



 THE NATIONAL ASSEMBLY	
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LEGAL NOTICE NO.

**THE SALARIES AND REMUNERATION COMMISSION
(REMUNERATION AND BENEFITS OF STATE AND OTHER
PUBLIC OFFICERS) REGULATIONS, 2022**

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THE SALARIES AND REMUNERATION COMMISSION ACT, 2011
(No. 10 of 2011)

IN EXERCISE of the powers conferred by section 26 of the Salaries and Remuneration Commission Act, 2011, the Salaries and Remuneration Commission makes the following Regulations—

**THE SALARIES AND REMUNERATION COMMISSION
(REMUNERATION AND BENEFITS OF STATE AND
OTHER PUBLIC OFFICERS) REGULATIONS, 2022**

PART I—PRELIMINARY PROVISIONS

Short title. 1. These Regulations may be cited as the Salaries and Remuneration Commission (Remuneration and Benefits of State and other Public Officers) Regulations, 2022.

Interpretation. 2. In these Regulations, unless the context otherwise requires—

“benefit” means any financial or non-financial compensation or allowance that is provided to a State or other public officer which is over and above the basic or consolidated salary and arising out of the employment of the State or other public officer;

“Commission” means the Salaries and Remuneration Commission established by Article 230 of the Constitution;

“job description” means a standardized documentation of the duties, responsibilities, reporting relationships, critical performance areas and working conditions, and the minimum qualifications, experience, skills and competences required to perform a job;

“job description manual” means a document containing approved job descriptions;

“job evaluation” means a systematic and objective process of determining the worth of a job in relation to other jobs;

“performance” means a measure of the extent of attainment of set objectives of a public body’s goals in an effective and efficient manner;

“productivity” means a measure of efficiency with which inputs are translated into outputs;

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“public body” has the same meaning assigned to it under section 3 of the Interpretation and General Provisions Act;

“public officer” has the meaning assigned to it under Article 260 of the Constitution;

“public service” has the meaning assigned to it under Article 260 of the Constitution;

“review cycle ” means the period after which salaries and remuneration for State and other public officers are reviewed for budgeting and planning purposes;

“reward” means an incentive awarded in recognition of an achievement of performance and productivity;

“State officer” has the meaning assigned to it under Article 260 of the Constitution;

No. 14 of 2007

“trade union” has the meaning assigned to it under section 2 of the Labour Relations Act, 2007; and

Object of the Regulations.

3.(1) The objective of these Regulations is to—

(a) To facilitate the discharge of the mandate of the Commission;

(b) provide for the procedure to—

- (i) set and review remuneration and benefits for State officers;
- (ii) advise on remuneration and benefits for other public officers; and
- (iii) keep under review all matters relating to salaries and remuneration of other public officers.

**PART II—SETTING, REVIEWING AND ADVISING ON
REMUNERATION AND BENEFITS OF STATE AND
OTHER PUBLIC OFFICERS**

Review cycle.

4.(1) The Commission shall review and set remuneration and benefits for State officers every four years.

(2) The Commission shall review and advise on remuneration and benefits for other public officers every four years.

(3) The Commission shall when undertaking a review under paragraphs (1) and (2), evaluate remuneration and benefits of State and other public officers with a view to institute change, if necessary.

(4) The Commission shall undertake the review taking into account the applicable national budgeting and planning cycles.

(5) Despite paragraphs (1) and (2), the Commission may undertake a special review of the remuneration and benefits of State and other public officers to address emerging circumstances and conditions.

Requirements and procedure for submission of relevant information.

5.(1) Whenever a review is due, the Commission shall request for relevant information, from public bodies, on remuneration and benefits for their respective State and other public officers.

(2) The public bodies shall submit the relevant information requested for under paragraph (1)—

- (a) in writing; and
- (b) in such format and within such timelines as may be specified by the Commission.

Pension.

6.(1) Pursuant to Article 230(4)(a) of the Constitution, the Commission shall set the pension or gratuity due to a State officer.

(2) The Commission shall, in consultation with relevant stakeholders—

- (a) advise on the pension or gratuity due to other public officers taking into account the applicable laws; and
- (b) undertake periodic reviews and make recommendations on pensions payable to eligible persons.

Considerations during setting, review and advise on remuneration and benefits.

7.(1) The Commission shall, in setting, reviewing and advising on remuneration and benefits, where applicable, consider any or a combination of the following principles and factors—

- (a) the principles set out under Article 230(5) of the Constitution, section 12 of the Act and other applicable laws;
- (b) the economic performance of the country;
- (c) the capacity of a public body to afford the cost of proposed remuneration and benefits;
- (d) the ability of a public body to sustain payment of remuneration and benefits;
- (e) the outcome of comparative surveys on the labour

markets and trends in remuneration;

- (f) comparative analysis between remuneration and benefits for similar jobs within institutions in the same sector to ensure equity and competitiveness;
- (g) job evaluation results as undertaken by the Commission;
- (h) cost of living;
- (i) existing collective bargaining agreements;
- (j) achievement of performance and productivity targets;
- (k) government policies and guidelines;
- (l) the equitable share of revenue to county governments; and
- (m) any other relevant factor in determination of remuneration or benefits.

(2) In this regulation “cost of living ” means the cost of purchasing goods and services as measured by the changes in the Consumer Price Index as provided by the Kenya National Bureau of Statistics from time to time.

Communication
and effective
date of advice.

8. The Commission shall communicate the—

- (a) set and reviewed remuneration and benefits for State officers indicating the effective date of implementation; and
- (b) advice on remuneration and benefits for other public officers indicating the effective date of implementation.

Job evaluation.

9. The Commission shall undertake job evaluation covering

jobs in public bodies in order to—

- (a) determine comparable and relative worth of jobs in public bodies;
 - (b) determine equal pay for work of equal value; and
 - (c) ensure fairness and transparency in pay.
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Conduct of job evaluation.

10.(1) The Commission shall undertake job evaluation where—

- (a) jobs in a public body have not been evaluated by the Commission;
- (b) a public body is established;
- (c) a public office is established;
- (d) a new job is established arising from—
 - (i) a change in the mandate of a public body; or
 - (ii) a change in the institutional structure of a public body; and
- (e) a change arises in the job content of a role in a public body.

(2) A public body that meets the requirements for job evaluation as set out under paragraph 1 may submit the required information when requested by the Commission during a scheduled job evaluation or when the public body seeks for advice of the Commission on remuneration and benefits.

Procedure for undertaking job

11.(1) The Commission shall—

evaluation.

- (a) before undertaking a job evaluation sensitise public bodies on the job evaluation;
- (b) use an analytical, point-factor based job evaluation system that evaluates jobs using compensable factors determined by the Commission;
- (c) engage the respective public bodies on job evaluation results; and
- (d) communicate the job evaluation results to the respective public bodies, in writing.

(2) A public body shall—

- (a) ensure all the jobs in the public body are evaluated by the Commission;
- (b) establish a committee responsible for job analysis and development of job descriptions;
- (c) ensure members of the Committee responsible for job analysis and development of job descriptions in the public body are trained on matters relating to job evaluation;
- (d) assess, identify and determine the jobs to be evaluated by the Commission;
- (e) develop complete, accurate, approved and authenticated job description manuals;
- (f) provide feedback on the job evaluation results when communicated by the Commission; and

(g) submit a request for review of the job evaluation results if dissatisfied with the job evaluation results as prescribed by the Commission.

(3) A public body shall align the job description referred to in paragraph (2)(e) to the provisions of the relevant law, where applicable, and the approved human resource instruments.

(4) The Commission shall, where a job description for a State officer or other public officer is not submitted and where applicable, use the information provided in the relevant law to evaluate the job.

(5) Where a job description for a public officer is not submitted, the results of the previous job evaluation shall apply.

(6) Where a public body does not provide feedback on job evaluation results, the Commission shall proceed to conclude the job evaluation.

(7) In this regulation “compensable factor” means a job attribute used to provide a basis for determining the worth of a job in relation to other jobs.

Information to be submitted by a public body for job evaluation.

12.(1) A public body that meets the requirements for job evaluation as set out under regulation 10 shall submit to the Commission information relating to jobs within the public body for the purposes of job evaluation.

(2) The information to be provided in paragraph (1) shall include—

(a) the approved institutional structure;

(b) the approved staff establishment;

- (c) the approved career progression guidelines or schemes of service;
- (d) a list of jobs in the public body indicating current grades or levels;
- (e) the complete, accurate, approved and signed-off job description manual presented in a format as prescribed by the Commission; and
- (f) any other information that may be relevant for the job evaluation.

Review of job evaluation results.

13.(1) A public body, State officer or other public officer dissatisfied with job evaluation results may, within forty days from the date of communication of the job evaluation results, request for the review of the results in accordance with this regulation.

(2) A public body that is dissatisfied with the job evaluation results shall submit to the Commission a request for the review of the job evaluation results, in writing, set out the grounds for review and attach supporting documents.

(3) A State or other public officer is dissatisfied with the job evaluation results, may upon communication of the job evaluation results—

- (a) submit their grounds for review to the public body; and
- (b) the public body shall, if satisfied that the grounds have merit, submit to the Commission a request for review, the grounds for review and supporting documents.

(4) Where the Commission requests, in writing, for additional information relating to a request for a review of job evaluation

results, a public body shall provide the information within twenty days from the date of receipt of the request.

(5) Where the Commission does not receive additional information relating to a request for the review of job evaluation results within the stipulated time, the Commission may—

(a) extend the time for submission of the required information; or

(b) make any other determination as the Commission may considers fit.

(6) The Commission may review job evaluation results where new material information or significant changes in the job content are submitted to the Commission.

(7) The Commission shall review job evaluation results within fifty-five working days from the date of receipt of all the required documents in support of a request for review.

(8) Nothing in this regulation shall preclude any public body, State officer or other public officer from engaging the Commission further on job evaluation results.

Validity of job evaluation results.

14. Job evaluation results shall remain valid until the job is re-evaluated by the Commission.

Request for clarification.

15. A public body may request for clarification from the Commission on job evaluation results and the implementation of job evaluation results.

Application of Job Evaluation results.

16. The Commission shall use job evaluation results, among other factors set out in regulation 7, to—

- (a) set and review remuneration and benefits for a State officer; and
- (b) advise on the remuneration and benefits for other public officers.

Procedure for developing salary structures.

17.(1) The Commission shall—

- (a) develop and set salary structures for State officers; and
- (b) advise on the salary structures for other public officers.

(2) The Commission, shall, before developing and setting salary structures for State officers or advising on salary structures under paragraph—

- (a) conduct comparative surveys on labour markets and trends in remuneration to determine the relativity of remuneration of public service in relation to the market trends; and
- (b) subject the outcome of the comparative surveys on labour markets and trends in remuneration to the principles and factors set out in regulation 7.

Information for setting and review, and advise on salary structures.

18.(1) A public body shall upon request by the Commission provide such information on remuneration and benefits as may be required by the Commission to enable the Commission set and review salary structures for State officers; and advise on salary structures for other public officers.

(2) The Commission may, notwithstanding failure by a public body to submit the required information in accordance with paragraph (1),—

- (a) set salary structures for State officers; and

(b) advise on the salary structures for other public officers.

Validity of, and advice on, salary structures.

19.(1) The salary structures set for State officers shall remain in place until reviewed by the Commission.

(2) The salary structures for other public officers may only be reviewed on the advice of the Commission.

Guidance on implementation of salary structures.

20. A public body may request for guidance from the Commission on implementation of—

(a) the set and reviewed salary structures for State officers;
or

(b) the advice on its salary structures for other public officers.

Recognising productivity and performance and award of incentives.

21.(1) A public body may establish a financial reward and cash award scheme based on productivity and performance management frameworks or incentive schemes established by the public body in accordance with existing laws, regulations, government policies and guidelines.

(2) A public body shall seek the advice of the Commission on proposed financial rewards or cash awards before establishing a financial reward or cash award scheme.

Factors to be considered in recognising productivity and performance.

22. The Commission shall, in advising on productivity and performance, be guided by the following factors—

(a) achievement of productivity and performance targets;

(b) the capacity of a public body to afford the cost of proposed reward;

(c) the ability of a public body to sustain payment of the reward; and

(d) government policies and guidelines.

Collective bargaining negotiation.

23.(1) The Commission shall, pursuant to section 11 of the Act, advise public bodies on the remunerative and benefit items payable out of public funds in collective bargaining negotiation.

(2) Collective bargaining negotiation between a public body and a trade union shall cover a four-year cycle.

Procedure for collective bargaining negotiation.

24.(1) A public body with a recognition agreement with a trade union shall seek the advice of the Commission on remuneration and benefits items payable out of public funds before the commencement of collective bargaining negotiation.

(2) A public body shall provide the following information required for provision of advice on collective bargaining negotiation—

(a) any trade union proposals and management recommendations;

(b) the public body's financial performance;

(c) the budget allocation;

(d) the approved salary structure and staff establishment; and

(e) any other information that may be required by the Commission.

(3) The Commission shall, upon receipt of a request for advice, provide the public body with advice on the

remunerative and benefits items payable out of public funds for purposes of collective bargaining negotiation, taking into account the principles and factors set out in regulation 7.

(4) A public body shall undertake negotiation based on the advice of the Commission.

(5) Upon conclusion of collective bargaining negotiation, the public body shall request the Commission for clearance of the draft collective bargaining agreement to facilitate its registration at the Employment and Labour Relations Court.

PART III—MISCELLANEOUS PROVISIONS

Submission of request for setting, review and advice.

25. The Commission may, at any time, upon the request of a public body, in writing,—

- (a) set and review the remuneration and benefits of the State officers serving in the public body; or
- (b) advise on the remuneration and benefits of the other public officers serving in the public body.

Review of advice on remuneration and benefits.

26.(1) The advice of the Commission, in relation to the remuneration and benefits of all other public officers shall only be reviewed by the Commission.

(2) A public body shall seek for the review of the advice of the Commission in writing.

(3) The Commission may review its advice upon receipt of new material information or justification not previously placed before it provided that such review shall take into account the principles and factors set out in regulation 7.

(4) The advice of the Commission once reviewed supersedes any prior advice.

Request for information.

27.(1) Pursuant to section 13(1)(a) of the Act, the Commission may, request a public body to provide such information as may be relevant.

(2) A public body shall, upon receipt of the request in paragraph (1), provide the information to the Commission in the manner specified by the Commission in the request.

Disputes relating to remuneration and benefits.

28.(1) The Commission shall encourage the use of alternative dispute resolution mechanisms in any disputes relating to remuneration or benefits for State and other public officers.

(2) A public body shall notify the Commission of any dispute relating to remuneration or benefits for its State or other public officers.

(3) A public body shall, where the Commission is not a party to a dispute, notify the Commission of any court proceedings relating to the remuneration and benefits of its State or other public officers within fourteen days of commencement of the suit or service of pleadings.

Monitoring and evaluation.

29.(1) The Commission may monitor and evaluate the implementation of its set remuneration and benefits for State officers or advice on remuneration and benefits for other public officers to—

- (a) assess effectiveness in the implementation of the set or reviewed remuneration and benefits of State officers and advice on remuneration and benefits for other public officers.
- (b) identify challenges in the implementation of paragraph (a) above; and
- (c) in liaison with public bodies, identify remedies, where

appropriate, for continuous improvement.

(2) The Commission shall sensitize public bodies on implementation of the—

(a) set and reviewed remuneration and benefits for State officers; and

(b) advice on remuneration and benefits for other public officers.

Stakeholder
consultation.

30. The Commission shall in the course of discharging its mandate undertake consultations with its stakeholders.

Made on the, 2022

LYN CHEROP MENGICH,
Chairperson,
Salaries and Remuneration Commission.