

COUNTY GOVERNMENT OF KITUI



THE COUNTY ASSEMBLY

THIRD ASSEMBLY- SECOND SESSION (2023)

COMMITTEE ON LABOUR AND SOCIAL WELFARE

RESPONSE TO STATEMENT REQUEST BY HON. GODFREY M. NDAGARA ON STOPPAGE OF WORKERS' SALARIES FOLLOWING THE STAFF HEAD COUNT AND HUMAN RESOURCE AUDIT AND STAFF RATIONALIZATION REPORT.

**The Clerk's Chambers,
County Assembly of Kitui,
Assembly Buildings,
Kitui, Kenya**

JUNE, 2023

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ABBREVIATIONS

CECM	County Executive Committee Member
CGA	County Governments Act
CO	Chief Officer
H.E	His Excellency
KCHRARC	Kitui County Human Resource Audit and Rationalisation Committee
KHRCRIAT	Kitui Human Resource Committee Report Implantation and Advisory Team
MCA	Member of County Assembly
ToR	Terms of References

1.0 PREFACE

1.1 Introduction

Mr. Speaker Sir,

As you are aware, Hon. Godfrey M. Ndagara M.C.A for Tharaka Ward requested for a statement from the Chairperson committee on Labour and Social Welfare, on Stoppage of Workers' Salaries Following the Staff Head Count and Human Resource Audit and Rationalization Report, pursuant to the provisions of Standing Order 41 (2c).

The committee on Labour and Social Welfare deliberated on the issues raised in the statement and prepared this brief report on its consideration of the same pursuant to the provisions of Standing Order 41 (2C) (C).

1.2 Mandate of the Committee

Mr. Speaker Sir,

1. The Committee on Labour and Social Welfare is established under Standing Order 190(5) and is mandated to:
 - i. Investigate, inquire into and report on all matters relating to the mandate, management, activities, administration, operation and estimates of the assigned department;
 - ii. Study programs and policy objectives of departments and the effectiveness of the implementation;
 - iii. Study and review all county legislation referred to it;
 - iv. Study, assess and analyse the relative success of departments as measured by the results obtained as compared with their stated objectives;
 - v. 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;
 - vi. To vet and report on all appointments where the constitution or any law requires the County Assembly to approve, except those under Standing Order 185(Committee on Appointments); and
 - vii. Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.**

The Second Schedule of the Standing Orders stipulates that the Committee is mandated to oversight all matters relating to Labour trade union relations, employment, man power or human resource planning and social welfare;

1.3 Committee Membership.

The Committee was constituted by the House on 23rd November, 2022 and comprises of the following Members:

1. Hon. Joseph Kasungi Kavula	Chairperson
2. Hon Charity Kathathi Musyoka	Vice Chairperson
3. Hon. Frida M. Mutinda	Member
4. Hon. Nzavu Mwanzia	"
5. Hon. Mary P. Ndumbu	"
6. Hon. Antony M. Musyoka	"
7. Hon. Zacchaeus I. Syengo	"
8. Hon. Jacinta Mwoni	"
9. Hon. Elizabeth N. Peter	"
10.Hon. Nzungi Ngwele	"
11.Hon. Jeremiah M. Mutua	"

1.4 Committee Secretariat

Onesmus M. Mbwang'a- Second Clerk Assistant

Mr. Speaker Sir,

On behalf of the Committee on Labour and Social Welfare, and pursuant to the provisions of Standing Order 41 (2C) (C), it is my pleasant duty and pleasure to present this report of the Committee on the response to statement.

SIGNED:  **DATE:** 29/06/2023

HON. JOSEPH KASUNGI KAVULA
CHAIRPERSON, COMMITTEE ON LABOUR AND SOCIAL WELFARE

2.0 BACKGROUND

Mr. Speaker Sir,

During the afternoon Sitting on 17th May, 2023, Hon. Godfrey Muthengi Ndagara- M.C.A for Tharaka Ward requested for a Statement response from the Chairperson, committee on Labour and Social Welfare on the Stoppage of Workers Salaries following the Head Count Exercise and the Human Resource Audit and Rationalization Report. *(Copy attached as Annexure 2)*

In his statement request, the Honourable Member raised concerns that following the implementation of the staff head count and the Human Resource Audit and Rationalization a number of workers' salaries were stopped without any valid justification.

This has led to a lot of suffering by the affected workers. He further asserted that efforts by the said workers to have their salaries reinstated by the Human Resource Management department had born no fruits leading them to languish without anyone to run to.

Owing to above state of affairs, the honourable member requested the Chairperson, Committee on Labour and Social Welfare to respond to the following issues raised in the statement;

- i. Why some workers who availed themselves for the Head Count exercise became casualties of the purported ghost workers;
- ii. The extent to which the Human Resource Audit and Rationalization report has been implemented and if any parties have been found culpable as per the recommendations of the report;
- iii. What efforts the executive seeks to employ in order to comply with the requirements of the wage bill by the law;
- iv. The mechanisms the executive intends to use in addressing the illegalities as contained in the Human Resource Audit and Rationalization report.

Mr. Speaker Sir,

Upon receipt of the statement request, the committee on Labour and Social Welfare through the office of the Clerk wrote a letter to the Ag. County Secretary forwarding the statement request and notifying them of the issues raised.

Pursuant to the provisions of Standing Order No. 41 2C(B) the Committee invited the Ag. County Secretary to appear before the Committee on 15th June, 2023 in order to respond to the issues raised in the Statement. *(Copy attached as Annexure 3)*

Mr. Speaker,

The Ag. Secretary was unable to attend the meeting as per the committee's invitation owing to unavoidable circumstances. She however sent the Deputy County Secretary (Mr. Alex Kimanzi) to appear before the Committee on her behalf.

Mr. Speaker Sir,

As you are aware, Standing Order 41 (2C) (A) and (B) provides that;

Whenever a member requests for a statement, the Speaker shall direct the relevant Committee under whose mandate the Statement falls, to invite the County Executive Committee Member or the Chief Officer under whose purview the matters raised in the Statement fall, to a meeting of the committee to deliberate on the Statement. The Member who requested for the Statement shall be invited to the Committee meeting whenever the County Executive Committee Member or the Chief Officer is to appear to respond to the Statement.

Based on the above provisions, the committee on Labour and Social Welfare invited Hon. Godfrey M. Ndagara to her meeting on 15th June, 2023 at Summer Springs Hotel in order to discuss the issues raised in the statement. *(Copy attached as annex 4)*

2.1 RESPONSES BY MR ALEX KIMANZI–DEPUTY COUNTY SECRETARY (REPRESENTING THE COUNTY SECRETARY)

2.1.1 QUERY ONE:

On why some workers who availed themselves for the Head Count exercise became casualties of the purported ghost workers

The Deputy County Secretary responded as follows:

One of the key findings of the staff head count exercise and Kitui County Human Resource Audit and staff rationalization report was that there were a total of 935 ghost workers as per the report presented to H.E the Governor in March, 2023.

The office of the county secretary wrote letters to the 935 workers show cause letters as to why disciplinary action should not be taken upon them for failure to attend the head county exercise. Consequently, the salaries of all the 935 who did not turn up for the head count exercise were immediately stopped temporarily.

Out of the 935 purported ghost workers a total of 171 workers responded to the show cause letters explaining why they did not attend the staff head count exercise.

As a follow up exercise H.E the Governor formed another committee known as the Human Resource Committee Report Implementation and Advisory Team(HRCRIAT) in April, 2023. The main mandate of the team was to advise on the implementation of the recommendations contained in the KCHRARC report and prepare an action plan on the implementation of the recommendations categorizing the issues in terms of that which can be implemented in the short term, medium term and long term.

The HRCRIAT invited the 171 workers who had responded to the show cause letters by the office of the County Secretary. Out of the 171 workers who responded, a total of 152 workers were successfully verified and recommended for reinstatement into the payroll which is to take effect in the month of June, 2023. These workers will be paid their full salaries along with the arrears.

The remaining 19 workers out of the 171 had issues to do with inability to produce the required documents among others. They have been given some time in order to avail the same failure to which, administrative action shall be taken upon them.

The remaining balance of 764 workers out of the 935 have been invited for the last time to appear before the HRCRIAT where the first lot of 154 staff will appear on 20th June, 2023. In the event the 764 staff will not heed to this last invitation, the advisory team shall recommend further administrative measures to be taken.

It is until that time that they shall be declared as clear ghost workers thus being permanently removed from the county payroll. This exercise is expected to be completed by 15th July, 2023 and a final determination be made by 15th August, 2023 which shall put all the issue of ghost workers to a rest.

2.1.2 QUERY TWO:

The extent to which the Human Resource Audit and Staff Rationalization Report has been implemented and if any parties have been found culpable as per the recommendations of the report:

The Deputy County Secretary provided the following responses:

As part of the terms of references (ToR) of the HRCRIAT the team shall ascertain the institutional appointments, promotions, re-designation, training and recommend correctional and appropriate/ necessary administrative and disciplinary actions to any parties or individuals who will have committed any acts of illegalities as per the recommendations of the report.

This is expected to take place once the appointed Team shall present their final report to H.E the Governor. The final report with clear recommendations is expected to be presented by 15th July, 2023.

2.1.3 QUERY THREE:

What efforts the executive seeks to employ in order to comply with the requirements of the wage bill by the PFMA Section 107 of 2012.

The Deputy County Secretary submitted that currently the County wage bill stands at 39%.

Some of the strategies the executive is using to bring back the wage bill back to the required 35% include but not limited to:

- i. The implementation of the Human Resource audit report to ensure no ghost workers are in the County payroll;
- ii. Stoppage of engaging all casuals following a cabinet resolution except for only highly essential casual services;
- iii. Through enhancement of revenue collections to increase own source revenue to ensure adherence to the 35% Wage bill;
- iv. Staff rationalization where staff will be redesignated to work where they are required most for optimal performance;
- v. Natural attrition where staff exiting service will not necessarily be replaced rather, their duties shall be shared to others.

2.1.4 QUERY FOUR:

The mechanisms executive intends to use in addressing the illegalities as contained in the human resource audit and rationalization report

The Deputy County Secretary responded as follows:

Upon conclusion of the staff audit and rationalization exercise if any persons shall be found culpable for having aided or colluded to include ghost workers in the county payroll, or having been promoted irregularly or having committed illegalities of any nature, the following remedies shall be instituted upon them.

- i. Administrative disciplinary actions on officers who facilitated creation of ghost workers,
- ii. Recovery of monies paid to staff where such payments shall be deemed illegal,

- iii. Administrative disciplinary action against officers who participated in irregular appointments and promotions as well as other irregularities in the management of staff.

3.0 COMMITTEE'S RECOMMENDATIONS

Mr. Speaker Sir,

The committee having noted the issues raised in the statement and the responses from the Ag. County Secretary through her representative, resolved that the statement was satisfactorily dispensed with and further recommends as follows;

1. That the Team working on the implementation of the recommendations of the should Kitui County Human Resource Audit and Rationalisation Committee report move with speed to conclude their undertaking and put the matter to rest.
2. The final recommendations of the Team should be made public and shared with the Assembly to enhance transparency and accountability on the whole issue of ghost workers.
3. Persons found culpable of engaging in acts of illegalities in regards to inclusion of ghost workers in the County payroll, irregular recruitments, promotions or redesignations should face severe administrative disciplinary measures not limited to but including recovery of monies lost, surcharging, suspensions or even removal from county payroll.
4. The Committee shall consider taking more actions upon receiving the final recommendations by the Human Resource Committee Report Implementation and Advisory Team (HRCRIAT).
5. More austerity measures should be employed to ensure the county wage bill returns to 35% or below in order to have sufficient surplus for development.

CONCLUSION

Mr. Speaker Sir,

In conclusion, the committee appreciates the deliberate efforts by H.E the Governor in handling the recommendations of the Kitui County Human Resource Audit and Rationalisation Committee report in the most amicable and reasonable manner to ensure fairness and justice is accorded to the purported ghost workers. This being a matter dealing with peoples' careers and livelihoods of the people, it requires a systematic approach to ensure that innocent workers are not punished without a just course. The Committee shall remain steadfast in providing proper oversight in all matters under her mandate as provided under Standing Order No. 190(5) and the Second Schedule.

ANNEXTURE 1

ADOPTION PAGE

We the members of the Committee on Labour and Social Welfare hereby append our signatures as proof of the authenticity, accuracy and correctness of the report on the Consideration of the Responses to the Statement Request by Hon. Godfrey Muthengi Ndagara M.C.A for Tharaka Ward on the Stoppage of Worker' Salaries following the Head Count and Human Resource Audit and Staff Rationalisation Report

NAME	DESIGNATION	SIGNATURE
1. Hon. Joseph Kasungi Kavula	Chairperson	
2. Hon Charity Kathathi Musyoka	Vice Chairperson	
3. Hon. Frida M. Mutinda	Member	
4. Hon. Nzavu Mwanzia	Member	
5. Hon. Mary P. Ndumbu	Member	
6. Hon. Antony M. Musyoka	Member	
7. Hon. Zacchaeus I. Syengo	Member	
8. Hon. Jacinta Mwoni	Member	
9. Hon. Elizabeth N. Peter	Member	
10.Hon. Nzungi Ngwele	Member	
11.Hon. Jeremiah M. Mutua	Member	



12 JUN 2023

COUNTY ASSEMBLY OF KITUI

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Clerk's Office,
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P.O.Box 694-90200,
Kitui, Kenya.

OFFICE OF THE CLERK

When replying please quote;
OUR REF: CAK/9/10/VOL. VI (9)

12th June, 2023

The Ag. County Secretary
Kitui County Government,
P.O. Box 33-90200,
KITUI.

RE: RESPONSE TO THE STATEMENT REQUEST BY HON. GODFREY MUTHENGI NDAGARA ON THE STOPPAGE OF WORKERS' SALARIES FOLLOWING THE HEAD COUNT AND HUMAN RESOURCE AUDIT AND RATIONALIZATION REPORT

The above subject matter refers;

During the afternoon Sitting of Wednesday, 17th May 2023, Honourable Godfrey Muthengi Ndagara M.C.A for Tharaka Ward requested for response to a Statement pursuant to the provisions of Standing Order No. 41 (2)(C) on the stoppage of workers' salaries following the head count and the human resource audit and rationalization report.

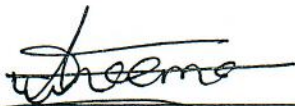
The key issues raised in the Statement include: -

Noted
S.M.R.
PPS 14/6

- i. Why some workers who availed themselves for the Head Count exercise became casualties of the purported ghost workers;
- ii. The extent to which the Human Resource Audit and Rationalization report has been implemented and if any parties have been found culpable as per the recommendations of the report;
- iii. What efforts the executive seeks to employ in order to comply with the requirements of the wage bill by the PFMA Section 205 of 2012.
- iv. The mechanisms the executive intends to use in addressing the illegalities as contained in the Human Resource Audit and Rationalization report.

You are hereby invited to attend a Committee meeting on 15th June, 2023 at Summer Springs Hotel in Mwingi at 9:00 a.m. to respond to the issues highlighted above.

Attached kindly find a copy of the Statement for your reference.



L. WAEMA
FOR THE CLERK OF ASSEMBLY
COUNTY ASSEMBLY OF KITUI.

C.O.A to note in file

STATEMENT REQUEST ON STOPPAGE OF WORKERS' SALARIES FOLLOWING THE STAFF HEAD COUNT AND HUMAN RESOURCE AUDIT AND RATIONALIZATION REPORT.

Mr. Speaker Sir,

Pursuant to the provision of Standing Order No 41 (1) (c), I would like to request for a statement from the chairperson committee on Labour and Social Welfare.

Whether He is aware that H.E the Governor Kitui County formed a Committee on Human Resource Audit and Rationalization whose report was presented on the 28th February, 2023;

Whether He is aware that the implementation of the staff head count and the Human Resource Audit and Rationalization report left a number of workers have their salaries stopped without any justification thus leading to untold suffering by the affected workers;

Whether He is aware that efforts by the affected workers to have their salaries reinstated by the Human Resource Management department have born no fruits leaving the workers to languish without anyone to run to;

Whether He is aware that if this state of affairs remains unaddressed might lead to several litigations by the affected workers seeking justice from court jurisdictions which subsequently might lead to the County losing a lot of money just in case the courts issue favorable determinations on such matters to the litigants;

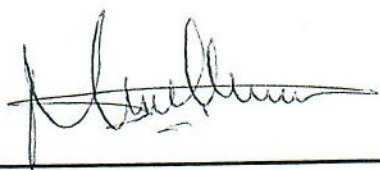
THAT, the Committee on Labour and Social Welfare acts swiftly to alleviate the suffering of those workers whose salaries were stopped following the Head count and Human Resource Audit and Rationalization report without justifiable reasons. The Committee should provide a report to this house within twenty one (21) working days addressing the following issues:

- i. Why some workers who availed themselves for the Head Count exercise became casualties of the purported ghost workers;
- ii. The extent to which the Human Resource Audit and Rationalization report has been implemented and if any parties have been found culpable as per the recommendations of the report;

Clear
Approved.


26/2/2023

- iii. What efforts the executive seeks to employ in order to comply with the requirements of the wage bill by the law;
- iv. The mechanisms the executive intends to use in addressing the illegalities as contained in the Human Resource Audit and Rationalization report.



Hon. Godfrey Muthengi Ndagara

MCA - Tharaka Ward.

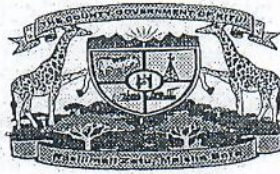
DATE: 26/04/2023

ANNEX IV

COUNTY ASSEMBLY OF KITUI

14

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www.kituicountyassembly.org/



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OFFICE OF THE CLERK

When replying please quote;
OUR REF: CAK/9/10/VOL. VI (14)

14th June, 2023

HON. GODFREY M. NDAGARA
M.C.A -THARAKA WARD

Dear sir,

RE: INVITATION TO ATTEND MEETING FOR THE COMMITTEE ON LABOUR AND SOCIAL WELFARE ON 15TH JUNE, 2023 IN MWINGI SUMMER SPRINGS HOTEL

The above subject matter refers;

The committee on Labour and Social Welfare will retreat in Mwingi Summer Springs Hotel on 15th -17th June, 2023 to respond to your Statement request on stoppage of workers' salaries following the head count exercise and Human resource audit and staff rationalization report.

The committee has invited the Ag. County Secretary to respond to issues raised in the Statement request.

Pursuant to the provisions of Standing Orders No. 41 (2C) (B) you are hereby invited to attend the said meeting on 15th June, 2023 at 9:00 a.m. to discuss the issues raised in the Statement with the Ag. County Secretary.

JOSPHAT K. KWANDA
FOR; THE CLERK OF ASSEMBLY
COUNTY ASSEMBLY OF KITUI.

