

REPUBLIC OF KENYA

MINISTRY OF EDUCATION
State Department For Technical, Vocational Education and Training

TECHNICAL & VOCATIONAL COLLEGES

HUMAN CAPITAL MANAGEMENT POLICIES AND PROCEDURES MANUAL

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FOREWARD

(Name of Institution) is committed to fulfilling its core mandate to offer Technical and Vocational Education and Training up to Diploma level and advise the Government in matters related thereto. In this regard, the Institution has developed a benchmarked Human Capital Policies and Procedures Manual, which is a crucial instrument in an organization. The Human Capital Policies and Procedures Manual gives information on human capital issues, and as such helps in resolving human capital issues and finding solutions which are fair and objective. Indeed, the Institution recognizes that prudent management of its human resource is key to achieving its mission as it provides the foundation for recruiting and retaining competent staff.

To provide a framework for enhanced service delivery, the Institution developed this Human Capital Policies and Procedures Manual to provide guidance on the management of its key resource, the human resource. The manual is intended to inform, guide, and provide an objective way of handling issues between the employer and employee. It provides details of processes that lead to attraction, motivation, retention or exit of staff from the Institution. It is expected that with the manual in place, many routine decisions and transactions will proceed with minimal encumbrance.

The Human Capital Policies and Procedures Manual incorporates provisions of the Constitution, Labour Laws and other legislation that govern various aspects of industrial relations in the Public Service, as well as circulars issued from time to time.

Signed by: _____ **Dated:** _____

……

CHAIRPERSON

……BOG

PREFACE

The (name of institution) has developed this policy document as a necessary intervention to address the human capital challenges that the Institution may face from time to time, as well as the emerging labour issues in human capital management at large.

Human capital management at the Institution has been guided by existing Human Capital Policy Manual, human capital circulars issued from time to time, administrative circulars issued internally and from the Public Service Commission from time to time, management resolutions passed and adopted from time to time, the Employment Act Cap (2007), TVET Act Cap 210A, and other Acts that guide human resource issues at the workplace. This Human Capital Policies and Procedures Manual attempts to consolidate provisions of the various documents and at the same time address emerging issues in human capital management and development at the Institution.

The formulation and implementation of this manual is geared towards reaffirming the Institution's commitment to improving efficiency and effectiveness in the delivery of service.

The implementation of the various strategies outlined in this Human Capital Policies and Procedures Manual will go a long way in ensuring the Institution achieves its mandate to offer Technical and Vocational Education and Training up to Diploma level.

Signed by: _____ **Dated:** _____

……
PRINCIPAL

ACRONYMS AND ABBREVIATIONS

AA : Automobile Association of Kenya
AG : Attorney General
AIDS : Acquired Immuno-Deficiency Syndrome
CEO : Chief Executive Officer
COC : Code of Conduct
CPC : Corruption Prevention Committee
DOSH : Directorate of Occupational Safety and Health
EACC : Ethics and Anti-Corruption Commission
GOK : Government of Kenya
GPA : Group Personal Accident
HCM : Human Capital Management
HELB : Higher Education Loans Board
HIV : Human Immuno-Deficiency Virus
HOD : Head of Department
HOFA : Head of Functional Area
HR : Human Resource
KRA : Kenya Revenue Authority
NSSF : National Social Security Fund
OSHA : Occupational Safety and Health Act
PAYE : Pay As You Earn
PIN : Personal Identification Number
PSC : Public Service Commission
RBA : Retirement Benefits Authority
SHA : Social Health Authority
SHIF : Social Health Insurance Fund
SACCO : Savings and Credit Cooperative Society
SRC : Salaries and Remuneration Commission
VCT : Voluntary Counseling and Testing
WIBA : Work Injury Benefit Act

DEFINITION OF TERMS

The terms in subsequent sub-paragraphs will have meanings specifically assigned to them as follows: -

Term	Definition
Basic Salary	Pay of an employee exclusive of allowances.
BOG	Is the organ responsible for governance of the Institution
TVET	Technical Vocational Education and Training
Cabinet Secretary	The Cabinet Secretary for the time being responsible for matters relating to Technical Vocational Education and Training
Authorised Officer	The Principal Secretary State Department overseeing Technical, Vocational and Education Training
Calendar year	The period from 1st January to 31st December both days inclusive.
Dependent Child	The biological off-springs or legally adopted children under the age of twenty-five (25) years, who are unmarried and wholly dependent on the employee. For the purpose of records, the names of the children must be declared at the time of joining or birth or adoption if it occurs during employment in the Institution .
Disability	This means a physical, sensory, mental or other impairment, including any visual, hearing, learning or physical incapability, which impacts adversely on a person's social, emotional and economic participation
Employee	A person employed by the Institution for wages or a salary.
Family	Includes the employee's spouse and up to four (4) Children biological off-springs or legally adopted children under the age of twenty-five (25) years.
Financial year	The period from 1st July to 30th June of the following year.
Gross salary	Pay of an employee including all allowances.
Head of Functional Area	Any person for the time being heading any of the designated Directorate/Department/Division/Section.
Immediate family	Includes the employee's spouse, children, parents, brothers and sisters.
Leave year	The period from 1st June to 30th July.
Nuclear family	Includes the employee's spouse and children.
Daily Substance Allowance	When performing duties outside the duty station, an employee is entitled to daily substance allowance (night out allowance) dependent on the duration of a particular assignment. The rate of daily substance allowance will be determined by the Government from time to time.

Pro-rata	Means computation of benefits for the period served in relation to the full-term entitlement.
Reimbursable Allowances	Refers to those allowances where an Officer gets reimbursement on the expenditure incurred in the course of duty
Remunerative Allowance	Refers to those allowances paid to an officer, in addition to salary as a form of Compensation for additional responsibilities.
Spouse	A legally recognized marriage partner of an employee as specified under the relevant law.
Trainer	A person with pedagogical skills responsible for designing, delivering and assessing training programmes as well as conducting research in the Institution.
Public Service	It incorporates the Civil Service, National Police Service, Teaching Service, Judiciary, Kenya Defence Forces, County Governments, Public Universities, Parliamentary Service, State Corporations and Statutory Bodies.
Parliament	Refers to the National Assembly and the Senate.

Note: Unless otherwise stated or implied, words in the masculine or feminine sex include female, male and intersex.

INTRODUCTION

1. Establishment, Mandate and Functions of a Technical and Vocational College

A Technical and Vocational College is established by the TVET Act Cap 210A.

The mandate of a Technical and Vocational College is to offer Technical and Vocational Education and Training up to Diploma level.

Functions of Technical and Vocational Colleges shall include—
(a) overseeing the conduct of education and training in the institutions in accordance with the provisions of this Act and any other written law;
(b) promoting and maintaining standards, quality and relevance in education and training in the institutions in accordance with this Act and any other written law;
(c) administering and managing the property of the institutions;
(d) developing and implementing the institutions' strategic plan;
(e) preparing annual estimates of revenue and expenditure for the institution and incurring expenditure on behalf of the institutions;
(f) receiving, on behalf of the institution, fees, grants, subscriptions, donations, bequests or other moneys and to make disbursement to the institution or other bodies or persons;
(g) determining the fees payable and prescribing conditions under which fees may be remitted in part or in whole in accordance with the guidelines developed under the provisions of this Act;
(h) mobilizing resources for the institutions;
(i) developing and reviewing programmes for training and to make representations thereon to the Board;
(j) regulating the admission and exclusion of students from the institutions, subject to a qualifications framework and the provisions of this Act;
(k) approving collaboration or association with other institutions and industries in and outside Kenya subject to prior approval by the Board;
(l) recruiting and appointing trainers from among qualified professionals and practising trades persons in relevant sectors of industry;
(m) determining suitable terms and conditions of service for support staff, trainers and instructors and remunerating the staff of the institutions, in consultation with the Authority;
(n) making regulations governing organization, conduct and discipline of the staff and students;
(o) preparing comprehensive annual reports on all areas of their mandate, including education and training services and submit the same to the Board;
(p) providing for the welfare of the students and staff of the institutions;
(q) encouraging, nurturing and promoting democratic culture, dialogue and tolerance in the institutions; and
(r) discharging all other functions conferred upon it by this Act or any other written law.

2. Organization of the Institution

The current organizational structure of the Institution is categorized into two (2) tiers which comprise of Governance and management level.

3. Governance Structure

The overall governance of the Institution is vested in the BOG.

4. Management Structure

The Principal is responsible for the day–to-day operations of the Institution and provides stewardship to the management team. The management of the Institution comprises the office of the Principal the various Divisions, Departments, Sections and Units as may be determined, from time to time, by the BOG with approval of the relevant Government agencies.

5. Vision and Mission

Vision
(Institution to insert its Vision)

Mission
(Institution to insert its Mission)

6. National Values and Principles of Governance

The Institution shall be guided by the national values and principles as stipulated in Article 10 and Article 232 of the Constitution.

7. Affirmative Action and Diversity

The Institution shall be guided by the Affirmative Action and Diversity, principles and frameworks as stipulated in Articles 27, 54, 55, 56, 81(b) of the Constitution of Kenya 2010, PSC Regulations, 2020 Regulation 32 and any other relevant written law on all operations.

SECTION 1: GENERAL PROVISIONS

1.1. Introduction

1.1.1. The Human Capital Management Policies and Procedures Manual has been developed to support service delivery, commitments and obligations of (Name of Institution).

1.1.2. Unless otherwise expressly provided, employees of (Name of Institution) shall be required to observe the provisions of the policies and procedures provided in this Manual.

1.1.3. The Manual shall be read in conjunction with the Constitution of Kenya, relevant Laws guiding management of employees and Government policies and guidelines released from time to time.

1.1.4. This Manual will act as a reference document for the Institution. It therefore forms the basis upon which the Institution working culture and environment will develop.

1.1.5. The Manual sets guidelines on human capital management and development in the Institution. It is also a means for the Institution to communicate its policies on human capital management related matters.

1.1.6. This Manual will be used in conjunction with other approved policies and procedures manuals relating to specific administrative functions of the Institution. It therefore forms an integral part of the management processes of the Institution.

1.1.7. This Manual is the property of the Institution, and it is the responsibility of all members of staff to make sure that they are familiar with the contents of the Manual.

1.1.8. All employees of (Name of the Institution) will also be subject to relevant provisions of other regulations, Government circulars, rules and instructions as may be issued by other authorities who may be authorized to do so from time to time.

1.1.9. This Manual will be reviewed as and when necessary but at least every five (5) years to be in harmony with legislation, organizational and technological changes.

1.2. Objectives

1.2.1. The general objective of the Manual is to summarize Human Capital Management policies, procedures, regulations and other administrative processes to facilitate those responsible for managing the Institution to use one common reference document on

all human resource related matters.

1.2.2. The specific objectives of this Manual are to ensure: -

(a) Adherence to the Constitution and other Government guidelines.
(b) Support for the employees, stakeholders, the Government, the public and development partners.
(c) Human Resource policies, organizational structure and individual roles operate in an integrated manner, so that (Name of Institution) objectives are met in a timely and cost-effective manner.
(d) Adherence to various professional standards and public expectation of an efficient work environment of zero tolerance to corruption.
(e) A common understanding by (Name of Institution) employees of stipulated standards and procedures in monitoring their performance for continued improvement.

1.3. Responsibility

1.3.1. The responsibility of implementing this manual rests with the Principal.

1.3.2. The Head of Human Capital shall make the Manual available to all employees. Thereafter, it will be the responsibility of all employees to read and understand the Manual and any other subsequent amendments therein.

1.4. Interpretation and enforcement

1.4.1. The Manual should be interpreted in conjunction with the Kenya Labour Laws, relevant legislations/Acts, and other regulations including but not limited to;

(a) The Constitution of Kenya, 2010;
(b) The TVET Act Cap 210A;
(c) Public Service Commission Act 2017;
(d) Public Service Commission Regulations 2020;
(e) The Anti-Corruption and Economic Crimes Act, 2003;
(f) Fair Administrative Action Act, 2015.
(g) Public Service (Values and Principles) Act, 2015
(h) Leadership and Integrity Act, 2012
(i) Ethics and Anti-Corruption Commission Act, 2011;
(j) Prevailing Kenya Labour Laws from time to time including but not limited to:
    (i) The Occupational Safety and Health Act, No. 15 of 2007, Laws of Kenya;
    (ii) The Employment Act, No. 11 of 2007, Laws of Kenya;

(iii) The Labour Institutions Act, No. 12 of 2007, Laws of Kenya;
(iv) The Labour Relations Act, No. 14 of 2007, Laws of Kenya;

(k) Public Officer Ethics Act 2003;
(l) Conflict of Interest Act. No. 11 of 2025;
(m) Disability Act, 2025;
(n) Pensions Act (Cap. 189);
(o) Public Service Commission (Performance Management) Regulations, 2021.
(p) Penal code.
(q) Public Service Superannuation Act, 2012.
(r) Human Resource Policies and Procedures Manual (2016).
(s) Human Resource Development Policy for the Public Service, 2015.
(t) Discipline Manual for the Public Service (Revised 2022).
(u) Policies and general circulars issued by the Government from time to time.
(v) Institutional Notices, circulars and Instructions as issued from time to time.
(w) Any other law governing public service and employment.

1.4.2. The administration of this Manual shall be vested in the Principal in consultation with the Board of Governors (BOG) and State Department for TVET.

1.4.3. The Principal will seek guidance from the BOG or any relevant Government Institution on any matter that may not be covered by these policies and procedures.

1.5. Amendments/Review

1.5.1. The Manual may be reviewed at **least every five (5) years** or from time to time as and when necessary. Such changes will require authorization of the BOG and relevant Government agencies where necessary and will be communicated to employees in writing through separate communication.

1.5.2. The BOG reserves the right to consider and recommend a revision, revocation or addition to the general policies contained in this Manual, subject to consultation with the State Department for TVET and approval by the Public Service Commission.

1.6. Authority and Application

1.6.1. This Manual has been made by (Name of Institution) as provided by the TVET Act Cap 210A. It embodies (Name of Institution) terms and conditions of service and represents the broad principles of human capital management policies and procedures for staffing and administration of the Institution.

SECTION 2: RECRUITMENT, SELECTION, APPOINTMENT AND PROMOTIONS

2.1 Introduction

The Section provides rules governing recruitment, appointment and promotion of employees in the Institution.

2.2 Policy Statement

Recruitment, selection, appointment and promotions will be undertaken on the basis of fair competition and merit, representation of Kenya's diverse communities while providing adequate and equal opportunities to all gender, youth, members of all ethnic groups, persons with disabilities and minorities and marginalized communities.

2.3 Powers to make Appointments

The power to appoint employees is vested in the BOG/PSC directly or through its committee responsible for human capital management matters. However, the BOG may delegate some of these powers in writing and for specific grades of employees to the Principal. The Principal shall report such appointments not later than the next BOG meeting for noting.

2.4 Appointment by the PSC

2.4.1 The PSC shall appoint permanent and pensionable trainers in Grades 1/CSG 5 to Grade 9/CSG 12 through a competitive process.

2.5 Appointment of the Principal

2.5.1 The Principal shall be appointed by the Commission through a competitive process as and when vacancies are declared by the State Department for TVET.

2.5.2 The Principal Secretary, State Department for TVET shall be responsible for the deployment of Principals to the various Institutions.

2.6 Appointments by BOG

2.1.1 Trainers on contract terms of service and all other employees in non-training cadres shall be appointed by the BOG.

2.1.2 Non-training cadre employees may be appointed on either permanent and pensionable terms or contractual terms of service.

2.7 Human Capital Management Advisory Committee

2.1.3 At the State Department level, The Authorised Officer shall constitute a Human Capital Management Advisory Committee (HCMAC).

2.1.4 At the Institutional level, the principal shall constitute a Human Capital Management Advisory Committee (HCMAC)

2.1.5 The committee shall be responsible for advising the Principal on all human capital management issues. The committee's advisory services shall include but are not limited to:

(a) Making recommendations on review of the Institution's staff establishment, complement, organization and grading structures;
(b) Constituting of shortlisting panels to carry out the shortlisting for positions declared;
(c) Constituting interview panels to carry out interviews for positions declared;
(d) The induction of new employees;
(e) Compiling reports in accordance with statutory requirements;
(f) Performance management;
(g) Promotions;
(h) Confirmation in appointment;
(i) Training and Development;
(j) Management of skills inventory;
(k) Transfers and deployments;
(l) Promotion of values and Principles of Public Service;
(m) Secondment and unpaid leave;
(n) Exit management;
(o) Re-designations;
(p) Renewal of contract; and
(q) Discipline.

2.1.6 The committee shall comprise Heads of Functional Areas, one of whom shall be appointed by the Principal as the Chair.

2.1.7 The HCMAC shall have a membership of at least Five (5) and the quorum shall be two thirds (2/3) of the appointed members.

2.1.8 The Chairperson shall be a non-voting member of the Committee but shall cast his/her vote in case of a tie in the votes, the Chair shall have a casting or second vote to break the tie.

2.1.9 The Head of Human Capital Management will not be a member of the Committee but shall be the Secretary and technical advisor to the committee.

2.1.10 Appointments to the HCMAC shall be in writing and signed by the Principal.

2.1.11 The Committee may co-opt such members, in writing, as necessary from time to time, with the approval of the Principal.

2.1.12 The Committee shall meet at least once in each calendar month.

2.8 Career Guidelines

2.1.13 The grading structure, qualifications, and other requirements for recruitment into the Institution are laid down in (Name of Institution) Career Guidelines. The Career Guidelines must be followed in processing appointments and promotions of employees in their respective fields of employment.

2.9 Human Capital Management Plan

2.1.14 The Institution shall prepare a Human Capital Management Plan to support achievement of goals and objectives in its strategic plan. The plan shall be based on comprehensive job analysis and shall be reviewed **every year** to address emerging issues and needs.

2.1.15 On the basis of this plan, the Principal shall be required to develop an annual recruitment plan which will be forwarded to the BOG at the beginning of each financial year to enable filling of the vacancies.

2.1.16 Declaration of vacancies should originate from the various Institutions/Departments and must be supported by good justification for the recruitment and confirmation that the positions are not only within the approved establishment but also fully budgeted for.

2.1.17 The Institution/Commission is committed to ensure that the terms and conditions of service are competitive to attract, motivate and retain a skilled and productive workforce required for efficient and effective delivery service.

2.1.18 The Institution/Commission is an equal opportunity employer and shall not in its recruitment and selection process, discriminate based on gender, race, religion, ethnicity, or any other form of discrimination. The constitutional requirement in Article 232 and on mainstreaming of gender, youth and persons with disabilities as stipulated in Article 54 to 57 of the Constitution will be observed alongside other policies issued by relevant government agencies.

2.1.19 The Institution's efficiency and effectiveness depends on the quality and competencies of employees it engages. The Institution/Commission shall therefore endeavor to recruit suitably qualified and competent employees with the right skills, attitudes and abilities.

2.1.20 When deciding on selection on first appointment, information concerning a candidate's general background and/or previous employment shall be verified. No appointment shall be offered to any employee prior to such verification.

2.1.21 All appointments shall be made with the approval of the BOG/PSC and shall be within the approved establishment.

2.1.22 Appointments in all cases shall be aligned to clear job descriptions and specifications for various cadres of employees in their respective fields of employment.

2.10 Recruitment Procedure

2.1.23 The Principal shall ensure the development of a Human Capital Management Plan based on comprehensive job analysis and which shall be reviewed every year to address emerging issues and needs.

2.1.24 The Principal shall declare to the BOG in accordance with the procedures set out in this Manual, all vacant posts within the establishment, which are to be filled substantively, or in an acting capacity by either BOG or PSC.

2.1.25 Such a declaration should originate from the various Heads of Departments and must be supported by good justification for the recruitment and confirmation that the positions are within the approved establishment.

2.11 Advertisement of Vacancies

2.1.26 The BOG/PSC will advertise all positions which fall vacant or are newly established.

2.1.27 Subject to merit, consideration should always be given to internal candidates to fill vacant posts in cases of positions under the BOG.

2.1.28 Before external recruitment is considered for positions under BOG, the following steps of filling up the post internally shall first be exhausted:

(a) Promotion of the qualified employees in the department or qualified employees from another department who have the requisite qualifications and competence to do the job; and
(b) Internal advertisement to attract applications from any staff members within the Institution.

2.1.29 Where the internal recruitment process is exhausted and no suitable internal candidate exists, applicants will be sourced through open advertisements. The BOG shall opt to go to the open labor market to recruit. Where there will be a need for specialized services, the BOG may use employment agencies or search firms to hire suitable candidates.

2.1.30 Where a vacancy is to be filled, the BOG/PSC shall invite applications by advertising in a manner that reaches the widest coverage of potential applicants including persons who for any reasons have been or may be disadvantaged, to have an equal opportunity to apply and allow for at least twenty-one (21) days before closing the advert.

2.1.31 The BOG/PSC shall ensure that an invitation for application does not discriminate against any person.

2.1.32 The advert shall have the following details:

(a) a brief description of the Institution's mandate;
(b) the title and rank of the post;
(c) number of vacancies;
(d) main purpose of the job, where necessary;
(e) the terms of employment;
(f) the prescribed qualifications applicable, including any previous experience, skills and competencies required for the job;
(g) a brief description of the key responsibilities of the job;
(h) the expected deliverables of the post;
(i) the supervision, accountability and reporting arrangements;
(j) any added advantage applicable;
(k) the mode and deadline of transmitting the application;
(l) location of the job (where necessary);
(m) any consideration that may occasion disqualification;
(n) clear instructions on how to apply and information to be submitted in the application;

(o) an indication that only shortlisted and successful candidates will be contacted; and
(p) closing date of receipt of application.

2.12 Application for Employment

A candidate applying for employment shall do so online or manually by completing the prescribed Employment form.

2.13 Pre-selection/Selection Process

2.1.33 The Head of Human Capital Function shall prepare and maintain a summary of all applications.

2.1.34 For every advertised position, the BOG/PSC shall form a short-listing panel. The Chairperson of the BOG/PSC shall not be part of the shortlisting panel.

2.1.35 The shortlisting for positions in Grades 1/CSG 5 to Grade 9/CSG 12 shall be handled by a panel comprising members of the State Department/BOG/PSC and such other technical persons as may be appropriate. The report of the panel shall be presented to the BOG/PSC for consideration and approval.

2.1.36 The shortlisting for positions in Grades 10/CSG 13 to Grade 17/CSG 17 shall be handled by a panel constituted by the HCMAC in accordance with this Manual. The HCMAC may recommend co-option of any such technical person(s) into the panel as may be appropriate.

2.1.37 The shortlisting process shall be undertaken within twenty-one (21) days of closing the advert.

2.1.38 Each panel shall comprise of at least three (3) members. The shortlisting criteria shall include minimum constitutional and statutory requirements and shall be on fair competition and merit (meeting minimum requirements as advertised). The requirement for Gender, Disability and Diversity mainstreaming may be considered.

2.1.39 No panelist at either the shortlisting or interviewing stage will participate in cases where there is an applicant who is related to him/her in any way to avoid conflict of interest.

2.1.40 A profile of each applicant shall be prepared to include: the name, National Identity number, age, gender, ethnic group, home county, disability status, vacancy number, job group, date

of substantive appointment and designation (for serving officers), qualifications and experience.

2.1.41 The final short list shall take into consideration merit, Kenya's diverse communities, gender, youth, ethnicity, marginalized and minority communities and persons with disabilities in accordance with Articles 10, 27, 54 and 232 of the Constitution and the Public Service Commission Act, 2017.

2.1.42 For promotional positions, all qualified serving officers as per the advert shall be shortlisted and given an opportunity to compete for available vacancies.

2.1.43 The decision of the Shortlisting Panel shall be forwarded to the respective authority for approval within seven (7) days of completion of the exercise.

2.1.44 Upon receipt of the shortlisting report by the BOG/PSC as the case may be, approval shall be given within twenty-one (21) days.

2.1.45 Where possible, during shortlisting, a ratio of three (3) candidates per position as a minimum will be adopted.

2.1.46 All applications including those of candidates not short-listed shall be retained for six (6) months after the appointment has been made before archiving.

2.14 Interviews and Selection

2.1.47 The interview and selection for positions in Grades 1/CSG 5 to Grade 17/CSG 17 shall be handled by a panel comprising members of the BOG/PSC and such other technical persons as may be appropriate. The report of the panel shall be presented to the BOG/PSC for consideration and approval within twenty-one (21) working days from the last date of the interview.

2.1.48 The interview and selection for positions in Grades 10/CSG 13 to Grade 17/CSG 17 shall be handled by a panel constituted by the BOG in accordance with this Manual. The BOG may co-opt any such technical person(s) into the panel as may be appropriate. The panel shall prepare a selection report which shall be presented to the BOG through the Principal for consideration and approval within twenty-one (21) days from the last date of the interview.

2.1.49 The Institution shall not bear any cost incurred by external candidates coming to attend interviews.

2.1.50 The panel shall develop a scoring criterion, the pass mark and determine the ranking of candidates.

2.1.51 Shortlisted candidates shall be notified of their interview date, time and venue at least one week in advance.

2.1.52 The selection panel report shall include and not be limited to the following information:

(a) membership of the panel;
(b) the job advert;
(c) the long list;
(d) the short list;
(e) the cut off mark(s) set by the interview and selection panel;
(f) interview scores for each candidate in order of performance;
(g) brief summary of recommended candidates;
(h) affirmative action criteria; and
(i) candidate's salary expectations, if any.

2.1.53 Any person who participates in shortlisting **shall not** participate in the interviews.

2.15 Reference, Background Checks and Vetting

2.1.54 The Institution shall conduct background checks for successful candidates to ensure they are cleared by relevant State Agencies and authentication of academic and professional certificates by respective institutions (KNEC, Universities, Colleges) before issuance of appointment letters.

2.1.55 Certified copies of all relevant documents shall be retained in the personal file of the candidate for the record.

2.1.56 Where a successful candidate is found to be of questionable background or whose certificates are not authentic, such candidate will be dropped from the list of successful candidates.

2.16 Offer of Appointment

2.1.57 Upon completion of the recruitment process, an offer of appointment shall be made after a detailed report on recruitment has been submitted to the BOG/PSC.

2.1.58 The letter of offer of appointment shall be issued to the successful candidate(s). The offer letter issued to successful candidate(s) shall contain the specific period within which the candidate should indicate acceptance/decline of the offer.

2.17 Acceptance of Offer of Appointment

2.1.59 Acceptance of an offer of appointment shall be made by signing on the duplicate offer of appointment letter. The period of acceptance shall not be more than twenty-one (21) days from the date of the notification.

2.1.60 A candidate who has not accepted the offer within twenty-one (21) days, from the date of notification shall be deemed to have declined the offer.

2.1.61 If the first (1st) ranked candidate declines the offer, the Institution may consider extending the same offer to the second (2nd) and third (3rd) best candidate in that order provided that this candidate had reached the cut off marks during interviews. Should the third candidate also decline, the Institution shall re-advertise the position.

2.1.62 The offer to the 2nd or 3rd candidate may be made within thirty (30) days from the expiry date of the offer to the first ranked candidate.

2.18 Record of Previous Employment and Qualifications

2.1.63 Candidates will, before engagements, provide the Institution with information on all previous employment, which must be supported by satisfactory documentary evidence.

2.1.64 It is the duty of the Principal when recommending appointments to ensure that a candidate's record of previous employment is satisfactory in all aspects. The Principal may call for a confidential report of a candidate from previous employers, contents of which may determine whether or not to appoint the candidate. This shall be done in compliance with the Data Protection Act.

2.1.65 Where appointment is based on specific educational, professional or other qualifications, the original copies of the relevant certificates will be obtained from the candidate and authenticated before engagement or during the period of probation. All relevant examining bodies shall be consulted in case of doubt regarding the authenticity of the certificates produced by a candidate. Certified copies of all relevant documents should be retained in the personal file of the candidate for the record.

2.19 Medical Examination

Candidates on new appointment shall be required to undergo a medical examination by a Government Medical Officer who must complete the prescribed form. The purpose of the medical examination shall be to guide deployment and job assignment of the employees and not to exclude them from employment.

2.20 Letter of Appointment

2.1.66 A letter of appointment shall be issued, in duplicate, to an employee on first appointment and shall contain the following details: -

(a) the grade and designation;
(b) date of appointment;
(c) salary scale and salary entry point to which the candidate is appointed;
(d) terms of appointment;
(e) details of housing and other allowances payable;
(f) medical benefits and other benefits payable for the position;
(g) station of deployment; and
(h) terminal benefits.

2.1.67 The candidate will be required to accept the letter of appointment and append his signature before or on the date of engagement. A copy of the letter shall be placed in their personal file.

2.1.68 A candidate shall be required to take up the post within the period agreed with the Institution as at the date of acceptance, otherwise the offer shall be deemed withdrawn.

2.21 Date of Appointment

The date of appointment will be the date the employee assumes duty.

2.22 Personal Data

2.1.69 An employee on first appointment shall provide the following documents/information which shall be maintained in each employee's personal file:

(a) copy of academic and professional certificates;
(b) copy of national identity card/passport;
(c) two colored passport size photographs;

(d) copy of birth certificate;
(e) copy of KRA PIN Certificate, NSSF and SHIF details;
(f) Bank Account Number and Branch;
(g) Certificate of Good Conduct from the Directorate of Criminal Investigations;
(h) EACC clearance, where necessary;
(i) HELB Clearance certificate, where necessary;
(j) Tax Compliance Certificate, where necessary; and
(k) Clearance from relevant regulators in cases of foreign qualifications..

2.1.70 The following documents shall also be maintained in each employee's personal file:
(a) Personal data form;
(b) Application for employment and updated curriculum vitae;
(c) Letter of appointment;
(d) Letter of confirmation in appointment after successful probation period as applicable;
(e) Completed performance appraisal forms;
(f) Birth certificates of dependent children (where applicable);
(g) Certified copy of marriage certificate or an affidavit (where applicable); and
(h) Any other document that may be required.

2.1.71 The employee shall also make an initial declaration of income, assets and liabilities by completing the prescribed form within stipulated timelines.

2.1.72 Where an employee is or becomes a relative of another employee while both are employed by the Institution, the employee shall make a declaration of the same.

2.23 Staff Identity Card

2.1.73 Each employee will be issued with an official employment card.

2.1.74 In the event of loss of the employment card, an employee shall apply for a replacement upon payment of a specified fee to be determined by the Institution. If a replacement is because of a change of designation no fee shall be charged.

2.1.75 The staff identity card should always be displayed while within the premises of the Institution and during site visits.

2.1.76 On termination of employment, an employee shall be required to surrender his/her staff identity card to the Institution.

2.24 Probation

2.1.77 Unless otherwise specified, all newly appointed employees on permanent terms will be required to undergo a probationary period of six (6) months.

2.1.78 During the period, the respective HOFA will monitor the employee's performance and provide the necessary support and feedback to facilitate performance.

2.1.79 At least one (1) month before the expiry of the probationary period, the Principal shall consider, in the light of the report(s) on the officer's performance, conduct and capabilities, whether the officer is suitable for confirmation.

2.1.80 Where an officer's performance is unsatisfactory, he/she shall be informed in writing and the probation period may be extended for a period not exceeding three (3) months.

2.1.81 Should the officer's performance fail to improve on expiry of the extended probation period, his/her probationary appointment shall be terminated in accordance with this manual, the Employment Act, 2007 and/or the Public Service Commission Regulations, provided that the officer on probation is given adequate opportunities by the supervisor to enable him/her to qualify for confirmation in appointment.

2.1.82 An employee who has completed the normal or extended period of probation satisfactorily, shall be confirmed in the post.

2.1.83 Where the affected officer is not notified in writing of the intention to extend the probationary period or where the Principal has failed to confirm the appointment of the officer who was initially appointed on probationary terms and the probationary period has lapsed, the officer shall stand confirmed in appointment upon the expiry of the probationary period.

2.1.84 The period served on probationary terms shall be considered when computing the period of service for the purpose of payment of pension benefits, gratuity or any other terminal benefits.

2.1.85 Appointment on probationary terms shall only apply to a person appointed from outside the public service and shall not apply to any person already employed in the service of the county governments, the national government, or any public body.

2.1.86 Members of staff employed on contract terms will not be subject to probationary period, however quarterly appraisals shall be done of their performance.

2.25 Next of Kin

2.1.87 New employees will be issued with a Personal Data Form in which they will fill in the specified data including nomination of their Next of Kin.

2.1.88 An employee will update the Nomination of Beneficiaries form in case of any changes relating to his/her beneficiaries and/or Next of Kin.

2.26 Official Secrets Act Declaration

Each employee shall be required to sign a Declaration of Secrecy Form under the Official Secrets Act, Cap. 187, on appointment and on termination of the service. The Head of Human Capital shall bring to the attention of all employees the provisions of the Official Secrets Act.

2.27 Induction

2.1.89 Orientation and Induction training is expected to help a new employee familiarize with the work environment and requirements.

2.1.90 The Institution shall for this purpose, develop an Induction Manual and conduct induction training within three (3) months for newly recruited officers and those who have joined the Institution on transfer of service and secondment.

2.28 Allocation of Duties

2.1.91 All employees shall be given a job description and assigned duties accordingly.

2.1.92 An employee may be transferred to work in any duty station provided that the employee possesses the core-competencies required for effective performance.

2.29 Confirmation in Appointment

2.1.93 An officer appointed to a pensionable post shall be confirmed in appointment and admitted into the permanent and pensionable establishment on completion of probationary period of satisfactory service

2.1.94 Service on contract terms may be considered in full as probationary service, in the case of an officer who has been appointed on probation to a pensionable establishment without a break in service.

2.30 Re-designation

2.1.95 Re-designation refers to the change of an employee from one career path or cadre to another at a grade equal to or substantially equal to the one held before the change.

2.1.96 It is therefore a horizontal mobility of employees from one cadre to another, which does not constitute a promotion or upward mobility.

2.1.97 An officer may be re-designated if the officer possesses the requisite qualifications, experience, skills and competencies and the re-designation shall take effect from the date the decision is made.

2.1.98 An officer who is due for promotion and who is eligible for re-designation shall first be considered for promotion before the officer's re-designation is processed.

2.1.99 Re-designation with continuous service shall be allowed only for cadres whose job specifications are similar for both graduate and non-graduate officers.

2.1.100 If an employee is re-designated, the employee shall not in any way suffer reduction in remuneration.

2.1.101 Any re-designation shall be undertaken with the written consent of the affected employee.

2.1.102 Re-designation will be limited to grades in the common establishment for employees moving to different cadres.

2.1.103 Re-designation will not be automatic but subject to suitability testing for employees who are moving from one cadre to another.

2.1.104 The above provision shall not apply to employees re-designating from one sub-cadre to another, within the same cadre (i.e. Certificate to Diploma holders or Diploma to Degree Holders).

2.1.105 Re-designation shall apply to employees who have served for a minimum cumulative period of two (2) years.

2.1.106 In selecting employees for re-designation, the criteria for appointment shall apply.

2.1.107 Re-designations shall be processed through the approved schedule of delegated powers.

2.31 Promotion

2.1.108 It is desirable to achieve a healthy mix between promotions from within and external recruitment. Serving candidates who meet job requirements with satisfactory performance and have potential for development will be given priority when filling higher vacant positions where applicable.

2.1.109 Where applicable, the Institution will strive to expeditiously fill vacancies by promotion of suitable employees. Consideration of promotion shall be in accordance with the provisions of the Career Guidelines developed for each cadre. Employees who have relevant experience, qualifications and proven merit will be given priority. Where employees have similar qualifications, seniority, proven merit and suitability for vacancy will be given more weight.

2.1.110 In the context of this Manual, "Seniority" between officers of the same grade shall be determined as follows:

(a) By reference to the dates on which they respectively entered the grade;
(b) If the officers entered that grade on the same day, by reference to their seniority on the day immediately preceding that day; and
(c) If any officers who entered the same grade on the same day did so by appointment and not by promotion (excluding promotion from a non-pensionable to a pensionable grade), then seniority relative to each other shall be determined by reference to their respective ages.

2.1.111 The process of filling vacancies by promotion will be through internal advertising.

2.32 Succession Planning

2.1.112 The Institution shall identify and develop internal talent to ensure seamless transitions in key positions.

2.1.113 The Head of Human Capital shall keep track of positions and details of when they are expected to fall vacant to ensure that appropriate plans are made to fill the positions without delay.

2.1.114 For continuity of service, an officer may be appointed to hold a key position in acting capacity awaiting substantive filling of that position. Such an officer shall be picked from the pool of identified officers who have been prepared to take up higher responsibilities.

2.1.115 The Head of Human Capital shall also keep track of key positions and details for vacancies that occur through circumstances that could not be anticipated such as resignations or death of an office holder to ensure that appropriate plans are made to fill the positions without delay.

2.33 Data Protection

Where data is of confidential nature and electronically stored, officers to whom passwords are entrusted shall take precautions to keep them confidential and safeguarded.

SECTION 3: TERMS AND CONDITIONS OF SERVICE

3.1 Introduction

3.1.1 This section provides guidelines governing the Terms and Conditions of Service in the Institution.

3.1.2 The Institution is committed to attracting and retaining competent employees required for efficient and effective service delivery.

3.2 Career Guidelines

3.2.1 Career Guidelines will be developed to accommodate all the cadres in a job family to ensure consistency in the job description and specifications, grading structure and nomenclature, levels of accountability for jobs in the same grade, and mobility within the job family.

3.2.2 The Career Guidelines shall be adhered to in processing appointments and promotions of employees in their respective fields of employment.

3.3 Terms of Employment

3.3.1 Appointment in Technical and Vocational Colleges shall be in two categories:

(a) Appointment under the PSC

The appointment is on Permanent and Pensionable terms and strictly for the training cadres undertaken collaboratively by PSC, State Department for TVET and BOG.

(b) Appointment under the BOG

The appointment may be on Permanent, Contractual and Casual terms for both training and non-training cadres.

3.3.2 Any instance that may require translation of terms of service of a serving employee should be undertaken by the Institution on mutual agreement with the employee.

3.3.3 Where the terms of service of any cadre are different from the terms of service of an employee and the employee is not willing to have the existing terms converted, the Institution may opt to declare the post as restructured and redundancy occasioned.

3.3.4 The redundancy process would be undertaken under the Government Tripartite Committee framework.

3.4 Permanent Terms

3.4.1 Appointment on permanent terms shall apply to employees who on successful completion of the probationary period shall be eligible for confirmation in appointment into the permanent and pensionable establishment.

3.4.2 It shall apply to employees appointed to serve in an established post in the Institution without a defined contract end date, until they reach the mandatory retirement age.

3.4.3 Officers in Grades 1 to Grade 17 will be employed on Permanent and Pensionable Terms, however, the Institution may engage staff competitively on these grades on contractual terms based on prevailing business dynamics.

3.5 Contract Terms

3.5.1 The Institution will engage staff on contractual terms in accordance with the provisions of this manual and applicable Government regulations.

3.5.2 The Institution may engage staff competitively on Grades 3/CSG 6 to Grade 17/CSG 17 on contractual terms based on prevailing business dynamics. Unless otherwise provided for in this manual, all other appointments on contract will be determined by the term of the project contract and as may be determined by the BOG up to a maximum of five (5) years renewable subject to demonstrable performance and other terms of the contract.

3.5.3 Appointment on contract terms will be made under the following circumstances:

(i) where employees are appointed to serve on fixed contract term; and

(ii) where capacity in the Institution is lacking or specific skills are required for a specific period.

3.5.4 Officers serving on contract terms are subject to the retirement age for Public Servants and will be eligible for payment of service gratuity based on prevailing Government guidelines and terms of their employment contract.

3.5.5 All contractual appointments will be governed by their specific terms regarding gratuity eligibility as provided in the contract of employment.

3.5.6 Where gratuity is provided for in the contract of employment, and the employment is terminated, gratuity will be paid on a pro-rata basis.

3.6 Renewal of Contract

3.6.1 An employee serving under contract terms and wishing to be considered for a further term is required to notify the Principal in writing one (1) month before the expiry of the contract for short-term contracts and three (3) months for long contracts.

3.6.2 If such a notification is not made, the employee will be deemed to have completed his term on the date specified in the contract and the contract shall not be renewed or extended.

3.6.3 The BOG and/or the Principal shall consider any notification from an employee wishing to be considered for a further term. Upon consideration, the employee will be advised of the BOG's decision to renew, not to renew, or to extend the employee's contract in writing one (1) month before the expiry of the contract in case of long-term contracts and seven (7) days for the short-term contracts.

3.6.4 If dissatisfied with the decision, an employee may appeal within fourteen (14) days from the date of the decision letter.

3.7 Casual employment

3.7.1 A casual employee is a person whose term of engagement provides for his/her wages at the end of each day and who is not engaged for a period longer than **twenty-four (24)** hours at a time.

3.7.2 Casual employees shall be engaged as per the prevailing Labor Laws in Kenya.

3.8 Internship

3.8.1 The Institution shall engage graduates from time to time on internship for a continuous period of not more than **twelve (12) months** and or any other period as may be stipulated from time to time, with remuneration to be determined by the BOG.

3.8.2 The internship shall be in line with the values and principles of public service and the existing Labor Laws.

3.9 Industrial Attachment

3.9.1 The Institution will support industrial attachment by providing opportunities to students in tertiary and higher education institutions.

3.9.2 Attachment will be undertaken during the course of study and the duration will be for a maximum period of **three (3) months.**

3.9.3 The attachment shall be in line with the values and principles of public service and the existing labour laws.

3.10Volunteer Service

3.10.1 The power to appoint a person to serve on a voluntary basis shall be vested in the Principal with the approval of the BOG.

3.10.2 No person shall be engaged on voluntary basis in the Institution as:

(a) a revenue collector;
(b) an officer involved in any aspect of procurement;
(c) a cashier;
(d) a caretaker of any premises belonging to the Institution;
(e) a security officer;
(f) a holder of any strategic/technical position in the Institution;

3.10.3 Every volunteer in the Institution shall be issued with a letter of engagement as a volunteer for a non-renewable period not exceeding twelve months.

3.10.4 A volunteer shall be bound by the code of conduct, rules and regulations applicable to Institution staff.

3.10.5 A person engaged in voluntary service shall not be entitled to any remuneration.

3.10.6 Volunteer service shall not be a guarantee of employment in the Institution.

3.11 Outsourcing

The Institution may, from time to time, outsource non-core services from firms that specialize in such services, provided that such outsourcing shall not derogate from the requirements of procurement laws and policies.

3.12 Secondment

3.12.1 Where a public officer is appointed on contract to a public body or an international public body to which Kenya is a state party or has an existing bilateral agreement, the officer may make a request to the Principal to be seconded to that public body or international public body.

3.12.2 Secondment of officers from the Civil Service to the Institution or from the Institution to other Public Service Departments or Agencies is applicable to permanent and pensionable officers, for a period not exceeding **three (3) years** and may be renewable once for a period not exceeding three (3) years. Eligibility for secondment shall apply to officers who have served for a minimum period of two (2) years from first appointment.

3.12.3 Approval of secondment for officers moving from the Civil Service to the Institution shall be the responsibility of the **Public Service Commission.**

3.12.4 The BOGs' approval shall also be sought before secondment of employees from Civil Service or from the Institution is done.

3.12.5 To maintain pensionable status of an employee on secondment to the Institution, the Institution will make pension contributions at the prevailing rates.

3.12.6 Where the Institution pays pension contribution for the employee on secondment, such amount shall be deducted from the employees' service gratuity.

3.12.7 The Institution may recruit staff from other MDAs on secondment for a period of three (3) years within the provisions of section 42 of the PSC Act, 2017 and PSC regulations, 2020.

3.12.8 The Institution shall pay salaries and other allowances to all employees on secondment from the MDAs at the Institution's salary rates.

3.12.9 Secondment of employees to the Institution from the MDAs or from the Institution to other MDAs will be regulated in the context of the relevant pension legislation.

3.13 Transfers/Deployment

3.13.1 The Institution recognizes that in order to meet its operational requirements, it may be necessary to transfer/post/deploy a staff member from one department to another within the Institution. The Institution shall ensure fairness in transferring/posting staff whether voluntarily or involuntarily in order to meet its operational requirements and for affording jobs that are well suited to employees.

3.13.2 However, for certain positions, because of either seniority or nature of responsibilities it will not be possible to transfer. In such cases the Institution shall endeavor to enhance other competence development mechanisms available.

3.13.3 In making posting/transfers/deployment decision, the Principal shall take into account the following:

i. Appropriate relevant academic and professional qualifications.
ii. Relevant competencies, skills and experience.
iii. Efficiency and effectiveness of Institution's service delivery;
iv. Promotion of national integration and cohesion; and
v. Promotion of representation of Kenya's diverse communities, men and women, the members of all ethnic groups and persons with disabilities.

3.14 Procedure for Management Initiated Transfers/Rotations

3.14.1 On a regular basis, the Head of Human Capital Function shall, after consultation with the relevant HOFAs, initiate the rotation programme for members of staff who have served in one Department or Unit for a period of three years or more.

3.14.2 The HOFAs may propose to an employee that he/she consider job rotation, as part of her/his individual Performance Review and succession planning process.

3.14.3 When an operational requirement for an employee to be transferred to another position is identified, the Principal, relevant HOFA and Head of Human Capital will consult about the proposed transfer.

3.14.4 A list of proposed transfers will be submitted to the Head of Human Capital who shall process it and table before the HCMAC for deliberation.

3.14.5 The approved list will be passed to the Head of Human Capital to prepare the notification letters.

3.14.6 For voluntary transfer/rotation, the following shall apply: -

(a) A written request for transfer/job rotation shall be submitted by the employee to the respective HOFA. The request should outline the proposed location/role(s) for job rotation, the expected outcomes and the time frame.

(b) If the HOFA supports the request, the HOFA shall hold discussions with the potential receiving Directorate/Department/Division/Section including clarifying the skills and expertise to be acquired by the employee, the timeframes involved, and the budgetary and supervisory arrangements.

(c) Following an agreement reached with the potential receiving Department, the relevant HOFA shall make a recommendation to the Head of Human Capital who will forward to the Principal considering the request based on its benefits to the employee and the Institution.

3.15Transfer of service

3.15.1 Where an officer has been appointed on permanent terms in another public body with a separate retirement benefits scheme, the officer may apply for a transfer of service.

3.15.2 Transfers of service between the Institution and other Public Organizations or Institutions shall be approved by the BOG.

3.15.3 An employee will be considered for transfer of service having regard to the provisions of applicable pension schemes.

3.15.4 An employee who wishes to take up appointment in any other public organizations or Institutions other than in accordance with the procedures set out in this manual, shall be required to resign from his position in the Institution.

3.16Testimonials and Letters of Commendation

Testimonials and commendation letters may be given to employees by supervisors as a way of recognizing their valuable service.

3.17 Handing-Over Report/Clearance

Prior to release on re-deployment, secondment, transfer of service from the Institution, an employee will prepare a comprehensive handing-over report and fill a clearance form under the supervision of the immediate Supervisor and/or the relevant functional heads. A copy of the report and clearance certificate duly signed by the supervisor will be submitted to the Principal and copied to the Head of Human Capital Management for record purposes.

SECTION 4: SALARY AND ADVANCES

4.1 Introduction

4.1.1 (Name of Institution) shall remunerate employees under BOG terms in a manner that motivates them, supports and develops a high-performance workforce required to provide quality service efficiently and effectively.

4.1.2 The remuneration policy is based on the following guiding principles: -

(a) Provision for adequate pay differentials to recognize responsibility, levels, skills, competencies, attitudes, experience and performance in relation to the goals and objectives of (Name of Institution);
(b) Achievement of equity, transparency and competitiveness in the remuneration packages based on Job Evaluation;
(c) Adoption and implementation of best human capital management practices in regard to compensation;
(d) Maintenance of a salary structure that will enable the Institution to attract, retain and motivate qualified employees;
(e) Focus on the value of total compensation, which includes basic salary, allowances, and other benefits; and
(f) Adherence to salary and remuneration guidelines issued by the Government from time to time.

4.2 Payment of salary

4.2.1 An employee on first appointment will be paid salary with effect from the date of reporting for duty.

4.2.2 Each employee will have a stated monthly basic salary quoted before any statutory deductions.

4.2.3 Salary will be paid monthly in arrears and will be denominated and paid in Kenya shillings (Ksh.)

4.2.4 The salary of an employee will be net of statutory deductions and other deductions that may be agreed upon or imposed by the employee or the Institution respectively.

4.2.5 A statement/payslip indicating the gross salary, deductions made, and the resultant net salary will be made available to every employee each month.

4.2.6 Salary will be paid through the bank and all employees will be required to open a Bank Account and submit the details to the Head of Human Capital.

4.2.7 Employees of the Institution shall not over-commit their salaries beyond two thirds (2/3) of their basic salaries and the Head of Human Capital will ensure compliance.

4.2.8 Statutory deductions such as PAYE, NSSF, SHIF, HELB and other legal taxes, as well as deductions arising from court orders/attachments, will be made from an employee's salary without his/her authorization.

4.2.9 Voluntary deductions such as remittances to co-operatives and insurance firms, among others, will be effected provided the employee gives written authorization.

4.2.10 On termination of employment, the final benefits will be made on confirmation that the employee has been cleared and issued with a Clearance Certificate.

4.3 Salary Structure

4.3.1 There shall be such salary grades for employees under BOG terms as the Institution may, from time to time, determine with the approval of relevant Government agencies.

4.3.2 The Institution may conduct periodic salary surveys to determine changes in cost of living and terms of employment being offered by comparable institutions. Such surveys shall form the basis of consultation by the Institution with the relevant Government Authority for salary reviews.

4.3.3 The salary structure of the Institution shall be aligned to Seventeen (17) Job Grades as approved by PSC, or as may be determined from time to time.

4.4 Advice on Salary and Benefits

4.4.1 The salary for each employee will be specified in the appointment letter.

4.4.2 Basic salary and benefits will be communicated to the employee in writing on appointment, at which time; the employee will also be informed of their grades and designation. Any subsequent change in basic salary, grade or designation shall be communicated to the employee(s) in writing.

4.4.3 Any change in benefits, which affects all or any category of employees, will be communicated through a circular/Memo.

4.5 Annual Salary increment

4.5.1 The first date of the month shall be an incremental date.

4.5.2 An officer's annual incremental date shall be the first date of the month one is appointed.

4.5.3 If an employee is granted leave of absence or unpaid leave which is not increment-earning, his incremental date will be re-computed based on the month he resumes duty.

4.6 Determination of Salary on First Appointment

4.6.1 On first appointment, an officer shall enter the salary structure at the minimum point of the respective salary scale. However, an officer may be granted incremental credit for previous remuneration and relevant experience. This shall be at the rate of one increment for each complete year of approved experience provided the maximum salary of the grade assigned to the post is not exceeded.

4.6.2 The grant of increments for relevant experience shall be subject to the following conditions:

(a) incremental credit shall only be granted in respect of approved experience gained after acquiring the requisite minimum qualifications for the grade.

(b) in granting incremental credit, previously earned remuneration shall be considered;

(c) incremental credit shall be granted only for previous approved experience in the type of work upon which an officer will be employed on his appointment to the particular grade;

(d) incremental credit may not be granted on appointment to promotional posts, i.e. posts to which an officer would not normally be appointed if he had joined the Institution immediately after completing his education; and

(e) Incremental credit may be granted for the number of years of aggregate approved experience in line with the Institution's Career Guidelines, periods more than full years being ignored.

4.7 Determination of Salary on Promotion

4.7.1 Where an employee is promoted from one grade to another and his salary on the effective date of promotion is less than the minimum of the salary scale attached to the new grade and where that employee was earning an annual increment, he shall receive the minimum of the salary scale attached to his new grade on the effective date of his promotion and his incremental date will be retained.

4.7.2 Where the salary of an employee on the day preceding the effective date of his promotion is one point immediately below the minimum of the salary scale attached to his new Grade and where that employee was earning an annual increment, he will receive the minimum of the salary scale attached to his new Grade on the effective date of his promotion and retain the incremental date.

4.7.3 Where the salary of an employee on the day preceding the effective date of his promotion corresponds to or is higher than the minimum of the salary scale attached to the Grade to which he is promoted, his salary on promotion will be determined in accordance with the rules set out below:-

(a) Where on the day preceding the effective date of his promotion, he had attained the maximum point of the salary scale attached to his previous Grade and his service at that salary amounts to less than one (1) year, he will enter the salary scale attached to his new Grade from the effective date of his promotion at the next point above his salary and will retain his incremental date.

(b) Where on the day preceding the effective date of his promotion he had attained the maximum point of the salary scale attached to his previous Grade and his service at that salary amount to less than three (3) years, he will enter the salary scale attached to his new Grade from the effective date of his promotion at the next point above his salary and thereafter be awarded one increment and retain his incremental date.

(c) If on the effective day of the promotion an officer had served at the maximum salary point of his present salary scale for two years but less than three years, he will enter the salary scale attached to his new Grade from the effective date of his promotion at the next point above his salary and thereafter be awarded two increments and retain his incremental date.

(d) Where on the day preceding the effective date of his promotion he had attained the maximum point of the salary scale attached to his previous Grade and his service at that salary amounts to three (3) years or more, he will enter the salary scale attached to his new Grade from the effective date of his promotion at one point higher than his salary and thereafter be awarded three increments and retain his incremental date.

(e) Where on the day preceding the effective date of his promotion, he had not attained the maximum point of the salary scale attached to his previous Grade but was earning an annual increment in that salary scale, he will enter the salary scale attached to his new Grade from the effective date of his promotion at the next point above his salary and retain his incremental date.

4.8 Retroactivity of Payments

4.8.1 An employee who has not received an allowance, grant or other payment to which he is entitled shall receive retroactively.

4.8.2 Claim for such allowance, grant or payment shall be made in writing by the affected employees/beneficiary.

4.9 Advance of Salary

4.9.1 An advance of not more than one (1) month's salary may be granted on approval by the Principal to an employee, when the employee, owing to circumstances beyond his control, is placed in a difficult financial position requiring assistance.

4.9.2 The Principal may, in very exceptional and special circumstances, approve the grant of an advance of not more than two (2) months' salary.

4.9.3 In applying for the advance an employee should explain the circumstances leading to the situation which he could not have foreseen and therefore planned for.

4.9.4 An advance under this regulation may be granted only when an employee has no other outstanding salary advance i.e. where an employee has completed paying for the one previously taken.

4.9.5 Advance of salary will only be made to an employee who has served for more than one (1) year.

4.9.6 After repayment of the salary advance, the employee can only qualify for another one after six (6) months except in exceptional situations where that employee is in an unforeseen and absolutely difficult situation to warrant another advance.

4.10 Recovery of Salary Advance

Recovery of salary advance will be made in reasonable installments for a maximum period of twelve (12) months or a shorter period if the employee contract ends in less than twelve (12) months.

4.11 Salary in Advance

4.11.1 Salary in advance may also be considered by the Principal under special circumstances.

4.11.2 An employee proceeding on annual leave may, when he avails himself of not less than one-half of his annual leave, be paid his salary for the month in which he proceeds on leave three (3) days before commencement of the leave.

4.12 Deductions from Salaries

4.12.1 The Principal shall authorize the following deductions from the salaries of employees:

(a) any amount the deduction of which is authorized by any written law (Statutory Deductions).

(b) any amount due as a contribution to a provident fund, pension fund or superannuation scheme or any other scheme approved by the BOG.

(c) Other voluntary deductions such as remittances to co-operatives, insurance firms, among others, will be effected on the payroll upon an employee's request and written authorization.

(d) any amount for damage done to, misuse or loss of the property of the Institution which may be occasioned by willful default of an employee or any amount due for indebtedness to the Institution.

(e) Statutory deductions such as PAYE, NSSF, SHIF, HELB, and other legal taxes, as well as deductions arising from court orders/attachments, will be made from an employee's salary without his authorization.

(f) The institution shall be required by law to remit all deductions in a timely manner.

(g) where an employee is liable to refund any amount to the Institution, any such amount shall be deducted from the salary or any sums due to the employee in a manner as the Principal/Authorised Officer may deem fit subject to labor laws provisions.

(h) employees of the Institution shall not over-commit their salaries beyond two thirds ($^2/_3$) of their basic salaries and the Head of (HCM shall ensure compliance.

4.13 Deduction of Income Tax

4.13.1 In addition to the income tax under PAYE arrangements, the Principal having been appointed an agent for the collection of income tax under the Income Tax Management Act may collect such tax by deduction from the employee's salary or any other sum due from the employee as the prevailing laws may provide.

SECTION 5: ALLOWANCES AND OTHER BENEFITS

5.1 Introduction

5.1.1 The Institution is committed to remunerating employees in a manner that motivates them and which supports and develops a high-performance workforce required to provide quality service.

5.1.2 While it may be considered that the salary attached to a position represents appropriate remuneration of its holder for proper and efficient performance of day-to-day duties, there are circumstances in which additional payments are warranted.

5.1.3 Such additional payments are made in form of allowances, either to reimburse an employee for expenses incurred directly or indirectly in the execution of his duties, or to compensate him for services rendered over and above the normal job requirements.

5.1.4 The allowances are classified into two categories:

(a) Remunerative

These are allowances that are additional to Basic salary and meant to compensate for additional responsibilities. Such allowances include commuter, extraneous, hardship, risk allowance amongst others.

(b) Facilitative/ Reimbursable

These are allowances meant to compensate an employee on the expenditure incurred in the course of duty. Such allowances include daily subsistence allowance, baggage allowance and transfer allowance.

5.2 House Allowance

5.2.1 All permanent and contracted employees shall be eligible to house allowances as per the terms and conditions of appointment.

5.2.2 This provision excludes interns, employees engaged on short-term contracts and casual terms.

5.3 Commuter/Transport Allowance

5.3.1 All permanent and contracted employees will be eligible for commuter/transport allowance provided they are not facilitated with the Institution's transport.

5.3.2 Such rates of the allowances will be as per the prevailing Government guidelines

5.3.3 This provision excludes interns, employees engaged on short-term contracts and casual terms.

5.3.4 It shall be an offence for an employee in receipt of commuter allowance or mileage allowance to use the Institution's vehicle to and from the office.

5.4 Hardship Allowance

5.4.1 An employee stationed in designated hardship areas from time to time, shall be granted hardship allowance based on guidelines from the Government from time to time.

5.5 Leave Allowance

5.5.1 An employee shall be required to take a minimum of fifteen (15) days of his/her annual leave entitlement to qualify or to be eligible for leave allowance.

5.5.2 All employees will be eligible for leave allowance once a year. For ease of administration, the allowance will be paid in (Month) through the payroll.

5.5.3 Leave allowance shall be paid at approved prevailing government rates or any other rates determined by the Institution in consultation with relevant Government Institution.

5.5.4 An employee stationed in any designated hardship area (as listed in Appendix 1 or as amended from time to time) and who proceeds on leave twice a year and takes not less than half (½) of his entitlement shall be eligible for full payment of leave allowance twice per year.

5.6 Extraneous Allowance

5.6.1 Extraneous allowance shall be paid to officers who are called upon to undertake extra responsibilities in addition to their normal duties and therefore work over and above the official working hours on a continuous basis.

5.6.2 The rates and eligibility for payment shall be determined by the Government from time to time

5.7 Acting Allowance

5.7.1 When an officer is eligible for appointment to a higher post and is called upon to act in that post pending advertisement of the post, he is eligible for payment of acting allowance at the rate of twenty percent (20%) of his substantive basic salary. Acting allowance will not be payable to an officer for more than six (6) months.

5.7.2 Appointment on an acting basis is a temporary measure pending the substantive filling of the vacant post by either recruitment or resumption of duty by the substantive holder of the post. The appointment shall normally be limited to a continuous period of **six (6) months** or until the vacant post is filled whichever is earlier. An acting appointment may be extended by the Institution if the post remains vacant solely for reasons beyond the Institution 's control subject to approval by the BOG at least one (1) month before the initial appointment period expires.

5.7.3 Acting appointments shall not be approved to take effect from a date earlier than one (1) month prior to the date on which the recommendation is submitted to the Principal.

5.7.4 Acting Allowance shall be paid to an employee when he acts in a higher post for a continuous period of thirty (30) days or more; inclusive of weekends and public holidays.

5.7.5 The payment of acting allowance shall be subject to recommendation by the Human Capital Management Advisory Committee and approval by the Principal or the BOG as the case may be.

5.7.6 All recommendations for acting appointments in Grades 1/CSG 5 to Grade 4/CSG 8, shall be forwarded to the BOG for consideration.

5.7.7 When a post falls temporarily vacant due to the absence of the substantive holder, an acting appointment shall not be made unless the period of such absence exceeds thirty (30) days.

5.7.8 An employee who is appointed to act in a higher post shall be eligible for the duration of his acting appointment for the travelling privileges, accommodation allowance or subsistence allowance applicable. However, the employee shall not qualify for house allowance or other remunerative allowances applicable to the higher post.

5.7.9 A recommendation for an acting appointment for a period of thirty (30) days or less will be considered for those cases where the law or regulations require that, in the absence of the

substantive holder, the function of that public office can be exercised only if another employee is appointed in an acting capacity.

5.7.10 Acting Allowance shall not be paid against any post falling within the common establishment.

5.7.11 In all cases, an employee must be appointed to act in writing by the BOG.

5.7.12 Employees on probationary terms of appointment are not eligible for acting appointment.

5.8 Special Duty Allowance

5.8.1 Special Duty Allowance is payable to an employee who has been appointed to assume, in addition to his duties, other duties of a higher post, or at the substantive level, duties of a separate and distinct nature, where additional duties constitute more responsibilities than his own for a continuous period of thirty (30) days or more.

5.8.2 Special Duty Allowance is also payable when an employee is required to take over duties of a higher post but is disqualified from an acting allowance because of any of the following:

(a) Lack of required professional qualifications; and
(b) Lack of necessary experience.

5.8.3 Special Duty Allowance shall be payable at the rate of 15% of the employee's basic salary or as may be determined by Government from time to time.

5.8.4 The maximum period for payment of Special Duty Allowance is six (6) consecutive months or until the position is filled, whichever is the earlier. During that period, arrangements should be made to fill the higher post in substantive capacity. Where the position is not filled within this period, the Institution or Principal may extend the payment period for a further period not exceeding six (6) months or until the position is substantively filled, whichever is earlier.

5.8.5 Employees shall not be called upon to perform duties of a post that is more than two (2) grades higher than the employee's substantive grade.

5.8.6 Special Duty Allowance shall not be paid when an employee who has been appointed to perform duties in a higher post is absent from duty for a period of more than thirty (30) days.

5.8.7 An employee performing the duties of a higher post shall be eligible for subsistence and travel allowance payable to an office of that post. However, the employee shall not qualify for house allowance and other remunerative allowances assigned to the higher post.

5.9 Daily Subsistence Allowance (Local Travel)

5.9.1 Where an employee travelling on duty is required to stay overnight away from his permanent station, he shall be paid accommodation allowance at rates determined by the Government (SRC) from time to time.

5.9.2 The rates of subsistence allowance are designed to meet the cost of accommodation at good but not luxury class hotels, meals, including service charges, local travelling (such as taxi, bus or train fare), incidental expenses including any taxes and an element in respect of essential entertainment.

5.9.3 Accommodation allowance will be paid for a maximum continuous period of thirty (30) days. However, an employee who is required to be away from his duty station for more than thirty (30) days will be paid accommodation allowance for the subsequent additional days at half (½) rate up to a maximum period of five (5) months. Beyond this period, if the employee continues to work in the same station, this will be treated as a posting and accommodation allowance will cease to be applicable.

5.9.4 Where an employee's travelling and accommodation expenses are covered in full by the Institution or any other Institution, a residual allowance of up to one-quarter (¼) of the standard rate of subsistence allowance will be paid to him to cover incidental expenses.

5.9.5 In cases where the sponsor does not meet the expenses directly but pays an allowance and such allowance is less than the standard rate of Daily Subsistence Allowance, the employee may claim the difference from the Institution.

5.9.6 Travelling expenses incurred from the airport, rail or bus terminus to a hotel or other residential place and vice versa, will be refunded where taxi services procured by the Institution are not available.

5.9.7 On transfer from one station to another, an employee may claim accommodation allowance for self and spouse and up to a maximum of four (4) unmarried children, who are living with and are dependent on him/her should they be compelled to spend one or more nights on the journey. The rate of allowance for the spouse and children aged eighteen (18) years and above will be the same as that for the employee, and the rate for the children below eighteen (18) years will be one-half of the rates payable to the employee.

5.9.8 When a non-Kenyan is recruited to work in the country, he will on arrival, be eligible for payment of accommodation allowance at the rates applicable to his Job Grade, for himself, spouse and children for a period not exceeding thirty (30) days, subject to the approval of the BOG. The spouse will be eligible for payment at the employee's full rate while four (4) unmarried children who are eighteen (18) years and below will be eligible for payment at half rate.

5.9.9 At the end of the tour, the employee may draw an accommodation allowance for a period not exceeding thirty (30) days when it is necessary for him to vacate his rented accommodation in advance of leaving the country.

5.10Daily Subsistence Allowance (Foreign Travel)

5.10.1 An employee who is required to travel on duty outside Kenya will be granted Daily Subsistence Allowance at the rates as guided by Government circulars and policies from time to time.

5.10.2 The rates of Daily Subsistence Allowance which are payable for each complete period of hours commencing from the time of departure from Kenya are designed to meet the cost of accommodation, meals and incidental expenses. In addition, travelling expenses incurred from the airport or disembark to a hotel or other residential place and vice versa, airport charges, fees for vaccination, visas and passport charges shall be provided.

5.10.3 Where an employee's travelling, boarding and lodging expenses are paid in full directly to the hosting institution/hotel by the Institution or any other Institution, a residual daily allowance of up to one-quarter ($^1/_4$) of the standard rate of Daily Subsistence Allowance may be paid to him to cover incidental expenses. In cases where the sponsor does not meet the expenses directly but pays an allowance and such allowance is less than the standard rate of subsistence allowance, the employee may claim the difference from the Institution.

5.10.4 An employee travelling on duty abroad is normally expected to regularize his expenses within the standard rate of Daily Subsistence Allowance. Nevertheless, in very exceptional circumstances, for example, when hotels are heavily booked during an international meeting and the employee has no choice of accommodation or when the standard rate of subsistence allowance is insufficient for any other justifiable reasons, consideration will be given by the Principal who shall then either approve or reject an application for a refund of the additional expenses on production of receipted bills in respect of actual expenditure incurred.

5.10.5 However, the prevailing rates are reviewed regularly to approximate rates and are expected to be sufficient to afford an employee reasonable accommodation.

5.11 Meal Allowance

5.11.1 Meal allowance shall be paid at the rate of 15% for breakfast, 20% for lunch and 20% for dinner of the Daily Subsistence rate applicable.

5.11.2 Meal allowance will only be paid to employees travelling on duty within the country but who are not required to spend a night away from the permanent duty station.

5.11.3 Meal allowance will not be paid alongside Daily Subsistence Allowance.

5.11.4 Meal allowance shall not be paid as compensation for employees who are required to work beyond the official working hours.

5.12 Overtime Allowance

5.12.1 Where an officer in Grade 10 and below is required to work overtime an allowance may be granted to him/her with approval of the Principal for overtime worked in excess of forty (40) hours per week at the rate of one and half ($1^{1}/_{2}$) times the officer's basic salary during working days and two (2) times the officer's basic salary during other days including public holidays.

5.12.2 Overtime allowance will be paid subject to a maximum of ten (10) hours per week.

5.12.3 This provision will not apply to certain categories of staff in the Institution who are required to work overtime regularly, and an allowance has been authorized for their compensation.

5.13 Transfer Allowance

5.13.1 When an employee employed under PSC terms is transferred from one station to another, he will be eligible for payment of transfer allowance amounting to one (1) month's basic salary immediately he is released to the new station provided the new station is not less than forty (40) Km from the old station.

5.13.2 Transfer allowance will not be paid to: -

(a) Field employees such as Project Staff when moving from one camp to another;
(b) Employees who are posted on temporary basis (i.e. on relief duty) for a period not exceeding five (5) months; and

(c) Employees who are transferred on their own request to suit their own convenience.

5.14 Baggage Allowance

5.14.1 When travelling on first appointment, transfer or retirement, an officer shall be provided with a Institution vehicle to transport his luggage.

5.14.2 In the absence of a vehicle, the officer will be eligible for a baggage allowance at the rate prescribed on transportation of baggage.

5.14.3 The officer will be expected to claim payment of baggage allowance within three (3) months of first appointment, transfer or retirement failure to which the privilege will be forfeited.

5.14.4 In case of the death of an employee, the next-of-kin shall be eligible to claim payment of baggage allowance on behalf of the deceased employee.

5.15 Task Force Allowance

5.15.1 Employees appointed by the Principal to engage in a special task so declared, such officers shall be paid special task force allowance as per the prevailing Government rates.

5.15.2 The Principal shall approve payment of Taskforce Allowance upon the successful completion of the task, within the budgetary provisions and advice by SRC.

5.16 Field Allowance

Field officers such as surveyors, road foremen, prospectors and officers in charge of land development units, whose duties entail continuous field work and who live in movable accommodation may be granted a regular field allowance at the rate of 25% of the daily Accommodation Allowance as provided from time to time.

5.17 Telephone/Airtime Allowance

5.17.1 Eligible members of staff of the Institution shall be provided with telephone airtime at rates determined by Government guidelines from time to time.

5.17.2 The Principal may approve on a case-by-case basis, airtime for employees whose grades do not entitle them to airtime allowance yet their duties demand usage of airtime. Where approved, such airtime shall be paid at the rates issued by the Government from time to time.

5.17.3 In instances where officers are called upon to perform duties which may necessitate additional issuance of airtime, the Principal may issue airtime to facilitate the duties.

5.18 Risk Allowance

Eligible employees may be paid risk allowance as determined by the Government from time to time.

5.19 Non-Practicing Allowance

The allowance shall be payable to eligible cadres as determined by Government at the prevailing Government rates.

5.20 Entertainment Allowance

Officers in eligible grades shall earn a non-accountable monthly entertainment allowance as stipulated in Government guidelines.

5.21 Car Loan Scheme

The Institution may establish a Car Loan arrangement based on prevailing Government guidelines or join an established existing government scheme.

5.22 Mortgage Loan Scheme

5.22.1 The Institution may run a mortgage scheme for its employees to encourage employees to own residential houses. Employees will be eligible to apply for these loans provided that a third ($^1/_3$) of their basic salary is maintained after the loan deductions.

5.22.2 The interest rates charged on these loans will be determined by the Institution in line with government guidelines issued from time to time.

5.22.3 Loan entitlement for each grade and repayment schedule shall be guided by Government mortgage regulations.

5.22.4 The scheme shall be managed in accordance with the regulations developed by the BOG.

5.23 Other Allowances

5.23.1 Employees will be entitled to any such allowances and at such rates as may be approved by the Government from time to time to facilitate their discharge of duty.

5.23.2 Notwithstanding these provisions, any other allowances currently being earned by serving staff in the Institution may continue to be payable on a personal-to-holder basis unless otherwise mutually negotiated.

SECTION 6: MEDICAL BENEFITS

6.1 Introduction

6.1.1 The Institution will make adequate provision for medical benefits to be accorded to all employees except those on casual terms, internship or attachments.

6.1.2 The Head of Human Capital Management will manage and monitor the medical expenditure on behalf of the Institution to ensure that costs are reasonable.

6.2 Staff Medical Scheme

6.2.1 The Head of HCM function will manage and monitor the medical scheme on behalf of the Principal to ensure that costs are reasonable.

6.3 Medical cover for all categories of employees

6.3.1 The Institution may procure a comprehensive medical insurance scheme for the employee, one (1) spouse and up to a maximum of four (4) children aged twenty-five (25) years or beyond twenty-five (25) years if the child has a disability subject to proof that the disability has occasioned full dependency on the employee.

6.3.2 Members of staff will continue to be members of the Medical Scheme provided by the Social Health Authority (SHA).

6.4 Accidents on duty

6.4.1 An accident on duty is an accident where the employee suffers personal injury in the actual discharge of his duty; without his own default and/or on account of circumstances specially attributed to the nature of his duty.

6.4.2 If the employee is unable to make the report of the injury or if fatally injured, the Supervisor should make the report in writing to the Head of Human Capital as soon as he learns of the injury.

6.4.3 Upon receiving the report of the injury in respect to the employee, the Principal shall lodge a claim with the Institution's appointed insurance broker or underwriter with a view of seeking compensation for the said employee.

6.4.4 Any claim for benefits should be submitted/reported to the Insurance immediately or as per the terms of the policy.

6.4.5 If an employee sustains an injury in the execution of his duty and the injury is not due to his negligence or misconduct, the Institution may, at its discretion, authorize that the cost of any special treatment, medical comforts and appliances beyond the insurance policy cover be borne by the Institution. Application for financial assistance under this manual should be forwarded to the Principal for consideration and approval.

6.4.6 If the request is approved, the Institution shall bear the cost of such treatment and in turn claim the maximum amount allowed under the Group Personal Accident cover (GPA) from the Insurance Underwriters.

6.5 Medical Treatment outside Kenya

In cases where treatment is not available locally, subject to prior authorization by the Director-General for Health, the medical scheme administrator and the Principal for the Institution, employees and their dependents may be eligible for treatment outside the Country.

6.6 Medical Ex-gratia

6.6.1 An employee whose medical cover or that of a beneficiary has been exhausted may apply to the Institution for medical ex gratia assistance.

6.6.2 Subject to availability of funds, the Institution may approve payment of medical ex gratia assistance to staff who find themselves in extraordinarily difficult financial stress yet having exhausted their in-patient medical cover. This shall be a maximum fifty (50%) of in-patient medical insurance cover entitlement.

6.6.3 All cases for ex gratia requests shall be in written form with relevant supporting documents (including receipts/bills) and shall be submitted to the Head of Human Capital who will in turn present them to the HCMAC. The HCMAC will evaluate the request based on the documentation presented and upon deliberation make a submission to the Principal.

6.6.4 On the advice of HCMAC, the Principal shall forward all cases for ex gratia assistance to the BOG for approval.

6.7 Insurance Policies

6.7.1 The Institution shall undertake to provide, inter alia, the following insurance covers for its employees:

(a) Group Life Assurance;
(b) Group Personal Accident;
(c) WIBA;

6.7.2 The Institution will procure an insurance scheme to cover all employees against accidents which may occur anytime, anywhere whether on duty or not.

6.7.3 These insurances shall not in any way affect any personal insurance policy that an individual employee may have taken out for himself.

SECTION 7: LEAVE MANAGEMENT

7.1 Introduction

7.1.1 Annual leave is granted in conformity with provisions of the Labor Laws and the timing of the leave is subject to the exigencies of duty.

7.1.2 Heads of Departments shall prepare and circulate leave schedules for their employees by 30th June each year to provide anticipated leave dates to allow proper planning and alignment with the respective work plans. The leave schedules shall be submitted to the Head of Human Capital at the beginning of the financial year.

7.1.3 Annual leave will not be commuted for cash. In the case of separation from employment the Principal or the BOG will have the discretion to approve depending on the circumstances which made it impossible for the employee to utilize the leave days.

7.2 Categories of Leave

7.2.1 The following are the categories of leave that shall be applicable to employees:

(a) Annual Leave;
(b) Maternity Leave;
(c) Pre-Adoptive Leave;
(d) Child Adoption Leave;
(e) Paternity Leave;
(f) Unpaid Leave
(g) Compassionate Leave;
(h) Leave for Sportsmen/women;
(i) Leave for special purposes;
(j) Sick Leave;
(k) Leave pending Retirement/Terminal Leave.
(l) Leave of Absence
(m) Study Leave; and
(n) Compulsory Leave

7.3 Annual Leave

7.3.1 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 a minimum of

three (3) months service before being entitled to annual leave. For this purpose, a "leave year" shall commence on the 1st of July and end on the 30th of June of the following year. "Annual Leave" year is pegged to the Government Financial Year.

7.3.2 Annual leave for a newly appointed employee will be calculated on a pro-rata basis for the year of his appointment.

7.3.3 All employees, irrespective of their grades, will be entitled to thirty (30) working days' annual leave. The annual leave computation will exclude Saturdays, Sundays and Public Holidays.

7.3.4 Annual leave is not cumulative. hence leave earned shall be taken within the leave year it falls due during the year or be forfeited. However, an employee may, if he so wishes, carry forward from one (1) leave year to another not more than fifteen (15) days of his annual leave entitlement.

7.3.5 Deferment of annual leave from one (1) leave year to another shall be permitted subject to the provisions of the applicable employment laws or Government guidelines.

7.3.6 An employee who has not utilized the annual leave due for the year in which his employment ceases will be entitled to annual leave on pro-rata basis. In addition, an employee may be granted the annual leave carried forward from the previous leave year subject to 7.3.4 above.

7.3.7 An employee stationed in a designated hardship area may avail himself of his annual leave in two (2) portions. Each portion should be taken once every period of six (6) months, i.e. from 1st July to 31st December and from 1st January to 30th June.

7.3.8 An employee stationed in a hardship area who takes not less than half of his annual leave entitlement once every period of six months, will be granted in addition to his leave, travelling time of five (5) days each way.

7.4 Maternity Leave

7.4.1 Female employees will be eligible for maternity leave with full pay for a maximum period of ninety (90) calendar days exclusive of annual leave due for the year.

7.4.2 No female employee shall forfeit her annual leave entitlement on account of having taken maternity leave.

7.4.3 On expiry of maternity leave, the employee shall have the right to return to the job which she held immediately prior to her maternity leave or to a reasonably suitable job on terms

and conditions not less favorable than those which would have applied had she not been on maternity leave.

7.4.4 In the event of a stillbirth a female employee shall be entitled to maternity leave of 30 calendar days.

7.4.5 The Institution shall establish a lactation place for women employees who have babies and need to breastfeed or express breast milk.

7.4.6 The specifications of the lactation place will be outlined in the Institute's lactation policy.

7.4.7 A breastfeeding mother shall only use the breastfeeding lactation place during working hours for breastfeeding or expressing milk.

7.4.8 The Institution shall provide a reasonable break time to a breastfeeding mother for purposes of breastfeeding the baby or expressing breast milk for the baby.

7.4.9 Where circumstances require a baby to be breastfed for a long period exceeding the time prescribed by regulations, the mother may with the written instructions from a registered medical practitioner, breastfeed the baby for a longer period.

7.4.10 A breastfeeding mother may, apply for a flexible work arrangement from the Institution for the purposes of breastfeeding or expressing breast milk for the baby.

7.4.11 The flexible work arrangement shall specify:

(a) the number of hours the employee is to work;
(b) the type and number of work assignments; and
(c) the exact location of where the employee is to work.

7.4.12 Where an application is made by a breastfeeding mother, the Institution shall respond in writing within fourteen (14) days of receipt of such application.

7.4.13 Where the Institution rejects the application, a written statement stating reasons for such rejection shall be provided.

7.4.14 A flexible working arrangement may be revoked where:

(a) there is abuse of the terms of the agreement; or
(b) either party decide to terminate the agreement.

7.4.15 A revocation or grant of a flexible working arrangement shall be in writing.

7.5 Paternity Leave

7.5.1 Male employees will be eligible for paternity leave for a maximum period of two (2) calendar weeks during the period of the spouse's maternity or pre-adoptive leave.

7.5.2 In this regard, it is clarified that in the case of a male employee with more than one wife, he will be entitled to paternity leave only in respect of one wife registered in the Social Hospital Authority (SHA) contributor's Card and such leave shall be taken not more than once per year. Further, to enjoy such leave a male employee will be required to present a birth notification certificate or an adoption order for the child.

7.6 Pre-Adoptive Leave

7.6.1 Where a child is to be placed in the continuous care and control of an applicant who is an employee, the employee shall be entitled to one (1) month's Pre-Adoptive Leave with full pay from the date of placement of the child.

7.6.2 The pre-adoptive leave shall be granted upon fulfilment of the following conditions;

(a) notify the Human Resource Department in writing of the intention of the Adoption Society to place the child in the employee's custody at least fourteen days prior to the child's placement; and

(b) provide supporting documents:
    (a) a Custody Agreement (with the Adoption Society)
    (b) an Exit Certificate (from the Adoption Society allowing the applicant to take the child home)

7.6.3 For purposes of enrolling the adopted child in the Institution 's Medical Scheme, the adoptive employee shall be required to produce an Adoption Order.

7.6.4 An employee who benefits from pre-adoptive leave shall not forfeit his/her annual leave.

7.7 Child Adoption Leave

7.7.1 An employee, who has been granted adoption rights under the Children's Act and wishes to take leave for purposes of bonding and integrating the child into the family, will be entitled to Child Adoption Leave.

7.7.2 An officer/staff is entitled to adoption leave with full pay upon production of supporting legal documents. The leave shall be granted as follows:

(a) Not more than three (3) years of age, an employee shall be entitled to three (3) months' adoptive leave with full pay.

(b) Above three (3) years of age but below twelve (12) years of age, the employee shall be entitled to two (2) months' adoptive leave with full pay.

(c) Above twelve (12) years of age, the employee shall be entitled to one month's adoptive leave with full pay.

7.7.3 Where the adoption is by both the employee and spouse, and the spouse is also an employee in the Institution, child adoption leave will only apply to the female employee.

7.7.4 The Child adoption leave will commence once the employee produces an adoption order.

7.7.5 An employee on adoption leave shall not forfeit his /her annual leave.

7.7.6 The spouse of an employee is entitled to leave of up to a maximum of two (2) calendar weeks whenever he/she and/or his/her spouse adopt a child.

7.8 Sick/Convalescent Leave

7.8.1 Sick leave is granted to cover days an employee is prevented from attending work because of illness. An employee may be granted sick leave subject to the maximum period indicated herein provided it is certified that there is reasonable prospects of eventual recovery and fitness for duty:

(i) Any absence from duty due to ill health must be supported by a sick sheet duly signed by a qualified Medical Practitioner certifying the employee's inability to work due to ill health. In the absence of a sick sheet, the employee's absence will be treated as unauthorized.

(ii) An employee on sick leave because of an accident or occupational disease will be entitled to full pay as per the Work Injury Benefits Act. The employee will, however,

be subject to assessment by the Medical BOG to determine his fitness for further service.

(iii) If the employee is unable to resume duty within the six (6) months of sick leave, the Principal will refer the case to the Principal, Health to convene a Medical BOG with a view to determining whether there are reasonable prospects of eventual recovery and fitness for duty.

(iv) On the expiry of six (6) months, the employee shall not be reinstated in the payroll until his case is determined as provided in paragraph (iii) above.

(v) Where an employee is found to be unfit for service by the Medical BOG, the case shall be referred to the BOG for retirement on medical grounds.

(vi) Sick leave may be authorized by registered medical practitioners for up to a maximum of twenty-one (21) days. Should it be necessary to allow absence from duty for more than this period, the medical practitioner shall provide reasons.

(vii) In the case of sick leave rendered necessary by an employee's own neglect or misconduct, his full salary may be forfeited for the whole period of absence from duty.

(viii) Employees will be granted up to three months (3) sick leave with full pay followed by three (3) months on half pay in a leave year when the circumstances so demand.

(ix) Sick leave more than three months will require confirmation of the Director of Medical Services who will decide if the employee should be examined by a Medical Board with the view to determining whether there is reasonable prospect or eventual recovery and fitness for duty.

(x) An employee on sick leave will submit the original Sick Sheet/Medical Report to the Head of Human Resource with a copy to their respective HOFA within a reasonable time.

7.8.2 Employees may be granted time off after a period of sickness upon recommendation of a qualified Medical Officer for recuperating purposes.

7.8.3 Sick leave will not be carried forward from one fiscal year to another.

7.9Compassionate Leave

7.9.1 An employee shall be entitled to a compassionate leave of up to ten (10) working days in a leave year on compassionate grounds (such grounds include death or major sickness in the family).

7.9.2 The ten (10) days will not be recovered from the employee's annual leave.

7.10Unpaid Leave

7.10.1 An employee may be granted unpaid leave for the purpose of attending to urgent private affairs of exceptional nature for a period not exceeding six (6) months which may be extended only once for a period not exceeding six (6) months.

7.10.2 Unpaid leave may be granted by the Principal on recommendation by the Human Resource Management Advisory Committee.

7.10.3 For an employee to qualify for unpaid leave, he will be required to have served for at least one (1) year.

7.10.4 Unpaid leave shall not be increment-earning.

7.10.5 The period of unpaid leave shall not be pension-earning under the Pensions Act.

7.10.6 An employee on unpaid leave shall continue to discharge his liabilities to the Institution in respect of any financial advances during the period of absence through his own arrangements.

7.11 Leave of Absence

7.11.1 The Institution may grant leave of absence to an officer on recommendation of the Human Capital Management Advisory Committee for a period not exceeding three (3) years which may be extended only once for a period not exceeding three (3) years.

7.11.2 Where an officer is appointed on contractual terms to a public body for a period exceeding three years, the Institution may grant leave of absence for the duration of the contract.

7.11.3 Leave of absence may be granted to a spouse (name of institution employee) of a Foreign Service officer who has been posted outside Kenya during the tour of service of the Foreign Service officer.

7.11.4 Leave of absence shall not be increment-earning.

7.11.5 During a leave of absence, the Institution will not contribute its portion towards an officer's pension under contributory pension scheme. The period of leave of absence shall not be pension-earning within the provisions of the Pensions Act. Cap. 189.

7.11.6 An officer who has been granted a leave of absence may continue to contribute towards his/her pension under a contributory pension scheme during the leave of absence.

7.11.7 Upon completion of the period of leave of absence, the officer shall revert to the terms and conditions of service appropriate to their substantive position in the Institution and shall not be eligible for another within a period of three (3) years from the period of the last leave of absence.

7.12 Leave for Sportsmen/Women

7.12.1 An officer who is selected to represent Kenya in national, regional or international fixtures will be granted special leave with full pay for the necessary period of training and subsequent participation in sports. This special leave shall not be counted against the employee's annual leave entitlement.

7.12.2 This special leave will not be counted against annual leave entitlement and will be approved by the BOG or Principal as the case may be, on recommendation of the Human Resource Advisory Committee, in consultation with the Authorized Officer in the State Department responsible for sports.

7.13 Leave Pending Retirement/Terminal Leave

7.13.1 Terminal Leave pending retirement shall be taken by an employee pending his retirement. It will be the last official leave to be taken by an employee during his period of service with the Institution.

7.13.2 An employee who is due for retirement is entitled in addition to his annual leave, thirty (30) calendar days' terminal leave pending retirement. This leave must be taken thirty (30) calendar days preceding retirement and will however, neither be commuted for cash nor will the employee qualify for additional leave allowance.

7.14 Study Leave/Examination Leave

7.14.1 An employee may be granted a study leave in a leave year to prepare for/write examinations for either a self-sponsored course or the Institution's sponsored courses as long as the course had previously been recommended by HRMAC and approved by the BOG.

7.14.2 The Institution may also grant a study leave for up to two (2) years to an employee who has been sponsored for a full-time course of training. Such a course must have been recommended by HRMAC and approved by the BOG.

7.15 Festival Holidays

7.15.1 Leave of absence on occasions of religious festivals may be granted without loss of pay for not more than two (2) days in a leave year, subject to the exigencies of service. An application for leave on such an occasion should be addressed to the Principalwell in advance of the date on which any religious festival is celebrated.

7.15.2 The special leave will not be counted against annual leave entitlement and will be authorized by the Principal.

7.16 Compulsory Leave

The Institution may, with the written approval of the BOG, send an employee on compulsory leave for a period not exceeding thirty (30) working days in case an investigation is being conducted, where it is feared that the employee may influence or interfere with the investigation.

7.17 Application for leave

7.17.1 Application for leave shall be made through the leave management system.

7.17.2 The Heads of Departments/Divisions will be responsible for approval of leave requests from staff under them. The HOFA (HR) will generate reports from the system showing the staff on leave at any given time. The Principal shall approve leave requests from staff who report directly to his office while the Principal's leave shall be approved by the BOG.

7.18 Exigencies of Duty

Whilst every reasonable effort will be made to allow employees to proceed on leave at their desired time, in certain circumstances it may not be possible to grant leave at the time the employee wishes to take it. Where leave cannot be taken during the year at the preferential dates shown by an employee, a suitable date will be mutually agreed during which the employee may proceed on leave.

7.19 Recall from Leave

In consultation with HOFA, Human Capital, an officer may be recalled from leave due to exigencies of duty. An official memo has to be issued to the recalled staff on the same and copied to the HR department. The unutilized leave days shall be credited back to the staff.

SECTION 8: TRANSPORT

8.1 Introduction

Transport in the Institution is regulated through the Institution Transport Management Policy. This section addresses various aspects of transport management and involves official transport of employees while on official duty and use of the Institution's vehicles. It includes travelling privileges to members of the employee's family in certain circumstances and transportation of personal effects.

8.2 Official Transport

8.1.1 Official transport means transport at the Institution's expense by rail, road, and sea or by air.

8.1.2 Official transport shall be provided for employees only while traveling on duty. The Institution shall also provide official transport to an employee, spouse and up to four (4) unmarried children under twenty-five (25) years on occasions when traveling on transfer, approved medical treatment/convalescent leave or on retirement. The age limit for children may be extended beyond twenty-five (25) years for children living with disability with the approval of the Principal, subject to proof that the disability has occasioned full dependency on the employee.

8.1.3 However, no transport will be provided on resignation, summary dismissal or termination/expiry of contract terms before the employee attains retirement age.

8.1.4 The Principal shall be provided with one (1) official car for official purposes.

8.1.5 All the other employees shall be provided with official transport for official duties from the pool. An employee traveling on duty will be granted permission to use an official vehicle by the Principal or an employee authorized by him.

8.1.6 Official vehicles are intended for official purposes only and shall not be used for private purposes. An employee who makes improper use of the Institution's vehicle shall render him/herself liable to disciplinary action.

8.1.7 All official transport shall be authorized prior to commencement of any official duty. The Government Vehicle Check Unit is empowered to stop and check any vehicle and prefer charges, where applicable against any violation.

8.3 Traveling in Own Car on Official Duty

8.1.8 The Institution will, where possible, provide its employees with transport when traveling on official duty. In the absence of a more cost-effective means, an employee may use a private vehicle for official duty with prior approval of the Principal.

8.1.9 Where such permission is granted, the employee will claim reimbursement based on the prevailing government guidelines.

8.4 Public Transport

Where there is no available official transport, an employee will be required to use public transport and shall be eligible to claim appropriate reimbursement, paid on production of receipted bills.

8.5 Management of Vehicles

8.1.10 The Principal shall ensure that a register for all vehicles shall be opened and maintained up to date. The register shall contain the following particulars in respect of each vehicle: -

(a) Description of vehicle;
(b) Chassis number;
(c) Engine number;
(d) Registration mark and number;
(e) Log Book number;
(f) Date vehicle purchased; and
(g) Vehicle Insurance particulars and copy of Insurance Disc.

8.1.11 Each vehicle shall be comprehensively insured.

8.1.12 Each vehicle shall have a file in which all relevant documents and correspondence shall be filed, including, as far as possible, related expenditure records.

8.1.13 It shall be the responsibility of the Principal to ensure that vehicles are used properly. He shall put in place mechanisms for ensuring centralized overnight garaging and parking of the vehicles and arrange for proper custody of ignition keys.

8.1.14 All Drivers shall have a valid driver's license appropriate for the class of vehicle. Any employee authorizing improper use of the vehicle shall be held personally responsible,

making him liable to disciplinary action which would include making good for pecuniary loss and may be liable to dismissal from the Institution.

8.1.15 Drivers shall at all times set the highest standards of road conduct.

8.1.16 All Institution motor vehicles shall be managed from the common pool.

8.1.17 The Principal shall be responsible for implementation of the Transport Management Policy.

8.6 Reporting of Accidents

8.1.18 Drivers and all employees using official vehicles shall acquaint themselves with the provisions of the Traffic Act (Cap 403), which requires a driver of a vehicle involved in an accident to stop and give his name and address, the particulars of the vehicle, vehicle insurance particulars and address of its owner to any authorized person or to the Police as soon as possible, and in any case within twenty (24) hours of the occurrence of the accident. This procedure shall be followed at all times in the event of an accident.

8.1.19 In addition to providing a report to the Police, if the driver shall not be incapacitated by the accident, he shall submit a preliminary accident report to the Principal within twenty-four (24) hours of the occurrence of the accident.

8.7 Travelling by Air

8.1.20 When required to travel by air, all members of staff shall be governed by the prevailing Government policy in terms of travel class.

8.1.21 An employee travelling on duty by air shall not be granted any baggage allowance in addition to the free allowance on the air ticket, unless in special circumstances in which excess baggage shall be considered and approved by the Principal.

8.8 Travelling by Taxi

8.1.22 An employee may be compelled to travel by taxi on duly authorized official duty; while attending/returning from a course, conference, seminar, workshop or meeting.

8.1.23 In the circumstances above and where the Institution's taxi services are not available, an employee may be reimbursed the cost of taxi fares at the standard rates.

8.1.24 Claims for motor vehicle allowance or the reimbursement of taxi fares should be certified by the officer in charge of Transport, to the effect that no Institution vehicle was available.

8.1.25 When a need arises to supplement official transport with hired transport, these services may be obtained from reputable firms' subject to prior written approval by the Principal and compliance to procurement regulations.

8.9 Railway Transport

When travelling by railway on transfer or duty outside the duty station, an officer will be eligible to claim applicable reimbursements of the amount of the fare paid on production of travel tickets.

8.10Travelling for Interviews/ Meetings

An employee who is invited for an interview/ meeting by the Institution will be regarded as travelling on duty and will be reimbursed for the cost of travelling expenses.

8.11 Transportation of Baggage

8.1.26 Where transport is not provided to an employee when traveling on first appointment, transfer, termination of appointment or retirement for those employees on Contract or retirement, the employee shall be permitted to carry personal baggage by rail or road at the expense of the Institution.

8.1.27 The employee shall be reimbursed by the cost of transport at the prevailing rates of baggage allowance as shall be determined by the Institution in consultation with Government from time-to-time approved rates from time to time.

8.1.28 In case of a deceased employee, the legal representative shall be eligible for reimbursement.

8.12Transportation on Bereavement

8.1.29 On the death of an employee, or their spouse or child the Institution will provide a hearse to ferry the deceased. The Institution shall also facilitate provision of reasonable means of transportation for the family of the deceased from residence to place of burial/last rights.

8.1.30 Employees authorized to travel for burial of deceased employees or their parents, spouse or child shall be availed transport as per approved policy.

8.13 Monthly Vehicle Returns

8.1.31 The officer in charge of transport will submit monthly vehicle returns to the Principal. The returns shall specify the following information for each vehicle: -

(a) Vehicle particulars;

(b) Distance travelled during the month;

(c) Amount of fuel and oil taken;

(d) Details and cost of all repairs;

(e) Details of grounded vehicles and reasons; and

(f) Any other relevant remark concerning the vehicle.

8.14 Safety of the Vehicle

8.1.32 Official vehicles shall be parked or garaged only at places authorized by the Principal.

8.1.33 Official vehicles when garaged and parked must be immobilized. Where driving cabins are provided with doors with locks, the door of the vehicles must be locked and the keys removed.

8.15 Ignition Keys

All ignition keys to official vehicles will be handed to the designated employee responsible for transport after official working hours.

8.16 Drivers Responsibility

All Drivers shall have a valid driver's license appropriate for the class of vehicle required to drive. Drivers shall at all times set the highest standards of road conduct.

8.17 Speed Limit

8.1.34 Official vehicles should adhere to speed limits set by the Government Agency responsible for transport including the fitting of speed governors and seat belts in line with transport regulation.

8.1.35 These gadgets will be checked at least four (4) times a year to ensure that they are functioning at all times.

8.18 Work Tickets

8.1.36 All journeys must be authorized and an endorsement made in the work ticket. Any driver found deviating from the route authorized or carrying unauthorized passengers or goods will be liable to disciplinary action.

8.1.37 All drivers and employees responsible for managing the vehicles shall acquaint themselves with instructions set out in the work ticket.

8.1.38 A summary of fuel, oil and distance travelled with the related work ticket number will be entered in the vehicle log book register on completion of each such ticket or at the end of each month should a ticket remain incomplete that month.

8.19 Fuel Cards

The Institution shall develop a policy to guide on the most efficient way of fueling including use of fuel cards.

SECTION 9: PERFORMANCE MANAGEMENT

9.1 **Introduction**

9.1.1 This Section provides guidelines for Performance Management in the Institution for enhancement of efficiency and effectiveness in service delivery.

9.1.2 The overall goal of the Institution's Performance Management System (PMS) is to measure employee performance and ultimately the achievement of intended results for the institution. The Institution will therefore consider individual performance and reward employees for their contribution in a fair and equitable manner. The Performance Management System has therefore been designed to achieve this objective, among others.

9.2 Strategic Planning

9.2.1 Strategic planning is important for the achievement of overall long-term goals of the BOG.

9.2.2 The Strategic Plans will be the basis for setting performance targets for the Institution which shall be cascaded to the individual level.

9.3 Performance Contracting

9.3.1 The performance contract shall be anchored on national development goals with clear linkage to the Institution's strategic plan. It shall be cascaded to all Departments/ Divisions, levels and cadres of employees.

9.3.2 It will be the responsibility of management to link the Performance Contracts with the Performance Appraisal System (PAS) and the Performance Rewards and Sanctions Framework.

9.4 Staff Performance Appraisal Program

9.4.1 Staff Performance Appraisal system (SPAS) is predicated upon the principle of work planning, setting of agreed performance targets, feedback and reporting. It is linked to other human capital systems and processes including employee development, career guidelines, placement, rewards and sanctions.

9.4.2 The Performance Management System will support the Institution to attain the following, among others:

(i) Attract qualified employees;
(ii) Retain qualified employees;
(iii) Motivate employees by rewarding good performance;
(iv) Sanction poor performance; and
(v) Support management in the realization of the objectives of the Institution.

9.4.3 The system provides for setting performance targets, work planning and evaluation of performance.

9.5 Objectives of Performance Appraisal

Staff Performance Appraisal is a critical component of the human capital management function. The overall objective of the appraisal system is to manage and improve performance by enabling a higher level of members of staff participation and involvement in planning, delivery and evaluation of work performance.

9.6 Specific objectives

9.6.1 The specific objectives are to:

(a) Link individual performance with institution's strategic objectives and work plans;
(b) Enable Supervisor and Appraisee to continuously assess work progress;
(c) Assess the learning and development needs of employee on timely basis;
(d) Promote accountability in the Institution;
(e) Promote communication and encourage continuous feedback between Appraisee and supervisor;
(f) Set the basis on which an employee's performance is monitored and evaluated as stipulated in the individual work plan;
(g) Align operational and financial performance targets with budgetary provisions;
(h) Improve the quality of work through better planning, ongoing discussions and fair participatory appraisal; and
(i) Provide information for decision-making on administrative and human resource issues such as renewal of contracts, promotions, delegation of duties, training, deployment, reward and sanctions.

9.7 Work Planning and Setting of Performance Targets

9.7.1 Prior to the beginning of the performance period, Departments will prepare work plans based on their strategic plan. The Departmental Work Plans should include the

Departmental priority objectives from which individual performance targets will be derived. Departmental Heads will meet with employees under their direct supervision to discuss and ensure that the objectives and performance targets of the department are understood.

9.7.2 The individual work plans will be derived from the Departmental Work plans and employee's job description. The work plan will briefly describe the performance targets or expected results on specific assignments and activities for which the employee is responsible during the performance year.

9.7.3 The Appraisee will hold discussions with the immediate Supervisor to agree on the work plan. The performance targets shall thereafter be set as agreed in the discussions by latest 31st July of each year. For each performance target to be assessed there will be performance indicators.

9.7.4 As part of the Staff Training and Development Plan, every employee will indicate at least one training goal to be achieved in the reporting period as agreed with the supervisor. This may include special assignments, continuing education, on-the-job training, seminars, conferences or study tours.

9.8 Appraisal Period

The appraisal period will cover one (1) year with effect from 1st July to 30th June of the financial year.

9.9 Continuous Performance Appraisal

9.9.1 Performance appraisal is an on-going process throughout the performance period. Milestones over the review period should be documented and maintained in the appraisee's personal file.

9.9.2 The Performance Appraisal reflects the summation of the year's performance including quarterly and mid-year reviews.

9.10 Mid-Year Performance Review

9.10.1 The main purpose of the mid-year Performance Review is to accord both the Supervisor and Appraisee the opportunity to jointly review the progress made by the Appraisee in accomplishing the assignments agreed on at the beginning of the Appraisal period.

9.10.2 The review which should be in the form of discussions, should be centered on what has been achieved, any constraints experienced and whether there is need to vary the initial assignments to accommodate any unforeseen circumstances.

9.10.3 Any changes, additions or removal of performance targets should however only be made in the event that there have been significant changes in the nature of functions carried out by the Appraisee and which may necessitate revision of performance targets.

9.10.4 The Supervisor should, after discussions with the Appraisee at the Mid-year Performance Review comment on the Appraisee's performance. If the Supervisor leaves the Department/the Institution, he will be required to appraise the performance of the Appraisee on a pro-rata basis.

9.11 End of Year Appraisal Process

9.11.1 The End of Year Appraisal will take place at the end of the reporting period.

(i) The Supervisor and Appraisee are required to meet at the end of the year to discuss the overall performance for the whole appraisal period.

(ii) Prior to the meeting, the Appraisee should prepare a preliminary report on the extent to which set targets were achieved as agreed at the beginning of the Performance Year with clear performance indicators.

(iii) After the meeting, an evaluation form will be signed and dated by both the appraisee and appraiser and forwarded to the respective Head of Department and to the Principal (where applicable) for endorsement.

9.11.2 In cases where the employee's performance is below acceptable standards, management will put in place a suitable Performance Improvement Programme (PIP) to help the employee to improve.

9.11.3 The responsibility to have the evaluations completed in time lies with both the appraiser and appraisee.

9.11.4 All end-of-year appraisal should be undertaken within the first quarter of the following year.

9.12 Employee Performance Management Committee

9.12.1 The Institution shall establish an Employee Performance Management Committee (EPMC);

9.12.2 The Committee shall comprise of:

(a) A senior officer at the level of Grade 2 appointed by the CEO shall be the Committee's chairperson;
(b) Members of staff not below the level of Grade 4; and
(c) The Head of Human Capital shall be the secretary to the committee.

9.12.3 The functions of the Employee Performance Management Committee shall be to:

(a) Consider and moderate individual performance scores and make recommendations to the authorized officer;
(b) Make recommendations to the Principal on rewards or sanctions to be imposed on an employee; and
(c) Make recommendations on planned performance improvement for an employee.

9.13 Performance Management Process

9.13.1 Performance Management is based on the following underlying principles, and the need:

(a) To identify individual/team objectives and performance measures linked to the Vision, Mission, Core Values and Strategic Objectives of the Institution.
(b) To promote employee career development by creating a learning environment and ensuring quality improvement through training, coaching, counseling and mentoring.
(c) To provide open and honest periodic evaluation of an employee's performance.
(d) To link the annual salary increment to the employee's performance rating.

9.13.2 Each employee will have a job description, outlining basic responsibilities. Job descriptions will be written in a simple language that clearly defines the scope and limitations of the job ensuring that:

(a) Upon employment, an employee will be given a job description for appointed position;
(b) An employee will be required to confirm receipt and attest to having read and understood the job description by signing a copy, which will be placed in his personal file; and
(c) All job descriptions will be approved in line with the Career Guidelines of the Institution.

9.13.3 The Job description will contain the following basic information:

(a) Job title;
(b) Location of job;
(c) Reporting relationships;
(d) Major responsibilities; and
(e) Limits of an employee's Authority.

9.13.4 The job descriptions are not static and are subject to change from time to time in response to the Institution's needs and individual employee competencies as duly amended in the Career Guidelines.

9.14 Performance Rating Levels

The Institution shall develop performance-rating guidelines from time to time which shall be the guiding tool for rewards and sanctions.

9.15 Rules of Conduct for the Employee Performance Management Committee (EPMC)

9.15.1 Members of the EPMC shall be expected to perform their duties with diligence, integrity, impartiality and confidentiality.

9.15.2 If there is disagreement between the supervisor and an appraiser on assessment of performance, the Committee will moderate the scores based on verifiable performance indicators and make recommendations to the Principal.

9.15.3 Members of EPMC will not discuss or make recommendations in respect of their own performance reports. The Principal shall complete the Performance Appraisal reports for the members of the Committee in **Grade 2** and other officers who report directly to his office and make appropriate recommendations to the BOG.

9.15.4 For purposes of renewal of employment contracts, performance shall be deemed to be the average of the cumulative scores obtained over the contract period.

9.15.5 Members of the EPMC may also be eligible for the awards. However, they should excuse themselves from participating in any decision-making regarding any award for which they are being considered.

9.15.6 The Principal shall be appraised by the BOG.

9.16 EPMC Recommendations

9.16.1 The Principal shall, on the recommendation of the EPMC and approval of the BOG, reward excellent performance and apply the appropriate intervention in accordance with the Rewards and Sanction Framework.

9.16.2 The Supervisor may however, recommend other specific interventions depending on the insight gained during the appraisal.

9.16.3 The performance appraisal report shall provide information for decision making on administrative and human capital issues such as renewal of contracts, promotion, delegation of duties, training, deployment, rewards and sanctions.

9.17 Rewards and Sanctions

9.17.1 The Institution shall have an incentive scheme aimed at rewarding members of staff based on the value they are adding to the Institution in relation to their performance, approved experience and professional skills/competence. This framework therefore establishes a basis for rewarding exemplary performance and administering sanctions for poor performance, motivating employees to have a positive attitude to work and to enhance productivity in the Institution.

9.17.2 The Principal will be responsible for the administration of the Rewards and Sanctions Policy through the advice of the Employee Performance Management Committee (EPMC).

9.17.3 The rewards and sanctions shall be as set out in the Rewards and Sanctions Framework for the Institution and may include the following;

(i) Compensation
(ii) Annual Bonus
(iii) Incentives
(iv) Awards
(v) Sanctions
(vi) Nomination for National honors and awards
(vii) Letters of commendation
(viii) Distinguished long service awards.
(ix) Paid vacations
(x) Roll of honor
(xi) Employee of the year award
(xii) Contract renewal

9.18 Committee Assessment

9.18.1 To ensure the accuracy and objectivity of the final assessment, the performance appraisal ratings will be approved or moderated by the EPMC. The Committee will also assess an officer's probable performance on higher duties.

9.19 Appraisal Program

9.19.1 The Institution appraisal exercise will be conducted in accordance with a programme approved by the Principal for each financial year.

9.20 Appeals

9.20.1 If an employee disagrees with an evaluation and cannot resolve the disagreement with the supervisor, the employee may appeal to the Principal through the Head of Human Capital for another review of his performance.

9.20.2 The appeal must be made in writing and submitted to the Head of Human Capital within ten (10) days of the initial performance appraisal meeting.

9.20.3 EPMC will also handle cases of appeals after employees have exhausted all review mechanisms and advise the Principal.

9.21 Performance Improvement Plan

9.21.1 With respect to unsatisfactory performance of an employee, the employee shall be subjected to a performance improvement plan.

9.21.2 A Performance Improvement Plan (PIP) is a structured document designed to help employees whose performance is below expectations to improve and meet the required standards.

9.21.3 The PIP defines areas of concern, gaps and expectations in work performance and provides an opportunity to demonstrate improvement and commitment.

9.21.4 An employee who is to be placed on a PIP shall:

(a) Be informed of his/her performance deficiencies;
(b) Be informed of the decision to be placed on PIP;
(c) Be informed of the duration of the PIP and the standards of quality and quantity in performance that the employee is expected to meet;
(d) Be provided with developmental opportunities to improve performance such as training, mentoring and coaching; and
(e) Have his/her performance monitored and feedback given on a regular basis.

9.22 Timeline for Improvement, Consequences & Expectations:

The PIP period will be six (6) months

(a) During the time of PIP an officer will be expected to make regular progress on the plan.

(b) Failure to adhere to the plan will result in disciplinary action,

(c) If significant improvement is noted within two (2) months after placement on PIP, the PIP programme will be terminated for the officer.

(d) Failure to maintain performance expectations after the completion of the PIP may result in additional disciplinary action up to and including termination.

(e) The contents of this PIP are to remain confidential. Should the employee have questions or concerns regarding the content, s/he will be expected to follow up directly with the supervisor.

(f) The PIP does not alter the employment terms and conditions of service.

SECTION 10: TRAINING AND DEVELOPMENT

10.1 Introduction

Training and Development in Human Capital Management is the process of imparting knowledge, skills, and attitude that helps improve employees' job performance and enables future career growth. It refers to acquisition of specific knowledge and skills for a particular job or task.

10.2 Policy Statement

10.2.1 Whilst the Institution will recruit competent personnel, it shall endeavor to continuously upgrade employees' core competencies, knowledge, skills and attitudes to ensure that their performance meets and/or exceeds the minimum expectations and benchmarks best practices.

10.2.2 The Institution therefore recognizes the need for training and development of all employees to ensure effective delivery of its broad mandate. It shall therefore offer training opportunities to all its employees to improve their work performance and personal development.

10.2.3 The policy on training is to ensure continuous upgrading of core competencies, knowledge, skills and attitudes of employees including their ability to assimilate technology to enable them create and seize opportunities for career growth, social advancement, economic growth and development.

10.2.4 Training and development of employees will be directed towards the achievement of the following objectives:

(i) Enhancement of the institutional performance by helping all employees to improve on their efficiency and effectiveness;

(ii) Assisting each employee to gain competences and skills in preparation for more responsible positions and to help each employee prepare for changes as the Institution develops to meet changing and emerging needs;

(iii) Ensure availability of sufficient trained human resource-base to meet the Institution's future requirements by identifying those requirements and providing appropriate training and development opportunities for targeted employees.

(iv) Inculcating the desired work ethics, values and corporate culture.

10.3 Scope of Application

10.3.1 All training must be based on identified training needs. Subject to availability of funds, all members of staff should have at least five (5) days training in a year. Newly recruited or transferred employees must be inducted within one (1) month of the transfer date or joining the Institution.

10.3.2 An employee who has been on training will be eligible for his normal annual leave only for the year he resumes duty in addition to the leave days officially carried forward before proceeding on training.

10.3.3 The Institution shall not sponsor employees for undergraduate degree courses or other courses that are mandatory for their current jobs' qualifications.

10.3.4 Supervisors will assess the impact of the training by employees three (3) months after the training and provide relevant reports to the Head of Human Capital.

10.4 Management and Co-ordination of Training

10.4.1 The State Department for TVET, through HRMAC shall manage and coordinate training for employees under PSC terms including:

i. Compiling training projections for PSC trainers.
ii. Identifying and selecting suitable employees for various training programmes.
iii. Advising on optimal utilization of local and overseas training resources and opportunities.
iv. Processing and recommending course approval requests and submitting them to the Authorised Officer.
v. Assessing impact and effectiveness of the training.

10.4.2 The Institutional Human Capital Management Advisory Committee will manage and coordinate BOG employees' training. The Committee shall be responsible for the following as regards training;

(i) Consideration and recommendation for approval of the Institution's training plans and staff development strategies;
(ii) Consideration of training projections and analysis of training needs as well as setting up a hierarchy or priorities within the overall training projections;
(iii) Assessment of availability of training resources and their optimum utilization;
(iv) Identification and selection of suitable employees for various training programs; and

(v) Apportionment of the training funds.

10.5 Human Capital Management Advisory Committee

The Human Capital Management Advisory Committee shall hold their meetings on a monthly basis. The main meeting shall be in the first quarter of the financial year, which shall be the planning meeting.

10.6 Liaison with External Institutions/ Other Bodies

The Human Capital Management Advisory Committee shall consult and liaise with other institutions for training and development.

10.7 Training Strategy

10.7.1 Any training provided to employees by the Institution will be based on systematic analysis of its contribution to the effectiveness of the Institution's Training needs. These will therefore be assessed at three levels:

(i) at the Institution level;
(ii) at the relevant Departmental/Divisional/Sectional functional level;
(iii) at the Individual level.

10.7.2 The Institution will draw up and maintain an Annual Training Plan that will address these levels. The following factors will be considered when planning training programs:

(i) Objectives of the training;
(ii) Content of training;
(iii) Costs involved (vis-à-vis the cost of not training);
(iv) Likely benefits and how they can be evaluated;
(v) Training methods available and their appropriateness;
(vi) The location and timing of any training program; and
(vii) Training provider(s).

10.7.3 The Institution's training strategy will ensure competent manpower for long range career development and succession planning within the Institution.

10.8 Training Objectives

The three objectives of training are to:

(i) Help each member of staff in the Institution perform their job roles effectively;
(ii) Improve overall performance; and
(iii) Increase the organization's ability to achieve its goals and targets.

10.9 Training Needs Assessment

10.9.1 Training in the Institution shall be based on Training Needs Assessment (TNA) which shall be conducted every year.

10.9.2 All Heads of Functions shall ensure employees under them fill-in the Training Needs Assessment forms and forward them to the Head of Human Capital for preparation of the Annual Training Programme. The HCMAC shall review the training programme and recommend its approval by the Principal.

10.10 Training Programmes

10.10.1 Both short and long-term courses in specific professions that are intended to impart required knowledge, skills and attitudes.

10.10.2 It will be the responsibility of the Head of Human Capital Management to prepare the annual training projections and budget. The annual training budget will be prepared in consultation with the HCMAC.

10.11 Training Levy

10.11.1 An employee selected to attend a local or external course lasting more than four (4) weeks shall be deducted 10% for local and 20% for external courses respectively from his/her basic salary for the full duration of the course. The amount recovered will be treated as the employee's contribution towards the cost of training.

10.11.2 The training levy will be paid to the Institution regardless of whether the course is sponsored by the Government of Kenya or by Development Partners through bi-lateral arrangements.

10.12 Orientation and Induction

10.12.1 Employees of the Institution, with exemption of casuals, shall undergo an orientation and induction, upon appointment, to familiarize with the work environment and requirements.

10.12.2 The Institution shall be expected to conduct induction training within three (3) months for newly recruited employees and those who have joined the Institution.

10.13 Eligibility for Training

Employees of the Institution except casuals, interns, volunteers and those on short term contracts or industrial attachment are eligible to at least one short term training opportunity in a financial year, subject to availability of funds.

10.14 Course Approval

Upon recommendations of HCMAC, the Principal will grant course approval to employees proceeding on authorized training in accordance with service regulations. Employees will be required to obtain course approvals before commencement of training.

10.15 Under-Graduate Training

10.15.1 The Institution shall not sponsor serving employees for undergraduate programs. Where there is a need for skills at this level, the Institution will procure the same from the labor market. However, employees who wish to sponsor their own training shall be granted approval to attend such courses.

10.15.2 Notwithstanding above and in a bid to ensure the marginalized and minority groups and persons with disabilities are represented at all levels of the Institution, the Institution may prioritize sponsorship of employees for relevant undergraduate degree programs based on identified training needs in line with affirmative action programs.

10.15.3 Any recommendations made above shall be forwarded to the BOG for approval.

10.15.4 Affirmative action for under-graduate degree programs shall remain in force until such time that a representation of 5% of the Institution's approved staff establishment is achieved.

10.16 Master's Programs

10.16.1 The Institution shall support employees in pursuing Masters Level training where such qualification is required for their role performance or career progression as outlined in the relevant Career Guidelines, subject to budgetary approval and availability of funds.

10.16.2 The Institution shall support employees for only one (1) Masters degree Programme.

10.16.3 (Name of Institution) will prioritize Masters' programs which the Institution requires and may give incentives to employees willing to take the specified courses.

10.16.4 Sponsorship for Master's training shall be restricted to employees below 55 years of age.

10.16.5 The Institution shall not approve sponsorship requests to employees with disciplinary cases.

10.17 Foreign Courses

10.17.1 Approval to train in foreign-based institutions will be granted only in instances where the course applied for is not available in any local institution. Exceptions will be granted where the course is funded by a foreign institution of learning or development partner.

10.17.2 Officers applying for overseas training on self-sponsorship basis will be required to show proof of financial capability.

10.17.3 Sponsorship for self-initiated programs may be considered on a case-by-case basis as may be recommended by the HCMAC and approved by the BOG. Where approved, such sponsorship will be up to a limit of Kshs.2M subject to availability of funds under the training budget.

10.17.4 Study leave or sponsorship shall not be granted for courses which are not approved by the HCMAC.

10.17.5 All the other conditions for training sponsorship shall apply.

10.18 PhD Programs

10.18.1 The Institution shall not sponsor employees for PhD programs. However, sponsorship for a PhD program may be approved on a case-by-case basis provided that the area of study is a national priority or is focused on the Institution's strategic needs as outlined in its strategic plan.

10.18.2 Employees wishing to pursue PhD studies on self-sponsorship arrangement will be approved on condition that the area of study is relevant to their duties and the Institution shall not provide reimbursement of training expenses.

10.18.3 The Institution's approval shall only serve to provide the employee with time off for research and examinations as shall be requested and approved.

10.19 Training Bond

10.19.1 An employee who attends a training lasting more than six (6) months will be required to enter into a formal agreement binding him/her to serve the Institution.

10.19.2 Where the Institution considers the value/cost of a course lasting less than six (6) months to be high and constraining the Institution's training budget, the officers will be bonded for a minimum period of one year but not exceeding five (5) years.

10.19.3 The period of the bond will be determined by the duration of the course as follows:

Course Duration	Bond Period
6 months - 1 year	1 year
Above 1 - 2 years	2 years
Above 2 - 3 years	3 years
Above 3 years	As per the duration of the course but should not exceed 5 years

10.19.4 The amount of bond for employees sponsored for full-time courses will be the total cost of the training plus the basic salary for the period, less 10% and 20% recovered as training levy for those attending courses locally and abroad respectively.

10.19.5 The employee will be required to redeem the bond amount in full in case of default.

10.19.6 In the event that a bondee's employment contract is terminated before completing their studies, the sponsorship shall be withdrawn with immediate effect.

10.19.7 If the bondee exits from employment with the Institution before the end of the bonding period, the bondee shall be required to reimburse the fees contributed towards their course. The Institution shall take necessary action to recover the outstanding bond amount from bondee.

10.20 Transfer of Bond

10.20.1 In the event of an employee transferring within a Government institution the bond shall be transferred. However, it will be recovered in full in case of transfer to the private sector.

10.21 Skills Inventory

10.21.1 The Institution will develop, update and maintain a skills inventory for all employees for purposes of identifying the available competencies and the required skills in order to plan for training or recruitment to address the identified gaps and for succession management.

10.22 Allowances and Incidental Expenses Payable to Institution Sponsored Trainees

10.22.1 In addition to the payment of salary and allowances, the following items of expenditure will be met by the Institution:

(i) Pre-departure medical examination, passport, visa, vacation and inoculation fees;
(ii) All course fees (other than residence fee or other charges for boarding and lodging) including registration, admission, tuition, examination, project/ dissertation, thesis, laboratory and similar fees – if the same are not met by the sponsor;
(iii) All transport and travelling necessary in connection with an employee's training (other than the daily commuting between lodgings and an employee's normal place or places of study) at second-class rates;
(iv) Local transport and traveling to and from the airport of departure and arrival in Kenya at the rates already set;
(v) Economy class passage to and from the country in which the course is held; and
(vi) Medical insurance contribution, where applicable.

10.23 Expenses to be met by an Employee on Training

10.23.1 An employee will be responsible for meeting all expenditure in connection with the course on the following items from the allowance payable to him:

(i) The full cost of his own subsistence during both term time and vacation, whether this takes the form of a fee for a residence at an institution or payment of boarding and lodging outside the institution;
(ii) Fares for daily journey between his lodging and place of study;
(iii) The purchase of all outfit and clothing required for the course;
(iv) Subsistence when travelling; and

(v) All other personal commitments including subscriptions (voluntary or compulsory), laundry, recreation, entertainment, etc.

10.24 Annual Leave Entitlement

10.24.1 Attendance of a course which has no provision for vacations will count as if an employee will be on duty for the purpose of his eligibility for leave.

10.24.2 An employee undertaking a full-time course of study at an academic institution will be granted the student's vacation but may be required to resume duty during vacation provided he is entitled to a minimum of one (1) months' vacation in a year. Such an employee will not be eligible for any additional leave in respect of the period of the course. He will, however, be eligible for any days carried forward before proceeding on training.

10.24.3 An employee attending a course outside the country shall be eligible for his normal annual leave due only for the year he returns to the country.

10.24.4 The employee shall resume duty immediately upon the completion of the course or the expiry of the period of training.

10.25 Donor Funded Courses

10.25.1 Employees will be eligible for twenty-five percent (25%) of the living allowance applicable to the designated country.

10.26 Workshops and Conferences

Employees attending conferences, seminars, workshops and study tours, locally or abroad and up to four (4) weeks duration, shall be regarded as traveling on duty and shall receive appropriate allowances in accordance with prevailing Government guidelines.

10.26.1 The Institution may also sponsor relevant conferences and seminars subject to availability of funds and approval from the Principal.

10.27 Reimbursement of Training and Examination Fees

10.27.1 An employee who on his/her own initiative and at his/her own time undertakes and passes a professional course relevant for his career growth and which is administered by a

recognized training institution, will be eligible for reimbursement of 50% of the amount spent on tuition and examinations provided: -

(i) The course is relevant to his career growth;
(ii) The course is recommended by the Human Capital Advisory Committee and approved by the Principal;
(iii) The course is not an undergraduate degree;
(iv) The employee has not been sponsored for the same course before; and
(v) The employee avails the original certificate for the course and a training report.

10.28 Refund of Training Expenses

10.28.1 An employee on training may be called upon to refund any sum of money expended on him/her in case of the following: -

(i) If through own acts of omission or commission, unacceptable conduct and general indiscipline, the employee displays unsatisfactory progress and is consequently discontinued from the course; and

(ii) If he/she fails to resume duty at the expiry of the course without reasonable excuse.

10.29 Internship

10.29.1 Trainees graduating from training institutions join the Labor market with academic and theoretical approaches to work and hence require practical exposure in a real work environment.

10.29.2 The Institution shall avail opportunities for internship as part of on-the-job training for the purpose of molding interns to become responsible citizens who will contribute effectively to the socio-economic development of the country.

10.29.3 Internship programs shall be undertaken under the Institution's Internship Policy and the applicable Government Guidelines and shall comply with the relevant provisions of the Constitution and relevant professional bodies.

10.29.4 Internship programs shall not exceed **twelve (12) months**.

10.29.5 During the duration of internship, Interns shall be expected to abide by the code of conduct of the Institution.

10.29.6 The Institution shall offer trainees on internship a stipend/allowance during the period of internship as per the prevailing Government guidelines and the Institution's Internship Policy.

10.30 Industrial attachment

11.30.1 The Institution shall support industrial attachment by providing opportunities to students in tertiary and higher education institutions.

11.30.2 Attachment shall be undertaken during the course and will last for a maximum of **three (3) months**.

11.30.3 The attachment shall be in line with the values and principles of public service and the existing Labor Laws.

11.30.4 The Institution shall not offer students on industrial attachment any stipend/allowance during the period of attachment.

10.31 Progress Reports

10.31.1 Employees sponsored for examinable training courses shall be expected to provide official satisfactory performance reports to the Head of Human Capital before release of payment for a subsequent session.

10.31.2 A Training Evaluation shall be carried out at the end of the training.

10.32 Training Reports

10.32.1 All employees sponsored for training will be required to prepare a report on the training attended in a prescribed format. Special attention should be given as to how the skills acquired can be shared with other employees to maximize the impact of the training.

10.33 In-House Training Programs

10.33.1 The Human Capital Department will design specific in-house training programs as a method of developing training interventions which address identified training needs. In addition, training can be provided under institutional training both locally and abroad.

10.33.2 In designing training programs, the Head of Human Capital should ascertain the availability of: -

(i) Professional, qualified and experienced trainers;
(ii) Training programs that are cost-effective;
(iii) An effective evaluation and feedback system to assess the impact of training on performance; and
(iv) Selection of trainees for all training programs will be based on identified needs with emphasis on training for performance improvement that addresses national, institutional and individual goals.

10.34 Criteria for Training Funds Allocation

10.34.1 The HCMAC shall consider the following while allocating training funds:

(i) The number of staff in each Directorate/Department/Division/Section weighted against the Training Budget;
(ii) The Institution's training priority areas as identified by the TNA;
(iii) Those employees who clearly deserve training shall be given first priority.
(iv) The training must add value to the employee's job by improving his/her performance. It must be linked to the job the employee is doing or anticipated promotion or job position that the employee is expected to hold in the future in addition to the development or succession plan of the Institution;
(v) Training that does not match with the training needs assessment especially the supervisors' recommendations shall not be considered;
(vi) Technical members of staff who apply for professional courses shall be given first priority;
(vii) Managers who apply for managerial courses shall be given priority; and
(viii) The skills utilization period after a short course shall be one year and two years after a long course. Courses offered in modules or parts may, however, be exempted from this section.

10.35 Conditions for Sponsorship

10.35.1 Only permanent employees and those on long-term contracts shall qualify for training sponsorship by the Institution.

10.35.2 For an employee to be eligible for sponsorship they must have served a minimum of two (2) years' continuous service in the Institution except where an officer is identified for a particular course based on organizational needs.

10.35.3 All applications for sponsorship must be recommended by the HCMAC and approved by the Principal.

10.35.4 Members of staff on probation shall be expected to successfully complete the probation period before they can benefit from the Institution's training. However, they can attend seminars and conferences as approved by the Principal.

10.35.5 Members of staff sponsored by the Institution may be required to share the cost of the course to be undertaken at such a ratio as may be determined by the Institution.

10.35.6 Sponsorship of an employee for training, where approved, shall not exceed three (3) years duration including Masters. However, this condition shall not apply for PhD courses initiated by the Institution based on strategic needs.

10.36 Mentorship Programme

10.36.1 Whenever possible, new employees will be assigned mentors who will provide them with guidance and ensure that they are properly integrated into the service.

10.37 Conditions Applicable to Employees on Training

10.37.1 An employee attending a course will be deemed to be on duty and all regulations pertaining to his employment will be applicable.

10.37.2 Provided that his study reports and conduct are satisfactory, an employee will be considered for promotion as and when suitable vacancies occur subject to competition and/or the provisions of the respective Career Guidelines.

10.37.3 An employee traveling to attend a course will be deemed to be on duty and will be reimbursed for any traveling and subsistence expenses incurred.

10.37.4 An allowance to purchase books, training instruments and apparatus, among others, shall be provided to an employee based on the recommendation from the Institution where the course will be held.

10.38 Self-Sponsored Courses

10.38.1 Employees undertaking part-time self-sponsored courses will be exempted from paying 10% training levy.

10.38.2 In cases where an employee had proceeded on a self-sponsored course approved by the Institution and while attending the course the employee manages to secure funding from the Institution, he will be required to pay 10% training levy for the specific duration of

the sponsorship. However, sponsorship will not cover any outstanding fees prior to the scholarship.

10.38.3 An employee attending an approved course which has an examinable component shall be granted Examination Leave to sit for the main examination. Such a request shall be accompanied by an official timetable issued by the examining body or institution.

10.39 Monitoring and Evaluation

10.39.1 The Institution will carry out a cost-benefit analysis to determine benefits accruing from its investments of time and money in the training and development of its employees. This is to assess achievement and improve future effectiveness. Information on training and development activity will be reviewed annually. The review will include consideration of: -

(i) Average training and development investment per employee;
(ii) Cash investment in training and development as a percentage of employee cost; and
(iii) Training and development hours per person per annum.

10.40 Continuous Professional Development

10.40.1 The Institution will encourage employees to continually develop its employee's professional knowledge and skills and encourage them to become members of relevant and approved professional bodies.

10.40.2 The employee will meet the cost of registration and the initial professional subscription. Thereafter, the Institution may pay for subsequent subscriptions, practicing certificate and cost of continuing professional development training up to a maximum of two professional subscriptions per year provided it is a professional requirement and subject to availability of funds.

10.41 Authentication of academic and professional certificates

The Institution shall endeavour to ensure certificates submitted by employees upon completion of training are authenticated with the issuing institutions as per the existing guidelines.

SECTION 11: CODE OF CONDUCT AND ETHICS

11.1 Introduction

11.1.1 This Section contains general rules of conduct to be observed by officers to maintain integrity and uphold the dignity of the public office to which he has been appointed. Every officer occupies a special position in the Institution and should ensure that his/her conduct both in public and in private life does not bring the Institution into disrepute.

11.1.2 Regulations governing discipline in the Institution and the procedure to be followed in cases of breach of discipline are contained in this manual.

11.1.3 In addition, an officer is required to comply with the provisions of Chapter Six of the Constitution on Leadership and Integrity and Articles 11 and 232 of the Constitution; Leadership and Integrity Act, 2012; Public Officer Ethics Act, 2003; Anti-corruption and Economic Crimes Act, 2003; Labor Relations Act, 2007 and the Employment Act, 2007.

11.1.4 Officers are required to adhere to their respective professional codes of conduct. It is imperative that an officer adheres to these rules of conduct, and such other rules that may be introduced from time to time.

11.1.5 All employees shall be required to sign the code of conduct upon employment, and they shall be bound by any amendments to the code of conduct and ethics.

11.2 Policy Statement

11.2.1 The collective personal conduct of (Name of institution) employees portrays the corporate image of the Institution. Therefore, (Name of institution) maintains this code of conduct to guide its employees with respect to standards of conduct expected in areas where improper activities could damage the Institution's reputation and otherwise result in serious adverse consequences to the Institution and to employees involved.

11.2.2 An employee's actions under this Policy are significant indications of the individual's judgement and competence. Accordingly, those actions constitute an important element in the evaluation of the employee for position assignments and promotion. Correspondingly, insensitivity to or disregard of the principles of this Policy will be grounds for appropriate management disciplinary action.

11.3 Policy Purpose

11.3.1 The purpose of this Code is to affirm, in a comprehensive statement, required standards of conduct and practices with respect to delivering the Institution services with integrity, professionalism, economic use of resources, accountability, and objectivity at all times.

11.4 Objectives

The Institution's objective in establishing this Code of Conduct and Ethics is to provide a clear framework within which employees of the Institution are expected to conduct themselves. This Code specifically seeks to: -

(i) Increase employee satisfaction, trust and self-identification with the Institution.

(ii) Increase institutional resilience, and improve the functionality, efficiency and performance of employees through preventing ambiguity and creating clear behavioral codes.

(iii) Increase accountability, transparency and good governance in service delivery thus continually contributing to the Institution's image, boosting public confidence and protecting the integrity of the Institution.

(iv) Establish a moral foundation of values that raise the level of awareness of ethical standards required of all employees to improve their decision-making process and to reflect in personal behavior and standards of conduct.

(v) Ensure discipline, commitment, honesty, objectivity, and impartiality in decision making and in the execution of the Institution's duties.

(vi) Provide mechanisms for consensus building on ethical issues, registration and management of gifts and conflicts of interest, decision making, and ethical dialogue.

(vii) Provide a framework and mechanisms for reporting of misconduct, whistle blowing, and investigation procedures, processing of disciplinary matters arising from breach of this code and enforcement and sanctions for breach of the code or other Policies of the Institution.

11.5 Core Values, Guiding Values, Principles and Requirements

11.5.1 The employees of the Institution shall be guided by the national values and principles of governance in Article 11 and 232 of the Constitution; provisions of Chapter Six of the Constitution on Leadership and Integrity; Part II of the Leadership and Integrity Act, 2012 as well as the Public Officers Ethics Act, 2003 revised in 2009.

11.5.2 The employees of the Institution shall aspire to uphold the national values and principles of governance being;

(i) Patriotism, national unity, the rule of law, democracy and participation of the people;
(ii) Human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized;
(iii) Good governance, integrity, transparency and accountability; and
(iv) Sustainable development.

11.6 Scope

11.6.1 The Code of Conduct and Ethics applies to the Institution employees under all terms of service and in all duty stations of the Institution.

11.6.2 In the event of any inconsistency between the provisions of this Code, the general code in the Public Officer Ethics Act, Cap. 183 and the general code in the Leadership and Integrity Act, 2012 shall prevail.

11.7 Office Hours

11.7.1 The normal working hours of the Institution shall consist of 40 hours of work spread over five (5) days of the week as follows: -

i. Nairobi and all other Regions

Monday to Friday: 8.00 a.m. to 1.00 p.m.
2.00 p.m. to 5.00 p.m.

ii. Mombasa and North-Eastern

Monday to Friday: 7.30 a.m. to 12.30 p.m.
2.30 p.m. to 5.30 p.m.

11.7.2 Though the general office hours will be as stated herein, head of human capital management will not be restricted from utilizing employees outside these hours, when there is any cause requiring them to work long beyond the normal working hours.

11.7.3 For the effective running of the Institution the employees should observe punctuality and regular work attendance.

11.7.4 In case an employee is not able to report to work in the morning or is delayed, the head of the respective department should be notified before, as close to the regular starting time as possible. This should not be later than 12.30 p.m. after which the employee will be considered absent.

11.8 Public Holidays

11.8.1 The following days will be observed as public holidays in accordance with Public Holidays Act (Cap 110):

S/No	Event	Date
1	New Year	1st of January
2	Good Friday	*
3	Easter Monday	*
4	Labor day	1st May
5	Madaraka day	1st June
6	Huduma Day	10th October
7	Mashujaa Day	20th October
8	Jamhuri Day	12th December
9	Christmas Day	25th December
10	Boxing Day	26th December
11	Eid-Ul-Fitr	*
12	Eid-Ul-Adha	*

* In accordance with the relevant religious calendar

11.8.2 The Institution will also recognize any other public holiday that may be gazetted from time to time under the Public Holidays Act, Cap. 110 of the Laws of Kenya.

11.9 Rule of Law

All employees shall carry out their duties in accordance with the law. In carrying out his/her duties, the Institution employee shall not violate the rights and freedoms of any person under Part V of the Constitution.

11.10 Conflict of Interest

11.10.1 An employee shall declare to the Principal his personal interest (including the interest of a spouse, relative or business associate); where such interests are likely to interfere with official duties or affect personal judgement on official matters. According to the provisions of the Public Officer Ethics Act, 2003, an officer shall:

(i) Use his best efforts to avoid being in a position in which his personal interests' conflict with his official duties;

(ii) Not hold shares; corporate, partnership or of another body or through another person that would result to conflict of interest;

(iii) Declare personal interests to the Principal and comply with any directions to avoid the conflict and also refrain from participating in any deliberations where such interest would conflict official duties;

(iv) Not award a contract or influence the award of such a contract to himself, spouse, close relative, business associate, or a BOG, partnership or other body in which the employee has an interest;

(v) Not use his office to improperly enrich himself or another person; and

(vi) Not use or allow use of information acquired through his public office that is not public, for his own or other peoples' benefit.

11.10.2 Other situations which constitute a conflict of interest include soliciting for any help, funds, favors, gifts and sponsorship from persons or institutions associated with the Institution or using the name of the Institution without the knowledge and approval of the BOG.

11.10.3 Any employee whose personal interests are potentially or actually in conflict with those of his duties shall declare the personal interests to his superior or the Principal in writing.

11.11 Improper Enrichment or Receiving Gifts

11.11.1 Employees shall not accept gifts, benefits or favors from clients where these may influence or may be seen to influence their decisions. Gifts exceeding a threshold value of Kshs.20,000.00 should not be accepted. Gifts in cash should not be accepted under any circumstance.

11.11.2 Employee(s) shall not use their office(s) to improperly enrich themselves or others. In this regard, the Institution employees shall not accept or request gifts or favors from a person who; -

(i) has an interest that may be affected by the carrying out, or not carrying out, of the public officer's duties;

(ii) Carries on regulated activities with respect to which the Institution has a role; or

(iii) has a contractual or similar relationship with the Institution;

(iv) Improperly uses their office to acquire properties for themselves or another person, whether the properties are paid for; or

(v) For their personal benefit or another, use or allow the use of information that is acquired in connection with the public employee's duties and that is not public.

11.11.3 Employees are prohibited from receiving valuable presents of a value exceeding that provided in Clause 11.11.1 above (other than gifts from personal friends and relatives) and/or other benefits and from giving such presents. This applies for example to Christmas presents or such kinds of gifts.

11.11.4 This section applies not only to the employee him/herself, but also to his/her family. It is not intended to apply to cases of remuneration for special services rendered and paid for with the consent of the BOG.

11.11.5 When presents are exchanged between employees acting on behalf of the Principal in ceremonial occasions with other institutions or their representatives, the presents received will be handed over to the Institution and any present in return will be given at the Institution's expense.

11.11.6 All gifts received shall be declared and registered in the Institution's Gift Register and as stipulated in the Gift Policy.

11.12 Professionalism and Integrity

All employees shall: -

(i) Carry out their duties in a manner that treats the public and the fellow employees with courtesy and respect;

(ii) Seek to improve the standards of performance and level of professionalism in the Institution;

(iii) Observe the ethical and professional requirements of his/her professional body;

(iv) Maintain an appropriate standard of dress and personal hygiene; and

(v) Avoid practices that could lend an individual vulnerable to financial embarrassment.

11.13 Financial Integrity

11.13.1 An employee shall not use the office to enrich himself or any other person unlawfully or wrongfully; and

11.13.2 An employee shall not maintain a bank account outside Kenya except in accordance with an Act of Parliament or seek or accept a personal loan or benefit in circumstances that compromise his integrity.

11.14 Pecuniary Embarrassment

11.14.1 Pecuniary embarrassment from whatever cause will be regarded as impairing the efficiency of the employee and may render him/her liable to disciplinary action.

11.14.2 Employees who may be in financial difficulty will be given assistance to extricate themselves from their problems. However, there is a limit beyond which an employee may be assisted, and it may be necessary to terminate the services of anyone who is persistently in financial difficulties to the extent that he/she either becomes a risk to the Institution or is unable to carry out his/her duties effectively.

11.15 Moral and Ethical Requirements

11.15.1 An employee shall:

(i) not engage in activities that amount to abuse of office;

(ii) accurately and honestly represent information to the public; and
(iii) not discriminate against any person.

11.16 Private Agencies

No employee shall in any manner that may be detrimental to the security interests of the Institution and Kenya at large, be an agent for or further the interests of a foreign Government, organization or individual.

11.17 Care of Assets

Employees are expected to ensure that assets entrusted to them are adequately protected and not misused or misappropriated.

11.18 Confidentiality and the Official Secrets Act, Cap 187

11.18.1 Disclosure of Information: An employee must not disclose any information concerning the affairs of the Institution or its employees or show or release any official document to any person not connected with the Institution, or even insiders, unless he is required to do so in the course of his duties, or such disclosure as is authorized by the Principal. Individual invitations to give technical advice or present papers should be channeled through the Principal.

11.18.2 Official Documents and Legal Proceedings: An employee must not without permission make use of any official document which comes into his possession by virtue of his employment as the subject of legal proceedings.

11.19 Media Interviews and Interactions with the Media

11.19.1 An employee shall not, under any circumstances, communicate with the media either in writing or otherwise, or make statements on matters affecting the Institution's programs or policies without specific authority from the Principal.

11.19.2 An employee, whether on duty or on leave, shall not do the following without the permission of the Principal; -

(i) Act as the editor of any newspaper or take part directly or indirectly in the management thereof;

(ii) Publish in any manner anything which may be reasonably regarded as of a political or administrative nature, whether under his/her own name, under a pseudonym or anonymously.

(iii) Allow himself to be interviewed on questions of public policy or on matters affecting the Institution without the permission of the Principal.

11.19.3 While it is not desired to interfere with the liberty of free speech, any lack of discretion on the part of an employee in expressing an opinion that may embarrass the Institution may result in disciplinary action being taken against him.

11.19.4 An employee may, however, publish other subject matters not relating to the Institution.

11.20 Newspapers and Publications

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

11.20.2 An employee may, however, publish in his own name, matters relating to subjects of professional or general interests not involving public matters, politics, the Institution or Government affairs.

11.20.3 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 Principal and a draft of the proposed article or speech submitted for approval.

11.21 Official Attire

11.21.1 The employees of the Institution are required to be well groomed and decently dressed to maintain an appropriate standard of dress and personal hygiene while at work.

11.21.2 Employees may put on branded corporate attire on Fridays and on specific functions of the Institution.

11.21.3 Employees offering common services such as Customer Care Assistants, Drivers and Office Assistants may be provided with uniforms appropriate to their work. where provided, they shall be required to wear such uniforms while at work.

11.21.4 All employees who are provided with uniforms will be required to maintain them in a clean and decent condition and to always wear them while on duty.

11.21.5 Issuance of uniforms and dates of issue must be recorded in the Stores Ledger.

11.21.6 Disciplinary action will be taken against an employee who fails to observe this Regulation.

11.22 Harambees

The Institution employee shall not preside over a Harambee, play a central role in its organization or play the role of "guest of honor" or participate in a Harambee in such a way as to reflect adversely on their integrity or impartiality or to interfere with the performance of their official duties.

11.23 Declaration of Income, Assets and Liabilities

Every employee shall on first appointment and after every two (2) years submit a declaration of income, assets and liabilities of him/herself, spouse(s) and dependent children less than eighteen (18) years to the Public Service Commission in accordance with the Public Officer Ethics Act, 2003. Similarly, on exit from the service employee shall be required to fill the same form.

11.24 Undue Influence

Employees are warned that the practice of seeking the influence of politicians or other persons to be considered for promotion or other favors is viewed with disapproval. Any such attempt to obtain such favors is considered irregular and will not be of advantage to the employee and on the other hand, may be detrimental to the employee's interests.

11.25 Respect and Courtesy

All employees will be expected to portray utmost respect for one another, irrespective of seniority or personal status.

11.26 Discrimination

The Institution is opposed to all forms of discrimination. Discrimination of any sort will be reported to the Principal so that the matter can be investigated, and appropriate action taken. Any reported incidences of alleged discrimination will be treated in utmost confidence.

11.27 Confidentiality and Trust

11.27.1 While in the course of their duties, employees will be exposed to confidential information. In such cases, they will be expected to uphold strict standards regarding confidentiality of information.

11.27.2 Disciplinary action will be taken against any employee proven to have divulged confidential information without the permission of the Principal.

11.28 Political Views

11.28.1 Though employees are entitled to their own political views as Kenyans on political matters, employees shall ensure that their utterances do not implicate or compromise the Institution and the Government at large.

11.28.2 An employee shall not, in connection with the performance of his/her duties, do the following:

(i) Act as an agent for a political party or to further the interest of the party; or

(ii) Indicate support for or opposition to any political party or candidate in an election; or

(iii) Engage in political activity that may compromise or be seen to compromise the political neutrality of his/her office; or

(iv) Use his/her political stand to intimidate others perceived to be of a different view.

11.29 Trading

11.29.1 Trading on official premises is strictly forbidden except where official permission has been received.

11.29.2 Away from official premises, no employee may act as an agent for the sale of any articles or merchandise whilst on duty or in uniform.

11.30 Borrowing and Lending Money

An employee is strictly forbidden from:

(i) Becoming an agent for a moneylender.

(ii) Borrowing money from the Institution's stakeholders or members of staff of any institution, doing business with the Institution, with whom his/her official duties bring him/her into contact, and which may have any negative influence; and

(iii) Accepting premiums from other staff of the Institution as consideration for instructing them on how to perform their duties.

11.31 Bullying/Harassment

11.31.1 Harassment is generalized as insulting and degrading behavior or statements, which could be verbal, physical, deliberate, unsolicited and unwelcome.

11.31.2 Harassment in any form is prohibited. Examples of harassment include but not limited to: -

(i) Verbal harassment in the form of derogatory comments or slurs;

(ii) Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature;

(iii) Physical harassment in the form of assault, impeding or blocking movement, any physical interference with normal work or movement; and

(iv) Visual harassment through derogatory posters or drawings.

11.31.3 If an employee encounters such behavior from anyone, including supervisors, fellow employees, or other external parties, he should report the incident immediately to the supervisor or to the Head of Human Capital or the Principal as the case may be.

11.31.4 If the harassment is from the Principal, an employee will be at liberty to report the incident directly to a member of the BOG or to the Chairperson of the BOG.

11.32 Sexual Harassment

An employee shall not sexually harass a member of the public or fellow employee. "Sexually harass" includes doing any of the following, if the person doing it knows or ought to know that it is unwelcome:

(i) Making a request or exerting pressure for sexual activity or favours;

(ii) Making intentional or careless physical contact that is sexual in nature; and

(iii) Making gestures, noise, jokes or comments including innuendos, regarding another person's sexuality.

11.33 Nepotism

An officer shall not practice undue favoritism to their relations and close relatives at the expense of the Institution.

11.34 Falsification of Records

An employee shall not falsify any records or misrepresent information to the public.

11.35 Acting through Others

11.35.1 An officer contravenes the code if he causes anything to be done through another person that would constitute a contravention of the code if done by the officer or allows or directs a person under their supervision or control to do anything that is in contravention of Code of conduct and ethics.

11.35.2 Contravention shall not apply where anything is done without the officer's knowledge or consent or if the officer has taken reasonable steps to prevent it.

11.35.3 An officer who acts under unlawful direction shall be responsible for his/her action.

11.36 Security Measures

11.36.1 Employees shall be required to safeguard sensitive documents from unauthorized persons by ensuring that documents are not carelessly left on their tables in their absence. Such records shall always be kept under lock and key.

11.36.2 The employee(s) in charge of security shall have the Institution's authority to regulate entry of all visitors into the premises.

11.36.3 Articles brought in and out of the Institution's premises shall be limited and the employee in charge of security shall be obliged to check such articles or luggage as it may be deemed appropriate.

11.37 Whistle Blowing

11.37.1 Any employee or stakeholder having well founded suspicion of proven fraud, corruption, misuse of funds and assets, or any irregularities under the Code of conduct and ethics or governing laws of the Institution is encouraged to report such irregularities.

11.37.2 Any person who makes a report will be afforded the protections under the Witness Protection (Amendment) Act, 2011, or any future amendments to the Institution's Whistle-blower Policy and this Code of conduct and ethics.

11.38 Former Employees Acting in the Institution's Matter

11.38.1 A former employee shall not be engaged by or act for a person or the Institution, in a matter in which the officer was originally engaged in as an officer of the Institution.

11.38.2 Such engagement may only be considered at least two (2) years after leaving service.

11.39 Investigations

The following principles will be observed when carrying out investigations:

(i) The Institution will investigate all allegations made in good faith to determine if any complaint made against an employee of the Institution is valid.

(ii) The Institution reserves the right to refer the investigation to any Authority, committee, or body it deems fit.

(iii) Investigations may be carried out even though the subject of the investigation has ceased to be an employee of the Institution.

11.40 Further Action on Investigations

If after investigations the reported officer is found to be liable of any action that may be subject to criminal or civil proceedings, the Institution shall refer the matter to: -

(i) The Ethics and Anti-Corruption Commission on corruption allegations;
(ii) The Attorney-General, with respect to civil matters;
(iii) The Director of Public prosecutions, with respect to criminal matters; and
(iv) The police or any other appropriate Authority.

11.41 Oath of Secrecy

Every person employed by the BOG/PSC under the provisions of this Act shall take the oath of secrecy prescribed in the Third Schedule, before a Magistrate, Commissioner for Oaths, or the Principal, before commencing the duties relating to the provisions of this Act. Provided that the provision of this section as to secrecy shall only apply to exempt information provided for in section 6 of the Freedom of Information Act, 2012.

11.42 Promotion of Compliance

The Institution shall promote compliance with the provisions of this code by regularly sensitizing employees on the standards and principles prescribed in the Code and after every two (2) years thereafter, require the employees to complete the Code of Conduct and Ethics Commitment Form.

SECTION 12: EMPLOYEE DISCIPLINE

12.1 Introduction

12.1.1 Disciplinary procedures should be used as a corrective measure to foster improvement of individual conduct. It is expected that no punishment shall be inflicted on an officer if it is contrary to any provision of the law.

12.1.2 In this manual "discipline" means conforming to Service rules and regulations which prescribe expected conduct and behavior of individual officers. It is intended to contribute to performance improvement and productivity.

12.1.3 The purpose of rules and regulations is to ensure compliance and discipline in the Institution and to correct any conduct that may not conform to such rules.

12.1.4 The Institution is obligated to impartially administer discipline and the employee has the right to be granted a fair hearing.

12.2 Policy Statement

12.2.1 The principles and values expressed by the Institution in the Code of Conduct and Ethics describe the standards of behavior expected of those working for the Institution.

12.2.2 The Institution expects its employees to display high standards of conduct, accountability, and ethical behavior. The Disciplinary Policy is therefore an integral part of setting the expected standards and providing a structured framework for dealing with any circumstances where actions and conduct may fall short of these expectations.

12.3 Scope of Application

12.3.1 This Manual provides general guidelines and instruments to be used by the Institution in handling discipline cases and shall apply to all types of employment categories in the Institution.

12.3.2 The disciplinary process as per this Manual apply to employees appointed by the PSC as well as those employed by the BOG whether on contract or permanent terms of service.

12.4 Objectives of the Manual

12.4.1 The Institution is empowered to make policies for better carrying out of its functions.

12.4.2 The Institution has therefore developed this Manual to govern among others, disciplinary control and enhance the processing and presentation of discipline cases.

12.4.3 The objectives of the Manual are to: -

i. Define discipline and understand its meaning in the context of the existing Public Service regulations;
ii. Define standard procedures for uniformity in handling disciplinary cases;
iii. Outline the steps in disciplinary procedures and processes; and
iv. Create understanding on the roles and responsibilities of the Institution and Principal in handling of the disciplinary cases.

12.4.4 Further, the manual provides guidelines on the following;

(a) Alternative interventions in the disciplinary process;
(b) Carrying out investigations;
(c) Proper framing of charges;
(d) Disciplinary hearings;
(e) Analysis and evaluation of cases;
(f) Application of other forms of punishment other than dismissal;
(g) Prompt handling of cases including implementation of decisions; and
(h) Lodging of any appeal or application for review.

12.5 Guiding Principles

The Institution shall be guided by the following principles in handling disciplinary matters:

(a) The rules of natural justice;
    (i) Procedural fairness, where an officer must be allowed adequate opportunity to prepare and present his/her case;
    (ii) The deciding authority must be unbiased when hearing and making decisions; and
    (iii) Decisions must be based upon logical proof or evidential material.
(b) Fair administrative action, which is expeditious, efficient, lawful, reasonable and procedurally fair. Every officer to whom disciplinary action is taken has a right to:

(i) Written reasons for any disciplinary action that is taken against him; and
(ii) Prior and adequate notice of the nature and reasons for the intended disciplinary action.
(iii) An opportunity to be heard and to make representations in that regard in line with the Employment Act;
(iv) An opportunity to have his own witness during any disciplinary hearings/proceedings;
(v) An opportunity to attend the proceedings in person, cross-examine persons who give adverse evidence against him and request for adjournment of proceedings where necessary;
(vi) Notice of a right to an appeal or review against a disciplinary decision; and
(vii) Information, materials, and evidence to be relied upon in making a decision or taking a disciplinary action.

(c) Thorough investigation on the alleged misconduct shall be undertaken before any disciplinary action is taken.
(d) Application of other interventions in resolving discipline cases such as training, guidance and counseling.
(e) Prompt implementation of decisions.
(f) Right of appeal and application for review of disciplinary related decisions.

12.6 Disciplinary Powers

12.6.1 On recommendation of HCMAC and approval by the BOG, the Principal has the powers to take appropriate disciplinary action on members of staff as follows;

(a) In respect of all officers the power to:
(i) Initiate disciplinary process;
(ii) Interdict;
(iii) Suspend;
(iv) Reprimand;
(v) Stop pay or salary;
(vi) Stop, withhold or defer annual increment;
(a) Where annual increment is stopped, the officer shall forfeit the increment for that year and it will be reinstated the following year without change of incremental date.

(b) Where annual increment is withheld, the officer shall be denied the increment for a maximum period of one (1) year and it will be restored, and arrears paid. The officer shall retain the incremental date.

(c) Where annual increment is deferred, the officer's increment shall be postponed for a period not exceeding one (1) year. The deferred increment shall not be paid retrospectively upon the lapse of the period and the incremental date shall take effect on the date deferment lapses.

(vii) Recover the cost or part of the cost of any loss or breakage caused by default or negligence, provided no such cost has been recovered by surcharge action under the appropriate financial instructions or regulations;

(viii) Defer promotion;

Where deferment of a promotion is imposed, the imposition shall not persist for a period exceeding one (1) year and the deferred promotion shall take effect on the date the deferment lapses

(b) In respect of officers in Grades 10/CSG 13 to Grade 17/CSG 17, the power to dismiss or reduce rank or seniority of the officers as provided for under this section subject to recommendation by HCMAC and notifying the BOG as necessary.

12.6.2 The power to exercise disciplinary control and removal of employees are vested in the BOG.

12.6.3 The BOG shall delegate disciplinary powers to the Principal as appropriate. Appeals from these cases shall fall under the purview of the BOG.

12.6.4 All discipline cases handled under Delegated Powers, shall be considered and determined through the Human Capital Management Advisory Committee.

12.6.5 The discipline of members of all employees shall fall under the purview of the BOG/State Department.

12.6.6 Any appeal by an aggrieved staff against a decision of the Principal or, for cases under the purview of the BOG, against the decision of the BOG in the first instance, shall be to the BOG in writing within six (6) weeks from the date of receipt of the letter conveying the disciplinary decision.

12.6.7 An appeal against the decision of the BOG on an appeal case shall be to the Public Service Commission and shall be in writing and made within ninety (90) days from the date of the letter conveying the disciplinary decision. An advance copy of the appeal may be submitted to the Institution.

12.7 Institutional Framework for Handling Disciplinary Cases

(i) Head of Functional Area

12.7.1 The Heads of Functional Area shall be responsible for the maintenance of the discipline of their immediate employees and ensure that they observe rules and reasonable instructions.

12.7.2 The Heads of Functional Area must be strict about unsatisfactory behavior and unacceptable standards of work but must at the same time ensure that any disciplinary action is justified and fairly administered.

12.7.3 The Heads of Functional Area shall report the misconduct to the HOFA (HCM) and Principal in writing.

(ii) Head of Human Capital Management

12.7.4 The HOFA (HCM) shall be responsible for providing advice on the employee's previous history, where known, to give guidance on precedent and to ensure, as far as possible, that disciplinary measures are applied consistently and fairly throughout the Institution. Other responsibilities include: -

(i) Being the Secretary to the HCMAC and provide technical advice;
(ii) Analyzes the misconduct and commences the disciplinary action by issuing a show cause letter on behalf of the Principal;
(iii) Summarizes the cases upon receipt of the employee' representations, if any, and submits the case to the HCMAC; and
(iv) Implements the decisions of the BOG and/HCMAC.

(iii) Human Capital Management Advisory Committee

12.7.5 HCMAC shall deliberate and advise the Principal to impose a warning, suspension or take

appropriate action against errant employees. Specifically, it shall: -

(a) Hear charges brought against any employee;
(b) Summon and hear any witnesses or consider any documents produced as evidence;
(c) The employee charged to attend before it, to give his/her defense in relation to the charges made against him/ herself.
(d) Consider and determine, after conclusion of the hearing, whether or not each charge has been proved;
(e) Recommend any penalties;
(f) Hear and consider pleas in mitigation; and
(g) Review appeals from disciplinary measures taken against an employee.

(iv) The Principal

12.7.6 The Principal shall consider recommendations of the Head of Human Capital Management, employees' supervisor and/or HCMAC in the event a case goes through Disciplinary Committee and make decisions.

12.7.7 For cases which fall under the BOG, forward cases to the BOG for decision where applicable.

12.7.8 For all cases, communicate decisions to affected officers.

(V) **Committee of BOG responsible for Human Capital Management**

12.7.9 The Committee of the BOG shall:
(a) Deliberate disciplinary matters and make recommendations to the Full BOG.
(b) Where necessary, conduct investigation/hearing of disciplinary cases.

(v) BOG

12.7.10 The BOG shall: -

(a) Deliberate and make decisions on cases that falls under its purview;
(b) Determines appeals arising from decisions made by the the Principal;
(c) Determines applications for review arising from decisions made by the BOG; and
(d) Communicates decisions to the Principal for implementation.

12.7.11 An appeal against the decisions of the BOG shall be submitted to the Public Service Commission for consideration and determination.

(Vi) **State Department for TVET**

12.7.12 The state department shall:

(a) Conduct investigation/hearing for disciplinary cases referred by the BOG as per disciplinary procedures in this Manual/ Disciplinary Manual for the Public Service.
(b) The HRMAC shall deliberate disciplinary matters and make recommendations to the Authorised Officer.
(c) Implement/effect appropriate action as per the approval of the Authorised Officer.
(d) Submit disciplinary cases where necessary to the PSC.

12.8 General Provisions regarding disciplinary proceedings

The following shall be observed while processing discipline cases:

(a) Disciplinary cases shall be processed through the Institution's HCMAC.
(b) If criminal proceedings are instituted against an officer or where an officer has been acquitted of a criminal charge in a court of law, the Principal shall not be prevented from dismissing him or otherwise punishing him on any other charge arising out of his conduct in the matter.
(c) Where an officer has been charged with desertion of duty, the letter shall be addressed to his/her last known address by registered mail.
(d) There should be proper framing of charges with full particulars of the case including the applicable provision of the Constitution, legislation or code of conduct alleged to have been breached.
(e) Where an officer has been charged with desertion of duty, the letter shall be addressed to his/her last known address by registered mail, and a copy sent through email and WhatsApp, where the address is applicable.
(f) The officer should be notified in writing, be given the particulars of the misconduct as preferred and reasonable opportunity to respond to the allegations. Persons with disability shall be notified in accessible format depending on the nature of the disability.
(g) In all disciplinary cases, evidence of delivery/dispatch of letter(s) or electronic

mail to the officer should be maintained.

(h) Thorough investigation of an alleged offence shall be undertaken before any disciplinary action is taken.

(i) The officer shall be given an opportunity to be heard in person during the disciplinary process.

(j) Application of other interventions in resolving discipline cases such as training guidance and counseling and dispute resolution mechanisms shall be considered.

(k) Communication of right of appeal and application for review.

(l) Cases shall be dealt with promptly and finalized within a period of six (6) months. Where it is found impracticable to do so, the Principal shall report individual cases to the PSC explaining the reason for the delay.

(m) Where an officer dies prior to finalization of the disciplinary proceedings, the case shall be terminated by the relevant Institution.

(n) Where the disciplinary process has not been concluded administratively, including the appeal process, the Principal shall not recruit an officer to substantively fill the position.

(o) Where an officer attains the mandatory retirement age while undergoing disciplinary proceedings, the proceedings shall be terminated, and the officer shall retire with applicable pension benefits, subject to the prevailing legislations and government policies.

(p) The Principal shall provide to the PSC, a quarterly report on the status of interdicted and suspended officers.

(q) An officer who is undergoing a disciplinary process shall not be transferred until the process is concluded.

12.9 Procedure to be followed in Initial Disciplinary Action

12.9.1 In the event of initial instance(s) of minor offences committed by an officer, his/her supervisor will issue a verbal warning.

12.9.2 The verbal warning should be in form of structured discussion which may entail counseling. Record for such a warning signed by both the officer and the supervisor, indicating that there was a meeting should be kept by the supervisor.

12.9.3 The officer should be informed of the alleged offence and what is likely to befall him or her in case the offence(s) is repeated in future.

12.9.4 In the event the officer repeatedly commits minor offences irrespective of verbal warning(s), a written warning should be given to the officer by his or her supervisor.

12.9.5 The warning letter should state the exact nature of offence(s) and indicate future disciplinary action which will be taken against the officer if the offence is repeated.

12.10 Disciplinary Procedure

12.10.1 The disciplinary procedure provides a framework for dealing with instances where employees fail to reform despite being issued with verbal and written warnings, or where he/she commits gross misconduct as referred to in section 12.11.1. The aim is to ensure prompt, consistent and fair treatment for all staff.

12.10.2 The following shall be observed while processing discipline cases:-

(i) Where an employee has been charged with desertion of duty, the letter shall be addressed to his/her last known address by registered mail, and to the employee's listed email address.

(ii) There should be proper framing of charges with full particulars of the case including the applicable Institution code of conduct and the relevant law/regulation alleged to have been breached.

(iii) The officer should be notified in writing, be given the particulars of the misconduct as preferred and reasonable opportunity to respond to the allegations.

(iv) A thorough investigation of an alleged breach shall be conducted before any disciplinary action is taken.

(v) Other interventions in resolving discipline cases such as counseling and dispute resolution mechanisms shall be applied.

(vi) Disciplinary cases shall be dealt with promptly and finalized within a period of six (6) months.

12.11 Disciplinary Offences

12.11.1 There are three types of offences: minor, major and gross misconduct.

(I) Minor Offences:

12.11.2 Any of the following, among others, shall amount to a minor offense: -

(i) Continued lateness to work;
(ii) Idling and loitering during working hours;
(iii) Misuse of telephone and other resources;
(iv) Causing unnecessary commotion in the Institution's premises or in public places;
(v) Dressing provocatively or inappropriately; and
(vi) Hawking goods and wares in offices.

(II) Major Offenses:

12.11.3 Any of the following, among others, shall amount to a major offense: -

(i) Absence from work for a period of more than two (2) days without permission or acceptable excuse;
(ii) Repetition of minor offences;
(iii) Giving false information;
(iv) Contravention of traffic laws while using the Institution's vehicles;
(v) Deliberate negligence, go-slow or obstructive work;
(vi) Dishonesty reflecting adversely on the honesty and moral integrity of an employee's duties;
(vii) Deliberate mis-posting of payments;
(viii) Inefficiency in work performance;
(ix) Misuse of the Institution's vehicles;
(x) Fighting;
(xi) Pecuniary embarrassment; and
(xii) Any other conduct in breach of policies, procedures and set regulations;

(III) Gross Misconduct Offences:

12.11.4 Any of the following, among others, shall amount to gross misconduct: -

(i) Negligence of duty;
(ii) Being under the influence of alcohol or harmful drugs during working hours;
(iii) Use of abusive language or behavior deemed inappropriate to both the Institution members and the public;
(iv) Insubordination;

(v) Criminal conviction;
(vi) Making a false statement or declaration in any matter on which he is required to respond to by the Institution;
(vii) Unauthorized use or disclosure of confidential information;
(viii) Sexual harassment including inappropriate relationships between employees and trainers
(ix) Willful misuse or damage of the Institution's property;
(x) Soliciting, giving or accepting bribes or funds;
(xi) Misappropriation and theft of the Institution's property;
(xii) Fraud and obtaining money by false pretense;
(xiii) Writing or publishing any official information which has not been cleared for publication by the Principal;
(xiv) Acceptance of any bribe, secret profit or unauthorized by the Institution;
(xv) Colluding with accused persons to defeat the cause of justice;
(xvi) Tampering with files and other official documents/falsification of records including procurement documents e.g. tender documents, contracts, etc.;
(xvii) Tampering with and destroying evidence;
(xviii) Irregular awarding of tenders;
(xix) Irregular payments;
(xx) Financial embezzlement;
(xxi) Fraud; and
(xxii) Infractions of the Constitution of Kenya and Code of Ethics.

12.12 Forms of Disciplinary Action

The following forms of disciplinary action may be meted out by the Institution against an employee who commits an offence:

(i) Verbal warning;
(ii) Written warning;
(iii) Reduction in rank or seniority;
(iv) Surcharge/Recovery of cost of any loss or breakage;
(v) Stoppage/Withhold/Deferment of annual increment;
(vi) Deferment of promotion (provided that the deferred promotion shall not persist for a period exceeding one (1) year and the deferred promotion shall take effect on the date the deferment lapses); and
(vii) Termination of employment/Summary dismissal.

12.13 Alternative Interventions in the Discipline Process

12.13.1 Alternative interventions are an effort, undertaken by an employer, to address employee misconduct using a method other than traditional disciplinary action.

12.13.2 Alternative discipline interventions in the Institution can take many forms such as counseling, guidance, training or dispute resolution. The appropriateness of a certain approach will vary, based on the nature of the misconduct and personality of the individual whose conduct needs correcting.

12.13.3 The first step in a disciplinary procedure for all minor offences should be counsel. The supervisor should discuss the matter with the employee and advise the employee to reform.

12.14 Informal Procedure

12.14.1 HOFAs shall bring to the attention of staff the expected behavior standards required and the consequences for failure to meet those standards.

12.14.2 Cases of minor misconduct/offence shall be dealt with by an employee's immediate supervisor informally without delay. The supervisor may speak to the employee in private and encourage them to conduct themselves in accordance with the required standards.

12.14.3 The purpose of the discussion is to ensure the employee understands the nature of the concerns, and expectations of improvement in his/her conduct.

12.14.4 The supervisor shall confirm the outcomes of any discussions to the staff in writing and retain any note of these informal discussions or meetings.

12.14.5 Following a satisfactory outcome, the matter shall be deemed resolved. However, in case of an unsatisfactory outcome where the problem persists; required improvement in conduct has not been achieved; and further information becomes available during discussions which make the matter sufficiently serious, the formal procedure shall be invoked.

12.15 Formal Procedure

12.15.1 In the event an officer commits a minor offence, a first warning letter should be given to the officer by his or her immediate supervisor. The employee will be required to signify in writing that he has read and understood the contents of the letter.

12.15.2 A warning letter shall be in force for six (6) months.

12.15.3 The warning letter should state the exact nature of the offence(s) and indicate future disciplinary action which will be taken against the officer if the offence is repeated within a specified time limit.

12.15.4 A copy of the written warning, signed by the officer upon receipt, should be placed in the officer's personnel file.

12.15.5 A second written warning shall be given to an employee who, having committed a minor offence earlier, shall repeat a similar offence during the period when a first warning shall still be in force.

12.15.6 A third written and final warning shall be issued when the employee commits the same or another offence of similar severity, during the period when a second warning shall still be in force.

12.15.7 The warning will be deemed invalid after six (6) months from the date of the warning and in case of several warnings, the date of the last warning issued and following satisfactory improvement in performance or behavior but will not be removed from the employee's file.

12.15.8 Where an officer fails to reform despite or where he or she commits an offence of similar severity even after receiving the third and final warning letter the supervisor shall report in writing to HOFA who shall then forward the report to the HOFA (HCM). The report shall state the nature of the offence, the date and time of occurrence, place and persons involved.

12.15.9 In the event of major or gross misconduct, the misconduct might be serious enough to justify dismissal without any warning. In such a case, the Principal on advice from the HCMAC may direct that the culprit be required to show-cause why a severe disciplinary action should not be meted against him.

12.15.10 The HOFA (HCM) shall issue the officer with a show cause letter stating the particulars

of the alleged misconduct. The officer shall be required to respond to the allegations in writing and the grounds, if any, on which the officer relies to exonerate himself/herself.

12.15.11 Where an employee deserts duty or his whereabouts are unknown, the show cause letter will be addressed to the employee's last known contact address by registered mail, electronic mail and WhatsApp.

12.15.12 The officer shall be given reasonable opportunity to respond to the charges against him/her. The period within which to respond shall be specified in the show cause letter.

12.15.13 On expiry of the period specified above, whether or not the officer has responded, the case shall be presented to the Institution's HCMAC to deliberate, conduct disciplinary hearing and make recommendations.

12.15.14 If in the opinion of HCMAC there is a need for investigation prior to the hearing, the Principal will constitute a committee to investigate the matter.

12.15.15 While constituting a team the Principal shall observe the following conditions: -

(a) Constitute a team of not less than three (3) officers to investigate the matter (where the team is more than three members, the team shall consist of an odd number).
(b) The officers conducting the investigation shall be senior to the accused officer and should not have dealt with the case before.

12.15.16 The disciplinary hearing shall be conducted expeditiously, efficiently, lawfully, reasonably and in a procedurally fair manner in accordance with Article 47 of the constitution and the Fair Administrative Action Act No 4 of 2015.

12.15.17 The Committee after hearing the matter shall prepare a report consisting of the following:

(a) Background information leading to the relevant incident;
(b) Input from the witness or witnesses;
(c) The employee's response to the allegation(s);
(d) An analysis of the facts;
(e) A statement that all the entitlement of employee facing the disciplinary action have been observed; and
(f) The hearing committee shall submit a report to the relevant HC Committee of

the BOG/HCMAC and shall not contain any recommendation on the form of punishment to be inflicted on the accused officer.

12.16 Conduct of Investigations and Rules to be Observed:

12.16.1 Accurate evidence is the foundation of fairness in discipline cases, and this can be achieved through investigation of alleged offences. Such investigations should be carried out by committees appointed in writing by the Principal stating the terms of reference and specific timeline within which to carry out the investigation.

12.16.2 While constituting a team the Principal shall observe the following conditions: -

(a) The investigating committee should comprise employees' senior to the accused employee and should not have dealt with the case before.

(b) The team should comprise of not less than three (3) employees (where the team is more than three members, the team shall consist of an odd number).

(c) The employee under investigation must be interviewed by the investigating committee.

(d) The investigating committee shall record details of any matters which may aggravate or mitigate the case.

(e) After listening to all witnesses and studying all the documents, the committee shall sum up the case and record its findings as evaluated against the evidence.

(f) The investigation report submitted to the relevant HC Committee of the BOG/HCMAC and shall not contain any recommendation on the form of punishment to be inflicted on the accused officer but should contain:

(i) A statement on whether the charges against the employee have been proved.

(ii) Evidence collected by the team, including any statements by witnesses;

(iii) Analysis of the evidence and statements; and

(iv) Details on any matter that may affect the gravity of the case if any.

(g) Where further investigations are required as provided for in the regulations, such investigations shall be conducted in accordance with the process in (a) to (f) above.

12.16.3 In investigating an alleged misconduct, the investigation team shall:

(a) Establish and record the issues for investigations;
(b) Give every party involved, especially the affected officer, a chance to produce relevant documents, call and examine witnesses, and, peruse documents produced against him;
(c) Record all relevant oral material and documentary evidence;
(d) Record details of any matter which may aggravate or mitigate the case;
(e) Sum up the case and record their comments so as to clearly show their findings and opinion on the issues under investigation in view of the evidence on record.
(f) The report of the investigation shall be submitted to the HCMAC and shall contain:
    (i) Evidence collected by the team, including any statements by witnesses;
    (ii) Analysis of the evidence and statements;
    (iii) A statement on whether the charges against the officer have been proved; and
    (iv) Details on any matter that may affect the gravity of the case, if any.
(g) The report shall not contain any recommendation on the form of punishment to be inflicted on the accused officer.

12.17 Interdiction and Suspension

12.17.1 Interdiction and suspension are an integral part of the disciplinary process in the Institute.

12.17.2 Where an officer has been interdicted or suspended, the officer may, in writing, request the Principal /BOG to communicate the progress and action taken towards conclusion of the disciplinary case and the Principal or BOG shall reply within thirty (30) days from the date of receipt of the officer's request.

12.17.3 Where an officer has made such a request and the Principal or BOG fails to respond within the specified period or the officer is dissatisfied with the response, he/she may apply to the Public Service Commission for lifting of the interdiction or suspension.

12.17.4 The BOG shall upon receipt of the application make a decision which may include termination of the disciplinary proceedings.

12.17.5 For cases referred to the State Department for TVET, the decision of the Authorised Officer on recommendation of HRMAC is submitted to PSC and the Public Service Disciplinary Procedure Manual shall apply.

12.18 Interdiction

12.18.1 An officer may be interdicted from exercising the functions and powers of the Institution where;

(a) Gross misconduct which is likely to lead to dismissal is reported and requires investigation.
(b) Criminal proceedings are being instituted.

12.18.2 The interdiction process entails the following:

(a) If the misconduct is one which can lead to dismissal, or criminal proceedings are being instituted, the officer shall be served with a 'show cause letter' which shall also contain a communication on interdiction.
(b) An officer on interdiction shall be entitled to half of his/her basic salary, full house allowance, and medical insurance cover.
(c) An officer who is on interdiction should not leave the duty station without the permission of the Principal or any other officer who is empowered to give such permission.
(d) Where disciplinary or criminal proceedings have been instituted against an officer under interdiction and the officer is not dismissed or otherwise punished, any withheld salary, allowances and benefits shall be restored with effect from the date it was withheld.
(e) Interdiction shall be lifted by the Principal on recommendation of the HCMAC or the BOG's directive.
(f) An officer whose interdiction has been lifted shall promptly be served with a decision letter.

12.19 Suspension

12.19.1 The circumstances under which an officer may be suspended from exercise of powers and functions of the office include: -

(a) When charged with serious criminal offence in a court of law;
(b) Charged under the Anti-Corruption and Economic Crimes Act;

(c) Upon conviction of a criminal offence; and
(d) When disciplinary proceedings have been instituted and the Principal through the advice of the HCMAC, considers that the employee ought to be dismissed.

12.19.2 Where a decision has been made to suspend an employee, he/she shall be served with a suspension letter and shall: -

(a) Not leave the duty station without the permission of the Principal or any other officer who is empowered to give such permission.
(b) Be entitled to half of his/her basic salary, full house allowance, and medical insurance cover.

12.19.3 An officer whose suspension has been lifted: -
(a) Shall promptly be served with a decision letter;
(b) Shall be reinstated to the position held before suspension upon lifting of suspension and termination of disciplinary proceedings where the officer has not been otherwise punished;
(c) Any withheld salary, allowances and benefits shall be restored with effect from the date it was withheld where an officer has been found not culpable of the offence; and
(d) The Principal, on recommendation of the HCMAC or the BOG's directive shall lift suspension.

12.20 Absence from Duty without Leave or Reasonable or Lawful Cause

12.20.1 Where an officer is absent from duty without leave, reasonable or lawful cause, the following steps shall apply: -

(a) Where an employee is absent from duty without leave or reasonable or lawful cause for a period exceeding forty eight (48) hours and is not traced through personal contacts and next of kin within a period of ten (10) days from the commencement of such absence, the salary and other remunerative allowances shall be stopped with effect from the date of absence, and disciplinary action instituted against the officer.
(b) The officer shall be addressed a registered 'show cause letter' through his/her last known address, giving a reasonable period within which to respond but not less than ten (10) days. The nature of the offence and the contemplated action shall be stated clearly in the letter. A scanned copy of the show-cause letter

may be sent to the officer through electronic mail.

(c) If the officer does not respond, or where the response is found to be unsatisfactory, the process in section 12.15 shall apply.

(d) The decision of the BOG or Principal and the right of appeal or application for review shall be communicated to the officer within seven (7) days.

(e) When an employee has been absent from duty without permission and subsequently resumes duty, he shall not be eligible for payment of salary for the period of absence and any amount erroneously paid to him shall be recovered from his salary.

(f) In cases of delay of stoppage of salary and an employee is subsequently dismissed on account of desertion, the erroneous payment shall be recovered from the employee who occasioned the payment.

12.21 Absence from Duty on Grounds of Illness

12.21.1 An employee who is absent from duty on grounds of illness shall produce proof of sickness/sick leave certified by a medical practitioner on resumption of duty. The employee shall also make every effort to notify the office of his sickness.

12.21.2 Should the employee fail to produce a medical certificate or to give satisfactory explanation for the absence, he shall be considered to have been absent without permission and his case shall be dealt with in accordance with the relevant disciplinary provisions.

12.22 Retirement from the Institution

12.22.1 The BOG or Principal may, instead of imposing a penalty, require an officer to retire on any of the grounds of retirement prescribed under the Public Service Commission Act, 2017. Such retirement may be allowed if the conditions and procedures prescribed under the PSC Act have been met and the BOG or Principal is satisfied that:

(a) The officer has raised mitigating factor/s which renders imposition of a penalty too harsh in view of the circumstances of the case;

(b) The length of service, benefits accrued, and previous good record of the officer justifies the retirement; or

(c) Imposing a penalty against the officer is likely to adversely affect the reputation of the Institution or the public service generally.

12.22.2 In retiring an officer, the following process shall apply:

(a) The Principal shall address a letter requiring an officer to show cause within fourteen (14) days why he or she should not be retired.
(b) The officer's representations shall within thirty (30) days be submitted to the HCMAC for deliberation and recommendation made to the Principal.
(c) The Principal shall within fourteen (14) days submit his/her recommendations including relevant records and documents to the BOG for decision.
(d) Where the BOG is of the opinion that an alternative punishment be applied, the case shall be returned to the Principal with instructions that a fresh show-cause letter be issued in line with the contemplated disciplinary action.
(e) Where the BOG concurs with the Principal's recommendation, a decision will be made and communicated to the officer.
(f) The Principal shall within seven (7) days convey the BOG's decision to the officer, informing him/her of the benefits, if any. The Principal shall also inform the officer of the right of appeal or application for review within the time provided for in the regulations.

12.23 Compulsory Leave

12.23.1 The Principal may, with the written approval of the BOG, send an officer on compulsory leave for a period not exceeding thirty working days. This applies to any officer under investigation who may potentially influence or interfere with the process.

12.23.2 The Principal shall notify in writing the officer being sent on compulsory leave of the reasons for the decision and the duration of the compulsory leave.

12.23.3 An officer on compulsory leave shall be entitled to full pay and benefits.

12.23.4 Compulsory leave shall not be counted as part of an officer's annual leave.

12.24 Criminal Proceedings

12.24.1 Where an employee has been charged with a criminal offence related to his employment.

12.24.2 Disciplinary action, including summary dismissal may be taken against an employee who has been charged with a criminal offence and has not been released on bail or bond or

lawfully set at liberty, without having to wait for the outcome of the criminal case in court. In all cases the correct procedures must be followed.

12.24.3 Care must, however, be taken to ensure that procedures, including the framing of charges, are not interpreted to be in contempt of the court process. In all such cases, the advice of the HOFA (Legal Services) will be sought.

12.24.4 In the event that criminal proceedings are preferred against an employee for offences which do not directly relate to the Institution, the Principal or his authorized officer may interdict the employee, pending internal investigations into whether the Polytechnic's rules and procedures have been breached and appropriate action taken.

12.25 Disciplinary Hearing

Disciplinary hearing is an integral part of the disciplinary procedure as provided for in the Employment Act and the Fair Administrative Action Act.

12.26 Hearing Panel

12.26.1 The Disciplinary hearing shall be conducted by a committee/panel appointed by the Principal or BOG as the case may be.

12.26.2 The hearing panel shall comprise the HCMAC or a sub-committee of the HCMAC members. The panel should comprise a minimum of three (3) members, and where the number exceeds three; it should be an odd number.

12.26.3 The panel shall include a human capital officer as a technical advisor.

12.26.4 The panel may, where necessary, co-opt experts to assist in understanding the technical aspects of the discipline case.

12.27 Hearing Proceedings

12.27.1 The panel shall give notice of not less than seven (7) days to both parties prior to the hearing date.

12.27.2 In the notice for the hearing, the accused officer shall be informed of his right to access information, materials and evidence related to the case.

12.27.3 The parties have a right to request adjournment.

12.27.4 A record of the proceedings of the hearing shall be submitted to the HRMAC and shall contain:

(i) a statement on whether the charges against the officer have been proved;
(ii) evidence collected by the team, including any statements by witnesses;
(iii) analysis of the evidence and statements; and
(iv) details on any matter that may affect the gravity of the case if any.

12.27.5 The disciplinary hearing shall be conducted expeditiously, efficiently, lawfully, reasonably and in a procedurally fair manner in accordance with article 47 of the Constitution of Kenya 2010 and the Fair Administrative Action Act No 4 of 2015.

12.27.6 On receipt of the hearing report, the HCMAC shall prepare a report consisting of the following:

(i) Background information leading to the relevant incident;
(ii) Input from the witness or witnesses;
(iii) The employee's response to the allegation(s);
(iv) An analysis of the facts;
(v) A statement that all the entitlement of employee facing the disciplinary
(vi) action have been observed; and
(vii) Recommendations.

12.27.7 The HCMAC shall present a report of the case with recommendations to the Principal for action or for submission to the BOG in accordance with the Schedule of Delegated Powers.

12.27.8 To effectively carry out the hearing, the following procedure shall apply: -

(i) The hearing panel shall give a notice for hearing of not less than seven (7) days to the accused officer and other interested parties prior to the hearing date.

(ii) In the notice, the accused officer shall be informed of his right to access information, materials, and evidence related to the case.

(iii) The reporting officer and the accused officer together with their witnesses shall be required to attend the hearing proceedings at the same time.

(iv) The accused officer shall be given an opportunity to cross-examine the reporting officer, together with witnesses.

(v) The defence of the accused officer together with his/her witnesses shall be heard after which the reporting officer shall be given an opportunity to cross-examine.

(vi) Both parties may bring expert witnesses to testify on technical aspects on areas of expertise touching on the disciplinary case.

(vii) Adjournment of the hearing may be granted by the panel upon request by any of the parties provided that compelling reasons have been given.

(viii) The hearing proceedings shall be recorded verbatim.

(ix) At the end of the hearing, each party shall be given an opportunity to make their final submissions in writing.

(x) Where an officer is represented by an advocate, a union official or any other representative during the disciplinary hearing, the representative may cross examine the witnesses of the complainant and make final submissions on behalf of the officer.

(xi) The hearing panel shall analyze the evidence gathered during the hearing proceedings and record its findings. While analyzing the evidence, the hearing panel shall consider the charges against the officer as captured in the show cause letter, written defense, witness statements, experts' statements, among other relevant records.

(xii) The proceedings of the hearing and findings shall be submitted to the HCMAC and shall not contain any recommendation on the form of punishment to be inflicted on the accused officer but should contain:

(a) Evidence collected by the team, including any statements by witnesses;

(b) Analysis of the evidence and statements;

(c) Details on any matter that may mitigate or aggravate the case if any; and

(d) A statement on whether the charges against the officer have been proved.

12.28 Surcharge

12.28.1 The BOG may resolve to surcharge an employee on account of misappropriation of money, loss of property, malicious damage, or misuse of Employer's property.

12.28.2 The HCMAC following a disciplinary process may resolve to surcharge the employee in full or an amount proportionate to the offence.

12.28.3 In all surcharge cases, a show cause letter must be issued, and the employee allowed to submit his defense.

12.28.4 Surcharge recovery should be implemented as follows;

(i) In monthly installments that shall not exceed one third of employee's monthly basic salary;

(ii) At termination or expiry of contract, any outstanding amount of surcharge will be settled from the employee's applicable terminal dues; and

(iii) The employee will sign an undertaking upon being found culpable following a disciplinary process to the effect that on termination or expiry of the contract period, any outstanding amount will be recovered from his terminal dues. The undertaking will remain in force after the separation of the employees from the Institution, until the full amount of surcharge is paid.

12.29 Dismissal

12.29.1 In the event of failure to heed a final written warning, an employee will be advised that he may face summary dismissal.

12.29.2 Summary dismissal shall be considered if an employee displays gross misconduct as defined under the Constitution 2010, Employment Act 2007, Public Officers Ethics Act 2003 and Leadership and Integrity Act 2012 or as may be amended.

12.29.3 A letter narrating the facts of the case and giving reasons why dismissal is recommended will be sent to the employee and a copy of the letter placed in his or her personal file. The employee will be provided with an opportunity to respond within twenty-one (21) days of receipt of the dismissal letter.

12.29.4 In conveying the decision of the dismissal, the employee shall be informed of his right of appeal within six (6) weeks from the date of the letter signifying dismissal.

12.29.5 An employee whose termination is through summary dismissal will be entitled to payment of any terminal benefits in accordance with the provisions of the pension scheme and prevailing laws.

12.30 Other Alternative Penalties

The Principal on the recommendation of HCMAC, may impose any of the following alternative Penalties: -

(a) Demotion or reduction in job grade/seniority where applicable; provided that the reduction should not be more than one job grade or rank;
(b) Warning including severe reprimand;
(c) Deferment of promotion: Where deferment of a promotion is imposed, the imposition shall not persist for a period exceeding one (1) year and the

deferred promotion shall take effect on the date the deferment lapses.

(d) Stoppage/Withhold/Deferment of annual increment:

(i) Where annual increment is stopped, the officer shall forfeit the increment for that year, and it will be reinstated the following year without change of incremental date;

(ii) Where annual increment is withheld, the officer shall be denied the increment for a maximum period of one (1) year and it will be restored, and arrears paid. The officer shall retain the incremental date;

(iii) Where annual increment is deferred, the officer's increment shall be postponed for a period not exceeding one (1) year. The deferred increment shall not be paid retrospectively upon the lapse of the period and the incremental date shall take effect on the date deferment lapses.

12.31 Appeals and Applications for Review

The process of lodging an appeal or application for review is as follows:

12.32 Appeals

12.32.1 An employee who is dissatisfied or affected by a decision made by the Principal or the BOG in the first instance may appeal to the BOG within a period of six (6) weeks from the date the decision being appealed is made and communicated.

12.32.2 An employee who is dissatisfied with the decision of the BOG on an appeal decision may appeal to the Public Service Commission within a period of ninety (90) calendar days from the date of the letter conveying the decision.

12.32.3 The BOG or the Commission may entertain an appeal made out of time if, in the opinion of the BOG or the Commission, the circumstances warrant it.

12.32.4 The BOG or the Commission shall not entertain an appeal by an employee in respect of a particular decision, more than once.

12.32.5 An appeal shall be accompanied by copies of all material evidence or documents that the appellant wishes to rely on.

12.32.6 While forwarding an appeal, an employee may submit an advance copy to the BOG.

12.32.7 Decisions on appeals shall be promptly conveyed and the employee informed of the right of application for review.

12.32.8 Despite the right of appeal conferred on an employee by this section, disciplinary action shall not be deferred or suspended pending the determination of the appeal.

12.32.9 After considering an appeal, the BOG or the Commission may:

(i) uphold the decision;
(ii) set the decision aside;
(iii) vary the decision as it considers to be just;
(iv) give such directions as it may consider appropriate with respect to the decision;
(v) direct the refund, reinstatement of remuneration or release of any withheld payments due to the employee as it considers to be just;
(vi) direct that disciplinary action be taken against any officer who has failed to discharge a duty that was his responsibility to perform in relation to the disciplinary case and the Institution has suffered a loss; or
(vii) make any other appropriate decision in view of the circumstances of the case.

12.32.10 Where the BOG or the Commission sets aside a decision under subsection **12.31.9 (ii)** the employee shall revert to the previous status held and receive the attendant benefits as though the decision set aside was never made.

12.33 Applications for Review

12.33.1 An employee who is dissatisfied or affected by a decision of the Commission on an appeal decision may apply for review to the Commission and the Commission may admit the application if:

(i) fresh material facts arise which with due diligence could not be presented when the decision was initially made; or
(ii) there is an error apparent on the record of the earlier decision.

12.33.2 An application for review shall be in writing and made within a period of six (6) months from the date of the decision to be reviewed.

12.33.3 The Commission may entertain an application for review made out of time if, in the opinion of the Commission, the circumstances warrant it.

12.33.4 An application for review shall be addressed directly to the Secretary/CEO, Public Service Commission, and served on the BOG.

12.33.5 While forwarding his/her appeal or application for review, an employee may submit an advance copy to the BOG.

12.33.6 Despite the right to apply for review conferred on an employee by this section, disciplinary action shall not be deferred or suspended pending the determination of the application for review.

12.33.7 After considering an application for review, the Commission may:

(i) uphold the decision;
(ii) set the decision aside;
(iii) vary the decision as it considers to be just;
(iv) give such directions as it may consider appropriate with respect to the decision;
(v) direct the refund, reinstatement of remuneration or release of any withheld payments due to the employee as it considers to be just;
(vi) direct that disciplinary action be taken against any officer who has failed to discharge a duty that was his responsibility to perform in relation to the disciplinary case and the Institution has suffered a loss; or
(vii) make any other appropriate decision in view of the circumstances of the case.

12.33.8 Where the Commission sets aside a decision under subsection **12.33.7 (ii),** the employee shall revert to the previous status held and receive the attendant benefits as though the decision set aside was never made.

12.34 Checklist for Submission of Cases to the BOG/Public Service Commission

12.34.1 The HOFA (HC) shall present cases to the BOG or PSC in the format prescribed.

12.34.2 When submitting cases to the BOG/PSC, the following must be provided:

(i) The employee's personal file;
(ii) Principal's/HCMAC/HC Committee of the BOG's comments on each and every issue raised by the accused officer and recommendations;
(iii) Investigation report and material evidence where applicable;
(iv) Signed minutes of HCMAC/ BOG's Minutes;
(v) All correspondence related to the matter; and
(vi) Details of any matter which may aggravate or alleviate the gravity of the case.

12.35 Lodging of Complaints and Investigations

12.35.1 A person who alleges that an employee has committed a breach of the Code of Conduct and Ethics, may lodge a complaint with the Principal who shall register and inquire into the complaint.

12.35.2 The Principal may assign any officer or a competent authority to inquire into a complaint on the Principal's behalf and determine whether an employee has contravened the Code of conduct and ethics.

12.35.3 The Principal may initiate an investigation pursuant to a complaint by any person.

12.35.4 An employee being investigated under this section shall be informed by the investigating authority of the complaint made against them and shall be given a reasonable opportunity to make a representation relating to the issue before the investigation is concluded.

12.35.5 A person who has lodged a complaint against an employee shall be entitled to be informed of any action taken or to be taken in respect of the complaint and shall be afforded a hearing.

12.35.6 Subject to the Constitution and any laws and regulations for the enforcement of code of conduct and ethics an employee may be suspended from office pending the investigation and determination of allegations made against the employee where such suspension is considered necessary.

12.36 Handling Court Cases

In the event that, the Institution is sued on matters arising from the exercise of the Institution's disciplinary powers, including cases handled by Principal, the procedure in PSC Disciplinary Manual shall apply.

12.37 Defense of Officers in Criminal and Civil Suits

11.37.1 When criminal or civil proceedings are instituted against an officer because of an act of omission by him/her in the course of his/her official duties, he/her may apply to the Principal for assistance in his/her defense. If the latter is satisfied that the officer acted in good faith in the execution of his/her official duties and that it is in the public interest that the officer should be defended, the Principal shall immediately report the matter to the BOG who will decide whether the officer will be defended.

11.37.2 Unless the proper procedure is followed, the BOG may decline to provide support to the officer. It is further emphasized that speed is of essence in reporting such cases to the Institution.

12.38 Civil Proceedings by Officers for Defamation

11.38.1 Where an officer has been defamed in respect of matters arising out of his/her official position, e.g. in the press or at a political meeting, it may be that the Government is also defamed by implication, and may, therefore, agree to give legal aid to the officer. Where such a case occurs, the officer may apply for legal aid through the Principal to the BOG. Legal aid will not be granted unless:

(i) The Institution has a substantial interest in seeing that the defamatory statement is repudiated;

(ii) There is, in the opinion of the Institution, a good prospect of success in the action; and

(iii) The consent of the Institution shall be obtained before proceedings commence.

SECTION 13: GRIEVANCE HANDLING

13.1 Introduction

13.1.1 The Institution is committed to ensuring fair treatment of all employees when dealing with grievances with a view to addressing concerns in the best manner possible. The grievances may include but not limited to; management deficiency, recruitment, promotion, conditions of service, unfair treatment of staff, sexual harassment and concerns about possible improprieties in financial reporting in internal control.

13.1.2 In handling grievances, the Institution shall be guided by the following principles:

(i) Fairness in regard to treatment and hearing
(ii) Right of appeal
(iii) Right to channel grievances
(iv) Confidentiality
(v) Prompt action
(vi) Involvement of all parties

13.2 Grievance Procedure

13.2.1 Where an employee has an individual problem or grievance not being a matter of discipline, he should, in the first instance, approach his immediate supervisor with a view to solving it.

13.2.2 The immediate supervisor shall carefully consider any submission made to him and endeavour to settle the matter or refer the case to the Head of Department for appropriate action.

13.2.3 If the employee is not satisfied with the proposed decision, he may appeal to the Principal through the Head of Human Capital Management.

13.2.4 It is stressed that employees should desist from presenting their individual problems or grievances to colleagues, other members of staff or members of the public not in a position to solve them.

13.2.5 In handling Appeals arising from grievances or the grievances dropped in a suggestion box, the officer responsible for the suggestion box shall record the details of the grievances in a grievance recording form and forward to the Principal.

13.2.6 The Principal, after considering the nature of the grievance, shall at his/her discretion:

(i) Directly deal with the matter; or

(ii) Channel the appointed Committee to conduct further investigations on the complaint and submit a report within a specified period.

13.2.7 Upon receipt of the investigation report, the Principal shall prepare a written response to the aggrieved employee giving the reason for the decision.

13.2.8 Where an offence has been found to have occurred, the necessary disciplinary procedure shall be instituted against the concerned party.

13.2.9 Where the aggrieved party is dissatisfied with the decision made, such party shall be accorded the right of appeal to the BOG.

13.2.10 Where the aggrieved party is dissatisfied with the decision made by the BOG, such party shall be accorded the right of appeal to the Public Service Commission.

13.2.11 Where the aggrieved party is the Principal, such party shall be accorded the right of appeal to the Public Service Commission.

13.3 Negotiation, Conciliation, Mediation and Arbitration

13.3.1 The Institution may on its own initiative or on request made by any person undertake or facilitate negotiation, conciliation, mediation and arbitration of any issue relating to its statutory functions and encourage the parties to arrive at an amicable decision that may be just in the circumstances of the case.

13.3.2 The Institution in carrying out negotiation, conciliation, mediation and arbitration under this section shall accord every party involved an opportunity to make a representation of their case.

13.4 Complaints and Grievances

13.4.1 The Institution may on its own initiative or on a complaint made by any person investigate any issue relating to its statutory functions and powers and make such decisions as it considers just in the circumstances of the case.

13.4.2 The Institution in carrying out investigation under this section shall accord every party involved an opportunity to make a representation of their case.

SECTION 14: EMPLOYEE SEPARATION

14.1 Introduction

14.1.1 The Institution recognizes that from time to time, and for various reasons, employees will leave their employment and that it is important to provide for a smooth and fair separation process.

14.1.2 This policy is to provide a process for discharging employees who leave the Institution by:

(i) Ensuring equitable and consistent application of the policy to all employees.
(ii) Ensuring balance between support for individuals in transition and interests of the Institution.
(iii) Ensuring compliance with applicable laws.
(iv) Ensuring benefits due are discharged within the required timelines.

14.1.3 Except in the case of death, only formal written communication from either employee or the Institution will constitute intention to separate.

14.1.4 All employees leaving the services of the Institution will be required to complete a clearance form, an exit interview form and the prescribed declaration of wealth form, the Official Secret Act and submit the same to the Head of Human Capital management.

14.1.5 Prior to the last day of service, the employee will be expected to clear and handover to the immediate supervisor.

14.1.6 Before exiting, employees are encouraged to confirm with the relevant statutory bodies such as HELB, KRA, SHIF, NSSF and other voluntary deductions such as Banks or SACCOS remittances are up to date.

14.1.7 The Head of Human Capital Management in liaison with the Head of ICT will ensure that all applicable Information Communication and Technology system authorizations, access control are deactivated, internal and external financial authorizations, demobilized access to the Institution safes is withdrawn (where applicable) with effect from the last working day.

14.1.8 Upon termination of an employee's services from the Institution, the immediate supervisor will ensure that the employee has surrendered the following among others:

(i) Medical card, Employee identity card and any other official card(s) in their possession;
(ii) Office and desk keys and other keys in their possession;
(iii) Tools, equipment, user manuals, including CD's, DVDs and external storage devices if any;

(iv) Laptops, mobile phones as applicable, modems, and any other portable communication devices as per the ICT Policy;
(v) Safe codes and transaction codes if any; and
(vi) Settle any outstanding Institution's debts.

14.1.9 The Institution will issue a certificate of service to all employees leaving the services of the Institution upon complete clearance.

14.1.10 Benefits including pension contributions under the Retirement Benefits Scheme will be paid in accordance with this manual, the Trust Deed and Rules and provisions of Retirement Benefits Act.

14.2 Forms of Exit

14.2.1 There are various forms of exit from employment. These could be occasioned by any of the following: -

(i) Retirement
(ii) Resignation
(iii) Termination of employment/probationary contract
(iv) Expiry of contract
(v) Dismissal
(vi) Death
(vii) Redundancy/abolition of office

14.3 Resignation

14.3.1 Employees may resign voluntarily from service by giving at least one (1) month notice or paying equivalent one (1) month gross salary in lieu of notice. Any employee wishing to resign should submit his intention to resign in writing indicating the effective date of resignation to the Principal.

14.3.2 Resignation is subject to acceptance by the BOG. Employees whose resignation has been accepted as explained above will be entitled to benefits, accrued leave, and pension/gratuity as may be applicable.

14.3.3 An employee serving on a probationary period may terminate the probationary contract by giving not less than seven days' notice or by payment of seven days' salary in lieu of notice.

14.3.4 On resignation, an employee will be required to refund all outstanding monies/ liabilities owed to the Institution. Any amount due to the employee may be withheld and applied towards any sums due to him.

14.3.5 The BOG shall not reject a resignation except on account of:

(a) Fraud or conspiracy where the concerned public employee is innocent;
(b) Duress where the concerned officer has proved that the resignation was occasioned by threats or coercion by a person in authority over the officer;
(c) Involuntary decision by the concerned officer by reason of infirmity of mind arising from ill health or involuntary intoxication;
(d) The resignation is aimed at avoiding anticipated or ongoing disciplinary cases.

14.3.6 Where an officer resigns from the Institution, the officer shall be entitled to benefits in accordance with the:

(i) Terms and conditions applicable or contained in the contract of service; and
(ii) Provisions of the relevant law or regulations governing payment of terminal benefits.

14.3.7 The principal will accept or decline resignation in writing for all staff employed by the BOG.

14.3.8 The Authorised Officer, State Department responsible for Technical, Vocational, Education and Training will approve or decline resignations for all other employees and quarterly reports submitted to the Commission on discharge of this function.

14.4 Termination of Contract

14.4.1 The BOG reserves the right to terminate the contract of a staff employed by the BOG for various causes including, but not limited to neglect of duty, misappropriation of assets or poor performance, at any time before the expiry of the contract period.

14.4.2 An employee whose contract shall be terminated shall be paid service gratuity in accordance with the terms of the employment.

14.5 Retirement

14.5.1 An employee can retire on the following grounds: -

(i) On attainment of the mandatory retirement age,
(ii) On attainment of fifty (50) years,

(iii) On medical grounds;
(iv) On redundancy/abolition of office; or
(v) By voluntary retirement.

14.5.2 Where an officer has attained the mandatory retirement age;

(i) the officer shall retire from the service with effect from the date of attaining the mandatory retirement age; and
(ii) the BOG/PSC shall not extend the service of such retired officers beyond the mandatory retirement age.

14.5.3 An officer shall be considered for the retirement age of persons with disability if the officer:

(i) has an evident disability of a permanent nature and the disability has a substantial impact on the ability of the officer to carry out ordinary day to day activities;
(ii) has been registered in the Institution's human capital database as a person with disability for at least three (3) years before the date of retirement;
(iii) is registered by the National Board for Persons with Disabilities; and
(iv) has a tax exemption certificate from the Kenya Revenue Authority as a person with disability.

14.5.4 Registration by the National Board for Persons with Disabilities or possession of a tax exemption certificate shall not be considered as automatic evidence of disability.

14.5.5 Where there is doubt as to the disability of an officer, the Institution shall seek a second medical assessment from a panel consisting of a representative of the Institution and three (3) eminent doctors appointed by the Director General of Health and the second medical assessment shall supersede any other assessment.

14.6 Retirement under the '50 Year' Rule

14.6.1 Where an officer has attained the age of fifty (50) years and has been in the service for an aggregate period of at least five (5) years, the public officer may opt to retire by giving at least one (1) months' notice.

14.6.2 The BOG shall not reject a request for retirement on attainment of Fifty (50) years except on account of:

(a) Fraud or conspiracy where the concerned officer is innocent;
(b) Duress where the officer has proved that the application for retirement was occasioned by threats or coercion by a person in authority over the officer;

(c) Involuntary decision by the officer by reason of infirmity of mind arising from ill health or involuntary intoxication; or

(d) Retirement aimed at avoiding anticipated or on-going disciplinary cases.

14.7 Voluntary Retirement

An employee may voluntarily retire from service upon serving for a minimum period of five years in the institution and shall be entitled to retirement benefits in accordance with this manual.

14.8 Mandatory Retirement Age

The mandatory retirement age shall be guided by prevailing Government guidelines as may be issued from time to time.

14.9 Retirement on Medical Grounds

An officer may retire from the service on medical grounds if:

(i) The BOG and/or Commission considers that the officer is incapable by reason of any infirmity of body or mind of discharging the functions of his/her office and therefore it is in the best interest of the officer to retire;

(ii) The officer requests to be retired on grounds of ill health, and in this case, the BOG shall initiate the process for the retirement in accordance with this section;

(iii) It is necessary to convene a Medical Board to determine an officer's fitness for further service or otherwise, the BOG shall refer the case to the Director General for Health;

(iv) The Director General for Health shall forward a report to the BOG within a period of one (1) month after appearance of the Officer before the medical Board;

(v) Retirement on medical grounds will be ratified by the BOG and/or commission as maybe the case.

14.10 Retirement on Abolition/Re-organization of Office

14.10.1 An employee may be retired either on the abolition of the office he holds or upon the re-organization of the office for efficiency in service delivery. Such action shall be approved by the relevant Government Agencies.

14.10.2 The BOG/Commission shall promptly determine whether the officer should be retired on grounds of abolition of office.

14.10.3 Where the Institution intends to retire an officer on the ground of abolition of office;

(i) The Principal shall inform the officer that his or her retirement is being considered and invite the officer, within reasonable time, being not less than thirty (30) days, to make representation thereon, if any,

(ii) Upon receiving the representation under paragraph (i) or failing to receive any representation within the prescribed time, the Principal shall notify in writing the BOG/Commission together with the officer's representation, if any, with recommendations justifying the retirement or retention of the officer.

14.11 Notification of Retirement

14.11.1 The Head of Human Capital Management shall ensure that a written retirement notice is sent to a retiring employee nine (9) months before the date of retirement;

14.11.2 In cases where the retiring employee is eligible for retirement benefits under the RBA Act, a claim for such benefits should be submitted to the Institution's Pensions Scheme Administrator, after the last months' salary.

14.11.3 The Head of Human Capital Management will ensure that relevant service records are submitted to the Pensions Administrator, within the time limit specified in the sub-section (14.10.1) to facilitate the submission of an acceptable retirement benefits claim.

14.12 Dismissal

14.12.1 Dismissal refers to termination of appointment arising out of disciplinary proceedings.

14.12.2 An employee whose termination is through dismissal will be entitled to payment of any terminal benefits in accordance with the provisions of the pension scheme and prevailing laws.

14.13 Death

14.13.1 The termination of a deceased employee's employment will be effective from the date of death. Accrued benefits will be paid to the deceased estate administrator in line with relevant laws as applicable.

14.13.2 Upon the death of an employee, the Administrator of the Estate of the deceased will be paid death benefits.

14.14 Certificate of Service

14.14.1 A Certificate of Service will be given to an officer, upon his retirement, resignation, dismissal or termination of appointment.

14.14.2 The Principal, when completing the certificate should bear in mind that its main purpose is for use as a reference covering the officer's period of Service.

14.14.3 The certificate will be signed by the HOFA and countersigned by the Head of Human Capital Management. A copy of the certificate will be filed in the officer's personal file.

14.15 Indemnity Certificate

On processing of terminal benefits, the employee leaving the employment will be required to sign an Indemnity Certificate confirming that he has received his final dues and that there are no outstanding obligations on the part of the Institution.

14.16 Exit Interviews

14.16.1 Where an employee resigns from the Institution voluntarily, a panel of at least three (3) senior employees shall conduct an exit interview. The employee may request a senior staff member to attend or replace a member of the panel appointed to undertake the interview. An exit questionnaire will be issued to all staff leaving the employment of the Institution.

14.16.2 The purpose of the exit interview is to seek information from the employee as to their experience of employment with the Institution and to identify areas for improvement.

14.16.3 The results of the interview shall be documented and kept in the Staff Exit Interviews file **for** reference by the Institution

SECTION 15: ALLOCATION OF INSTITUTION HOUSES

15.1 Policy Statements

15.1.1 The Institution will endeavour to ensure that allocation of available housing units to its employees is done in an equitable and transparent manner.

15.1.2 The Institution will ensure that the housing units are of tenable state in accordance with stipulated building codes and regulations issued by the Government from time to time.

15.2 Allocation of Institution Houses

15.2.1 The Institution may provide houses for employees who are required to pay rents at prevailing market rates as determined from time to time by the BOG.

15.2.2 Applications for Institution housing should be done in line with the approved Institution housing policy.

15.2.3 House allocation shall be administered by a Committee appointed by the Principal.

15.2.4 On occupation of an Institution house, the Head responsible for Estates shall notify the Head of Human Capital Management for the purpose of rent recovery.

15.2.5 When an employee is allocated the house, they shall comply with rules and regulations of the Tenancy Arrangement.

SECTION 16: HEALTH, SAFETY AND ENVIRONMENT

16.1 Introduction

16.1.1 This Section provides guidelines and standards for the prevention and protection of employees against accidents and occupational hazards arising at the workplace. It also provides for guidelines, procedures and modalities for the administration and payment of compensation for work related injuries and accidents contracted during and outside the course of work.

16.1.2 The Institution will recognize and commit itself to the achievement of the highest standards of health and safety in the workplace, and the elimination or minimization of health and safety hazards and risks that may affect its employees. In this regard, it will implement policies and programmes that assure their protection from such hazards and disasters. The policies and programmes will be implemented in compliance with the provisions of Occupational Safety and Health Act, 2007 and other Labour Laws.

16.2 Guidelines to General Safety

16.2.1 The Institution shall obtain a workplace certificate from the Directorate of Occupational Safety and Health (DOSH).

16.2.2 The Institution will maintain healthy and safe working conditions to ensure there is no personal injury caused by accidents.

16.2.3 There shall be formed an Occupational Health and Safety Committee with representatives from all Directorates/Departments under the Chairmanship of a person appointed by the Principal.

16.2.4 Employees will always consider their safety to themselves and that of others when performing their duties. Employees will not compromise on quality, cause injury, ill health, loss or environmental damage at all times.

16.3 Emergency Preparedness

16.3.1 The Institution will put in place adequate plans for foreseeable incidents such as accidents, explosions, fires, floods and bomb threats, prepare and outline procedures

to be followed in such events.

16.3.2 Heads of Directorates/Departments will have a responsibility of ensuring that all employees and visitors are informed of and are fully conversant with the emergency procedures.

16.4 Fire Precautions

16.4.1 The Institution will ensure that fire protection facilities provided in the various stations are adequate and maintained as advised by the Occupational Health and Safety Committee.

16.4.2 The Institution will enforce all necessary fire precaution measures.

16.4.3 Precautionary notices shall be displayed in relevant areas and necessary training provided to staff.

16.5 Fire Prevention

16.5.1 No hazardous or highly inflammable materials should be stored in stations without the approval of the Principal, upon recommendation of the Institution's Health and Safety Committee .

16.5.2 Positions of firefighting equipment must not be interfered with nor should firefighting equipment such as hose reels and extinguishers be used for purposes other than firefighting.

16.5.3 The Institution will ensure that: -

(i) Health and Safety Committee is formed;
(ii) The Committee members and all employees are trained;
(iii) Firefighting drills are conducted in all premises used by employees in accordance with the requirement of the Occupational Safety and Health Act, 2007; and
(iv) The Fire Precaution signs and the Health and Safety Policy will be conspicuously displayed in all offices.

16.6 Notification of Fires

16.6.1 All fires, however small, must be reported to the HCM or other Government agencies such as Police or any Administrative employee within a period of twenty four (24) hours. The premises so affected by fire must be guarded and no evidence should be interfered with until investigations are over.

16.6.2 It is the responsibility of whoever detects a fire to initiate an alarm, inform the Police and fire brigade and try to control the fire during its initial stages.

16.6.3 All Stations must be fitted with fire detectors, alarms, water storage tanks and pumps dedicated to firefighting only and separate from the normal water supply.

16.7 Medical Examination

The Principal shall ensure that all employees working in hazardous occupations undergo periodic medical examination in accordance with the Occupational Safety and Health Act.

16.8 Provision of Protective Equipment and Clothing

Principal shall ensure that all employees who are employed in any process involving exposure to wet or to any injurious or offensive substances are provided with adequate, effective and suitable protective clothing and appliances.

16.9 Safe Use of Potentially Dangerous Equipment

The Principal shall ensure that all plants including hoists and lifts, steam boilers, other equipment and pressure vessels are properly maintained and that they undergo the statutory examinations as per the Occupational Safety and Health Act requirements.

16.10 Compensation to Officers In case of Injury or Death

The Work Injury Benefits Act (WIBA) provides for compensation for accidents and occupational diseases arising out of and in the course of an employee's employment. Only injury, diseases or death arising from occupational hazards are compensable. Besides the provisions of WIBA the Institution will procure a Group Personal Accident (GPA) Scheme for BOG employees to be administered by the provider.

16.11 Reporting of Accidents and Occupational Diseases

16.11.1 Immediately the supervisor is informed of an accident or an occupational disease resulting in death or injury to an employee under whom he is directly deployed, he should make a claim for compensation.

16.11.2 In case of an accident resulting in the injury or death of an employee, Part I of the Occupational Safety and Health Services, Accident Notification form (Form DOSH 1) should be completed in triplicate.

(i) The forms should then be dispatched to the Occupational Safety and Health employee of the region in which the accident occurred and for non-fatal accident to the Medical Practitioner who is attending to the injured employee.

(ii) The detailed procedures are contained in the relevant forms which are obtainable from the Directorate of Occupational Safety and Health Services in the State Department responsible for Labour.

16.11.3 Where the Secretary of Occupational Safety and Health Services finds anomalies or that the percentage given in the medical report is not in conformity with the provisions of the Work Injury Benefits Act, 2007 (WIBA), he will decline to process the compensation. The Secretary will inform the Principal of that decision giving reasons as to why he has taken the decision and if the employee qualifies for compensation, he will advise on the action that should be taken to enable the employee's compensation to be processed.

16.11.4 The Principal may either request the Director General for Health (MOH) to convene a Medical Board for reassessment of the Institution's liability to pay compensation or may request the Secretary of Occupational Safety and Health Services to appoint a medical panel for reassessment on the employee's diagnosis or injury.

16.12 Approval and Distribution of Compensation

16.12.1 If it is considered by the Secretary of Occupational Safety and Health Services that the Institution is liable to pay compensation, he/she will send a demand note to the Principal indicating the amount of money to be paid to the injured or sick employee, or the dependent(s) of a deceased employee.

16.12.2 The payment of the money due for compensation to the injured or deceased employee shall be made within ninety (90) days of lodging of the claim.

16.12.3 The injured employee or the dependent(s) of the deceased employee will sign a certificate of acknowledgement of payment and complete agreement form in triplicate.

16.12.4 Copies of such certificate and of the appropriate agreement form should then be distributed as follows: -

(a) One copy to be handed to the employee or, in case of fatal accident, to the dependant(s);
(b) One copy to be returned to the Principal; and
(c) The other copy to be retained by the Secretary of Occupational Safety and Health Services.

16.13 Recourse to Court

16.13.1 Where the employee or the Principal is not satisfied with the amount of compensation computed by the Secretary of Occupational Safety and Health Services they may raise an objection to the said Director.

16.13.2 In case the employee or the Principal is not satisfied with the decision of the Secretary of Occupational Safety and Health Services in response to the objection raised, the aggrieved party may appeal to the Industrial court.

16.14 Compensation Payable during Sick Leave under WIBA

An employee on sick leave as a result of an accident or occupational disease will be entitled to full pay.

16.15 Source of Compensation Funds

The Principal will budget for funds to pay Work Injury Benefits to the injured employees in compliance with Section 26(4) of the Work Injury Benefits Act, 2007.

16.16 Group Personal Accident Policy

16.16.1 The Institution will procure a Group Personal Accident Insurance for all BOG employees.

16.16.2 Only accidents arising out of and in the course of an employee's employment resulting in injury or diseases arising from occupational hazards or death are compensable.

16.16.3 The GPA covers permanent bodily injury or death arising from bodily injury caused solely by violent external visible means and provided such death occurs not later than six (6) calendar months after the accident.

16.16.4 The GPA provides a 24 hour cover to employees whether within or outside the country unlike WIBA which covers the hours the officer is at his place of work.

16.16.5 A claimant should not be compensated twice for the same loss under GPA and WIBA.

16.16.6 The GPA offers extended cover to all employees as follows:-

(i) Accident to employees while riding on motor cycles including pillion passengers;

(ii) Accident to employees out of exposure to banditry and similar risks in the course of duty;

(iii) Institution drivers deployed to drive privately registered donor/development partner vehicles.

16.16.7 Details on conditions for compensation and exclusions are found in the GPA Policy.

(i) Any claim submitted after one year will be time barred and will not be accepted as liability.

(ii) All claims under GPA should be reported by the insured, dependants or nominee in writing.

16.17 Risk Assessment

The Occupational Health and Safety Committee will periodically carry out risk assessment of all work stations with the purpose of identifying hazards, analyzing the risk attached to them and initiating preventive action.

16.18 Security

16.18.1 The Institution will put in place measures to ensure adequate security for all employees and equipment.

16.18.2 Employees leaving the office should ensure that all the windows are locked; the office equipment and lights are off before leaving.

16.18.3 Keys to filing cabinets, safes and offices containing classified materials shall be kept safely. Any loss or misplacement of keys must be reported to the employee responsible for security.

16.18.4 Employees will be issued with identification cards to facilitate their entry into their workstation.

16.18.5 The Institution will not be responsible for loss of money or valuables left unattended while in its premises.

16.18.6 Employees have a responsibility to ensure a safe and secure environment at all times.

SECTION 17: EMPLOYEES WELFARE

17.1 Introduction

17.1.1 The Institution recognizes that, in addition to offering pay benefits, and a healthy working environment to employees, their emotional and social needs should also be catered for as they discharge their duties.

17.1.2 The Institution will undertake social responsibility to promote welfare amongst its employees.

17.1.3 The Institution will pursue a policy that addresses the various social and health challenges confronting employees in the workplace.

17.2 Guidance, Counselling and Emerging Pandemics Management

17.2.1 The Institution recognizes the impact of emerging pandemics e.g. COVID-19, their impact in the workplace and their far-reaching effects on productivity. The Institution is therefore committed to developing a programme to mitigate the effects of any such pandemics.

17.2.2 The Institution will provide a safe working environment to all employees. All Heads of Departments have a responsibility to minimize the risk of sickness transmission by taking the appropriate first aid and universal infection control precautions at the workplace. These include:

(i) Where fitness to work is impaired by illness, alternative deployment for such employees shall be arranged where possible;

(ii) Heads of Departments will be required to demonstrate leadership in addressing emerging pandemics in the workplace through participation in awareness programmes and counseling for all employees. They will also be expected to be sufficiently informed about the pandemic in order to guide other employees in matters concerning any scourge;

(iii) The HCM Department shall include management of emerging pandemics and related issues in the annual strategic and budget plans;

(iv) Employees have a responsibility to check their infection status through voluntary counseling and testing, taking appropriate precautions to protect themselves against infection and infecting others and to seek information and education on the pandemics and ways to combat it; and

(v) Infection relating to any pandemic will not be a cause for termination of employment and infected employees will be allowed to work if they are fit and available for work.

17.2.3 No employee shall be compelled to disclose his infection status from any pandemic. In cases where employees are infected and require confidentiality, all reasonable precautions will be taken to ensure confidentiality and the employees' right to disclosure will be observed.

17.2.4 Access to personal data relating to an employee's infection status will be bound by the rules of confidentiality.

17.3 Emerging Pandemics Support Programme

17.3.1 The Institution will initiate a peer education programme to inform and educate its employees on prevention of emerging pandemics, related care and support.

17.3.2 Employees who are infected from any pandemic will be provided with counseling services to encourage them to cope with the status.

17.3.3 Management will allow employees infected from any pandemic or any of its related conditions to work as long as they are medically able to perform and do not pose a danger to their own health and safety and the health and safety of others.

17.3.4 Pre-screening for pandemic infections shall not be a pre-requisite for employment.

17.3.5 Employees who have reservations working with a colleague who has a health condition may contact their supervisors or the Head of Human Capital Management who will provide appropriate counselling.

17.3.6 No employee will be discriminated against and/or stigmatized based on real or perceived infection with any of the diseases associated with such pandemics.

17.4 Fighting Stigma and discrimination

17.4.1 No employee will be discriminated against and/or stigmatized based on real or perceived HIV status.

17.5 Screening for Purposes of Employment/ Recruitment

Screening shall not be a requirement for recruitment or for persons in employment

17.6 Continuation of Employment

Employees infected from any pandemic or any of its related conditions to work as long as they are medically able to perform and do not pose a danger to their own and others' health and safety.

17.7 HIV/AIDS Policy

17.7.1 The Institution recognizes the impact of HIV/AIDS in the workplace and its far reaching effects on productivity. The Institution is therefore committed to developing a programme to mitigate the effects of the pandemic.

17.7.2 The Institution shall develop a workplace policy on HIV and AIDS. The main objective of the policy shall be to provide a framework to address HIV and AIDS issues in the Institution .

17.8 Recognition of HIV/AIDS as a Workplace Issue

HIV/AIDS is a workplace issue and shall be treated like any other serious illness or condition in the workplace. This is necessary not only because it affects the workforce but also the workplace.

17.9 Non-discrimination

No employee will be discriminated against and/or stigmatized on the basis of real or perceived HIV status.

17.10 HIV Prevention and Management

The Institution will provide a safe working environment to all employees. All Heads of Departments have a responsibility to minimize the risk of HIV transmission by taking the appropriate first Aid and universal infection control precautions at the workplace. These include: -

(i) Where fitness to work is impaired by illness, alternative deployment for such employees shall be arranged where possible.
(ii) Heads of Departments will be required to demonstrate leadership in addressing HIV/AIDS pandemic in the workplace through participation in awareness programmes and counseling for all employees. They will also be expected to be sufficiently informed about the pandemic in order to guide other employees in matters concerning the scourge.
(iii) The Department responsible for Human Capital will include HIV/AIDS workplace issues in the annual strategic and budget plans.
(iv) It is the responsibility of the employees to confirm their HIV/AIDS status through voluntary counseling and testing (VCT), take appropriate precautions to protect themselves against infection and infecting others and to seek information and education on the HIV/AIDS pandemic and ways to combat it.
(v) HIV/AIDS will not be a cause for termination of employment and infected employees will be allowed to work as long as they are fit and available for work.

17.11 Privacy and Confidentiality

17.11.1 No employee shall be compelled to disclose his HIV status. In cases where employees with HIV inform Management of their situation, all reasonable precaution will be taken to ensure confidentiality and the employees' right to disclosure will be observed.
17.11.2 Access to personal data relating to an employee's HIV status will be bound by the rules of confidentiality.

17.12 Information, Education and Communication

The Institution will initiate a peer education programme to inform and educate its employees on HIV and AIDS prevention, care and support.

17.13 Care and Support

17.13.1 Employees who are HIV positive will be provided with counseling services to encourage them to cope with the status.

17.13.2 Management will allow employees with HIV/AIDS or any of its related conditions to work as long as they are medically able to perform and do not pose a danger to their own health and safety and the health and safety of others. Co-workers will have no reason to refuse to work with or to withhold their services for fear of contracting HIV/AIDS by working with an HIV/AIDS infected person.

17.13.3 HIV/ AIDS screening shall not be a pre-requisite for employment.

17.14 Counseling Services

17.14.1 Management will ensure that arrangements are made to provide counseling services to the employees for their well-being and in order to develop a psychologically healthy workforce as per the Public Service Policy on Guidance and Counseling.

17.15 Drug and Substance Abuse

17.15.1 Addiction to drugs or substances will be treated like any other disease. An employee who is determined to deal with drug and substance abuse problems by engaging in rehabilitation services will be referred to a Medical facility for evaluation.

17.15.2 The Institution will provide both in-patient and out-patient rehabilitation services within the limits that will be provided in the Medical Insurance Scheme.

17.15.3 All matters regarding alcohol and substance abuse will be guided by the Alcohol and Substance abuse policy in the Institution.

17.16 Mental Health

17.16.1 The Institution recognizes that mental well-being is an integral component of overall health and productivity.

17.16.2 Prioritizing the mental health of employees does not only enhance individual well-being but also contribute to a more productive, engaged, and resilient workforce.

17.16.3 In support of the mental wellness of employees, the Institution shall:

i. Foster awareness and reduce stigma surrounding mental health issues in the workplace through education and sensitization;
ii. Provide resources and support systems for employees who may be experiencing mental health challenges. This includes access to counseling services, Employee Assistance Programs (EAPs), and other support services subject to availability of funds;
iii. Promote Work-Life Balance by encouraging employees to take their annual leave, utilize flexible work arrangements where possible and prioritize self-care;
iv. Foster an inclusive and supportive environment where every employee feels valued and respected, regardless of their mental health status;
v. Promote mental wellbeing at all levels of the Institution by empowering supervisors to recognize signs of mental distress and providing them with the tools to support their team members effectively; and
vi. Regularly review and update policies and procedures to ensure they reflect the evolving needs of employees and the best practices in promoting mental health in the workplace.

17.17 Working Environment

17.17.1 Management will ensure maintenance of a smoke-free working environment. Accordingly, no person shall be permitted to smoke any tobacco or tobacco products while on the Institution's premises except in the designated smoking area.

17.17.2 Each employee is duty-bound to maintain a clean and healthy working environment.

17.18 Funeral Expenses

17.18.1 To support employees in the event of death; the Institution shall: -

(i) Procure a comprehensive medical cover for members of staff which shall include last expense cover for the employee, one (1) spouse and up to four (4) dependent children.

(ii) Upon the death of an eligible spouse and/or children of the employee resulting from hospitalization, contact shall be made to the medical insurance provider to pay the last expense to the employee. The employee shall be required to present requisite documentation.

17.19 Gender Mainstreaming

All issues related to gender will be guided by the policy on Gender Mainstreaming in the Institution.

SECTION 18: OFFICIAL COMMUNICATION

18.1 Introduction

18.1.1 The Institution shall establish a comprehensive communication policy to promote sound principles of communication within the Institution and to ensure that members of staff and stakeholders understand the importance of the communication modes, format and channels.

18.1.2 The Institution is committed to open and timely communication, establishment and maintenance of clear and appropriate channels of communication across the whole range of its activities.

18.2 General Guidance on Correspondences

18.2.1 Both sides of the paper should be used and a reasonable margin should be left blank on the left hand side.

18.2.2 Enclosures, unless of exceptional importance, should be avoided whenever practicable, and copies, not originals, be sent.

18.2.3 Enclosures in foreign languages should be accompanied by a translation.

18.2.4 Documents received in foreign languages should be referred to the Ministry of Foreign Affairs and International Trade for official translation, if necessary.

18.2.5 Great importance is attached to the expeditious treatment of all communication received by the Institution. Every communication requiring a response but which cannot be answered at once should be acknowledged promptly on receipt. The necessary consultations should then be finalized and appropriate reply dispatched in not more than seven (7) days unless it can genuinely be established that such consultations require a longer period.

18.2.6 When decisions of the Institution have to be conveyed to the non-Governmental bodies or to members of the public, they should be communicated as the decisions of the BOG, and not as those of an individual employee.

18.2.7 All communication touching on matters of the Institution shall be through the Principal.

18.2.8 An employee is not allowed to take extracts or make copies of minutes and

correspondence for his own purpose, unless such correspondence is expressly addressed to the employee personally.

18.2.9 The use of courier services is encouraged, where available.

18.2.10 All external communication to the Institution should be addressed to: -

The Principal ,
(Name of the Institution).
(Postal Address of the institution),
Town.

18.2.11 All communication should have reference numbers for identification and control purposes.

18.2.12 Communication should be consistent, through the right channels and by the authorized persons.

18.2.13 The accepted modes of communication at the Institution include: - email, telephone, letters, circulars, memoranda (memos), publications, short message service (sms), social media (on general public awareness issues) and deliberations at meetings.

18.2.14 Indulgence by members of staff in communication sites and modes that are of no benefit to the Institution during working hours should be avoided.

18.2.15 Heads of Functional Area shall ensure the policy is implemented within their Departments and Sections. They shall also ensure dissemination of relevant information to their members of staff and relevant stakeholders.

18.3 Communication by the Employee of the Institution

18.3.1 Communication by an employee to the Principal shall be through his Head of the Department.

18.3.2 All communication to the BOG shall be through the Principal.

18.4 Correspondence with Other Governments or Administrations

18.4.1 Communication with Other Governments or Administrations is governed by existing

bilateral arrangements and other protocols.

18.5 Classified correspondence

18.5.1 The Institution shall adopt the Government of Kenya Security Manual which contains instructions regarding classified correspondence.

18.5.2 The appropriate classification should be clearly marked at the top and bottom of every page of all classified documents.

18.5.3 The Principal will be held responsible for ensuring that the most careful attention is paid to security matters in all offices under his control.

18.6 Reports and memoranda for the Cabinet

18.6.1 Reports and memoranda for the Cabinet shall be signed by the Cabinet Secretary responsible for Education Function, at least seven (7) days before the meeting at which is to be considered.

18.7 Internal Communication

18.7.1 The Institution shall use the following channels when communicating with members of staff: -

(i) Internal memos/circulars/letters;
(ii) Emails and Short Messaging Service (SMS);
(iii) Telephone calls;
(iv) Notice BOG;
(v) E-bulletins;
(vi) Regular staff meetings;
(vii) Internal newsletters/publications;
(viii) Internet; and
(ix) Website.

18.8 Memos and Circulars

18.8.1 With regards to memos and circulars, the following shall apply: -

(i) All memos/letters/circulars should be done using relevant subject file and folioed accordingly;

(ii) Internal memos shall be used for communication within ;

(iii) Circulars shall be used for communication with external stakeholders to inform on policies and new developments;

(iv) Members of staff should be briefed on the contents of such memos/circulars through regular staff meetings, visible notice BOGs, internet, bulletins and internal publications;

(v) Polytechnic meetings may be held physically, virtually or hybrid;

(vi) Where a Polytechnic meeting is held virtually, the Principal/CEO/Chair of the meeting shall be physically present in the official location of the Polytechnic.

(vii) Any memo/letter/circular should be initialed by the person drafting it to allow ownership and traceability;

(viii) Circulars will be issued only by the Principal;

(ix) The action and receiving employees should sign off the relevant files in use to allow for traceability; and

(x) All correspondences to the Principal shall be channeled through the immediate supervisors.

18.9 External Communication

18.9.1 Communication with the large public shall include the use of: -

(i) Print media-newspapers, periodicals, journals, magazines, circulars, letters, pamphlets, emails, brochures, fliers and posters;

(ii) Electronic Media-Radio, TV, Internet and Website;

(iii) Social Media- including social networks and group Short Message Service (SMS);

(iv) Spoken word comprising of formal presentations in meetings, seminars, conventions, workshops and speeches;

(v) Bill BOGs and publicity posts; and

(vi) Other communication channels including exhibitions, displays and sponsorships.

18.9.2 Institution employees shall communicate using the official email addresses.

18.10 Economy in use of Stationery

18.10.1 Utmost economy shall be exercised in the ordering and use of official stationery. Official stationery must not be used for private correspondence.

18.10.2 Printing should be reduced to a minimum. Comparative cost of using duplicating/photocopying machines and printing should be considered before any orders are given to print.

18.10.3 All stocks of official stationery should be kept under lock and key and issued by a responsible employee only when required.

18.11 Official Seal

18.11.1 The use of the official seal must be confined strictly to official requirements. Applications by private persons for impressions of official seals shall not be allowed.

18.12 Corporate Identity/Image

18.12.1 With regards to corporate identity/image, the following shall apply: -

(i) The Institution shall maintain a recognizable and consistent corporate identity throughout the offices, assets, publications and presentations;

(ii) Corporate identity is enhanced by the logo, letter head and the corporate colors;

(iii) The Institution shall use its seal on Contracts and all other documents as required by the law; and

(iv) The use of the corporate logo for private purposes is strictly prohibited.

18.13 Media Relations

18.13.1 With regards to media relations, the following shall apply: -

(i) The Institution shall cultivate a positive relationship with the media to promote public awareness and understanding of its mandate, initiatives, service and activities; and

(ii) All communication with the media shall be approved by the Principal, to ensure uniformity, accuracy and accountability.

18.14 Spokesperson

18.14.1 Employees of the institution shall not officially communicate with the general public.

18.14.2 The Principal shall be the spokesperson of the Institution on operational matters.

18.15 Use of Password

18.15.1 The Institution shall use passwords where data is of a confidential nature and electronically stored.

18.15.2 Specific employees of the institution shall be issued with passwords based on the confidential nature of their duties.

18.15.3 The principal shall be the custodian of institutional passwords.

18.16 Statement of Responsibilities

18.16.1 All officers shall be responsible and accountable for official records in their possession.

18.16.2 On vacation from the office, officers shall hand over the official records in their possession to the HOFA.

18.17 Annual Reports

The Institution to have annual reports to record work done during the period under review.

18.18 Research Reports

18.18.1 The institution shall endeavor to establish a research and innovation unit.

18.18.2 Employees of the Institution shall seek approval of the State department responsible for Research and Innovation through the Principal for research reports.

18.19 Disposal of Reports

18.19.1 Disposal of reports shall be in accordance with the provisions of the Official Secrets Act, the Public Archives and Documentation Services Act Cap 19 (2022) and Personnel General Letter No.1 of 2008.

18.20 Kenya Gazette

Gazettement notices Should reach the Government Printer not later than Friday of the week before publication is desired.

18.21 Complaints Management

18.21.1 The Institution shall handle public complaints through the Principal's office. Clients/Customers are advised to address complaints or suggestions to the Principal through the Institution's physical address, post, telephone or e-mail address.

18.21.2 The Institution shall establish suggestion boxes within the Institution's offices and prescribe regulations for handling of complaints.

18.22 Inventions and Innovations

18.22.1 Where an invention or innovation is in all respects alien to the employment of an employee, he shall normally be granted the full rights in such invention in accordance with Intellectual Properties Act.

18.22.2 Where an invention or innovation is connected with facilities arising out of the employment of an employee, the question of his rights and those of the Government

shall be referred to the relevant Government body/bodies.

18.23 Telephone Facilities/Benefit

18.23.1 It is the Institution's policy to maintain an appropriate telephone strategy/technology that will facilitate operational excellence. Members of staff shall use telephone facilities in a prudent and wise manner and limit such usage to official purposes only.

18.23.2 This policy advocates for wise use of the telephone and therefore vests responsibility/accountability in members of staff but with mechanisms to check on excesses.

SECTION 19: LABOUR RELATIONS

19.1 Introduction

19.1.1 (Name of institution) affirms to safeguard the interest of labour by securing the highest level of mutual understanding and goodwill to facilitate achievement of Institution's objectives. Participatory management is encouraged in order to achieve industrial peace and democracy.

19.1.2 (Name of institution) shall subscribe to the principles of the Industrial Relations Charter which is a tripartite memorandum of understanding between Federation of Kenya Employers (FKE) representing employers, Central Organization of Trade Unions (COTU) on behalf of employees and the Government aimed at regulating labour relations management in the country.

19.1.3 The Institution shall engage Trade Unions representing employees in negotiating Collective Bargaining Agreements. The Institution and the Trade Unions shall negotiate Collective Bargaining Agreements setting out the terms and conditions of service for the employees. The negotiations will be guided by the provisions of the Constitution, relevant legislations and the institutional framework for collective bargaining with public service unions.

19.2 Objective of Labour Relations

19.2.1 The objective is to negotiate the terms and conditions of service for unionizable employees between the employer and the workers' representatives as stipulated in the Recognition Agreement.

19.3 Recognition Agreement

19.3.1 The Institution shall sign a Recognition Agreement with a Union representing the majority of the employees at fifty-one percent (51%).

19.3.2 The Principal shall represent the Institution in all matters pertaining to the general Terms and Conditions of Service for the unionizable employees with the recognized Union.

19.4 Collective Bargaining Agreement

(Name of institution) and the Union shall, as regulated, conduct Collective Bargaining Agreement (CBA) with a view of reaching agreements for a specified period of time. Such negotiated CBA shall be registered with the Employment and Labour Relations Court and shall be binding to the Institution.

19.5 Union Membership

19.5.1 Employees may join any registered and recognized Union of their choice. However, eligibility for an employee to join will depend on the recognition agreement between the Institution and the respective Union.

19.5.2 Employees shall not be victimized for being members or participating in trade Union activities.

19.5.3 Employees who are appointed as officials of any Union may be granted permission to carry out official Union duties.

19.5.4 Employees are not allowed to be officials of more than one Trade Union. However, an official of a Trade Union may also be an official of a Federation to which the Trade Union is affiliated.

19.5.5 Union meetings shall be convened to take place during the employees' free time and should not interfere in any way with the official duties assigned.

19.6 Recovery of Union Dues

19.6.1 The Institution shall deduct trade Union dues from the salaries of union members and pay the monies so deducted into a specified account of the Trade Union.

19.6.2 Deductions from an employee who has resigned his Union membership and notified the employer in writing shall be stopped.

19.6.3 A copy of an employee's notification shall be forwarded to the Union for information.

19.7 Dispute Resolution

(Name of institution) will endeavor at all times to have good working relations with the Unions in order to maintain industrial harmony. However, should a trade dispute arise concerning any aspect of the employer/employee relationship, the resolution of that dispute will be as provided for in the

Labour Relations Act.

19.8 Employee Participation in Strikes

An employee may participate in a strike if:

(a) The trade dispute that forms the subject of the strike concerns the terms and conditions of employment or recognition of a Trade Union to which an employee is a member;
(b) The trade dispute is unresolved after conciliation; and
(c) Seven (7) days written notice of strike has been given to the Principal and the Cabinet Secretary responsible for Labour by the representative of the Union.

19.9 Institutional Framework for negotiation

19.9.1 Negotiations with the recognized unions shall be undertaken in accordance with the Public Service Institutional Framework for negotiation with trade unions whose objectives are to:

(a) Ensure that the collective bargaining process is compliant with the Constitution and the relevant legislations;
(b) Identify the parties recognized by law to engage in collective bargaining;
(c) Provide consistency and uniformity in the collective bargaining process;
(d) Provide a platform for consultations with all stakeholders;
(e) Provide a standard period for collective bargaining across the public service; and
(f) Promote labour relations and industrial peace.

19.9.2 The collective bargaining in the Institution may include salaries, allowances, benefits, and working conditions as shall be agreed upon from time to time.

19.9.3 Labour relations shall be guided by the provisions of the Constitution and the relevant Labour Laws.

SECTION 20: MISCELLANEOUS

20.1 Communication of the BOG's Decision

20.1.1 Operational decisions of the Institution shall be communicated by the Principal.

20.1.2 Any decision of the BOG affecting an individual employee shall be communicated to the employee through the relevant Head of Functional Areas provided that the affected employee or the employee's representative shall be entitled to receive information about the decision or the reasons for the decision from the BOG, if a request is made by the employee or such representative.

20.1.3 Notwithstanding the provisions of this paragraph, any decision of the BOG may be communicated by the Chairperson if circumstances warrant it.

20.2 Complaints and Grievances

20.2.1 The BOG may on its own initiative or on a complaint made by any person investigate any issue relating to its statutory functions and powers and make such a decision as it considers just in the circumstances of the case.

20.2.2 The Institution in carrying out investigation under this paragraph shall accord every party involved an opportunity to make a representation of their case.

20.3 The Institution's Forms

20.3.1 The Institution may prescribe forms for the better carrying out of the provisions of these Policy and Guidelines.

20.4 Gender and Disability Issues

20.4.1 The Institution shall establish a Gender and Disability Mainstreaming Committee. All Gender and Disability mainstreaming guidelines shall be as per the Gender and Disability Mainstreaming Policy.

20.5 APPENDIX I: LIST OF DESIGNATED HARDSHIP AREAS (AS MAY BE AMENDED BY GOVERNMENT FROM TIME TO TIME)

	County	Divisions/Locations	Classification
1.	Baringo	All Divisions in Central, East and North Baringo	Extreme
2.	Garissa	All Divisions including Ijara	Extreme
3.	Isiolo	All Divisions	Extreme
4.	Mandera	All Divisions	Extreme
5.	Marsabit	All Divisions in Laisamis, North Horr and Saku including all Divisions in Moyale	Extreme
6.	Tana– River	All Divisions in Bura, Galole and Garsen	Extreme
7.	Turkana	All Divisions	Extreme
8.	Samburu	All Divisions	Extreme
9.	Wajir	All Divisions	Extreme
10.	West Pokot	All Divisions in Kacheliba, Sigor and Kapenguria	Extreme
11.	Baringo	Mogotio, Kimng'orom, Kisanana Sirwa and Emening Divisions	Moderate
12.	Busia	Budalangi Division Including Osieko	Moderate
13.	Elgeyo Marakwet	Tunyo, Tot and all Divisions in Keiyo South	Moderate
14.	Embu	All Divisions in Gachoka and Siakago	Moderate
15.	Homa Bay	Mbita (Rusinga Island), Lambwe, Central, Gwasi and Mfangano Divisions	Moderate
16.	Taita Taveta	All Taveta Divisions and Manyani Prison Camp	Moderate
17.	Tharaka – Nithi	All Divisions	Moderate
18.	Kajiado Central	Central, Isinya, Namanga, Mashuru, Magadi and Loitokitok Divisions	Moderate
19.	Kiambu	Ndeiya Division and Karai Location – Kabete	Moderate
20.	Kilifi	Ganze, Bamba, Vitengeni Marafa and Magharini Divisions and Kakoneni Location	Moderate
21.	Kitui	All Divisions	Moderate
22.	Kwale	Kinango and Samburu Divisions	Moderate
23.	Laikipia	All Divisions	Moderate
24.	Lamu	All Divisions	Moderate
25.	Machakos	All Divisions in Yatta	Moderate
26.	Makueni	Kituki, Makindu, Mtito Andei, Kibwezi, Kathonzweni, Nguu, Mavindini, Wote, Matiliku, Mbitini, Kalawa, Kisau, Kee Kasikeu Divisions	Moderate
27.	Meru	Kina Divisions (Nyambene)	Moderate
29.	Migori	Mabera, Kehancha, Masaba Kegonga, Ntimaru, Nyatike and Nyamutiro Divisions	Moderate
29.	Nakuru	Lower Solai Division (Rongai)	Moderate
30.	Nandi	Tinderet Division	Moderate

31.	Narok	Olokurto, Loita, Mara, Osopuko, Ololulunga, Lolgoriani Moderate Divisions and Mau Division (including Mosiro Location)

20.6 APPENDIX II: - REGISTER OF GIFTS (TEMPLATE)

F/Y……

S/NO	NAME OF EMPLOYEE	NAME OF PERSON OR ENTITY GIVING THE GIFT	VALUE AND PURPOSE OF GIFT	DATE GIFT GIVEN	DATE RECORDED IN THE REGISTER	DECISION ON THE GIFT–FOR EMPLOYEE/ ORGANISATION/ TO BE RETURNED
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						

20.7 APPENDIX III: - REGISTER OF DECLARATION OF CONFLICT OF INTEREST (TEMPLATE)

F/Y……

S/NO	NAME OF EMPLOYEE	DATE CONFLICT RECORDED	BUSINESS UNDER TRANSACTION	NATURE OF CONFLICT	DECISION MADE ON PARTICIPATION OF EMPLOYEE	SIGNATURE OF EMPLOYEE MAKING DECLARATION
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						

20.8 APPENDIX IV: - COMMITMENT FORM

CODE OF CONDUCT AND ETHICS FOR EMPLOYEE IN THE INSTITUTION
COMMITMENT FORM

Name of the Employee
.....

Employees Number
.....

Department: .....

Job Title:
.....

I, ... hereby confirm that I have read, understood, and agree to adhere to the content of the Code of Conduct and Ethics and further confirm that I will comply fully to the extent that it is written.

Signature.....

20.9 APPENDIX V: - REGISTER OF COMPLAINTS (TEMPLATE)

F/Y……

S/NO	NAME OF PERSON MAKING COMPLAINT	DATE OF COMPLAINT	PARICULARS OF EMPLOYEE / ORGANISATION COMPLAINT AGAINST	NATURE OF COMPLAINT	DECISION MADE ON THE COMPLAINT	PARICULARS AND SIGNATURE OF EMPLOYEE ATTENDING TO COMPLAINT
1						
2						
3						
4						
5						
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12						
13						
14						
15						

20.10 APPENDIX VI- INTERDICTION FOLLOWING A CRIMINAL CHARGE

To…… (Registered mail to last known address)

Dear Sir/Madam,

INTERDICTION UPON CRIMINAL CHARGE

It has been reported to this office that you were arrested and charged in a court of law with the offence of …….. (Set out particulars).

In view of the foregoing, you are hereby interdicted from exercising the duties of your office with effect from the date you were charged/date of this letter (whichever is applicable) pending finalization of your case.

While on interdiction, you will be paid half salary and you should not leave your duty station without the express permission from your immediate supervisor.

Signed……..

PRINCIPAL

Copy to: Supervisor

20.11 APPENDIX VII- INTERDICTION FOLLOWING GROSS MISCONDUCT

To……

Thro'…… (Supervisor)

Dear,

INTERDICTION

It has been reported to this office that you
……
(Set out the particulars of the misconduct together with dates)

To facilitate investigations on the alleged misconduct, it has been decided that you be and are hereby interdicted from exercising the duties of your office from the date of this letter pending finalization of your case.

While on interdiction, you will be paid half salary, full house allowance, medical allowance or where applicable medical insurance premium remitted. Further, you should not leave your duty station without the express permission of your immediate supervisor.

Yours (Signed)

PRINCIPAL

20.12 APPENDIX VIII - LETTER LIFTING INTERDICTION

Dear,

LIFTING OF INTERDICTION

Further to our letter Ref. No…….. dated …….. (The interdiction letter) and after due consideration of your case, it has been decided that the interdiction imposed on you be and is hereby lifted with effect from…….. (The date of the interdiction). Your salary withheld during the interdiction shall be released.

You should acknowledge within one month from the date of this letter that you have read and understood the contents herein.

Yours (Signed)

PRINCIPAL

Copy to: Supervisor

20.13 APPENDIX IX- SUSPENSION LETTER

To ……

Thro'…… (Supervisor)

Dear,

SUSPENSION

It has been reported to this office that you were convicted of a serious criminal offence namely (set out particulars).

Or

Having considered your representations and investigation report on …….. (State alleged offence), your general conduct and work performance has been found wanting and warrants dismissal on account of gross misconduct.

Consequently, it has been decided that you be and are hereby suspended from exercising the duties of your office from the date of this letter pending finalization of your case. While on suspension, you will be paid half your basic salary, full house allowance, medical allowance or where applicable medical insurance premium will be remitted.

Yours (Signed)

PRINCIPAL

Copy to: Supervisor

20.14 APPENDIX X- LETTER LIFTING SUSPENSION

To……

Thro'…… (Supervisor)

Dear,

LIFTING OF SUSPENSION

Further to our letter Ref. No……dated …….. (The suspension letter) and after due consideration of your case it has been decided that, the suspension imposed on you be and is hereby lifted with effect from (The date of the suspension).

However, you are hereby warned that a repeat of the same or similar misconduct in future may lead to commencement of proceedings for your dismissal from the service. In view of this decision, you are required to report to this office on ……. and not later than ……. (Reasonable time).

You are required to acknowledge within one month from the date of this letter that you have read and understood the contents herein.

Yours (Signed)

PRINCIPAL

Copy to: Supervisor

20.15 APPENDIX XI: SHOW-CAUSE LETTER

To……

Thro'……../ (Supervisor)

Dear,

RE: (Example) ABSENCE FROM DUTY WITHOUT REASONABLE CAUSE

It has been reported that you absented yourself from duty on …….. (State the particulars of the absence including number of days and specific dates).

In view of the above, your dismissal from the service on account of absence from duty without reasonable cause is contemplated, but before this is done, you are hereby called upon to show-cause why the intended action should not be taken.

Your representation if any, should reach this office within…….. (State reasonable time) from the date of this letter failure to which the contemplated action will be taken without further reference to you.

Your (Signed)

PRINCIPAL

Copy to: Supervisor

20.16 APPENDIX XII: -FORMAT FOR PRESENTING DISCIPLINARY CASES, APPEALS AND REVIEWS BY THE CHIEF EXECUTIVE OFFICER TO THE BOG

Name.....
Date of First Appointment.....
Personal Number.....
Current designation.....
Job group/Grade.....
Terms of service.....
Date of Birth.....

Nature of Charge, Offence or Misconduct against the officer

.....
.....
.....
(Set out the particulars in full)

Discipline case/Appeal/Reviews

.....
.....
.....

(Specify)

Previous charge or offences or misconduct and punishments (if any)

Charge .....
Decision .....
Date.....

20.17 APPENDIX XIII: GRIEVANCE FORM

(To be completed by the aggrieved officer)

Aggrieved Officer information			
Employee Name		P/No.	
Designation		Department	
Official Email Address		Tel. No. & Mobile Number	
Supervisor's name		Date	
Official Email Address		Tel. No. & Mobile Number	

Grievance details	
Date, time, and location of the incident	
Witnesses (if applicable)	
Description of the incident [Describe the incident in detail. Include the names of individuals involved, if applicable.]	