution provides that the values and principles and values for Public Service include

- a) high standards of professional ethics,
- b) efficient, effective and economic use of resources
- c) responsive, prompt, effective, impartial and equitable provision of services;
- d) involvement of the people in the process of policymaking;
- e) accountability for administrative acts;
- f) transparency and provision to the public of timely, accurate information;
- g) subject to paragraphs (h) and (i), fair competition and merit as the basis of appointments and promotions;
- h) representation of Kenya's diverse communities; and
- i) affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service, of-
 - i. men and women;
 - ii. the member of all ethnic groups; and
 - iii. Persons with disabilities.

The values and principles of public service apply to public service in

- a. all state organs in both levels of government; and
- b. all state corporations.

It is therefore expected that the County Public Service Board should comply with the above-stated values and principles of public service in exercising its mandate.

Article 235(1) of the Constitution provides that a county government is responsible, within a framework of uniform norms and standards prescribed by an Act of Parliament, for-

- a. establishing and abolishing offices in its public service;
- b. appointing persons to hold or act in those offices, and confirming appointments; and
- c. exercising disciplinary control over and removing persons holding or acting in those offices.

The County Government Act, 2012

Section 56(1) of the County Governments Act, 2012 pursuant to Article 235(1) of the Constitution establishes the County Public Service. Section 58 of the Act establishes the County Public Service Board. Section 59(1) of the Act makes provisions for the functions and powers of the County Public Service Board and it provides *inter alia* that;

The functions of the County Public Service Board shall be, on behalf of the County Government.

To-

- a. establish and abolish offices in the County Public Service;
- b. appoint a person to hold or act in offices of the county public service including Boards of the cities and urban areas with the county and to confirm the 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 functions of the Board;
- e. promote in the county public service the values and principles referred to in Articles 10 and 232;
- f. evaluate and report to the county assembly on the extent to which the values and principles referred to in Articles 10 and 232 are complied with in the county public service;

Section 59(5) of the County Government's Act 2012 further provides that 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 the specific decision on particulars of persons of the 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 of has planned to undertake in the medium term toward the promotion of the values and principles.

Section 59(c) of the Act further requires the Board to publish a report required under this section in the county *Gazette* not later than seven days after the report has been delivered to the county assembly.

Report on the activities undertaken by the board during the period under review;

The board undertook various activities including;

- i. Appointments of persons to hold office in the county public service board
- ii. The board recruited 150 ECDE assistants in the Department of Education and five offices in the Department of Administration.
- iii. Two officers had their terms converted from contract to permanent and pensionable terms pursuant to the court decision.
- iv. As of 31st December 2022 recruitment progress of 343 officers in the Department of Health was ongoing.
- v. Pending financial concurrence from the county treasury, the board is yet to finalize the promotions of 172 officers as recommended by the county human resource management advisory committee.
- vi. The board also approved the inter-county transfer of seven officers to and from Bomet, Kajiado, Narok, Elgeyo-Marakwet, Nyandarua, Wajir and Uasin Gishu Counties.
- vii. The board reviewed the county staff establishment to align it with the organisation of the county government.
- viii. The board in the exercise of the disciplinary control handled two disciplinary cases. One case has been concluded while the other is pending.
- ix. The board approved the training of 52 officers in various courses. Including SLDP, SMC and Bachelor's Degree, Master's Degree and others.
- x. During the FY 2022/2023, the board was allocated Ksh. 34, 206, 540 for operations and maintenance and Kshs. 45,089,411 for development construction of the office building.

On recruitment and promotion of staff in the county, the board reported that it's afforded, Adequate and equal promotion for appointment and promotion at all levels of the public service of all men and women, ethnic Groups and persons with disabilities in line with Article 232 of the Constitution. On gender representation, the board recruited 18 men and 136 females officially during the period under review. Two persons with disabilities were recruited by the board. The

board has scheduled to undertake the following activities to further the promotion of values and principles for governance; induction of newly recruited staff of compliance and promotion of the nation's values and principles, public sanitization through clinics across all the sub-counties, annual refresher training for old staffs, nominating departmental champions, benchmarking with other counties, report on the challenges faced by the board. During the period under review, the board indicated that it faced several challenges which include the following. Inadequate budgetary allocation to facilitate all the activities planned to be undertaken, Low responses to job advertisements among persons with disabilities, and Lack of coordinates. The multi-sectoral approach in the promotion of values and principles, High unemployment rate, leading to high competition for the newly advertised positions, failure to receive a quarterly report for the various departments, Performance management culture not entrenched at all levels in the county public service, lack of office space for the board.

Committee observation. Mr. Speaker, sir, since we have shared the reports with all the members, I'm not going to read all the committee observations.

I am going straight to the committee recommendation. After a comprehensive review and analysis of the report and based on the observation by the committee, the committee made the following recommendation;

1. The County Public Service Board should clearly indicate specific decisions on particulars of persons or public bodies that violated values and principles and the steps undertaken to ensure the promotion of the values and principles provided under Articles 10 and 232 and the Constitution 2010.
2. The County Public Service Board should include in its report the specific programs it plans to undertake in the next three years towards the promotion of the values and principles as stipulated in Articles 10 and 232 of the Constitution.
3. The County Public Service Board should include in its report the breakdown of persons employed in the County Public Service Board in relation to youth representation.
4. The county government should fast track construction of office blocks for the County Public Service Board to facilitate smoothly services delivery to the public
5. . The County Public Service Board must ensure that submission of regular report to county assembly as per the requirement of section 59(1)(d) of the County Government Act 2012 is done in timely manner.
6. The County Public Service Board should undertake sensitization service in all the sub-counties within Bomet.
7. The board should also ensure that they visit all the county public offices within the

Bomet County public to assess and inspect the status of the completion within values and principles as emphasized in Section 59(4)(e) of the County Government Act 2012.

8. The County Public Service Board should be extremely cautious in approving the inter-county transfer and ensuring that the Bomet County Public Service is not disadvantaged as a result of the state's transfer.
9. The County Public Service Board must make demonstrable steps toward publication of each report on the website to facilitate access to information by the members of the public.

Finally, I take this opportunity to urge all the members to support this report for the reason that the committee thoroughly scrutinized the County Public Service Board and they made recommendations in this report. Mr. Speaker, I urge Hon. Felody to second.

Hon. F. Chepkirui (Nominated MCA, UDA): Thank you. I rise to second the motion that pursuant to standing order 201(5)(g), this county assembly adopts the report of the Committee on Labour and Public Service on the Bomet County Public Service Board annual report for the period ending 31st December 2022 laid on the table of the county assembly on Tuesday 25th April 2023.

As the committee, we went through the reports by the County Public Service Board and we made some observations as it has been indicated in the report. The report should be in accordance with the provisions of Section 59(1) of the County Government Act 2012 and as the committee went through the report. The report meets some but not all of the requirements of the county government's Act. Therefore, as the committee, we made some recommendations that the county public service board should put into consideration in subsequent reports so that it can be in accordance with the provisions of the Act. I therefore urge this Assembly to support this report so that in the subsequent reports the County Public Service Board can be able to adhere to the recommendations made by the committee. One of the recommendations that the committee noted that the County Public Service Board does not meet is a publication of its reports on the website, or on the, especially on the website, so that the public can be able to access information because it's public information. I, therefore, second the report. Thank you.

Hon. Deputy Speaker (Hon. L. Rotich): Thank you for seconding the motion.

Motion proposed and opened for debate

I now propose that pursuant to standing order 201 (5)(g), this Court of Assembly adopt the report of the Committee on Labour and Public Service of the Bomet County Public Services Board annual report for the period ending 32nd December 2022 laid on the table of the County Assembly on Tuesday 25th April 2023.

The floor is now open for debate. Hon. Changmorik.

Hon. S. Changmorik (Longisa Ward, UDA): Thank you Hon. Deputy Speaker. I rise to support the report. Honourable Speaker let me thank the Honourable Committee for making this very nice report, despite some recommendations made. Honourable Speaker, we have a very strong stone call in this county of staff that has given us problems. Honourable Speaker, we find we are using a lot of money moving to courts around this country on issues on the staff or the staff at this county. I see the report is touched about the promotion of which I must thank the committee. The recommendation has been made in so many recommendations of this Assembly. I find in the recommendation of the first government, the second government, and now we are in the third assembly, which I think we must end this to be once and for all the same recommendation of promotion. It is in all the reports that the committee are recommending for the promotion of our staff. Again I didn't ask properly because I don't want to read the old report about the transfer of senior staff to be reporting to the junior. I don't know how this came about and we have the regulation and I don't know because the Public Service Board is, as I know are the body or the agency that advises the county government on issues matters on Human Resource.

Hon. Deputy Speaker, I just support this, but I want the committee on Labour and Public Service to move ahead and follow up on this recommendation so that we cannot repeat every now and then the recommendation on issues concerning promotion and unnecessary transfer to the department. We are using a lot of money to pay these senior officers, but we are not using it properly, despite having paid them a lot of money, we have also issues with this problem in our county. Another thing which I want to recommend, Honourable Speaker, concerning the payroll of which we know these people are the ones to give us the correct way to advise. And I really thank the committee. It is only my recommendation, on top of this recommendation, that the recommendation must be followed by the Labour Committee to make sure that they rectify the mess for this Public Service Board. Thank you.

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Peter.

Hon. P. Ronoh (Kipsonoi Ward, UDA): Thank you so much Hon. Deputy Speaker, I also rise in support of the motion that this honourable Assembly accepts the report of the Committee on Labour and Public Service in which I sit. Hon. Deputy Speaker, what is not in this report that I'm urging all of you to adopt is page number 14, where the recommendations of the committee are contained.

Mr. Speaker, the Bomet County Public Service Board have tried to execute their mandate, but

not without shortcomings. And page number 14 once we adopt the report; I want to believe it will be shared to them so that they use it as the basis for correcting their deviations from the norms.

The Committee on labour is mandated by the Standing Orders to investigate, inquire, into and report all matters relating to the mandate of the Board, management of the board, administration, operations and estimates of the assigned departments. Mr. Speaker, we did investigate the elements listed there and the good part of it is the demonstration by the Board, the demonstration of willingness by the board to adhere to the recommendations made by this assembly. Honourable speaker, remember, this report is meant to govern the period ending 30 December 2022 from January 1, 2022, when most of us were not yet elected. Mr. Speaker, we did in our discourse with the board instruct them to observe fidelity to the laydown procedures. Honourable Speaker, I urge this Assembly to adopt the report and upon adopting it, read it, conceptualize it and assist the committee on labour in following up on the Recommendations and execution of recommendations made. Mr. Speaker, I support the adoption of this report. Thank you.

Hon. Deputy Speaker (Hon. L. Rotich): Okay, before you continue Hon. Rosalie and Hon. Bernard Kindly sit you will be given time. in our public gallery, we have students from Chebunyo, a boys' secondary school, 62 of them. They are accompanied by three teachers who form one class of that school. I want to take this opportunity to welcome you to our assembly feel welcome and we are grateful to have you this afternoon. honourable Rosaline kindly proceed.

Hon R. Cheptoo (Rongena/Manaret Ward, UDA): Thank you. honourable speaker. Before I continue, allow me to welcome the students from Chebunyo High School. You are most welcome to this session. I want to applaud the team and the committee of labour for the report which we are yet to adopt from the public service board. My concern is concerning the issue of workers who are being trained by the county government of Bomet and later transferred to other counties. I want to urge the committee that there should be a structure where whenever they need to be trained by the county; they should sign an agreement that after training they should stay in Bomet to benefit Bomet County for more than five years before they transfer. So I would like the committee to take this as a serious issue because of urban issues, especially health committees where doctors go out for training using a lot of money from the county and later transfer to another county. Thank you. I support.

Hon. D. Speaker (Hon. L. Rotich): Honourable Bernard.

Hon. B. Langat (Kembu Ward, UDA): Thank you very much. Hon. Deputy Speaker, I would like to applaud the report of this committee of Labour and Public Service and congratulate them

on the recommendation they passed in this report. When I go through this report especially recommendation number four on page 18 where this committee of labour which is led by Chebunyo Ward MCA Hon. Bernard Rotich.

Before I proceed, I would like to welcome the students from Chebunyo. You feel welcome in this honourable Assembly. We wish you the best. I know you are the future leaders of this country in Bomet.

Statement number four on the recommendation of this committee says the county government should fast-track the construction of office block for the county public service board to facilitate smooth delivery of the public. My question to this committee, do you remember well when we were passing this recommendation which is put by the committee when we were passing the supplementary budget and we were going through the budget of 2023 / 2224, the same committee was recommending that we remove this money for the building of office block because the public service is not able to make to the office Why should now make the recommendation when the same recommendation was the same committee giving us that this allocation should be put away. So, this committee needs to relook at that recommendation and also, there is a recommendation that was put by Honourable Changmorik from Longisa ward about the transfer of staff. This county has been investing a lot in training staff, we have a lot of senior staff that have been trained by the county government, they have put a lot of resources into them through several pieces of training but these same staff have been transferred to a lower level whereby the amount of money that has been put to staff is not consummate with the work the staff is doing because a senior staff is at the ward level or even at sub-ward level doing nothing so we recommend this labour committee to reconsider seeing through the public service board how about the staffs that have been doing a lot of work in this county but the same staffs are idle in different sub-counties, otherwise, I support this recommendation of labour and I wish all best honourable members to support the same.

Hon. D. Speaker (Hon. L. Rotich): Hon. Josphat.

Hon J. Kipkirui (Singorwet Ward, INDEPENDENT): Thank you very much, Hon. Deputy Speaker. I stand in support of the motion, thank you the committee for the report you have given us this honourable Assembly. I want to welcome the boys from Chebunyo. Welcome to this honourable Assembly and we wish you well in your academic endeavours. The recommendations by this committee on paper ought to have been implemented, as we have heard from Hon. Stephen Changmorik of Longisa Ward that the same recommendations were filed way back in the first assembly, the second assembly and now in the third assembly. The County Public Service Board of Bomet ought to look into how it and that it's my business host as we are

now talking anticipating a budget where he's running at you know fifty per cent all I wish there is good harmonization who's on the issue of the nation between the and the county public service so that we don't end up recruiting several employees and losing the development of the speaker of great concern is the fact that the departments that require essential services. In this county, we do not have the necessary tools. An example is the Department of Finance. Whoever is collecting the revenues of this county, at this time, are volunteers, who have been serving from January to May, Mr. Speaker. I think it would be most honourable for the public service board to give a direction so that we don't have people serving without paying. I don't want to imagine everyday people working in their homes, coming to work in town, going back later on with the speaker without paying for five consecutive months. I think this is a matter that has to be looked at, and I ask the able committee led by able MCA for Chebunyo ward that they have to looked at this issue and give us the correct direction for the speaker. Another department Hon. Deputy Speaker that is suffering as we speak, is the Department of Education, where we have teachers on our ECDs who have not been given the P&P's terms as Speaker. They are doing or they are offering their services without pay. We have the contractors whose contracts were terminated way back in December, as Speaker. So I wish in support of this motion, as Speaker, that this committee also looks at that situation and ensure that all the employees... All services are required essentially, Mr. Speaker, to be also according to code terms, and be promoted when the time is right, but let there be coordination between the Department of Finance and also the Call to Public Service Board so that we don't have... like now, an increase of almost a tune of one billion to the wage bill is very unrealistic and we are projecting to employ more staff at the expense of development for which our people are earning for. I urge the department, the committee on Labour, that they have a kind of discussion with the public service for Labour. So that we have a clear direction on the terms of our employees and how they are supposed to be given a remuneration. Thank you very much.

Hon. V. Mutai (Nominated MCA, UDA): Thank you, Hon. Deputy Speaker. Before I support the motion, allow me to welcome the students from Chebunyo Secondary School. Let them feel at home far away from their home and learn so that they become future leaders. I have two submissions in support of this motion. I want to echo what the chief said that the same recommendations that we are adopting today made by the committee should not come back as we adopt the next report of this year. I want to urge the county that they make the right recommendations.

I wish to challenge the Committee on Labour and Public Service that some staff have not been moved to the IPPD system and it is now six months down the line and they are yet to receive

their salaries. They are suffering a lot. So it is my wish that the committee will come in support of the same. Otherwise, I support the motion. Thank you.

Hon. R. Ruttoh (Chemaner Ward, UDA): Thank you very much for giving me this opportunity to applaud and support the motion laid by the committee on Labour and Public Service. This is a very important day and I wish to commend the committee did a wonderful job led by our able Chair Hon. Bernard Rotich from Chebunyo Ward and the able Vice Chair who tabled the report. This is a step ahead which I should request the whole Assembly to support.

When you visit the Department of Education, you can sympathize with the County Executive Committee Member (CECM) in charge and the Chief Officer (CO) because there is a very long queue for ECDE teachers who have been working and not getting anything from the county due to failures of the County Public Service Board. If we are just there to watch how this board is running the affairs of this county, we can be in a mess. Therefore, I support the report. We want also to get clarity from you Hon. Deputy Speaker. For the last two months, there was a report which was supposed to be laid by the chair and there was an interruption because the person who sought the question was not available. That is an avoidance and he was told to wait for the member to be on the floor of the Assembly when he will be given all the answers but to date, the statement which was read by Hon. Dancel regarding the method that was used to employ the casuals. Therefore, we need to take serious on matters touching on our employees and staff. So I expect to support this report, Mr. Speaker. And thank you very much. Before I sit, Mr. Speaker, let me also welcome our students. I'm very happy when I see our students in this Honourable Assembly of the Speaker because I know they are learning a lot and it is a very important day to them Mr. Speaker because when they are in this floor of the Assembly of the Speaker they are following the proceed from the member of the County Assembly of Chebunyo which is chairing the committee Mr. Speaker. So I want to say I wish you the best and may God bless you, let me take this time to respond to issues raised in the debate.

Hon. O. Koskey (Nominated MCA, UDA): Thank you Mr Speaker sir. Let me take this opportunity to thank all the honourable members for supporting us, for supporting the report. For Labour committee. We are so grateful for what you say about the education and the staffs which have looked in, I think for the IPPDs. For the committee, we are saying we will work on it. And also, before I sit, allow me to welcome the students. On behalf of my chair, Mr. Benard Langat, you are welcome to this Honourable Assembly. Thank you.

(Point of Order)

Hon. V. Mutai (Nominated MCA, UDA): Thank you. Before you put the question you had made a promise that this Assembly brings the report on committees, on the changes made on

some committees. I think it is fair, Mr. Speaker, if you will give us direction on the same.

Hon. R. Ruttoh, Majority Whip (Chemaner Ward, UDA): Thank you very much for giving me this opportunity to respond to respond to Hon. Mutai for requesting to have information just give me up to tomorrow 2:30 p.m. I will be with the document.

Hon. Deputy Speaker (Hon. L. Rotich): Thank you honourable members I now put the question that according to Standing Order 2015G, this County Assembly adopts the report of the Committee on Labour and Public Service, on Bomet County Public Service Board's annual report for the period ending 1st December 2022, laid on the table of the County Assembly on Tuesday, 25 April 2023.

Question put and agreed to

ADJOURNEMENT

Hon. Deputy Speaker (Hon. L. Rotich): The Assembly is adjourned to tomorrow, Thursday 8th June 2023 at 2.30 pm.

The Assembly rose at 3:30pm