

62

COUNTY ASSEMBLY OF KITUI

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KITUI

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*Approved,
2/9*

TO: The Clerk of Assembly

FROM: 1st Clerk Assistant

THRO: I/C L.P. & P.

*forwarded 1/c L.P. & P.
Kienia 11/01/2020*

REF: CAK /9/10/VOL.IV/62

DATE: 31st August, 2020

**SUBJECT: REPORT ON ASSESSMENT OF THE WELFARE AND
WORKING CONDITIONS OF SUB COUNTY, WARD AND VILLAGE
ADMINISTRATORS**

The above mentioned subject matter refers.

Forwarded herewith, please find the Labour and Social Welfare Committee Report on Assessment of the Welfare and Working Conditions of Sub County, Ward and Village Administrators for your perusal and subsequent necessary action.

[Signature]
MERCY MBINYA

1ST CLERK ASSISTANT

COUNTY ASSEMBLY OF KITUI

*Mr Speake
You may approve
11/9/2020*

*1/c L.P. & P.
Have this allocated
time by the
17.11.20
21/9/20*

REPUBLIC OF KENYA



COUNTY GOVERNMENT OF KITUI

THE COUNTY ASSEMBLY

SECOND ASSEMBLY- FOURTH SESSION (2020)

COMMITTEE ON LABOUR AND SOCIAL WELFARE

**REPORT ON ASSESSMENT OF THE WELFARE AND
WORKING CONDITIONS OF SUB COUNTY, WARD AND
VILLAGE ADMINISTRATORS**

The Clerk's Chamber,
County Assembly of Kitui,
Assembly Buildings,
Kitui, Kenya

AUGUST, 2020

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ABBREVIATIONS

CGA	County Governments Act
KSG	Kenya School of Government
NHIF	National Hospital Insurance Fund
NSSF	National Social Security Fund
PAYE	Pay As You Earn
SCA	Sub County Administrator
VA	Village Administrator
WA	Ward Administrator

ANNEXURES

Annex 1-	Signed list of Members
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1.0 PREFACE

Mr. Speaker,

It is my pleasure to present the Report by the Committee on Labour and Social Welfare on the Assessment of the Welfare and working conditions of Sub County, Ward and Village Administrators.

1.0.1 Legal Basis and Background information

Mr. Speaker,

Article 176(2) of the Constitution mandates every County Government to decentralize its functions and the provision of its services to the extent that it is efficient and practicable to do so.

Section 48 of the County Governments Act (CGA) requires each county government to decentralize its functions and provision of services to urban areas, cities and sub counties, wards, village units and such other or further units as a county government may determine.

In furtherance and implementation of the above legal provisions, Sections 50 to 52 of the County Governments Act establishes the Offices of the Sub County, Ward and Village Administrators respectively.

The Sub County and Ward Administrators are mandated to be responsible for the coordination, management and supervision of the general administrative functions in the Sub County and Ward including—

- (a) the development of policies and plans;
- (b) service delivery;
- (c) developmental activities to empower the community;
- (d) the provision and maintenance of infrastructure and facilities of public services;
- (e) the county public service;
- (f) exercise any functions and powers delegated by the County Public Service Board under section 86; and
- (g) facilitation and coordination of citizen participation in the development of policies and plans and delivery of services.

The Village Administrator is mandated under section 52 of the CGA to coordinate, manage and supervise the general administrative functions in the village including—

- (a) pursuant to paragraph 14 of Part II of the Fourth Schedule to the Constitution—

(i) ensuring and coordinating the participation of the village unit in governance; and
(ii) assisting the village unit to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level; and

(b) the exercise of any functions and powers delegated by the County Public Service Board under section 86.

A conducive work environment is a key ingredient in ensuring that decentralized units Administrators effectively implement their duties as outlined for improved service delivery and promotion of social and economic development at the devolved units.

The Committee on Labour and Social Welfare in exercise of the County Assembly's oversight role therefore set out to assess the general welfare and establish challenges faced by the Administrators in execution of their duties which might play a role in negatively affecting how effectively they perform their duties towards effective service delivery and attainment of the objects of devolution.

1.0.2 Mandate the Committee

Mr. Speaker,

Sectoral Committees mandate, functions and roles are as stipulated in the County Assembly Standing Orders No. 190(5) and as contained in the second schedule of that outlines the subject areas for consideration by sectoral committees. The limitation of the committee mandate is as outlined in Standing Order No. 192 (1).

Standing Order No. 190(5) outlines the functions of the Sectoral Committee as:

- i) To make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.
- ii) To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- iii) To investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- iv) To study and review all county legislation referred to it;
- v) To study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives.

1.0.3 Membership of the Committee

Mr. Speaker,

The Committee comprises of the following members:

1. Hon Munyoki Mwinzi	Chairperson
2. Hon. Charles Muthui Maema	Vice Chairperson
3. Hon. Elizabeth Ndunge Peter	Member
4. Hon. Regina Mueni Ishmail Musyoki	Member
5. Hon Anthony Mbiti	Member
6. Hon Stephen Katana	Member
7. Hon David Masaku	Member
8. Hon Nicholus Mwalali	Member
9. Hon. Josphine Kavivi Mutie	Member
10.Member Hon. Anthony Ndooh Mwanzia	Member
11.Hon Boniface Kasina	Member

1.0.4 Terms of Reference

Mr. Speaker,

The Committee's terms of reference were to:

1. Assess the challenges faced by Sub County, Ward and Village Administrators in execution of their duties and therefore hindering effective service delivery and attainment of the objects of devolution;
2. Ascertain the general welfare of the Administrators in protection of the right to reasonable working conditions as enshrined in Article 41(2)(b) of the Constitution;
3. Compile a report with recommendations for tabling and consideration by the Assembly.

1.0.5 Methodology

Mr. Speaker,

In executing her mandate, the Committee adopted the following methodology:

1. Site visits to interrogate Administrators;
2. Invitations and interrogation of stakeholders;
3. Request for information;

1.0.6 Committee proceedings

Mr. Speaker,

The Committee met several Sub County, Ward and Village Administrators as from 3rd to 7th February, 2020 to gather information on the matter under consideration. The Committee proceeded to Mwingi Summer Springs Hotel from 9th to 11th February, 2020 to compile this report. The outcome of the Committee proceedings is as outlined in this Report.

1.0.7 Acknowledgement

Mr. Speaker,

On behalf of the Committee on Labour and Social Welfare, I extend my gratitude to the Speaker of Kitui County Assembly, Members of the Committee, Office of the Clerk and the staff attached to the Committee for their continuous support, assistance, and commitment in executing their duties.

It is therefore my pleasant duty, on behalf of the Committee Labour and Social Welfare to present this Report and recommend it for consideration and adoption by the House.

SIGNATURE:  DATE: 31/08/2020

**HON. MUNYOKI MWINZI- M.C.A.,
CHAIRPERSON,
COMMITTEE ON LABOUR AND SOCIAL WELFARE.**

2.0 ASSESSMENT EXERCISE OVER SUB COUNTY, WARD AND VILLAGE ADMINISTRATORS

2.1 Introduction

As from 3rd to 7th February, 2020, the Committee visited the following Sub Counties:

1. Kitui East Sub County;
2. Kitui Rural Sub County;
3. Kitui Central Sub County;
4. Kitui South Sub County;
5. Mwingi West Sub County;
6. Mwingi Central Sub County;
7. Mwingi North Sub County;

During the exercise the Committee met Sub County Administrators, Ward Administrators and Village Administrators who were very cooperative regarding the challenges they face in execution of their duties. The Committee focused on the following amongst others:

1. Provision of office space;
2. Provision of tools of work, equipment and office furniture;
3. Payment of allowances and facilitation;
4. Provision of Transportation;
5. Trainings, capacity building exercises, workshops and benchmarking exercise;
6. Provision of air time;
7. Provision of office imprests;
8. Acting and Extraneous allowances;
9. Statutory deductions and remittances;
10. Communication channels;
11. General staff welfare

2.2 Outcome of the exercise

Provision of office space

In most Sub Counties offices shared by the Sub County Administrator, Deputy Sub County Administrator, the Ward Administrator, and other County officers including

Cooperatives officers, works officers, etc. Some Administrators are also housed in National Government offices.

While this is the case, construction of Ward Offices commenced during the 1st dispensation and have never been completed up to date. The projects have stalled, some abandoned at slab level and in other cases, toilets have sunk. Failure to complete these offices amounts to wastage of public funds contrary to Article 201(d) of the Constitution which requires prudent and responsible use of public funds.

For rented offices, payment of rent is often delayed and the landlords come calling on the Administrators while it is not their duty to pay.

The Village Administrators use rented offices, most of which are tiny and without electricity despite the expectation to produce reports and other documents, forcing them to look for alternative places to execute their official duties particularly at cyber cafes, leading to leakage of information. It was noted that there have been plans to construct village administrator offices but this has never been implemented.

In addition, most offices do not have running water and or water tanks to tap water during the rainy season and this forces the staff to buy water for office use with their own funds as they haven't been issued with imprests.

Challenges related to inadequate office space have hampered effective service delivery at the devolved levels as the work environment is not conducive and also have insufficient space to meet the public who visit their offices for services.

Provision of tools of work, equipment and office furniture

Lack of adequate tools of work is a major challenge facing Administrators.

Ward Administrators were issued with laptops during the 1st dispensation which have subsequently outlived their useful and crashed. The Administrators therefore have to prepare their reports and other official documents at cyber cafes, leading to leakage of official information and this is against the principles of integrity and confidentiality.

In Kitui South Sub County, the computer and printer meant for use by the SCA were stolen and have never been replaced up to date.

Village Administrators have also not been issued with laptops or desktop computers and printers and therefore have to work from cyber cafes when preparing official documents which affects the integrity and confidentiality of County Government information. They have also not been issued with smart phones to assist them in execution of their duties whereby they are required to transmit some photographs. For instance, the Village Administrators were expected to transmit photographs relating to the success of the Artificial Insemination programme yet they were not been issued with official smart phones for use.

Most Village Administrator offices have also not been equipped with office tables, chairs. The Committee was informed that most of these officers had to either borrow tables and chairs or carry them from their homes.

Payment of allowances and facilitation

Section 6 of the Kitui County Human Resource Policies and Procedures Manual for the County Public Service 2018 (HR Manual) provides for salaries and allowances payable to public officers and these include commuter allowance, extraneous allowance, acting allowance, Daily Subsistence Allowance (DSA), meal allowance, over time allowance, field allowance, etc. SRC circular Nos. SRC/ADM/CIR/1/13 Vol III(126) and Vol IV (1) also provide for allowances payable to public officers.

The Administrators frequently travel on official duties and are invited to the County headquarters for official functions and use their own funds for transport. However, no reimbursement is done and Daily Subsistence Allowances are never paid where applicable.

The officers are told to make claims or sign for their allowances with no payments being done and this is a loophole that can be exploited to benefit undeserving people. Some instances whereby claims have been made and never honoured include the following:

- i) Launch of the Kitui County Health Insurance Cover (KCHIC) at Katulani in March 2019;
- ii) The Artificial Insemination programme;
- iii) Official meeting at Kitui Stadium that turned into a Building Bridges Initiative (BBI) meeting;

- iv) Official meeting at Kitui County Textile Centre (KICOTEC) that turned into a BBI meeting;
- v) Ward Administrators Training held twice in Migwani for three (3) days;
- vi) Distribution of seeds and fertilizer in 2019;

In the instances, highlighted above, the officers undertook various government activities with their own funds under the promise of being reimbursed, only for the County Government to turn against them. It was also highlighted that the Claims Register acknowledges receipt of all claims that have been made.

The general feeling of the staff was that if these claims are not going to be honoured, they should be returned to the Sub County offices instead of lying at the County Headquarters and benefitting undeserving people at the expense of the rightful beneficiaries.

Mr Victor Okoth, who previously worked as a Clerk but was re- designated to an accountant and is attached to the Ministry of Public Service Management and Administration was frequently and adversely mentioned as being arrogant and uncooperative regarding payment of staff allowances and often tells members of staff that he cannot locate their claims. He was also accused of practicing favouritism towards some Sub County offices by ensuring that they get office imprests while marginalizing and ignoring others.

Provision of transport

Section 7.7 of the HR Manual provides for provision of transport, reimbursement of fare paid, pool transport or imprests to facilitate use of public transport.

Administrators are expected traverse their areas of jurisdiction to conduct public *barazas*, supervise projects, collect information and data, mobilize the public, respond to emergencies, amongst other duties. However, transport within the Sub County, Wards and villages is a major challenge facing the administrators and negatively affecting effective service delivery at the devolved levels.

Despite SCAs being provided with official vehicles procured during the 1st County Government, most of these vehicles have broken down and are no longer operational. For instance, the vehicle in Kitui South has been grounded since June 2019, and this is the same case in Kitui Rural and Mwingi North. The SCAs therefore

have to look for alternative means of transport to execute their duties, with no reimbursement is provided.

Budgetary allocations have also been made in previous financial year for procurement of Ward Administrators motor cycles but the House resolution was never implemented.

Village Administrators have not been provided with transport despite the fact that they traverse different sub locations some of which are very vast and with bad terrain. They have to cater for transport costs using their own money without reimbursement.

The public also has a negative perception and disrespect towards the County Administrators as National Government Administrators that is the County Commissioners and Chiefs use official branded vehicles and motor bikes respectively during public functions while the County Administrators have not been facilitated with such.

Therefore, despite the fact that most Sub Counties, Wards and Villages are vast and with bad terrain, transport remains a major challenge that hampers effective service delivery and it is the citizens who are most affected with some areas being marginalized because they are not easily accessible.

It also emerged that vehicles belonging to other Departments like Agriculture and Water Departments in various Sub Counties, particularly Mwingi Central, have broken down without any repairs being done, yet the officers are expected to perform their duties.

Trainings, capacity building exercises, workshops and benchmarking exercise

Section 11 of the HR Manual recognizes the need for training to ensure continuous upgrading of public officers competencies, knowledge, skills and attitudes. It also recognizes that public officers at all levels are eligible for at least five (5) days training in a fiscal year.

While this is the case, and noting that funds for training are appropriated every financial year, it emerged that Administrators are not trained on their duties and in fact, most of them have never undergone any training since inception of the Second County Government. This raises questions as to the commitment of the County

Executive to capacity building of members of staff for improved service delivery to the residents and to ensure career growth and progression. The officers apply for trainings at the Kenya School of Government (KSG) but the employer does not fund their studies.

Further, despite other Counties coming to benchmark in Kitui, the Administrators have not been afforded similar opportunities to visit other Counties and learn how they operate, neither do they attend devolution conferences.

Provision of Air time

While appreciating the provision of air time by the County Government, Administrators felt that the same often unnecessarily for over four (4) months before provision. V.A.s also stated that they are not provided with air time to assist them in official communication, mobilization of the public and county functions and in the general execution of their duties and as a result, they have to use their own funds without reimbursement.

Acting and Extraneous allowance

As stated above, the Human Resource Manual stipulates that officers are entitled to extraneous and acting allowances where applicable. Extraneous allowance is paid where officers undertake extra responsibilities leading to working overtime and above official working hours on a continuous basis. Acting allowance is paid where an eligible officer is called upon to act in a post pending advertisement of the post.

Deputy SCAs or WAs who act on behalf of their bosses or equals are never paid acting allowances and the same case applies to Village Administrators who act for their colleagues. Administrators also work over the weekends and are never paid.

Office Imprests

Sub County, Ward and Village Administrator offices do not get office imprests to assist them in running the offices. Since the new Sub County Administrators came into office, most have been issued with imprests only twice.

The SCAs are expected to hold meetings with their staff, attend official functions, yet they have not been facilitated to run the offices. Some expenses include office tea, water, newspapers, small office maintenance expenses, etc.

Further, the public has high expectations from the Administrators which are not met due to lack of imprests and portrays a negative image of the Administrators. In addition, when representing the County Government in official functions, they have not been issued with allowances to use during the functions.

Village Administrators also purchase cleaning materials using their own funds as the same are never supplied and neither do they have office imprest.

Communication channels

The County Executive does not seem to be keen on following official communication channels leading to breach of protocol in issuance of instructions. The Offices of the Sub County Administrator and Ward Administrator are often overlooked when issuing instructions, with instructions being issued directly to the Village Administrators or Community Mobilizers. The SCA or WA are only recognized when problems arise later and their intervention is required.

There are also instances whereby while the V.A.s have instructions from their seniors to conduct some official duties, while Community Mobilizers have also been issued with parallel instructions from higher offices to conduct similar duties, leading to conflicts.

One Eric Ngilu was frequently adversely mentioned in most Sub Counties as having instructed Ward Administrators and Village Administrators to identify youth and women for the bush clearing exercise. In Sub Counties whereby payments had not been effected at the time of the exercise, the bush clearing exercise is a thorn in the flesh for Village Administrators who identified the youth and women to conduct the exercise and supervised the same, with the general notion being that these officers misappropriated the funds meant for payment of the casualties. This has negatively affected their image and made execution of their duties difficult. The affected Sub Counties include the following: Mwingi North, Kitui Rural, Mwingi West.

Provision of security

Some Sub County offices do not have security officers attached to them, whether contracted or County enforcement officers and this leaves the office equipment and documents exposed to theft, destruction and arson.

This is the case in Kitui South and Mwingi North Sub County Offices and also Mwingi Sub County Agriculture offices, amongst others.

Schemes of service and harmonization of salaries

Village Administrators do not know whether there is a scheme of service governing their operations and therefore do not know what the future holds, which is a source of demotivation to them. Promotion of staff was also highlighted as a major demotivating factor facing staff as they have worked for long without being promoted to the next Job Group.

It was also stated that there have been instances of resignations because of lack of schemes of service, whereby some VAs have found other jobs. It was also stated that the SRC harmonized salaries but this has not been implemented in Kitui County.

Mortgage and car loan schemes and general staff welfare

The County Executive has also not been keen on protecting and upholding the general welfare of junior staff.

Sections 7.3 and 7.7.1 of the Human Resource Manual recognize and provide for Mortgage and Car loan schemes respectively for County public officers. SRC circulars Nos. SRC/ADM/CIR/1/13/Vol III (128) and (130) also provide for Car loan and mortgage scheme for public officers, and this has only been implemented for some senior officers in the County Executive.

In case of sickness or death of staff, the County Executive has not stepped up and assisted junior members of staff. For instance, there have been instances whereby some Village Administrators have passed on, yet the County Executive administration does not offer any assistance which is very demotivating to members of staff who have rendered selfless service to the employer.

Operationalization of Village Councils

Section 53 the CGA establishes the Village Councils and provides that village elders shall be appointed by the Village Administrator, with the approval of the County Assembly.

Village Councils have not been operationalized in Kitui and this was highlighted as a challenge faced by the Village Administrators when executing their duties as the elders are supposed to assist them in their duties. Operationalization of village councils would go a long way in enhancing service delivery at the grass root level and to some extent address issues relating to Community Mobilizers.

Delays in payment of salaries and remittance of statutory deductions

The unpredictable dates for the payment of salary was also cited as a challenge facing staff as payments fluctuate from month to month, with delays being experienced often and sometimes no notice or explanation given when there is a possibility of delay.

Further, statutory deductions including NHIF, NSSF, LAPTRUST, PAYE, etc contribution are rarely remitted on time, despite being deducted every month. Regarding LAPTRUST, members of staff anticipate that they may retire and not be able to access all their savings as these sometimes take over a year without being remitted. It was also noted that statements are not regularly issued to enable staff track their contributions, keep them updated and make follow ups.

Regarding NHIF, there have been instances whereby contributions are not deducted and officers go to hospital only to be informed that the County Government has not updated its payments and cannot access services. In such cases, they have to cater for hospital expenses and bills from their own funds which is unfair to them as they make monthly contributions and no other health insurance cover has been contracted to insure them.

Delays in remittance of bank and SACCO loans and insurance policy deductions are also very common, sometimes to the extent of two (2) months delays resulting to defaulting and penalties and may lead to blacklisting by the Credit Reference Bureau (CRB).

Staff/ consultative meetings

Consultative meetings between the County Executive Committee Members and Chief Officers are rarely held, while these play a role in ensuring a harmonious working relationship between the leadership and the Administrators.

Staff uniforms and branding of offices

Administrators have also not been issued with staff uniforms meant to identify and brand them like their counter parts in the National Government (County Commissioner and Chiefs) and are therefore not easily recognizable during public meetings. The T- shirts, shirts and blouses issued during the 1st County Government have grown old and are no longer wearable.

Some VA offices are also not branded and hence not known or recognizable and they should therefore be branded uniformly for ease of identification.

Staff re- branding/ corporate image

Administrators recognize that they are civil servants serving the Government of the day, yet the current Government is not keen on working with them and identifies them with the previous government. Despite their willingness and desire to work with the current government, this is demotivating and dehumanizing to them and feel that re- branding is necessary for improved service delivery. The current Government does not seem to trust and value the Administrators.

Casuals

Casuals working in health facilities and others as market cleaners often work for several months without being paid and their contracts are terminated haphazardly.

In addition, market cleaners are also not supplied with sufficient tools of work including gloves, aprons, gumboots, slashers, wheelbarrows and garbage trucks to assist in garbage disposal, etc.

Community Mobilizers

Village Administrators duties have been taken over by Community Mobilizers who sometimes mobilize the public without involvement of the Village Administrators. The public also seems to respect the mobilizers more than the VAs because the County Executive has elevated them to a high level.

Community Project, launch and oversight

Despite the Administrators being expected to oversight community projects, contractors intentionally ignore or by pass their offices and begin projects without involving the Administrators only for the Administrators to learn that projects have

commenced from members of the public, yet when problems arise they are required to address them, though their offices being ignored initially. When projects stall, the Administrators are expected to be answerable to the public and yet they were not involved right from the beginning of the project.

The contractors don't cooperate with the Administrators and refuse to give BoQs.

Job Titles

The offices of the Sub County, Ward and Village Administrator are statutory offices established under sections 50 to 52 of the CGA. While this is the case, it emerged that after the 2nd County Government came into office, the offices were renamed to Deputy Directors, Senior Administrative Officer II and Office Assistant III respectively. The officers felt that this leads to loss of their responsibilities, noting that there are Community Mobilizers who now perform some official functions that have previously been done by the Administrators.

These challenges have lowered the Administrators morale as they make the working environment unconducive and demotivating and this has also negatively affected service delivery at the grass roots.

3.6 RESPONSE FROM THE CECM AND CO

The Committee met with Mr Bernard Katungi the CECM- Public Service Management and Administration and the Chief Officer Administration Mr Joseph Kimanga on 5th March, 2020 They submitted as follows:

1. Regarding the payment of staff allowances and reimbursements, these are paid whenever funds are available with delays being caused by lack of funds for the same.

However, there are activities that Administrators are involved in that fall under other Ministries as opposed to the Ministry of Public Service Management, and the budgetary allocations for these are provided for under the line Ministry. In these cases, Administrators are sometimes overlooked as other staff are being paid, despite being factored in the budget. It is a complaint that the Ministry has been receiving and handling by liaising with the Chief Officers of the relevant Departments to ensure that the staff are paid. Going forward the Ministry promised to:

- i) Confirm all officers who have not been paid and the activities, with the Chief Officer expected to respond on why this has not been done and report back to the Assembly.
 - ii) Issue a memorandum to all Ministries informing them that any involvement of the Public Service Ministry staff should go through their Office and indicate allowances to be paid to ensure follow up.
 - iii) Issue memorandum to all Ministries mandating the other Ministries to ensure that staff from the Public Service Department are paid whenever they are involved in any activities.
2. Regarding one Victor Okoth- Accountant, there have been complaints about his work ethic and conduct and the matter is still being handled administratively, despite the officer denying the accusations. It has been proposed that the Chief Officer Administration requests the Chief Officer Finance for another Accountant.
 3. On communication channels and protocol, they acknowledge that there has been a disconnect but a meeting was held jointly with other Ministries and it was agreed that the Sub County Administrators should be the 1st to be informed of any projects to be done so that they can cascade the information downwards as opposed to issuance of instructions directly to the Ward or Village Administrators.
 4. On community mobilizers, the Ministry does not give them instructions neither do they report to them. The positions are also not enshrined in the staff establishment (organogram).
 5. On consultative meetings, these are usually done monthly to discuss issues and challenges with the Ministry endeavoring to keep empowering and supporting the staff.
 6. Regarding trainings, it was acknowledged that this has been a major challenge facing the Ministry due to the limited budgetary allocated with the Ministry being served by Administrators who are not trained on Administration. For instance, in the current financial year, with a budgetary allocation of Kshs. 150,000, only one Sub County Administrator (Kitui Rural) has benefitted from the Kenya School of Government (KSG) training at a cost of Kshs. 140,000.

Going forward, the Ministry will explore partnerships with organizations that can offer trainings to staff even as they advocate for increased budgetary allocations for trainings.

7. On casuals working as market cleaners, they have been paid all their dues except for the month of February and there are sufficient funds for their payment. While acknowledging that there have been challenges on tools of work, efforts are being made to distribute the tools currently available while orders have been placed for provision of the other tools.
On casuals working in health facilities, these can only be paid when there are sufficient funds for their payment. Challenges related to payment of casuals in the health sector can only be attributed to the Ministry of Health. However, going forward in the next financial years, challenges related to casuals will be settled and properly budgeted for.
8. On office imprests, currently only Sub County Administrators are issued with monthly imprests, with six (6) Sub Counties getting Kshs. 20,0000 and two (2) Sub Counties getting Kshs. 50,000 per month, except the months of July, August and September (due to budgetary challenges). There are plans to issue Ward and Village Administrators with office imprests from the next financial year if budgetary allocations are made for the same.
9. Concerning office rent, this is paid on a quarterly basis to the Landlords' bank accounts and any claims that there are unpaid dues are unjustified.
10. Regarding the bush clearing exercise, the Ministry of Public Service Management and Administration did not issue any instructions neither was it involved in the exercise. Only the Ministry of Lands, Infrastructure, Housing and Urban Development (LIHUD) is answerable for this. However as at the time of the consultative meeting, it was confirmed that all contractors had been paid their dues.
11. On Sub County Vehicles, this matter was being handled but it is pertinent to note that these vehicles are obsolete and need to be replaced. Further, an Assets and Disposal Committee was formed was formed to handle related matters. Regarding the Ward and Village Administrator vehicles, these will be budgeted for in the coming financial years.
12. Computers, laptops and office furniture will also be budgeted for in the next financial years.
13. Regarding statutory deductions, these are usually remitted promptly and any allegations to the contrary are unjustified.
14. On the stalled Ward Administrators Offices, the Ministry of LIHUD conducted an assessment which revealed that approximately Kshs. 200 Million would be required to complete them. It was proposed that noting the plans by the County Assembly to construct County Assembly Ward Offices,

the two arms of the County Government can consider entering into a partnership to complete and share the current stalled offices so as to expedite operationalization of the offices.

4.0 GENERAL FINDINGS AND OBSERVATIONS

1. There are many incomplete/ stalled projects which can be attributed to lack of keenness by the current Government to succeed projects commenced by its predecessor and lack of commitment towards service delivery to citizens. Failure to complete these projects amounts to wastage of public funds contrary to Article 201(d) of the Constitution which requires prudent and responsible use of public funds.
2. The Sub County, Ward and Village Administration has been weakened by lack of trainings and capacity building, lack of tools of work, lack of transport and reimbursements, amongst other essentials required in execution of their duties. This has negatively affected service delivery at the devolved levels. Despite these offices being statutorily established for particular functions, they are being underutilized and undermined with their services being needed only in times of crisis. There also seems to be a parallel system of Government aimed at rendering the Sub County Ward and Village Administration useless, through Community Mobilizers.
3. Budgetary allocations are made each financial year towards repair and maintenance of vehicles yet vehicles meant for use by the SCAs and other County Departments have broken down without being repaired, which has negatively affected service delivery at the grassroots. As such, the Sub County Administrators are unable to effectively perform their supervisory duties.
4. The Salaries and Remuneration Commission (SRC) is a constitutional institution established under Article 230(1) of the Constitution and mandated under Article 230(4)(b) to advise the National and County Governments on the remuneration and benefits of all public officers. In execution of its constitutional mandate, it has through many circulars advised on the remuneration and benefits due to public officers, and these include payment of Daily Subsistence Allowances (DSAs), transport allowance provision of car loan and mortgage schemes, amongst others. Failure to adhere to SRC circulars on remuneration and benefits of public officers amounts to gross violation of the above Articles of the Constitution.

It also amounts to gross violation of Articles 41(1), (2)(a) and (b) on right to fair labour practices, fair remuneration and reasonable working conditions.

5. The Human Resource Manual recognizes and details various benefits and allowances due to public officers. These include Trainings and Development, Daily Subsistence Allowance, Transport, Mortgage and Car Loan Schemes, Acting and Extraneous Allowances, amongst others. Further, as stated earlier, the SRC has also issued various circulars detailing the allowances and benefits due to public officers.

However, for most public officers working in the Kitui County Executive, these rights are only available on paper. The officers continue to be denied their rightful allowances and benefits by a management not keen on adhering to laws, regulations and policies governing the public service.

6. Casuals working in health facilities, markets and other County bodies often work for several months without being paid and their contracts terminated haphazardly. Further, market cleaners are not supplied with sufficient tools of work including gloves, aprons, wheel barrows, gumboots and garbage trucks.

5.0 RECOMMENDATIONS

Based on the above findings and observations, the Committee makes the following recommendations:

1. In subsequent financial years, the Ministry of Public Service Management and Administration should progressively budget for the procurement of vehicles for use by Sub County Administrators and Motor cycles for use by Ward and Village Administrators. Budgetary allocations should be made for purchase of laptops, desktop computers, printers, furniture and other working tools and equipment for use by the Administrators which will lead to conducive work environment leading to improved service delivery.
2. Noting the proposals and plans by the County Assembly to construct Ward Offices, the County Executive and County Assembly should consider entering into a partnership to complete and share the stalled Ward offices so as to expedite operationalization of these offices. This will ensure that the Ward Administrators and other County officers are accorded a good work environment for improved service delivery.

3. To ensure that Village Administrators are able to effectively discharge their duties with the necessary assistance and support, Village Councils should be operationalized. In exercise of the County Assembly's legislative role, the Committee on Labour and Social Welfare should come up with a legal framework governing and regulating the engagement of village elders, which will ensure implementation of section 53 of the CGA which provides for village councils.
4. In future, the County Government should adhere to the provisions of the Human Resource Manual which requires that officers at all levels should undergo at least five (5) days training per fiscal year. Further, the County Government should ensure that all Administrators undergo training relevant to their duties within ninety (90) days of adoption of this Report.
The County Government should also enter into partnerships with various organizations to offer trainings to staff. Progress of implementation of this resolution should be reported to the Committee within ninety (90) days of adoption of this Report.
5. Youth who were engaged in the bush clearing exercise should be paid within reasonable timelines which will also assist in salvaging the image of Village Administrators who have been negatively affected by the exercise.
6. The Ministries of Finance and Economic Planning, and Lands Infrastructure Housing and Urban Development (LIHUD) should come up with Regulations governing provision of car loan and mortgage schemes respectively for public officers in the County Executive and forward them to the County Assembly within sixty (60) days of adoption of this Report. This will be instrumental in kick starting the process of provision of car loan and mortgage schemes to the officers for improved morale, attraction and retention of staff.
7. All pending staff allowances should budgeted for, paid and progress of implementation be reported to the Committee within ninety (90) days of adoption of this Report. Going forward, the County Government should make it a practice of adhering to SRC circulars on staff allowances and as opposed to undeserving people benefitting from allowances meant for staff.

CONCLUSION

In conclusion, the Sub County, Ward and Village Administrators are charged with coordination, management and supervision of the general administrative functions in their respective jurisdictions in the devolved units. Addressing the challenges faced by the Administrators will lead to improved and effective service delivery at the devolved units and attainment of the objects of devolution.

We, the members of the Committee on Labour and Social Welfare, hereby affix our signatures to confirm our approval and authenticity of this report:

<u>NAME</u>	<u>DESIGNATION</u>	<u>SIGNATURE</u>
1. Hon Munyoki Mwinzi	Chairperson	
2. Hon Charles Maema	Vice Chairperson	
3. Hon Regina Ishmael	Member	
4. Hon Anthony Mbiti	"	
5. Hon Nicholas Mwalali	"	
6. Hon David Masaku	"	
7. Hon Elizabeth Ndunge Peter	"	
8. Hon Stephen Katana	"	
9. Hon Antony Ndooh	"	
10. Hon Josephine Mutie	"	
11. Hon Boniface Kilaa	"	

COMMITTEE ON LABOUR AND SOCIAL WELFARE
OVERSIGHT EXERCISE OVER SUB COUNTY, WARD AND
VILLAGE ADMINISTRATORS

ITINERARY

No	Date	Sub- County	Activity
1.	Monday 03/02/2020	Kitui East	Meeting with Sub County Administrator, Ward and Village Administrators
2.	Wednesday 05/02/2020	Kitui Rural, Central and South Sub County	Meeting with Sub County, Ward and Village Administrators
3.	Thursday 06/02/2020	Mwingi West and Mwingi Central Sub County	Meeting with Sub County, Ward and Village Administrators
4.	Friday 07/02/2020	Mwingi North Sub County	Meeting with the Sub County, Ward and Village Administrators

