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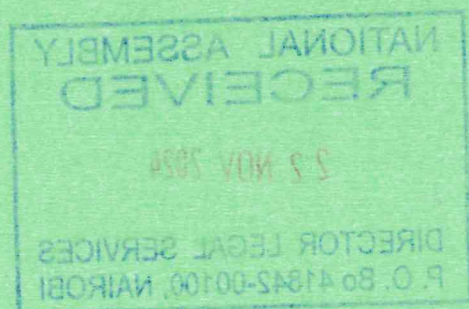
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**THE PUBLIC SERVICE HUMAN RESOURCE MANAGEMENT  
BILL, 2024**

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*Clause*

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**THE PUBLIC SERVICE HUMAN RESOURCE  
MANAGEMENT BILL, 2024**

**A Bill for**

**AN ACT of Parliament to make provisions for uniform norms and standards of human resource management in the public service and for connected purposes**

**ENACTED** by the Parliament of Kenya as follows—

**PART I—PRELIMINARY**

1. This Act may be cited as the Public Service Human Resource Management Act, 2024. Short title.

2. In this Act, unless the context otherwise requires— Interpretation.

“acting appointment” means temporary conferment upon a public officer, by a public service entity or a relevant lawful appointing authority, the power to perform duties of a public office other than the office that the officer is substantively appointed to hold, while the public officer continues to hold the substantive appointment;

“affirmative action” has the meaning assigned to it under Article 260 of the Constitution;

“appointment” means engagement of a person to a position or a job and includes acting appointment, re-appointment, promotion and re-designation in the public service;

“Cabinet Secretary” means a Cabinet Secretary appointed under Article 152 of the Constitution and includes the Attorney-General appointed under Article 156 of the Constitution;

“casual service” means the employment of a person on terms of engagement under which payment is at the end of each day and the person is engaged for a period of less than twenty four hours at a time but in any event for not more than twenty one continuous days;

“chief officer” means an officer appointed under Section 45 of County Governments Act;

“code of conduct” means any written standard that guides the behaviour of public officers provided in legislation or issued by a public service entity or any lawful authority;

“conditions of service” means any right or obligation relating to a public officer including—

- (a) appointment;
- (b) salaries and allowances;
- (c) training and development;
- (d) staff performance management;
- (e) standards of conduct;
- (f) working hours including flexible work arrangements;
- (g) working environment;
- (h) leave;
- (i) medical care;
- (j) housing;
- (k) employee welfare;
- (l) counselling and wellness programmes;
- (m) transport;
- (n) water;
- (o) food;
- (p) grievances;
- (q) membership to a trade union;
- (r) disciplinary control;
- (s) removal or exit from service;
- (t) pension and retirement benefits;

“confirmation in appointment” means certifying a public officer suitable for the position held upon completion of a probationary period;

“constitutional commission” means a commission established under the constitution;

“county government” means a county government established under Article 176 (1) of the constitution;

“disciplinary control” means the handling of discipline matters in accordance with the Constitution, legislation, regulations, policies, manuals and guidelines;

“deployment” means distribution of public officers within a public body without change of grade;

“independent office” means the office of the Auditor-General and Office of the Controller of Budget;

“lawful appointing authority” means a board or a council of a public body or a public officer with the constitutional or legislative power to appoint persons in a public body;

“minor offence” means any offence which attracts a sentence of a fine or in default, imprisonment for a period not exceeding six months;

“pension benefits” means any pension, gratuities or other compensation payable to a person in respect of such person’s service as a public officer, or to the dependants or personal representatives of such person, in respect of that service;

“promotion” means the conferment upon a person in the public service of an office to which is attached added responsibility, higher salary or higher salary scale than that attached to the office to which the person was last substantively appointed;

“principal secretary” means a principal secretary appointed under Article 155 of the Constitution;

“public officer” means— any state officer; or any person, other than a state officer, who holds a public office;

“public office” means an office in the national government, a county government, or other public service;

“public body includes” —

- (a) any corporation, council, board, committee or other body which has power to act under and for purposes of any written law relating to the undertakings of a public utility or otherwise to administer funds belonging to or granted by the

Government or money raised by rates, taxes or charges in pursuance of any such law;

- (b) a corporation, the whole or a controlling majority of shares which are owned by a person or entity that is a public body by virtue of any of the preceding paragraphs of this definition;
- (c) statutory public bodies;
- (d) a regional or international public organization to which Kenya is a party or has an existing bilateral agreement; or
- (e) any public body brought under the jurisdiction of the public service entity by legislation for a specified function to the extent of that function;

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

“publicise”, in relation to a document, means to make known to the public, through the national or local media —

- (a) the general nature of the document; and
- (b) how and where it may be accessed and read by members of the public;

“publish” in relation to a document, includes—

- (a) publishing the document in a newspaper, the Gazette or other publication of general circulation in Kenya;
- (b) publication of an abridged or summary version of the document without losing the core content of the document; or
- (c) posting the document on the internet on a government website;

“public service entity” include—

- (a) Parliamentary Service Commission;
- (b) Public Service Commission;
- (c) Judicial Service Commission;

- (d) National Police Service Commission;
- (e) Teachers Service Commission;
- (f) County Public Service Board;
- (g) County Assembly Service Board; and
- (h) Constitutional Commission and Independent Office;

“qualifications” means any requirement of eligibility attached to holding or acting in a public office;

re-designation” means the movement of a public officer from one career path or cadre to another at a grade equal to or substantially equal to the one held before the movement;

“representative” means any person who represents a public officer on any matter related to the employment of the public officer;

“resignation” means the action of a public officer’s exit from the public service;

“retirement” means the exit of an officer from the public service with separation benefits, including pension benefits as may be provided for in the applicable law, contract of service or a special retirement scheme agreed upon between the public officer and the relevant lawful appointing authority;

“secondment” means the temporary release of a pensionable public officer from one public service entity to another while preserving the pension rights of the employee;

“statutory commission” means a Commission established by legislation;

“stipend” means a fixed payment to an intern occurring at regular intervals;

“transfer” means the movement of an officer from one duty station to another;

“transfer of service” means the movement of the pensionable service of a public officer from one public service entity to another, which has been declared a “Public Service” for purposes of preserving the officer’s previous pensionable service;

“vetting” means any background check on a person, by a public service entity or other competent authority and includes verification of academic certificates and identification documents; and

“volunteer” means a person offering service in the public service without remuneration and benefits.

3. (1) This Act applies to—

Scope and application.

(a) a public service entity; and

(b) a public officer serving in a public service entity.

(2) This Act does not apply to—

(a) a person who is a member of the Kenya Defence Forces; or

(b) an office in the Kenya Defence Forces.

4. This Act shall prevail in the case of any inconsistency between this Act and any other legislation on matters relating to human resource management

Conflicts with other legislation.

5. The object of this Act is to —

Object of this Act.

(a) ensure human resource is managed in public service entities within uniform norms and standards and in accordance with the values and principles set out in the Constitution;

(b) provide for institutions, systems and mechanisms for human resource utilization and development in a manner that best enhances efficient and effective service delivery by public service entities;

(c) provide labour mobility between the two levels of government and across public service entities;

(d) ensure public officers with responsibility for managing human resource are accountable to the public for the management of human resource through Parliament and County Assemblies; and

(e) provide for monitoring, evaluation and reporting on human resource management.

6. A public service entity shall, in fulfilling its mandate, be guided by the national values and principles of governance and the values and principles of public service in Articles 10 and Article 232 of the Constitution.

Guiding principles.

## **PART II— RESPONSIBILITIES FOR THE MANAGEMENT OF HUMAN RESOURCES**

7. The responsibility of management of human resources in the public service shall be, in the case of—

Responsibility for the management of human resource.

- (a) a Cabinet Secretary, the Attorney-General, Principal Secretary, High Commissioner, Ambassador, Diplomatic and Consular representative of the republic, by the President;
- (b) the Judicial Service, by the Judicial Service Commission;
- (c) the Parliamentary Service, by the Parliamentary Service Commission;
- (d) the National government public service, by the Public Service Commission;
- (e) Office of the Attorney-General, Office of the Director of Public Prosecutions, Public Universities, Statutory Commissions, State Corporations or other public body, by the Public Service Commission;
- (f) the Police Service, by the National Police Service Commission;
- (g) the Teachers Service, by the Teachers Service Commission;
- (h) member of County Executive Committee and a County Chief Officer, by the Governor;
- (i) the County Government public service, by the County Public Service Boards;
- (j) the County Assembly Service, by the County Assembly Service Boards; and
- (k) Constitutional Commissions and Independent Offices, by the respective Constitutional Commission or Independent Office.

### **PART III —ESTABLISHMENT AND ABOLITION OF OFFICES**

8. (1) A public service entity may on its own motion or upon request establish an office in the public service within its mandate.

Power to  
establish offices.

(2) A public body shall not implement a re-organization or review of its establishment without the approval of the relevant public service entity.

9. For the purposes of this Part, “establishment of offices in the public service” means the determination and creation of the number and kinds of offices in the public service.

Meaning of  
establishment of  
offices.

10. (1) In establishing an office, a public service entity shall satisfy itself that—

Conditions for  
establishment of  
office.

- (a) the public office shall serve public interest in line with the core functions of the public service entity;
  - (b) the office to be created relates to or supports the core functions of the public service entity;
  - (c) the need to establish an office, is based on a comprehensive plan informed by the public body’s workload analysis and job evaluation;
  - (d) the level of grading, qualification, and remuneration of the office to be established shall—
    - (i) not disadvantage similar offices in the public body;
    - (ii) not occasion unfair competition for staff among public bodies, and
    - (iii) not confer unfair advantage to a group of or individual serving public officers in a public body;
  - (e) funding for the office to be established is duly provided for; and
  - (f) upon the establishment of the office, the office shall be vacant to be filled competitively and transparently in accordance with the prescribed appointment or promotion procedures.
- (2) If the public service entity establishes an office and the office is not filled for a period of twelve months after its

establishment, the office shall stand abolished, and the public service entity shall not be required to make a decision to abolish that office

11. A public service entity may, on its own motion or upon request, abolish an office in the public service within its mandate.

Power to abolish an office.

12. (1) In determining whether to abolish an office, a public service entity shall be guided by its applicable legislation and shall satisfy itself that —

Conditions for abolition of office.

- (a) the office proposed to be abolished is not established by legislation;
- (b) the office to be abolished relates to the provision of services that are no longer necessary or that cannot continue to be rendered efficiently and effectively in view of improved methods for service delivery;
- (c) the need to abolish an office is based on a comprehensive plan informed by the public body's workload analysis;
- (d) the abolition of the office in view of its level is necessary so as to eliminate unfair competition for staff within the public body;
- (e) the abolition of the office shall not confer unfair advantage to a group of, or individual public officer in a public body;
- (f) an indication of the financial implications, including any savings to be made in relation to services relating to the office;
- (g) information on the current authorized establishment, level of grading, designation, and evidence of optimum utilization of existing posts is submitted;
- (h) the office when abolished shall eliminate duplication and overlaps of functions by public bodies; and
- (i) the functions of the office if not abolished are inconsistent with the Constitution or any other legislation.

13. (1) A decision by a public service entity to abolish an office in the public service shall be subject to the applicable legislation and the due process of deployment, transfer, removal or retiring the affected public officer as

Protection of a public officer on abolition of office.

prescribed in legislation or the terms and conditions applicable to a public officer.

(2) An officer shall not be removed or retired from public service on grounds of abolition of office unless the public service entity has considered re-training and deployment or transfer of the public officer as appropriate.

14. A public service entity shall develop guidelines for establishment and abolition of offices in accordance with the Public Service Commission Act, Cap 185.

Guidelines for establishment and abolition of offices.

#### **PART IV—RE-ORGANIZATION OF OFFICES**

15. (1) A public body may be re-organized pursuant to—

Circumstances for re-organization.

- (a) change of mandate of the public body;
- (b) re-organization of government;
- (c) adoption of technology and innovations; or
- (d) mergers.

(2) Where a public body has been re-organized, the staff of such public body may be—

- (a) re-trained to assume new responsibility;
- (b) re-deployed to assume new positions commensurate to their competencies;
- (c) transferred to the new entity in the case of a merger and appropriately deployed;
- (d) retired in accordance with legislation or their terms and conditions of service or special retirement terms as determined by the public service entity, or
- (e) given an option to voluntarily exit the service.

(3) Retirement on grounds of re-organization of office shall only apply where re-training, re-deployment or transfer is not practical.

(4) No re-organization shall be undertaken without the approval of the relevant public service entity.

(5) In this part, re-organization means the act of restructuring the operational or other structures of a public body.

16. Where, by reason of re-organization a public officer is found to be redundant the provisions of the Employment Act shall apply.

Redundancy

#### **PART V —APPOINTMENTS AND RELATED MATTERS**

17. Except as provided for in a written law, a public service entity shall have the power to make appointments including promotions in respect to offices in the public service within its mandate.

Power to make appointments.

18. (1) In appointing or promoting a person to hold office in a public body, a public service entity shall be guided by the values and principles of public service provided for in Article 232 of the Constitution, and shall specifically—

Guiding principles on appointment and promotion.

- (a) ensure fair competition and merit as the basis for appointments and promotions,
- (b) ensure representation of Kenya's diverse communities; and
- (c) afford adequate and equal opportunities for appointment and promotion at all levels of the public service—
  - (i) men and women;
  - (ii) members of all ethnic groups;
  - (iii) minorities and marginalized groups;
  - (iv) persons with disabilities; and
  - (v) the youth.

(2) A public service entity shall develop human resource plans to guide appointments.

(3) The human resource plans referred to in subsection (2) shall be aligned to the mandate of the public service entity and where applicable, aligned to the national development plans.

19. (1) Where a vacancy in a public office is to be filled, a public service entity or lawful appointing authority shall invite applications through advertisements in—

Advertisement of a vacancy in public service.

- (a) the Gazette where applicable;

- (b) at least one daily newspaper of nationwide circulation;
- (c) the public service entity's website;
- (d) a public body's website;
- (e) offices of local administrative units;
- (f) radio with wide coverage; and
- (g) any other modes of communication so as to reach as wide a population of potential applicants as possible.

(2) A public service entity shall ensure that an invitation for application does not discriminate against any person.

(3) The advertisements in subsection (1) shall be conducted in an efficient and effective manner so as to ensure that the entire pool of potential applicants, including persons who for any reason have been or may be disadvantaged have an equal opportunity to apply for the advertised position.

(4) An advertisement inviting applications to fill any vacancy in a public office shall provide for—

- (a) the title and rank of the public office;
- (b) the public body in which the office is tenable;
- (c) the background and context of the work, where necessary;
- (d) the terms of employment;
- (e) the applicable remuneration including salary, allowances and other benefits;
- (f) the prescribed qualifications applicable, including any desired previous achievements;
- (g) the core duties of the office;
- (h) the expected deliverables of the office;
- (i) the supervision, accountability and reporting arrangements;
- (j) any added advantage applicable—

- (i) the mode and deadline of transmitting the application;
- (ii) any consideration that may occasion disqualification; and
- (iii) any consideration of equity or affirmative action.

20. A public service entity or other lawful appointing authority shall maintain a record of all applications received in response to an advertisement.

Record of  
applicants.

21. (1) Acting appointments shall be —

Acting  
appointments.

- (a) made only by a public service entity or lawful appointing authority;
- (b) made by a public service entity or the lawful appointing authority from public officers within the public body; and
- (c) subject to the prescribed regulations and procedures which apply to appointments, including the existence of a vacancy.

(2) A person shall not be appointed to hold a public office in an acting capacity unless the person satisfies all the prescribed qualifications for holding the public office.

(3) An officer may be appointed in an acting capacity for a non-renewable period of at least thirty days but not exceeding six months during which period the public service entity or lawful appointing authority shall commence and conclude the recruitment process for a substantive holder of the position.

(4) Nothing in this section shall prevent a public service entity or lawful appointing authority from deploying another public officer to act or perform duties for a period exceeding six months during a temporary absence of the substantive holder of a public office.

(5) A deployment under subsection (4) shall—

- (a) be in favour of a public officer who is duly qualified and competent to perform the duty;
- (b) be in favour of a public officer within the public service entity; and

- (c) not undermine the expeditious appointment or deployment of a (d) competent person to the public office concerned

(6) In this section, temporary absence includes study leave, sabbatical leave, secondment, leave of absence, sick leave or absence occasioned by the interdiction or suspension of the substantive office holder.

22. (1) Despite section 21, where there is a temporary vacancy in the office of a Vice Chancellor of a public university, Principal of a constituent college of a public university or Chief Executive Officer of a State corporation or other public body, the council or board shall appoint an acting vice chancellor or principal or chief executive officer from amongst qualified public officers of the relevant public university, constituent college or State corporation or public body.

Appointment of acting vice chancellors and chief executive officers of State corporations or public bodies

(2) An appointment under this section shall not exceed a period of six months and shall not be renewable.

(3) In this section, temporary vacancy means a vacancy arising from lapse of tenure, death, illness, resignation or suspension from office.

23. (1) In selecting candidates for appointment or promotion the public service entity or lawful appointing authority shall have regard to —

Criteria for appointments and promotion.

- (a) the need for open and transparent recruitment of public officers;
- (b) the standards, values and principles set out in Articles 10, 27(4), and 232 of the Constitution.
- (c) personal integrity of the candidate;
- (d) fair competition, merit, equity, aptitude and suitability
- (e) the prescribed qualifications for holding or acting in the office;
- (f) the efficiency of the public service;
- (g) the provable experience and demonstrable milestones attained by the candidate;
- (h) the principle that not more than two-thirds of members of appointive bodies shall be of the same gender;

- (i) the principle that at least 5% of the members in appointive bodies are persons with disabilities; and
- (j) affirmative action on access to employment for the youth, minorities and marginalized groups.

(2) Subject to relevant transitional statutory provisions, where a new public body is established from an existing public body, public officers performing transferred functions shall be deemed to be on secondment pending the establishment of a retirement benefits scheme for the officers of that new body and shall thereafter be considered for direct absorption after due process of suitability mapping.

(3) A public service entity shall develop or approve career progression guidelines to guide the development and mobility of officers within a public body.

(4) Where a public service entity prescribes a standard application form for submitting applications for employment, the public service entity shall ensure that the form meets the requirements of this Act.

(5) A public service entity may make regulations to give effect to this section.

24. (1) A public service entity may require a candidate or public officer to be vetted by a relevant state agency before such candidate or public officer is appointed, promoted, conferred an award or at such other time as the public service entity may deem necessary. Vetting

(2) A public service entity shall develop guidelines for vetting of public officers.

25. (1) The criteria for appointment of a public officer prescribed under section 23(1)(e), (f) and (h) shall apply in considering a public officer for re-designation. Re-designation.

(2) A public officer who wishes to re-designate shall apply, in writing, to the respective appointing authority.

(3) A public officer may be re-designated to hold or act in a public office if—

- (a) the office is vacant;
- (b) the officer meets all the qualifications;

- (c) the decision shall not disadvantage any public officer who is already serving in the particular cadre;
- (d) the officer has consented to such a decision; and or
- (e) the re-designation is to a similar grade or rank provided that the re-designation shall not reduce the public officer's salary.

(4) An application for re-designation shall be processed in accordance with the existing guidelines of the public service entity.

26. The effective date of appointment, acting appointment, promotion or re-designation shall be the date of the decision to appoint, promote or re-designate or such date as the public service entity may determine.

Effective date of appointment, promotion and re-designation.

27. (1) Where it is necessary to appoint a public officer on probationary terms the probationary period shall not exceed six months but may be extended, with the consent of the public officer, for a further period not exceeding six months.

Confirmation in appointment.

(2) A probationary period of service shall not be extended except on account of—

- (a) affording the public officer further opportunity to fulfil a condition for confirmation of appointment prescribed in writing prior to the appointment of the public officer; or
- (b) affording the public officer an opportunity to improve with respect to any matter in which the public officer's work or conduct has been adversely reported on.

(3) A public service entity or lawful appointing authority shall, where it is necessary to extend a probationary period—

- (a) notify the affected public officer of the intended extension at least thirty days before the expiry of the probationary period; and
- (b) give reasons for the intended extension.

(4) Where the affected public officer is not notified in accordance with subsection (3), or where the appointing

authority has failed to confirm the appointment of the public 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.

(5) The period served on probationary terms shall be taken into account when computing the period of service for the purpose of payment of pension benefits, gratuity or any other terminal benefits.

(6) Where a public service entity or lawful appointing authority intends to terminate a probationary contract, the affected officer shall be afforded a fair hearing in accordance with the law.

28. Any appointment, acting appointment, promotion, re-designation, transfer, deployment, delegation or assignment of a duty in the public service shall be in writing. Decisions to be in writing.

29. On first appointment into a public service entity, a public officer shall be provided with information on laws, regulations, manuals, guidelines, or collective bargaining agreements that govern the employment of the public officer. Provision of information on first appointment.

30. (1) A public officer on permanent and pensionable terms of service may transfer from one public service entity or public body to another if— Transfer of service.

(a) the officer has been offered a permanent and pensionable appointment by another public service entity or public body, and

(b) the public service entity or public body to which the officer seeks to transfer to, has been declared a public service for purposes of pension.

(2) A public officer seeking a transfer of service shall apply in writing to the public service entity from which the public officer seeks to transfer service.

31. (1) A public officer may be seconded from one public service entity or from a public body to another if— Secondment.

(a) the public officer is serving on permanent and pensionable terms;

- (b) the public officer has served for at least three years in the parent public body;
  - (c) the public officer is appointed on contract to the other public service entity or public body;
  - (d) the public service entity or public body to which the public officer is to be seconded does not present a conflict of duty with the public office held by the public officer or the core functions of the public body in which the public officer is employed;
- (2) The authority to second a public officer shall—
- (a) vest in the public service entity from which the public officer substantively holds a position; and
  - (b) be carried out upon the request of—
    - (i) the public officer; or
    - (ii) a public service entity or a lawful appointing authority to which the public officer has been offered an appointment.
- (3) A public officer shall not proceed on secondment before receiving an approval in writing from the relevant public service entity.
- (4) Unless there is an agreement to the contrary, the public body to which a public officer is seconded shall bear all the costs, remuneration, allowances and other benefits due to the officer during the period of secondment.
- (5) A public officer on secondment may be re-called back to the seconding public body where the services of the public officer are required in the seconding public body.
- (6) Where it is no longer necessary for a public officer on secondment to remain seconded and the secondment period has not lapsed, the public officer shall be entitled to revert to the public office held before the secondment.
- (7) Upon completion of the secondment period, a public officer shall revert to the terms and conditions of service appropriate to his or her substantive position in the public body and shall not be eligible for another secondment within a period of three years from the last secondment.

(8) A public service entity shall approve a secondment in line with its applicable guidelines.

(9) The period of secondment shall vary from case to case depending on the overall assessment under this Act but shall not in any case exceed six years:

Provided that a public officer who intends to remain in the employment of the public body or organization to which the public officer has been seconded after the expiry of six consecutive years, shall retire from the parent public body with accrued retirement and other terminal benefits in accordance with the relevant law or agreement.

(10) A public body to which a public officer has been seconded may remit pension contributions of the seconded officer to the relevant pension scheme at the prevailing rates during the period of secondment.

(11) Where the public body to which an officer has been seconded pays the pension contribution for the seconded officer, such amount shall be recovered from the officer's service gratuity.

(12) A public officer on secondment shall be eligible for promotion in the public body from which the public officer has been seconded during the period of secondment.

(13) Disciplinary action against a public officer on secondment shall be handled by the public body to which the officer is seconded and the recommendations and decision thereof shall be forwarded to the parent public body for additional action in accordance with the applicable legislation.

**32.**(1) A public service entity may grant leave of absence to a public officer for a period not exceeding three years which may be extended once for a period not exceeding three years. Leave of absence

(2) Where a public officer is appointed on contractual terms to a public body for a period exceeding three years, a public service entity may grant leave of absence for the duration of the contract.

(3) leave of absence may be granted to a public officer if—

- (a) the public officer is serving on permanent and pensionable terms;
- (b) the public officer has served for at least three years in the parent public body;
- (c) the public officer has been granted a contractual appointment within a public body, private corporation or international organization to which the officer cannot be seconded or to which service cannot be transferred;

Provided that an officer may only be granted leave of absence to a private corporation where the relevant public service entity determines that the experience and expertise that the officer shall gain from the private organization shall be of benefit to the public body

- (d) the public officer is a spouse of a public officer who has been posted outside Kenya during the tour of service of the public officer.
  - (e) proceeding on leave of absence does not present a conflict of interest with the public office held by the public officer or the core functions of the public body in which the public officer is employed.
  - (f) the public officer will not be exposed to undesirable experience in view of the core functions of the organization to which the public officer is proceeding on leave of absence.
  - (g) the leave of absence will not bring the parent public body or the public officer into disrepute.
- (4) Leave of absence shall not be granted for purposes of participating in political activities.
- (5) Unless there is an agreement to the contrary, the public body or the organization to which a public officer is on leave of absence shall bear all the costs, remuneration, allowances, and other benefits due to the officer during the period of leave of absence.
- (6) Upon completion of the leave of absence, a public officer shall revert to the terms and conditions of service appropriate to their substantive position in the public body and shall not be eligible for another leave of absence within a period of three years from the last leave of absence.

(7) During a leave of absence, a public service entity or public body will not make a contribution of its portion towards an officer's pension under a contributory pension scheme:

Provided that a public officer on leave of absence may continue to contribute towards the public officer's pension under contributory pension scheme during the period of leave of absence.

(8) A public officer on leave of absence, to whom the Pensions Act applies, may contribute towards his or her pension at the rate equivalent to thirty-one percent of the public officer's basic monthly salary applicable to the public body from which the public officer has taken a leave of absence.

(9) Disciplinary action against a public officer on leave of absence in a public body shall be handled by the public body to which the officer is serving on leave of absence and the recommendations and decision thereof shall be forwarded to the parent public service entity or public body for additional action in accordance with the applicable legislation.

33. (1) A public officer may be granted unpaid leave for a period not exceeding six months which may be extended only once for a period not exceeding six months for purposes of attending to urgent private affairs of exceptional nature.

Unpaid leave.

(2) A public service entity shall not grant unpaid leave to a public officer for purposes of participating in political activities.

(3) A public officer on unpaid leave shall not be entitled to annual increment for the duration the period of the unpaid leave.

(4) During the period of unpaid leave, a public body shall not make a contribution of its portion towards the officer's pension under a contributory pension scheme:

Provided that an officer on unpaid leave may continue to contribute towards the officer's pension under a contributory pension scheme.

(5) A public officer on unpaid leave, to whom the Pensions Act applies, may contribute a portion of the public

officer's basic monthly salary towards pension as provided in legislation.

34. (1) A public service entity or lawful appointing authority may grant sabbatical leave to academic, or research staff employed in academic or research institutions for purposes of undertaking relevant academic and research activities in other local, regional or international institutions. Sabbatical leave

(2) Sabbatical leave referred to in subsection (1) may be granted to a public officer who has served at least five years in the public body.

(2) Sabbatical leave referred to in subsection (1) may be granted to a public officer who has served at least five years in the public body.

(3) A public officer on sabbatical leave will be entitled to full pay and pension benefits in accordance with the relevant legislation.

(4) Sabbatical leave shall be for a period not exceeding twelve months.

(5) A public service entity or other appointing authority shall develop guidelines to give effect to this section.

35. (1) A person may be engaged on a term of contract, for a period of not less than twelve months but not exceeding five years renewable. Service on contractual terms

(2) A person may be engaged on a term of contract if the following requirements are met—

(a) the office where such a person is to be deployed has been established by the public service entity; and

(b) there is no other public officer performing the function.

(3) An engagement on contract may be renewed—

(a) the workload justifies further engagement;

(b) the performance of the public officer is satisfactory;

(c) the public officer has expressed, in writing, the willingness to engage for a further term of service at least six months prior to the expiry of the term of contract; and

(d) the decision shall in no way disadvantage any public officer employed on permanent terms;

(4) A public service entity shall regulate the employment of persons on a term of contract as contemplated under this section.

36. (1) Subject to any written law, a public service entity may appoint an expatriate where the expertise sought is not locally available.

Appointment of expatriates.

(2) In appointing an expatriate, a public service entity shall satisfy itself that there are no Kenyan citizens with the requisite qualifications to meet the staffing needs of the public service entity.

(3) The appointment of an expatriate shall be on contractual terms for a period not exceeding three years, renewable once for a period not exceeding three years subject to satisfactory performance.

(4) An expatriate shall be appointed on such terms and conditions of service as shall be determined by the public service entity and shall be subject to the code of conduct, policies, and regulations applicable to public officers.

(5) No public body shall appoint an expatriate without the approval of the relevant public service entity.

37. (1) A public service entity may appoint a qualified person to serve on voluntary basis.

Volunteer service.

(2) No person shall be engaged on voluntary basis in a public body 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 a public body;
- (e) a security officer;
- (f) a holder of any strategic public office including any office established by written law; or
- (g) such other position as may be determined by the public service entity.

(3) A volunteer in the public service shall be issued with a letter of engagement for a non-renewable period not exceeding twelve months.

(4) A volunteer shall be bound by this Act and the code of conduct, rules and regulations applicable to public officers.

(5) A person engaged as a volunteer shall be deployed to perform duties relevant to the volunteer's area of qualification, experience, or expertise.

(6) A person appointed as a volunteer shall undergo security and other vetting by the relevant state agencies before taking up the appointment.

(7) A volunteer shall not have or hold any supervisory role over any public officer.

(8) Volunteer service shall not be a guarantee of employment in the public service.

(9) A public service entity shall provide guidelines for volunteer service.

**38.** A public service entity or lawful appointing authority may employ a person in casual service in accordance with the provisions of the Employment Act. Casual service.

**39. (1)** A public service entity may engage a qualified person as an intern. Internship

(2) A lawful appointing authority shall notify the relevant public service entity of any available opportunity for internship before engaging any person as an intern

(3) Subject to any other written law, an opportunity for internship shall be advertised in accordance with section 19 of this Act.

(4) The engagement of interns in the public service shall be through a competitive, transparent and accountable process and accord equal opportunity for all qualified applicants

(5) An intern shall be deemed to be a public officer for the purposes and duration of the internship and shall be subject to this Act and prevailing code of conduct for public officers in the public service entity to which the intern is attached.

(6) An intern may be paid such stipend as the public service entity may prescribe.

(7) An internship shall be for a non-renewable period not exceeding one year and shall not be a guarantee for employment in the public service.

(8) A public service entity shall monitor and evaluate internship programmes within its mandate.

(9) No public service entity shall engage interns for another public service entity.

(10) In this section, intern means a supervised recent college or university graduate working to gain experience or satisfy requirements for an academic, professional, technical, and occupational or trade certification, registration, or licensing.

40. (1) A public body may engage students on industrial attachment for purposes of satisfying requirements for an academic qualification.

Industrial  
Attachment.

(2) The industrial attachment referred to in sub-section (1) shall be undertaken during the course of study.

(3) A public service entity shall develop guidelines for attachment.

41. Subject to any other written law where a public service entity is required by law to nominate or recommend a person for appointment, the public service entity shall set the qualifications and criteria for nominating a person for appointment to a public office.

Nomination or  
recommendation  
for appointment.

42. (1) Pursuant to Article 232(1)(g), (h) and (i) a chairperson or a member of a University Council or Board of a State corporation or other public body shall be nominated for appointment through a competitive corporations or other recruitment process undertaken by the Public Service Commission.

Appointment of  
Chairpersons  
and members of  
University  
Councils, Boards  
of State  
corporations or  
other public  
bodies.

(2) The qualifications for appointment under subsection (1) shall be as provided in the relevant legislation.

(3) A Cabinet secretary shall, three months before a vacancy arises in a University Council or Board of a State corporation or other public body notify the Public Service Commission of —

(a) the impending vacancy where there is no intention of renewal or where the term of office has expired; and

(b) a renewal of term of a chairperson or a member of a board in accordance with the relevant legislation

(4) The Public Service Commission shall undertake the recruitment process referred to under subsection (1) within thirty days from the date of vacancy

(5) Where a vacancy arises as a result of death or resignation of a chairperson or member of a council, board or other public body the relevant Cabinet Secretary shall, within thirty days of the vacancy arising, inform the Public Service Commission, who shall undertake the recruitment process within three months from the date of vacancy.

(6) Upon completion of the recruitment process the Public Service Commission shall forward three names for each vacant position to the lawful appointing authority for consideration for appointment.

(7) The chairpersons and members of a University council, a board of a State corporation or other public body shall serve for such period as provided in the relevant legislation.

(8) A Chairperson of a university council or a board of a State corporation or other public body shall not hold such other position in a council or board concurrently.

(9) A member of a University council or a board of a State corporation or agency shall not hold such other position in more than two councils or boards concurrently

(10) Subsection (9) shall apply to the alternate representative of a Cabinet secretary or Principal secretary or any public office in a council or a board.

(11) The alternate representative referred to in subsection (10) shall be a person with relevant expertise

43. Subject to this Act, where a public officer is appointed, transferred or seconded from one public body to another public body, the public officer's accrued leave and pension benefits relating to the previous period in the public service shall not be lost.

Protection of  
accrued rights  
and benefits.

Provided that accrued leave allowance shall be paid by the public body from which the leave allowance has accrued.

44. (1) Where a public officer is transferred, seconded, re-designated, proceeds on leave of absence or vacates office, the public officer shall handover office in writing to an identified public officer within the public body at least seven days before taking up the transfer, secondment, deployment, re-designation, leave of absence or vacation of office. Handing over.

(2) Where a chief executive officer of a public service entity or a public body completes a term of office or otherwise vacates office, the chief executive officer shall hand over to a public officer of the public service entity or public body as designated by the lawful appointing authority at least seven days before vacating office.

(3) The handing over referred to in subsection (2) shall include the following —

- (a) a comprehensive handing over report which shall include a financial status report;
- (b) assets and liabilities;
- (c) staff
- (d) any other documents or items as determined by the public body.

(4) a copy of the handing over report referred to in subsection (2) shall be presented to the lawful appointing authority and to the relevant Cabinet Secretary where applicable.

(5) In this section Chief Executive Officer shall include the Chief Registrar of the Judiciary and the Director of Public Prosecutions.

#### **PART VII—QUALIFICATIONS**

45. (1) Subject to any written law, a public service entity shall determine and where applicable recommend to a lawful appointing authority the qualifications for a public office. Qualifications.

(2) A public service entity or any other lawful appointing authority shall not appoint any person to hold or act in a public office for which qualifications have not been determined.

46. (1) A public service entity may on its own initiative or upon request by a lawful appointing authority, public officer, professional body or association, review qualifications relating to a public office, category of public offices or all public officers in a public body.

Review of  
qualifications.

(2) A public service entity may in reviewing the qualifications consult a relevant professional body.

(3) A public service entity shall give interested or affected persons an opportunity to make representations before reviewing qualifications under this section.

(4) A public service entity shall be guided by the following factors when reviewing qualifications—

- (a) parity of treatment of public officers;
- (b) the human resource needs of the public office;
- (c) legitimate expectations of the public officers concerned, including career progression;
- (d) the need to eliminate unfair competition for available human resource among public bodies;
- (e) the prevailing and projected workload status of the concerned public body;
- (f) the capacity of the country to generate persons holding the desired competencies and skills attached to the concerned public office;
- (g) the need to attract and retain competent, qualified and motivated public officers;
- (h) the need to build a service that embraces continuous improvement and innovation;
- (i) the need to standardize qualifications in the service;
- (j) any applicable convention or treaty relating to employment; and
- (k) any other factors as may be determined by the public service entity.

(5) A public service entity shall, in recommending qualifications, establish the necessary framework to adhere to the provisions of Articles 10, 27(4), 27(8), 54(2), 55(c), 56(c) and 232 (g) of the Constitution.

(6) In reviewing the qualifications, a public service entity shall —

- (a) specify the public office, category of public offices, profession or occupation that it applies to;
- (b) indicate the date on which the qualification was approved by the public service entity;
- (c) specify the effective date of the qualification;
- (d) clearly define job descriptions and specifications at all grades or ranks within the grading structure, to enable a public officer to understand the requirements and demands of the job; and
- (e) clearly indicate likely career progression and mobility.

47. (1) A public service entity shall regularly review, publish and publicise qualifications relating to all public offices established by the public service entity.

Publication of  
qualifications.

(2) A public service entity or lawful appointing authority shall publish and publicise any reviewed qualifications to public officers within its mandate.

48. (1) A determination, review or recommendation of qualifications shall not apply retrospectively to a public officer who is already holding or acting in the public office with respect to which the qualifications relate.

Application of  
reviewed  
qualifications.

(2) Where a qualification is reviewed with the aim of upgrading a grade or rank, the coming into force of the qualification shall not have the effect of automatically promoting the affected serving public officer to the upgraded grade or rank unless, the public service entity or other lawful appointing authority has made a specific promotional decision in accordance with the provisions of this Act.

## **PART VIII — CONDITIONS OF SERVICE**

49. Except where conditions of service applicable to a public officer are more favourable than those prescribed in this Act, this Act shall prevail.

Application.

50. (1) Subject to any written law, a public service entity may on its own initiative or upon request recommend

Determination of  
conditions of  
service.

or determine conditions of service relating to public officers within its mandate.

(2) A public service entity shall give any interested party an opportunity to make representations before determining or making any recommendation under this section.

(3) A public service entity shall develop guidelines on conditions of service.

51. (1) A public service entity shall establish a framework for the continuous review of the conditions of service by taking into account the priorities and changing needs of the public service.

Review of  
conditions  
of  
service.

(2) The factors that shall guide a public service entity when reviewing, making any recommendations or determining conditions of service under this section shall include —

- (a) parity of treatment of public officers;
- (b) any current or future needs of the public body;
- (c) legitimate expectations of respective public officers including the accrued or accruing benefits;
- (d) the need to harmonise the terms and conditions of service of public officers;
- (e) fiscal sustainability;
- (f) the need to attract and retain qualified and motivated public officers;
- (g) the need to compensate rare, unique, innovative or talented performers;
- (h) productivity;
- (i) any written law; and
- (j) the cost of living.

(3) A public service entity shall develop policies and guidelines for conditions of service.

#### **PART IX — TRAINING AND DEVELOPMENT IN THE PUBLIC SERVICE**

52. (1) Parliament and County Assemblies shall set aside funds in the annual budget for each public service

Training and  
development,  
etc.

entity for purposes of training and development in the public service and such funds shall not be re-allocated without the approval of parliament or the County Assemblies.

(2) Each public service entity shall be responsible for training and development of public officers within its mandate.

(3) In developing human resource, a public service entity or other lawful appointing authority shall—

- (a) make provision for adequate budgetary allocation;
- (b) review and issue human resource training and development policy and guidelines;
- (c) prescribe procedures and instruments governing the development of human resources;
- (d) prescribe measures for prudent utilization of training funds;
- (e) ensure that training needs assessment and projections are undertaken;
- (f) approve courses for individual public officers before proceeding for any training including both short and long term training;
- (g) ensure equity in the provision of training opportunities;
- (h) prescribe measures for ensuring merit in the selection and award of training opportunities;
- (i) ensure annual assessment of the impact of training programmes in the concerned public body;
- (j) prescribe measures to guarantee effective orientation and induction programmes; and
- (k) monitor and evaluate the effectiveness of Government training programmes geared towards improvement of performance and qualifications to hold a public office.

(4) The human resources in the public service shall be developed in order to —

- (a) ensure relevance of the training to the public service entity and for national development;
- (b) continuously improve professional knowledge, skills, creativity and innovation needed for better performance of individual public officers and public bodies;
- (c) enhance efficiency and effectiveness in service delivery;
- (d) promote better understanding of professional requirements and sensitization to professional, socio-economic and political environment in which the public body operates;
- (e) bring about the right attitudinal orientation of public officers;
- (f) promote responsiveness to the prevailing scientific and technological developments;
- (g) enhance commitment to democratic values, partnership and participative decision making;
- (h) achieve a factual and scientific approach to decision making;
- (i) achieve high performance in every public body, public office, category of public offices and profession or occupation;
- (j) promote and protect human rights and freedoms as provided for in the Constitution; and
- (k) promote an ethical environment for public service delivery in accordance with the national values and principles of governance and the values and principles of public service as provided for in the Constitution.

(5) A public service entity shall develop policies, guidelines or regulations to give effect to this section.

#### **PART X — EFFICIENCY AND EFFECTIVENESS OF THE PUBLIC SERVICE**

53. (1) A public service entity shall promote efficiency and effectiveness of the public service by —

Promotion of efficiency and effectiveness in the public service

- (a) developing a performance management framework which will include —
  - (i) strategic planning;
  - (ii) setting of performance management standards;
  - (iii) development and review of performance management tools;
  - (iv) establishment of performance evaluation criteria;
  - (v) establishment of recognition, commendations and award schemes;
  - (vi) remedies for underperformance;
  - (vii) sanctions for persistent underperformance; and
  - (viii) an appeals mechanism.
- (b) making the citizen aware of the services offered and commitment of the public service entity or public body on—
  - (i) accessibility of services;
  - (ii) service delivery timelines,
  - (iii) service delivery cost, and
  - (iv) grievance handling procedure
- (c) making the citizen aware of their obligations with regard to receipt of services from the public service entity or a Public body.
- (d) continually improving on service delivery standards by—
  - (i) documenting processes;
  - (ii) reviewing business processes,
  - (iii) undertaking research and innovation,
  - (iv) automating of business processes,
  - (v) migrating of the business processes to electronic platforms, and
  - (vi) ensuring that services are accessible through electronic platforms.

- (e) evaluating citizen service delivery satisfaction by undertaking objective citizen satisfaction surveys.
- (f) evaluating the organization and core functions of the public service entity and public bodies with respect to human resources and internal processes, and implementation of measures for improved performance;
- (g) where applicable, evaluating performance agreements in public bodies within the mandate of the public service entity;
- (h) ensuring the evaluation of performance agreements relating to individual public officers;
- (i) investigate on its own motion or upon receipt of a complaint on inefficiency and ineffectiveness of service delivery in a public service entity including;
  - (i) general practices that lead to inefficiency in the public service entity; and
  - (ii) reported breach of any written law.
- (j) issuing instructions for improved efficiency and effectiveness of the public service entity.

(2) In this section, framework means a policy, manual, guideline or regulation.

#### **PART XI —NATIONAL VALUES AND PRINCIPLES OF GOVERNANCE AND VALUES AND PRINCIPLES OF PUBLIC SERVICE**

54. (1) A public service entity shall promote national values and principles of governance in Article 10 and values and principles of public service in Article 232 (1) of the Constitution by—

Promotion of values and principles.

- (a) integrating the values and principles in the regulations, procedures, policies and instruments for delivery of functions;
- (b) informing and educating public officers within its mandate about the values and principles for the purpose of practicing the values and principles;
- (c) formulating and implementing programmes intended to inculcate in the public officers awareness of their civic responsibilities and

- appreciation of their rights and duties to uphold the values and principles in respect of its mandate;
- (d) overseeing the implementation and effectiveness of the programmes under paragraph (c);
  - (e) assessing and reporting on the public service entity's compliance with its obligations under international treaties and conventions on good governance, integrity and anti-corruption;
  - (f) collaborating with other institutions working in the field of good governance, integrity and anti-corruption for the purpose of promoting and protecting the values and principles of public service;
  - (g) where applicable, reporting or recommending to the President and Parliament or to the Governor and the County Assembly, as the case may be, on action taken or effective measures for promotion of the values and principles; and
  - (h) performing such other functions as the public service entity may consider necessary for the promotion and protection of the values and principles

## **PART XII— DISCIPLINARY CONTROL**

**55.1** (a) A disciplinary action against a public officer who commits an act of misconduct shall be considered within a reasonable period but not later than twelve months from the date of the commencement of the disciplinary process.

General principles of disciplinary process.

- (b) Where a disciplinary action is not concluded within a period of twelve months, an officer on suspension shall resume duty and salary and benefits shall be restored with effect from the date the officer resumes duty.
- (c) Any salary and benefits withheld during the suspension period shall continue to be withheld until a decision on the disciplinary process is made.
- (d) A public officer who occasions the delay of a disciplinary process beyond the twelve months period referred to in subsection 1(a) shall be subject to disciplinary action.

(2) Pending criminal proceedings shall not bar a public service entity or lawful appointing authority from undertaking an administrative disciplinary process against a public officer.

(3) An acquittal or discharge by a court of competent jurisdiction on a criminal offence shall not automatically insulate a public officer from an administrative disciplinary process.

(4) Pursuant to Article 236 of the Constitution a public officer shall not be disciplined for performing the functions of an office in accordance with any written law.

(5) A public service entity or any other lawful appointing authority shall not prescribe any disciplinary process that offends the provisions of the Constitution and legislation.

(6) Subsection (1) shall not apply to a suspension pursuant to the provisions of Section 62 of the Anti-Corruption and Economic Crimes Act.

**56.** (1) Every alleged case of misconduct that is likely to lead to the commencement of a disciplinary action shall be— Investigations.

(a) promptly recorded and reported by the relevant supervisor; and

(b) investigated without delay and a report submitted together with relevant evidence.

(2) A public service entity or lawful appointing authority undertaking investigations under subsection 1(b) shall—

(a) designate a public officer or constitute a committee to undertake;

(b) establish and maintain a record relating to the investigation;

(c) record all relevant and material oral and documentary evidence; and

(d) record details of any matter which may aggravate or mitigate the case.

(3) A person or a committee investigating a disciplinary case shall only make findings on the allegations and reserve

imposition of penalty, if any, for the public service entity or lawful appointing authority.

57. (1) A public service entity or lawful appointing authority may send a public officer on compulsory leave for a period not exceeding thirty working days during the conduct of an investigation where it is suspected that the officer may influence or interfere with the investigations.

Compulsory  
leave.

(2) The public service entity or lawful appointing authority shall notify in writing the officer being sent on compulsory leave of the reasons for the decision and the duration of the compulsory leave.

(3) An officer on compulsory leave shall be entitled to full pay and benefits.

(4) Compulsory leave shall not be counted as part of an officer's annual leave.

(5) Where the investigations are not concluded within the thirty working days, the compulsory leave may be extended once for a period not exceeding thirty working days after which the officer shall return to work or otherwise be subjected to disciplinary proceedings.

(6) A public officer on compulsory leave shall not access the office except with written authority of the public service entity or lawful appointing authority or for purposes of accessing public services.

58. (1) Where investigations point to the misconduct of a public officer, the public service entity or lawful appointing authority shall issue a notice in writing to the public officer.

Notice to show  
cause.

(2) The notice referred to in subsection (1) shall—

- (a) provide details of the specific allegations against the public officer;
- (b) state the intended action to be taken against the public officer, if found guilty; and
- (c) require the public officer to respond to the allegations within twenty-one days of the date of receipt of the notice.

59. (1) A public service entity or lawful appointing authority shall constitute a disciplinary committee to

Hearing.

undertake disciplinary proceedings of an alleged misconduct.

(2) The disciplinary committee shall—

- (a) give reasonable notice of a hearing date as provided in the manual, guidelines or regulations;
- (b) give the affected public officer an opportunity to be heard in person and to be accompanied by a person of his or her choice;
- (c) give every party involved especially the affected public officer a chance to produce relevant documents, call and cross-examine witnesses, and peruse any documents that may have been produced;
- (d) sum up the case and record the comments in order to clearly show the findings and opinion on the issues under investigation in view of the evidence and the mitigating or aggravating factors on record; and
- (e) make a finding on the allegations of misconduct and recommend a penalty where applicable for consideration by the public service entity or lawful appointing authority.

(3) A public service entity or lawful appointing authority shall consider the recommendations of the disciplinary committee and make a decision.

(4) The decision referred to in subsection (3) shall be communicated to the public officer and shall include—

- (a) the findings on each alleged misconduct which has been preferred against the public officer;
- (b) the penalty, if any, to be inflicted upon the public officer; and
- (c) the right to appeal or application for review with the public service entity or other lawful authority within the time prescribed in the applicable disciplinary manual, guidelines, or regulations.

**60.** (1) Where after a disciplinary process a public officer is found culpable, the public service entity or lawful appointing authority may impose on the officer any penalty as provided in section 64. Penalties.

(2) No public officer may be punished in a manner contrary to any provision of any written law.

(3) A public service entity or lawful appointing authority shall not deny a public officer pension benefits as a penalty following a disciplinary process.

61. (1) Subject to any other written law, the penalties which may be imposed on a public officer as a result of disciplinary proceedings include—

Types of penalties.

- (a) recovery of the cost or part of the cost for any loss or breakage caused by default or negligence,
- (b) provided no such cost has been recovered by surcharge action under the appropriate financial instructions or regulations;
- (c) warning or reprimand;
- (d) deferment of increment in salary;
- (e) Provided that the deferred increment shall not be paid retrospectively upon the lapse of the period of deferment;
- (f) deferment of a promotion

Provided that where deferment of a promotion is imposed, the imposition shall not persist for a period exceeding twelve months and the deferred promotion shall take effect on the date the deferment lapsed—

- (g) reduction in rank or seniority;
- (h) Dismissal
- (i) any other penalty as prescribed in any written law.

(2) Nothing in this section shall limit the powers conferred on the public service entity or any other lawful appointing authority discharging a disciplinary function to, instead of imposing a penalty, require a public officer to retire from the public service on any of the grounds of retirement prescribed under this Act.

(3) For purposes of this section, retirement on any ground may be allowed instead of a penalty if the prescribed conditions and procedures for such retirement as prescribed under this Act have been satisfied and the public service entity or any other lawful appointing authority discharging a disciplinary function considers upon proof of the misconduct that —

- (a) the public officer has nevertheless raised a mitigating factor 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 public officer justifies the retirement;
- (c) imposing a penalty against the public service officer is likely to adversely affect the reputation of the public body concerned or the public service generally;
- (d) a public service entity or any other lawful appointing authority shall cause the relevant procedure for the intended retirement to be adhered to in view of the circumstances of the case.

62. Where after a disciplinary process a public officer is found culpable and is dismissed from service the public officer shall be entitled to pension benefits and other retirement benefits.

Entitlement to pension.

63. (1) A public officer may be suspended—

Suspension.

- (a) where a public service entity is satisfied that public interest requires that a public officer should immediately cease to exercise the powers and functions of a public office; or
- (b) where proceedings which may lead to the public officer's dismissal are being taken or are about to be taken;
- (c) where criminal proceedings are being instituted against the public officer or where a public officer has been charged with a serious criminal offence.

(2) A public officer who is suspended shall be entitled to half basic salary, full house allowance and medical benefits but other allowances and benefits shall be withheld by the public service entity or lawful appointing authority;

(3) Where a public officer has been suspended but is not dismissed or otherwise punished under this Act, any salary, allowances or any other benefit withheld under this section shall be restored to the public officer upon termination of such proceedings.

(4) In this section, “salary” refers to basic salary and, where applicable, includes overseas allowance.

(5) Where a public officer has been suspended and such public officer is not dismissed but a penalty under this Act is imposed, any salary, allowances or any other benefit withheld under this section shall not be restored upon termination of such proceedings:

Provided that upon termination of such proceedings, the officer shall be reinstated to the public office held at the commencement of the proceedings or demoted in accordance with the prevailing terms and conditions of service applicable to the office and with effect from the date of the decision to terminate the proceedings.

64. (1) Where a public officer has been suspended, the public officer may, in writing, request the public service entity or lawful appointing authority to communicate the progress and action taken towards the conclusion of the disciplinary case

(2) Where a public officer has made a request in accordance with subsection (1), the public service entity or lawful appointing authority shall respond appropriately by writing to the officer within thirty days from the date of receipt of the officer’s request.

(3) Where a public officer has made a request in accordance with subsection (1) and the public service entity or lawful appointing authority has failed to respond within the period specified in subsection (2) or the public officer is dissatisfied with the response, the public officer may apply to the Public Service Entity for the lifting of the suspension.

(4) A public service entity or lawful appointing authority shall upon receipt of an application under subsection (3) make an appropriate decision which may include the termination of the disciplinary proceedings.

65. A public service entity shall develop a manual, guidelines or regulation to give effect to this part.

Disciplinary  
control  
regulations.

66. Sections 58(1)(b), 60, 61, 62, 64, 66, 67 and 68 shall not apply to judges.

Exclusion in  
respect to certain  
State officers.

### **PART XIII—RESIGNATION, RETIREMENT AND RELATED MATTERS**

67. Except as otherwise provided for in a contract of service, this part shall apply to resignation, retirement, pension or other benefits due to a public officer.

Application of  
this Part.

68. (1) A public officer desirous of resigning from a public office shall write a resignation letter to the public service entity or other lawful appointing authority.

(2) The public officer shall give at least one month's notice or pay one month's salary in lieu of notice.

(3) Where a public officer resigns from the public service, the public officer shall be entitled to benefits in accordance with the—

- (a) terms and conditions applicable as contained in the contract of service;
- (b) provisions of law governing the resignation of public officers;
- (c) employment law governing resignation generally; or
- (d) provisions of applicable legislation governing pension and retirement benefits.

(4) A person who has resigned from the public service may re-join the service through a competitive recruitment process in accordance with the provisions of this Act, any other relevant legislation or procedures governing appointment in the public service.

69. A public officer may retire from the public service on grounds of—

Grounds for retirement and access to pension benefits.

- (a) attainment of mandatory retirement age as may be prescribed by government policy, regulation or any other written law;
- (b) attainment of fifty years;
- (c) on medical grounds;
- (d) abolition of public office; and
- (e) voluntary retirement.

70. (1) Where a public officer has attained the mandatory retirement age as prescribed, the public officer shall retire from the service with effect from the date of attaining the mandatory retirement age.

Retirement on the basis of age.

(2) A public officer shall be considered for retirement as a person with disability beyond the prescribed mandatory retirement age if the officer—

- (a) has a disability of a permanent nature that can be perceived by significant sectors of the community and the disability has a substantial impact on the ability of the officer to carry out ordinary day to day activities;
- (b) has been registered in the public service entity's human resource database as a person with disability for at least three years before the date of retirement;
- (c) a public service entity may consider cases of disability that occur less than three years before the date of retirement;
- (d) is registered by the National Council for Persons with Disabilities and has a tax exemption certificate from the Kenya Revenue Authority as a person with disability; and
- (e) registration by the National Council for Persons with Disability or possession of a tax exemption certificate shall not be construed as automatic evidence of disability.

(3) Where a public officer requests to be considered for retirement beyond the prescribed retirement age on grounds of disability, a public service entity shall seek a second medical assessment from a panel consisting of—

- (a) a representative of the public service entity or lawful appointing authority; and
- (b) three eminent doctors appointed by the Director General for Health.

(4) The second medical assessment referred to in subsection (3) shall supersede any other assessment.

(5) A public officer shall not be retained in the public service on account of disability beyond the mandatory retirement age without the approval of the relevant public service entity.

(6) A public service entity or other lawful appointing authority shall not extend the service of a retired public officer beyond the mandatory retirement age.

(7) A person who has attained the prescribed mandatory retirement age, may join the public service on contract

through a competitive recruitment process in accordance with the Constitution, this Act, or any other legislation governing appointment in the public service.

71. The retirement age of a public officer shall be governed with the laws of the relevant public service entity. Retirement.

72. (1) A public officer may retire from the public service on grounds of ill-health if— Retirement on grounds of ill health.

- (a) the concerned public service entity considers that a public officer is incapable by reason of any infirmity of body or mind of discharging the function of the public office and therefore it is in the best interest of the public officer to retire; or
- (b) the public officer requests to be retired on grounds of ill health, and in this case, the public service entity or lawful appointing authority shall initiate the process for the retirement in accordance with this section.

(2) Where a public officer is considered for retirement or has requested to be retired in accordance with subsection (1), the public service entity or lawful appointing authority shall require the public officer to appear before a medical board constituted by the Director General for Health to ascertain whether or not the public officer should be retired on grounds of ill health.

(3) The Director General for Health shall constitute a medical board referred to in subsection (2) within a period of thirty days from the date of receipt of the request.

(4) After the public officer has been examined in accordance with subsection (3) and the medical board finds that the officer should be retired on grounds of ill health, the Director General for Health shall forward the medical board's records of proceedings and findings together with the Director General for Health comments thereon to the public service entity or lawful appointing authority who shall—

- (a) request the public officer to make any personal representation in view of the medical board's record of proceedings and findings;
- (b) make recommendation in view of the medical board's findings on the public officer and the public officer's representation, if any; and

(c) forward all the documents referred to in this section to the public service entity or lawful appointing authority.

(5) Subject to Article 168 of the Constitution, and unless the public service entity or lawful appointing authority considers that further inquiry is necessary, it shall determine whether the public officer should be called upon to retire on grounds of ill health.

(6) Subject to Article 168 of the Constitution, where a public officer, who has the ability to appear before the medical board, fails to appear, the public service entity or lawful appointing authority shall make an appropriate decision, including retiring the public officer on grounds of ill-health, where appropriate

(7) Where, by reason of infirmity of mind arising from ill health, a public officer is incapable of consciously following the procedural steps under subsection 4, the public service entity or lawful appointing authority shall determine whether or not to retire the public officer on the ground of ill health or make any other relevant determination.

(8) A public service entity or lawful appointing authority shall conduct an investigation to confirm the illness and the impact of the illness on the officer's ability to perform his or her duties before exercising the powers contemplated in subsection (7).

(9) A public service entity or lawful appointing authority may require the next of kin of the officer to present the officer for a medical examination.

(10) A public officer who retires on the ground of ill health shall be eligible for applicable retirement benefits.

73. A public service entity may retire a public officer where the public officer is required or is willing to voluntarily retire in accordance with the terms of a special retirement scheme determined by the public service entity.

Retirement based on special contractual terms or special retirement scheme.  
Voluntary retirement.

74. (1) A public officer may voluntarily retire from the service upon serving for a period of five years and shall be entitled to a pension in accordance with the written law relating to pensions.

(2) A public officer who opts to voluntarily retire from service shall give the public service entity or lawful appointing authority one months' notice in writing.

75. (1) A public officer who has been retired under this part shall be entitled to apply for a review against the decision on grounds of —

Retirement  
decisions  
reviewable.

- (a) fresh material facts which with due diligence could not be presented when the decision was initially made;
- (b) an error apparent on the record of the initial decision; or
- (c) manifest absence of parity of treatment in view of the circumstances and facts of the case.

(2) An application for review under this section shall be made and determined within six months from the date of the retirement decision:

Provided that the public service entity or lawful appointing authority may consider an application for review outside the prescribed time if circumstances warrant it.

76. (1) A public officer who has retired under the provisions of this Act shall be entitled to pension or retirement benefits in accordance with this Act or any other applicable legislation.

(2) Where a public officer has retired under the provisions of this Act, a public service entity or lawful appointing authority shall-

- (a) notify the public officer in writing; and
- (b) not later than ninety days before the date of retirement, prepare and forward the public officer's pensions claims to the pensions branch of the national treasury or other lawful authority charged with administration of the public officer's pensions benefits.

77. Upon the demise of a serving public officer, the public service entity or a lawful appointing authority shall accord the public officer's nominated beneficiary all the benefits as per the public service entity's or lawful

Death.

appointing authority's applicable death benefits, pension arrangement and related insurance benefits and member nomination of beneficiaries form.

#### **PART XIV —APPEALS AND APPLICATIONS FOR REVIEW**

**78.** (1) Each public service entity shall hear and determine appeals arising from decisions made pursuant to the provisions of this Act. Appeals.

(2) An appeal under subsection (1) shall be made in writing within ninety days from the date of the decision appealed against:

Provided that the public service entity may consider an appeal that was made out of time if, in the opinion of the public service entity the circumstances warrant such consideration

(3) A public service entity shall not entertain an appeal by a public officer or a representative of a public officer, in respect of a particular decision, more than once.

(4) Despite the right of appeal conferred on a public officer by this section, a decision shall not be deferred or suspended pending the determination of the appeal.

(5) After considering an appeal, the public service entity may —

- (a) uphold the decision;
- (b) set aside the decision;
- (c) vary the decision as it considers to be just
- (d) give such directions as it may consider appropriate with respect to the decision;
- (e) direct the refund, reinstatement of remuneration or release of any withheld payments due to the public officer as it considers to be just;
- (f) direct that disciplinary action be taken against any public officer who has failed to discharge a duty that was the public officer's responsibility to perform in relation to any provisions of this Act and the concerned public service entity or public body has suffered a loss; or

- (g) make any other appropriate decision in view of the circumstances of the case.

(6) Where a public service entity sets aside a decision arising from disciplinary proceedings, the public officer shall revert to the previous status held and receive the attendant benefits as though the decision set aside was never made.

(7) Each public service entity shall develop regulations to make provisions for the procedure on appeal.

**79.** (1) Any person who is dissatisfied or affected by a decision made by a public service entity on an appeal may apply for review and the public service entity may consider the application if Reviews

- (a) fresh material facts arise which with due diligence could not be presented when the decision was initially made; or
- (b) there is an error apparent on the record of the earlier decision.

(2) An application for review under subsection (1) shall be in writing and made within ninety days from the date of the decision to be reviewed:

Provided that the public service entity may entertain an application for review out of time if, in the opinion of the public service entity, the circumstances warrant it.

(3) Despite the right to apply for review conferred on a public officer by this section, a decision shall not be deferred or suspended pending the determination of the application for review.

(4) After considering an application for review, the public service entity may —

- (a) uphold the decision;
- (b) set aside the decision;
- (c) vary the decision as it considers to be just; or
- (d) give such directions as it may consider appropriate with respect to the decision.

(5) Where the public service entity sets aside a decision arising from disciplinary proceedings, the public officer shall revert to the previous status held and receive the attendant benefits as though the decision set aside was never made.

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**PART XV —MONITORING, EVALUATION AND REPORTING**

**80.** A public service entity shall develop a monitoring and evaluation framework for purposes of monitoring compliance with the provisions of this Act and reporting on matters referred to under section 84.

Monitoring and  
Evaluation.

**81. (1)** Within three months of the end of each financial year, each public service entity shall prepare an annual human resource report for presentation to the President and Parliament or to the Governor, County Assembly and the Senate in respect to County Government public service.

Human Resource  
Management  
Report

(2) the report referred to in subsection (1) shall contain—

- (a) the extent of implementation of this Act;
- (b) the number and nature of offices established and abolished;
- (c) the ethnic composition based on the current population survey estimates, gender distribution, minorities and marginalized, persons with disability, youth, age distribution and number of persons recruited by the public service entity within the financial year;
- (d) the staff establishment including the authorized, in-post in relation to paragraph (c) above and the variance;
- (e) the number of expatriates employed by the public service entity during the financial year;
- (f) the qualifications of persons recruited within the financial year;
- (g) the number of retired public officers who have been appointed on contract;
- (h) the number of persons appointed as interns;
- (i) the number of persons who have been appointed as volunteers and their deployment in a public body;
- (j) the particulars of public officers who have been trained, and the training undertaken within the financial year;
- (k) the number of persons that have exited the service;

- (l) the extent of achievement of annual performance targets;
- (m) the number of persons facing disciplinary action;
- (n) particulars of persons facing economic crime charges in a court of law;
- (o) extent of compliance with court orders; and
- (p) any other human resource matters.

Provided that where there is non-compliance with court orders a public service entity shall provide reasons for the non-compliance.

(3) Parliament shall be responsible for the review of the annual human resource report referred to in subsection (1) in accordance with the law and where necessary, may seek the advice of the Public Service Commission.

**82.** A public service entity shall publish and publicise the annual human resource report.

Report to be published.

## **PART XVI— MISCELLANEOUS PROVISIONS**

**83.** (1) A public service entity may, where appropriate and in writing delegate any power or assign a duty conferred to it under the constitution or legislation to its members, a public officer, a body or authority in the public service.

Delegation

(2) A public officer or body or authority to whom a delegation has been conferred in subsection (1) shall not have power to delegate to another.

(3) A delegation or assignment under subsection (1) shall not prevent the public service entity from exercising its powers.

(4) A delegation under this section—

- (a) shall be subject to any conditions that the public service entity may impose;
- (b) shall not divest the public service entity off the responsibility concerning the exercise of the powers or the performance of the duty delegated; and

- (c) may be withdrawn, and any decision made by the person to whom the delegation is made, withdrawn or amended by the public service entity.

(5) A public service entity may, at any time, institute an audit, investigation or inquiry to determine whether the delegated powers are properly exercised.

(6) Where the audit, investigation or inquiry establishes that a delegated power has been breached or improperly exercised, the public service entity shall take corrective measures, including revoking the delegation.

**84.** If it comes to the attention of a public service entity that there is reason to believe that any process or decision under this Act may have occurred in an irregular or fraudulent manner, the public service entity shall investigate or inquire into the matter and, if satisfied that the irregularity or fraud has occurred, the public service entity may —

Action on  
irregularity of  
process.

- (a) revoke the decision;
- (b) direct the concerned head of department or lawful appointing authority to commence the process afresh; or
- (c) take any corrective action including disciplinary action.

**85.**(1) A public service entity or lawful appointing authority shall maintain a record of all its decisions and all documentation on the exercise of its constitutional and legislative mandate.

Records  
management.

(2) A public service entity or lawful appointing authority shall maintain a record of a public officer which shall contain—

- (a) the application letter;
- (b) the minutes containing the appointment;
- (c) the appointment letter;
- (d) academic and professional certificates;
- (e) identification documents; and
- (f) any other documents as may be required by the public service entity or lawful appointing authority.

(3) A public service entity, in the performance of its duties under this Act may require any public officer to produce any document or information.

(4) The provisions of Article 31 of the Constitution and the Data Protection Act shall apply to this Section.

**86.** Any decision of the public service entity affecting an individual public officer shall be communicated to the officer in writing through the applicable communication channels of the public service entity.

Communication of decisions.

**87.** Where under this Act it is necessary to serve any notice, charge or other document upon a public officer or any person or to communicate any information to any public officer the notice, charge or other document, or a letter containing such information, may be—

Service of notices, etc.

- (a) hand delivered;
- (b) sent by electronic mail to the person's usual or last known mail address;
- (c) sent by registered post addressed to the person's usual or last known postal address or post office box number; or
- (d) any other legally recognized electronic modes of communication;
- (e) and the relevant evidence of such delivery, electronic mail or postage shall be retained as evidence of delivery

**88. (1)** A request for information by a citizen —

Access to information.

- (a) shall be addressed to the public service entity and may be subject to the payment of a reasonable fee in instances where the public service entity shall incur an expense in providing the information; and
- (b) may be subject to confidentiality requirements of the public service entity.

(2) Subject to Article 35 of the Constitution and to the law relating to data protection and access to information, the public service entity may decline to give information to an applicant.

(3) The right of access to information under Article 35 of the Constitution shall be limited to the nature and extent specified under written law.

89. (1) A public service entity may, on its own initiative or on the request of any person, facilitate conciliation, mediation or negotiation in respect of any issue relating to the public service entity's constitutional or statutory functions and shall encourage the parties to arrive at an amicable resolution.

Conciliation,  
mediation and  
negotiation

(2) In facilitating conciliation, medication or negotiation under subsection (1), the public service entity shall ensure that every party to the conciliation, mediation or negotiation has an opportunity to make representations in respect of the matter.

90. A public officer who contravenes any provision of this Act shall be subject to disciplinary proceedings in accordance with the terms of service and be liable to the prescribed penalties including being barred from holding public office for a period of five years from the date the decision barring the public officer is made.

Contravention of  
this Act.

91. (1) Subject to any other written law, no member or officer of a public service entity or any other person shall publish or disclose to any unauthorized person or otherwise than in the course of duty the contents or any part of the contents of any document, communication or information which has come to the knowledge of such member or officer in the course of performing their duties under this Act or under any regulation made there under

Offences.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding two years, or to both.

(3) Subject to any other law, any person who discloses or publishes any information other than in accordance with Article 35 of the Constitution and the law relating to data protection and access to information commits an offence and is liable on conviction, to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding two years or to both.

(4) Any person who gives false or misleading information to a public service entity or to any member or officer of a public service entity commits an offence and is liable, on conviction, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding five years, or to both.

(5) A person who is convicted of an offence under this section shall be disqualified from being appointed as a public officer for a period of five years after conviction.

92.(1) Where criminal or civil proceedings are instituted against a public officer as a result of an act of omission or commission in the course of duty, the officer may apply to the public service entity or lawful appointing authority for assistance in defence of the proceedings.

Defence of  
Officers in  
Criminal or Civil  
Suits.

(2) In deciding whether or not to provide assistance in defence of a public officer, a public service entity or lawful appointing authority shall satisfy itself that the public officer acted in good faith in the execution of duty and that it is in the public interest that the officer be defended.

93.(1) Any matter not addressed by this Act shall be dealt with in accordance with such special or general directives issued by a public service entity.

Cases not  
covered by this  
Act.

(2) subject to any written law, nothing in this Act shall preclude a public service entity from considering and determining any human resource matter that has not been addressed in this Act.

94.(1) The Cabinet Secretary may make regulations for the better carrying out of the provisions of this Act.

Regulations.

(2) Without prejudice to the generality of subsection (1), the regulations may provide for—

- (a) the appointment, discipline and removal of staff in the public service;
- (b) the form and method of keeping records under this Act;
- (c) guidelines, or criteria on the qualifications of persons entering the public service;
- (d) administration of career guidelines and professional development programs for public officers;

- (e) operations and procedures of a committee;
- (f) guidelines on retirement; and
- (g) any other matter incidental to the discharge of the functions under this Act.

(3) The Cabinet Secretary may issue manuals and guidelines from time to time which shall be in accordance with the provisions of this Act.

**95.** Any human resource management processes, procedures and proceedings that are pending before a public service entity before the commencement of this Act shall continue and be concluded as if they were instituted under this Act. Transition.

**96.** The Acts specified in the schedule are amended in the manner and form as specified in the Schedule. Consequential amendments to other Acts

**SCHEDULE (s.99)**

**CONSEQUENTIAL AMMENDMENTS TO OTHER ACTS**

Amendment of  
section 5 of  
*Cap.446.*

1. Section 5 of the State Corporations Act is amended by deleting subsection (3).

Amendment of  
section 7 of  
*Cap.446.*

2. Section 7 of the State Corporations Act is amended by deleting subsection (3).

Amendment of  
section 27 of  
*Cap.446.*

3. Section 27 of the State Corporations Act is amended in subsection (1) by deleting paragraph (c).

Repeal of  
section 61 of  
No.14 of 2007.

4. The Labour Relations Act is amended by repealing section 61.

Amendment of  
section 44 of  
No.17 of 2012.

5. Section 44 of the County Governments Act is amended in subsection (3) by deleting paragraph (a).

Amendment of  
section 62 of  
No.17 of 2012.

6. Section 62 of the County Governments Act is amended by deleting subsection (2).

Amendment of  
section 76 of  
No. 17 of 2012

7. Section 76 of the County Governments Act is amended by deleting—

- (a) subsection (3);
- (b) subsection (4);
- (c) subsection (5); and
- (d) subsection (6).

Repeal of  
section 82 of  
No.17 of 2012.

8. The County Governments Act is amended by repealing section 82.

Repeal of  
section of 83 of  
No.17 of 2012.

9. The County Governments Act is amended by repealing section 83.

Repeal of  
section 14 of  
No. 18 of 2012.

10. The Public Finance Management Act is amended by repealing section 14.

Repeal of  
section 13 of  
No.49 of 2012.

11. The Office of the Attorney General Act is amended by repealing section 13.

Repeal of  
section 21 of  
No.49 of 2012.

12. The Office of the Attorney General Act is amended by repealing section 21.

Repeal of  
section 23 of  
No.49 of 2012.

13. The Office of the Attorney General Act is amended by repealing section 23.

Repeal of  
section 25 of  
No.49 of 2012.

14. The Office of the Attorney General Act is amended by repealing section 25.

Repeal of  
section 70 of  
No.10 of 2017.

Repeal of  
section 71 of  
No. 10 of 2017.

Amendment of  
section 6 of No.  
12 of 2021.

Repeal of  
section 8 of No.  
12 of 2021.

Amendment of  
section 11 of  
No. 12 of 2021.

Amendment of  
section 12 of  
No. 12 of 2021.

Repeal of  
section 13 of  
No. 12 of 2021

Repeal of  
section 19 of  
No. 12 of 2021.

Amendment of  
section 49 of  
No. 12 of 2021.

**15.** The Public Service Commission Act is amended by repealing section 70.

**16.** The Public Service Commission Act is amended by repealing section 71

**17.** Section 6 of the Foreign Service Act is amended by deleting subsections (c) and (j).

**18.** The Foreign Service Act is amended by repealing section 8.

**19.** Section 11 of the Foreign Service Act is amended by deleting subsections 1(a) and (b).

**20.** Section 12 of the Foreign Service Act is amended by deleting subsection 2(b).

**21.** The Foreign Service Act is amended by repealing section 13.

**22.** The Foreign Service Act is amended by repealing section 19.

**23.** Section 49 of the Foreign Service Act is amended by deleting subsection 1(b) and (h).

## **MEMORANDUM OF OBJECTS AND REASONS**

The Bill seeks to guide human resource management in the public service for an efficient and effective public service that will consistently deliver high quality services to its citizens and effectively implement policies and programmes to accelerate the growth and development of the Country.

The Bill also seeks to address the public human resource sector environment that is currently loaded with conflicting legislation and policies and therefore not fully supportive of implementing decisions and actions that are crucial for transforming the public service and the Country and; to reposition the public service so that it can better serve the people of Kenya in order to facilitate development of the Country as per the aspirations of the development goals.

This Bill therefore seeks to provide uniform norms and standards for management of human resource in order to effectively support management and delivery of public services.

**Part I** of the Bill provides for preliminary matters including the interpretation and scope of the Bill.

**Part II** of the Bill provides for the responsibility for management of human resources in the public service and assigns responsibility to various public service entities.

**Part III** of the Bill contains provisions relating establishment and abolition of offices.

**Part IV** of the Bill provides re-organization of offices and consequences thereto with respect to public officers

**Part V** of the Bill provides for appointments and other related matters including appointment of chairpersons and members of councils of public universities, boards of State corporations and other public bodies.

**Part VI** of the Bill provides for the grounds for removal of a principal secretary or a chief officer.

**Part VII** of the Bill provides for the qualifications applicable for appointment to an office in the public service.

**Part VIII** of the Bill provides for the conditions of service applicable to public officers.

**Part IX** of the Bill provides for training and development for public servants and the provision of a mandatory annual budgetary allocation by the national treasury for training and development to provide

the required impetus for public service transformation in view of the rapidly changing global socio-economic environment.

**Part X** of the Bill provides for efficiency and effectiveness in the public service with a focus on service delivery to citizens.

**Part XI** of the Bill provides for the promotion of national values and principles of governance and values and principles of public service.

**Part XII** of the Bill provides for disciplinary control including considerations of fair administrative action.

**Part XIII** of the Bill provides for various forms of exit from service and consequential entitlements.

**Part XIV** of the Bill provides for monitoring, evaluation and reporting on the implementation of the Act.

**Part XV** of the Bill sets out modes for hearing and determining appeals and applications for review within public entities.

**Part XVI** of the Bill sets out miscellaneous provisions including some basic principles and the power to make regulations for the better carrying into effect of the Act.

**Schedule** the schedule of the bill provides for the consequential amendments to other Acts.

**Statement on whether the Bill concerns County Governments:**

The Bill contains provisions affecting County Governments in terms of Article 110(a) of the Constitution as it affects the functions and powers of County Governments as set out in the Fourth Schedule.

The enactment of this Bill shall occasion additional expenditure of public funds to be provided for through the estimates.

Dated the 20th November 2024.

KAREMBA ERIC MUCHANGI,  
*Chairperson,  
Departmental Committee on Labour.*



