

7TH JANUARY 2014

COUNTY GOVERNMENT OF NYANDARUA

NYANDARUA COUNTY ASSEMBLY

FIRST ASSEMBLY, SECOND SESSION

OFFICIAL REPORT

The House met at 2.30 PM.

Hon. Speaker in the Chair

Prayers

Speaker: Hon members you realize that the orders of the afternoon have been revised and they have included a motion in that revised order paper and after considering the same, I found that it raised very weighty matters concerning the County and that this house should not be seen as by-standers and should be seen to have made an input on this particular issue as it affects every ward that you represent or come from and therefore have allowed the motion so that members can be able to express themselves and actually speak their positions as these are matters that directly affects them. The first Order?

Clerk: A procedural motion on Sacking of Casual labourers in Nyandarua County.

Hon Peter Maina (Central MCA): Thank you Mr. Speaker Sir, I wish to give notice of a motion that, "Aware that.....

Hon John Kieru (Gatimu MCA): Mr. Speaker sir, with your guidance on the motion you call this house is being a procedural motion does it really require a notice of motion MR SPEAKER?

SPEAKER: Very well member for Gatimu I think you are in order this motion was approved by the speaker on a certificate that it is of most county importance and urgency and therefore does not call for a notice so you shall just move the motion.

Speaker: Member for Central

Hon Peter Maina: Thank you Mr. Speaker sir I beg to move the following motion" Aware that Nyandarua county government has casual labourers who were inherited from the defunct Nyandarua county council and Olkalao Town council, who have been working as Drivers, cleaners, messengers, mechanics, revenue collectors watchmen and other duties; Concerned that, the county secretary has already terminated the contracts of the casual labourers, through a letter dated 30th December 2013 without notice; Aware that the county government is understaffed in the fields that were assigned to those casuals; Aware that the labour laws provide that a casual worker should not work for a period exceeding three months without consideration to be absorbed into permanent employment and further concerned that those casual labourers have worked with the defunct councils for years and almost 10 months with the county government of Nyandarua, This honorable house urges:

1. The County government to consider to immediately reinstate the sacked casual workers to their respective positions unconditionally until the matter of the sacking is considered within the frame work of the law.
2. That the county government in view of a clear provision of employment Act to consider absorbing the same casual labourers on permanent and pensionable basis.
3. That this matter be referred to the relevant selectoral committee for in-depth inquiry on arbitrary and cold blooded dismissal of the casual labourers aforesaid and make the necessary recommendations to this house within 30 days of the date hereof.

MR speaker it is wise to state that, according to labour law Mr. Speaker, any casual is supposed to work for a period not exceeding three months without

renewing their contract. In this case of Nyandarua county, those workers who we are calling the casual workers have worked in the defunct Nyandarua County Council and Ol kalau county councils for years Mr. Speaker without consideration of reviewing their contract .

During a meeting with legal and Justice Affairs and public service committee which was held at 29th October together with human resource manager of this county that is the interim human resource manager. It was discussed in lengthy according the casual labourers and how they are supposed to be handled Mr. Speaker and it is in record that the interim human resource manager stated that already the county government is understaffed. When she supported and said that the county is already understaffed. We fail to understand how then it could be understaffed, they have not recruited new people Mr. Speaker and they have come to terminate their services. In conjunction to that Mr. Speaker on a meeting held in 23rd where the committee of Justice legal affairs and Public service held a meeting with the secretary to the county public Service board on the same issue. It was discussed in length.

Mr. Speaker, on a Minute of minute JLPS 03-23-2013 the secretary to the board reported that already they unearthed a major scam on what we call the employment of the casuals Mr. Speaker.

Speaker: Member for Central are you tabling a copy of those minutes?

Member: I will Mr. Speaker. They are in the file.

Speaker: So they are within the custody of the assembly?

Hon Maina: Yes

Speaker: Good

Hon Maina: Mr. Speaker the secretary reported that the board has unearthed a major scam on employment of these casuals Mr. Speaker whereby the secretary himself said that the board had already summoned all the casuals who had been employed by the former Nyandarua County Council and Olkalao county councils and noted that none of them had formal letters on the casual employment but

the board asked them to apply again Mr. speaker. Having known that, it is really disturbing to see that somebody went ahead the board and did what he did Mr. Speaker to sack those casual labourers.

That work was mandated to the county service public board. Mr. Speaker to note that the secretary noted that it was it was prudent to consider employing them with a matter of priorities rather than coming and including new because they had already worked for this country for a long duration Mr. speaker.

The secretary of the board Mr. Mbugua noted with concern that there is understaffing in this county and he promised to address the problem but not bring down the casual labourers. Mr. Speaker we do agree that there is the collective bargaining agreement which was signed with the defunct authorities and Mr. speaker those are some of the issues that the board is supposed to sit down and consider those casuals bearing in mind like one person we can state who has worked as a tree planting person at Nyahururu Mr. Speaker, for 13 good years as a casual only to find out that on 30th that he was among those people who were being sent home Mr. Speaker.

Mr. Speaker We do understand when we had a meeting on 29th October with the HR (Human Resource Manager) of this county who gave us a list of staff and the casuals which were of the both local authorities and all of them contradicted the staff and their job descriptions Mr. speaker. So Mr. Speaker what we are stating and we are urging the county government before they offer the proper mechanism Mr. Speaker they need to come up with a plan so that they can be able to unearth the scam which is said to be for those casuals to know their fate. Mr speaker it is wise to note it was quite disturbing to see that these casuals had already planned to send their children back to school only to find that when they are trying to plough for the back to school period that is when they are getting their letter of dismissal. Mr speaker we are requesting the county government as matter of urgency they need to consider those people who had worked for this county because they have gained experience. Most of them have used government money with training so that they can be able to work in their

respective positions. Mr. Speaker with those few remarks I beg to move and call upon Hon Kieru to second.

Hon John Kieru Wambui (Gatimu MCA): Thank you Mr. Speaker and I want to thank very much the Chairman of public service for having found it worthy to carry the cross and to pull the bull by its horns because Mr. Speaker it's quite important the matter that he has brought before this house. Mr. Speaker if for sure we want to work in this county simple question that necessarily may not arise.

The reason I will say this Mr. Speaker is because the reason why this contracts for the casual labourers have been terminated are not genuine enough to warrant their termination Mr. Speaker. The timing of termination raises the eyebrows of any Nyandaruan including this honourable house and therefore I also thank you for having found it worthy that this matter be discussed in this special sitting. And with all due respect to the office of the governor our executive and further to the office of the county secretary. Mr Speaker with me I have a letter of one of the employees whose contract was terminated Mr. Speaker officially written from the office of the governor on behalf of the county secretary by the person **J.M Maina** who I understand is the human resource manager Mr. speaker. The reason why this contracts are terminated according to this letter they say that "your contract service as casual in the county council of Nyandarua have been terminated with effect from 31st December 2013 and the letters were written on 30th . This people have been working as honourable member has sighted for over 10 years and for that matter worked in Nyandarua county government since it was formed in march to date. SO it means that 3 months were ending on 30th December 2013 but 3 months were ending sometimes in June after the county government came into office Mr. speaker. Please note that the law requires that such contracts should not exceed 3 months. This is what they say in the letter "If for sure this kind of a contract does not exceed 3 months, and this is the reason they are terminating the contract for a certain individual." Is our executive genuine to give this reason Mr. Speaker? They are not genuine because the letters they have produced they were supposed to produce them 3 months after the county government came into place, renew them again, three months again and renew

them again. This has not been done Mr. Speaker. So Mr. Speaker they want the individuals of this county who to them believe that they are already maybe permanent employee by the fact that the time lapse to whereby they were supposed to be on contract basis. So Mr. Speaker the timing of termination of this contract is it December 31st you all know this people have children who they are taking to school, Mr. Speaker. I believe the person who did this; even though this people are casual labourers, they are human beings of Nyandarua County. They are residents of Nyandarua County. And furthermore these are people who help in collection of revenue. How do you terminate a contract of somebody who is collecting revenue in riverside? Who will collect revenue? So Mr. Speaker, even though this things were done and we have information they are told when they should never say they have ever worked for county government of Nyandarua and that letter when they write that they have worked for county government of Nyandarua it is torn in their presence by the so called human resource manager. So Mr. Speaker this are people who need serious reprimand from this house Mr. Speaker. As the mover of the motion put it very clear there are contract terms, we may not go to that because of time. There is the issue of understaffing, our county is already understaffed. Because an audit has been done and the member; the chairman of public service through the public service board can confirm that Mr. Speaker. So the timing of that termination was completely out of order Mr. Speaker. Other than this there is the conflict of offices Mr. Speaker. I don't know whether it is the duplication of roles because the office of the county secretary and the office of the secretary public service board of Nyandarua county. Mr speaker the county government Act no 17 of 2012, if you read 44 (3)you are going to find the responsibilities and the roles of the county secretary. The county secretary shall be the head of county public service. Mr. Speaker if the county secretary shall be the head of county public service that does not mean that he is the head of county public service board. Mr. Speaker. So the secretary of this county is the head of public service including the public service office assembly including the public service of the executive but basically Mr. Speaker how the county secretary goes ahead and takes responsibility of the both because the board knows the office to establish, the board knows the office to abolish it also know which office is overstaffed or understaffed. So if the board has those data's

and the county secretary goes ahead and makes that kind of a decision without the consultation of the board or the leadership of the board Mr. speaker it means that somebody must be censored by this house and that is the county secretary Mr. speaker. Why am I saying that Mr. Speaker, we have already had enough problems Mr. speaker if the county service is having problems with that individual I am having the same problems with him. When I appeared in his office for some very simple roles in my own he can cope with, he cant stand to do what he is supposed to do, because he is intoxicated and the only thing he can do is to sack people so Mr. speaker this is an individual that this assembly must take seriously because even if he is hiding himself because why does he tell the county human resource to write a letter on his behalf, if he is brave enough he was supposed to write a letter on his behalf because it is coming from him but he wants it to go through a certain individual who he wants like half to carry the blame Mr. speaker.

So Mr. Speaker there is another scandal that happened within my knowledge. My ward happens to host a certain individual who among other 23, I don't know Mr. Speaker have been purportedly been given jobs by the same office Mr. speaker. This is an office they are saying that some people are impersonating to be the human resource other are impersonating to be the Human resource other are impersonating to be the county secretary, others to be the county public service secretary and this people have given money to a close of 200,000 ksh. They are giving money so that they can be employed as casual labourers who will be paid over Ksh.22,000 per month Mr Speaker.

This sackings can certify that maybe they want to employ those people they have been stealing money from them Mr. Speaker. Because how timely is it somebody comes complain to me, the complaint is taken to the said office and immediately this people issue termination letters Mr. Speaker. Why are they terminating our people Mr. Speaker? Because they want to employ the people they have stolen money from. And for that Mr. Speaker this assembly must take serious actions and make serious recommendation as the motion recommends that the county to consider reinstating.....(*interrupted*)

(Rising on a point of order):

Hon Michael Kirumba Point of order Mr. Speaker...Mr. Speaker sir with all due respect it is in order that for this house to get us some of this insinuations so that we can really act because when there is insinuations of money changing hands irregularly, stealing ;this house will not tolerate situations where there are nothing that the honorable members can rely on, so I would be begging the honourable member if he has those evidence to give us so that we can work on instead of us acting on hearsays.

Speaker: This is well put .I think that for the reasons that there is no substantive motion on any person because the names of some people are coming into play, there is no substantive motion to censor or interrogate their character on this floor of this honourable house, I think that the member of Gatimu should be able to give us some insights of those particular areas and give evidence to be tabled so that this house can deal with solid and substantive issues which can not be taken to having people throw aspersions as to ‘create scenes.....

Hon Kieru: maybe I can bring to the light of this house.Honourable member it happened that individuals have been sending money to some people. And when I realized that, I raised the matter and when I raised the matter it which was quickly handled to the office of the governor. When it was in the office governor, it was said that it was in safe hands and that they were going to deal with the matter Mr. Speaker. And in my view nothing has happened. So far no body has been arrested. The same people are still asking for money and the involved characters are ready to testify to a committee of this house Mr. Speaker. The mpesa statements can prove the money they have sent because that have produced those statement from the MPESA because that is the first advice I gave to those people so that when now this matter can come before this house or before a committee the individual will be safe because there will be evidence. So Mr. Speaker I was just raising that issue as a matter of substantiating or trying to prove there is a problem somewhere that we need to think outside the box and that the problem is going to be solved by the same office reinstating back and infact it should not be solved but the same office. The county public service board

now take the matter and give back those jobs to the same people with immediately as a matter of fact and then if there is anybody who has worked for the county government of Nyandarua for more than 3 months Mr. speaker or for more than a period that warrant him or her to be employed as a permanent employee let that be done. Why? because we are protectors of the law, this assembly is a protector of the law. And this assembly makes laws and the same laws it must protect. So if there is an already an existing law that will deem fit and infact it is a standing law, let it be followed. Those people should be employed actually permanently because even not unless somebody has issues Mr. Speaker that is my recommendation and the second one; the county government in view of clear provisions the employment Act to consider absorbing the said casual labourers on permanent and pensionable basis.

This matter by the way that is where now my issue will come in. If it is investigating those people who have been sending money so that they can be employed by the so called offices in this County government of Nyandarua part of the executive Mr. speaker such that this scandals can be unearthed and those people who have been involved be brought to book because if this motion and this people come on the floor of this house then it means this assembly can also investigate. It should not only be the executive to investigate whereby some individuals of the same executive are mentioned so if it can also investigate on this other end through the selectoral committee, it can also unearth some matters that are very messy. Thank you Mr. Speaker, I second the motion.

Speaker: Hon Members, I now propose the motion that” Aware that Nyandarua county government has casual labourers who were inherited from the defunct Nyandarua county council and Olkalao Town council, who have been working as Drivers, cleaners, messengers, mechanics, revenue collectors watchmen and other duties; Concerned that, the county secretary has already terminated the contracts of the casual labourers, through a letter dated 30th December 2013 without notice; Aware that the county government is understaffed in the fields that were assigned to those casuals; Aware that the labour laws provide that a casual worker should not work for a period exceeding three months without consideration to be absorbed into permanent employment and further concerned

that those casual labourers have worked with the defunct councils for years and almost 10 months with the county government of Nyandarua, This honorable house urges:

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3. That this matter be referred to the relevant selectoral committee for in-depth inquiry on arbitrary and cold blooded dismissal of the casual labourers aforesaid and make the necessary recommendations to this house within 30 days of the date hereof.

Speaker: Yes member for Karau;

Hon Sammy D. Ngotho: Thank you Mr. Speaker sir. I stand to support the motion as the member from Karau ward. Mr. Speaker sir much has been said by honourable Kieru, I don't want to repeat but overemphasize the county secretary is the head of public service but is he allowed to act or make any of this kind of decision. That is the first issue.

This letter was written on 30th and the people were told to stop working on 31st.o then there is no evidence to support that people sat and decided to come up with this decision. So from what we see from the letter, if we could just try to widen up our scope you'll see that it was a unitary decision. It is good that we said that the workers have worked for many years. Some of them have worked for 14 years, I heard from Ndunyu Njeru has worked for 11 years, one from Ol kalou 7year as members were saying that people have worked for many years and it is the right of an employer to dismiss people. That one we don't have a problem with. And casual laborers' work not for more than 3 months but it has been highlighted that these people till the county government came into being none had been told on casual basis. So any dismissal Mr. Speaker needed to have them to have accrued

benefits. If you are dismissing this people you give them benefits because you have extended 3 months. And what the honourable member is whispering a legal notice. Notice of 30 days to vacate his or her relevant office and this is equivalent to retrenchment or laying off because this people have stayed for more than 3 months. If a person works for you for more than 3 months they automatically become permanent whether you don't say it on a letter or if you don't write them a letter but at the end of the day they should be pensionable or if they are dismissed they should have accrued benefits. The question is "Is Nyandarua County ready to pay these workers benefits? If so then we have no problem.

The other issue, an observation: I questioned myself was the cabinet aware that these moves were done. If they are frank enough, I don't want to say that the county secretary is the sacrificial lamb, but in my right mind, I believe he never woke up one morning and decided by himself, there must be quarters that gave him direct rules. Did the office of the governor or the deputy governor give the directive, was there a cabinet meeting that decided that workers should be laid off because those are issues, important issues, because when I sit in the docket that deals with labour, the chairman there called the person in charge of labour and this is where we were going to when we were passing the CEC members, the one in charge of education he had been given the docket of labour. Again we passed a CEC member in charge of public service. There is a person calling himself county secretary. The constitution calls him the county secretary who is the head of the public service. Then the board with a chairman, then the board was highlighted in an informal meeting where the chairman of the board asked who is the head of the board. And he slipped and he said I'd love to seek information. The answer that he was given from the governors office from CIC said that he will seek for interpretation so I ask myself isn't it this house that should give the interpretation? So I leave that for the speaker to tell us because there is a lot of crash because the public service CEC member will come up with this , the one on labour will come up and say because I am the one in-charge of labour as mandated by what we passed, this people are reinstated. The County secretary who is the head of the public service will do this; the board will sit and say that every hiring and firing of staff in the county should be done by the board. The

governor will say that am the leader of Nyandarua county Government and this is what should happen.

Mr. Speaker, I support that this people be reinstated with immediate effect, if the individual is incapacitated or is unable to act let that be dealt with individually if it is Kamau who is not cleaning the office, let him be dealt with as an individual.

Speaker: MCA Njabini/ Kiburu

Hon. Beth Wahito (Nominated). Thank you Mr. Speaker Sir, I stand to support this motion. I am a member of the Health Committee and we have been visiting various towns. All our towns were very clean including the toilets. The dismissed workers are the ones cleaning these facilities.

Now people all over the county are complaining because all our markets are dirty. I am now wondering why people are not working when we have our county government. It is good we know why whoever came with this idea of sacking people got it from because dismissing them is inhuman.

We visited Engineer and Njabini towns and all businessmen are complaining because of stinking toilets. The situation was very bad, whoever dismissed the workers did something very wrong, yet he did not stop collecting revenue. The people who are paying us revenue do not want to know what is happening, they want services.

Mr. Speaker, let us solve this problem by first identifying where the problem lies and we can start from that point. If a worker has done wrong, let him be dealt individually as one Honourable Member has suggested. Thank you Mr. Speaker and I support the mover of the motion.

Speaker: **Member for Leshau Pondo.**

Hon. Njoroge: Thank you Mr. Speaker. Mine will be very brief. I am trying to look at the economic implications of the sacking of these casual workers. These casual workers used to depend on loans from micro institutions in our county. Once they

are sacked, they won't be able to repay and what will happen these institutions will collapse. Are we building our county or are we destroying it.

The other thing Mr. Speaker I am seeing a situation whereby one has been working as a casual labourer for ten years. A lady who was manning a barrier for 13 years. Her husband died and she was recruited to take his place. She is now the sole bread winner of the family that her husband is dead. Like Hon. Mwathe was saying, we are going to create a scenario where people will be depressed and others commit suicide while others will turn to drugs and alcohol just because they were frustrated by those people who sacked them.

The person who sacked these people be censured by the relevant authorities
(Applause).

The other thing Mr. Speaker we know we depend on taxes, if our government is not going to deliver services, let it not tax people. Why are they taxing people while they are not collecting garbage? It is not applicable. Let the dismissed casuals be reinstated immediately so that they can offer services to the people. Thank you Mr. Speaker Sir.

Hon J. Gachari Shamata MCA :

Thank you Mr. Speaker Sir. I rise to support the mover of this motion because this is the high time to support our people. Actually I have been seeing this people at my area especially at the market place collecting the revenue at the market. I never knew that have been casuals, I thought they are permanently employed because they have been working for many years and incase there is a mistake made by the former County Council and town councils for not recruiting these people and employing others leaving the old people being used like slaves, I really regret Mr. Speaker Sir, especially in Ndaragwa and other places in the barriers it is only these people who have been working there. The watchmen for the council and the Security areas in the County government are those Casual Workers. I therefore urge this house to support and give these people proper support and I plead Mr. Speaker sir that you rule out their sacking and let them remain working in this County even if it is permanently.

I support they be employed permanently because at the moment we do not have enough staff and the towns are not in order Mr. speaker, even our offices to have new staff regardless of those who were there because they are ours and we need them. Thank you Mr. Speaker.

Hon Peter Kairu Githabai MCA:

Thank you Mr. Speaker sir, I now oppose the motion. One of the reasons that I want to oppose the motion, (*Applause*)

I have the right to oppose a motion. One of the reasons why I am opposing the motion is that when we look at how the casuals were employed we should know the terms of services they were employed with secondly maybe they terminated their services for lack of fair distribution to some areas. Let me give an example of Githabai where I come from there is not a person from that area who is working in that market area and therefore when you tell me to support the motion, I have a reason why I oppose the motion. Let there be devolution and total redistribution of workers employed in that area. And still that time you should know what kind of category of staff has been sacked.

Another thing a casual laborer you should know why that casual laborer was employed by the Employer. If the service for which he was employed is over then the employer has a right to terminate his service. So Hon Members I do oppose the sentiments of the motion until total distribution and proper audit of casual laborers in all the areas is considered particularly in Githabai where I do not have a single person where another person coming from another ward is the one coming to collect the garbage, so I fully support the sacking of the casual laborers until total distribution of the workers is done. Thank you.

Hon Jane Mwathe (CM Maiden Speech):

Thank Mr. speaker sir I stand to support the motion. If we can all remember during Moi era when retrenchment was done, many of our people died. The same will happen in Nyandarua County because some of them will get high blood pressure, some of them will commit suicide because you can't imagine you were once able to pay school fees while employed and now you cannot. You cannot

imagine some students in various schools are back to school when your own children are at home. so I support the motion and say whoever did this to be answerable for it. Thank you Mr. Speaker.

Hon Silvester Kagiri (MCA Githioro):

Thank you Mr. Speaker Sir. I rise to support the motion. One thing Mr. Speaker there is a lot of confusion in this county and I understand not even understand, the actual thing is we are being governed at the County government by so many bodies who do not know their roles. There is a lot of confusion about this and if we let things go the way they are, members it is us who will be blamed and not the officers and if you allow me Mr. speaker Sir, the functions of county public service board is well stipulated here and if I can read just one function of this is to exercise discipline control over and remove persons holding or acting in those offices as provided for in this Act County Government Act 59(C).To deal with staff.

That is the function of County public service to deal with the staff. The function of County Secretary is well stipulated in County government Act 44(3), there is nothing that he is dealing with the public he is the head of the public service and his responsibility is to arrange businesses, keep minutes of the County executive committees subject to direction of CEC county executive committee to appropriate persons authority there is no where given the mandate to send anybody home and that is why am supporting this.

Let this house have teeth to bite, if we pass that those persons should be reinstated and the step be taken by the public service board it should be done that way and members if we say it should be done this way, after a certain duration let us ask what is going on.

If you go further to section 59 you find that the County public service board is supposed to report to this house not anybody else, in each December they are supposed to report here and it is here in the County Government Act. They are supposed to report on their operation and what they have done which people they have appointed and not anybody else. Members we have to wake up if we have been given mandate by this Act let us exercise that.

Hon Nancy Ng'ang'a (CM Kipipiri Nominated):

Thank you Mr. Speaker Sir, I also stand to support this motion whereby our casual labourers were dismissed from their duties. We have to look at this in a very different angle. We are trying to eradicate abuse of alcohol and drugs.

When one wakes up in the morning and tries to look for fees for his children it will happen that this teenager will not have money to be taken back to school and where will this child end up in. The child will definitely get frustrated and go into drugs and alcohol abuse which we are trying to eradicate.

So we are just going round in circles as we try to eradicate drugs and alcohol abuse and we are still the people creating platforms for misusing drugs because of such incidences. What will happen to the girl who may be in college or high school? The girl has lacked the fees. The girl will definitely go to the streets and turn to prostitution and there will be increase of HIV which we are also trying to eradicate.

So we are the people creating problems which we are trying to eradicate. So we are just going round doing nothing and end up doing nothing at the end of the day. To my opinion this parents will be tortured and will eventually incapable of working; this parent will be very bitter and will get sick and not be able to fend for his children who will be impoverished and get sick because of lack of fees and we will have long queues at the hospitals with very sick children and parents. We will be talking of lack of drugs in the hospitals yet we are the ones creating problems on top of others.

When it comes to sacking or dismissal whenever one is dismissed or sacked first of all, first of all there is either notice or warning. If one is dismissed for indiscipline maybe in the event they working person is not just sacked or dismissed and in our case this people are not being accused of indiscipline; this is malice and the ones behind it have a hidden agenda and I urge this house to put reinstating of this workers. Thank you Mr. Speaker Sir.

Hon Joseph Mumba MCA Wanjohi:

I stand to support the motion. I will also take this opportunity and congratulate the mover of the motion as this matter has touched everybody in the County because these people are parents .They are the people disturbing us and how they are dismissed without any notice as the Hon member said. They should have being given notice even if there is a law that they have to renew their contracts within three months. They should have been given a notice in September so that the person can plan himself or herself. The letter was dated 30th December and they were given termination as from first January; they were not being fare for the one working.

The other issue is; I went in those offices to ask why my town of Wanjohi is very dirty and was told they are understaffed and they could not give me another staff so why did they terminate the people who were already there so we have to rise up as a assembly and reinstate workers as required.

Hon. Dorcas Kihara Githioro CM:

Thank you I rise to support the motion.First I start by saying that as the mover stated some of the casual are cleaners. There is a crisis in all towns, Toilets are not cleaned; so the repercussions is our towns will be closed and we are in the beginning of the year and today we are passing the finance bill. If the business people do not pay their permits because their towns are not clean because they pay their business permits and sees the services. So I think whoever gave the termination letters is after the downfall of the County and then next reason they are going to get from the executive when people are refusing to pay revenue and the next thing they get is the termination letters.

The other thing is that as an assembly we are here to represent our people .If we don't represent them by talking for them and saying their problems, I think we will be failing. My opinion is that whoever wrote this letter we as an assembly should ensure he pays for it because he is not only making the casual workers he terminated to suffer but other many people because those people have families and people depending on them who are equally suffering. So I support this motion and censoring of the person who did this.

Hon Samuel Gachuhi Weru MCA:

Thank you Mr. Speaker Sir, I rise to support the motion but there is something that I did not hear from this house; the reason why the person who sacked this people or what influenced that decision because there had to be something that influenced the decision.

Having said that the issue tabled in this house why the person has sacked the casual workers, this need to be committed to the committee for investigations so that this be treated in a professional way.

Though Mr. Speaker am not proud to be a leader in this Nyandarua County. So far, It is one year and this house has been treated to be a dirty linen washer. When you work where your boss is competent, you feel proud because you have an image, there is somebody to emulate. I believe we are not going in the right direction because as the member for Wanjohi has said, that he asked for his town to be cleaned and was told he would not have another worker added because we don't have enough workers, therefore the information we get later that the only person within his town is sacked; is the County going forward?.It is not; if the member for Githabai got information from the County that the worker in his ward is maintained and another worker has been employed, it could have been good information to him. Therefore Mr. Speaker sir, in as much as we need this issue investigated we also need the workers reinstated.

And that one will assure me because this house has not been given the reason why they were sacked and we will not allow our brothers, our sisters who are needy suffer because I do not believe we are the richest County in the World. Everyone has his own level of neediness, for example we cannot offer bursaries to millionaires we have those who need it and the jubilee government has assured that it will create more jobs in the County. And now we are discouraging them.

I need this message to go to the executive that they have not done anything to be recommended so far because this house is complaining; as every sector is complaining whether it is the sector of Roads, Education we need to be seen to be doing something .We need to send a message to the community that we are

working depending on the performance of the executive because we do not see where executive will be coming and I as a member for Weru ward compete with the executive. I need the executive to challenge us with their work and not them coming to our level to challenge us within our level because whereby I may have an idea that I need to implement and you control me to govern me.

Therefore Mr. Speaker, I stand to support the motion for reinstatement of the casuals labourers.

Speaker: Member for Rurii.

Hon. Kamoche: Thank you Mr. Speaker, I rise to support this motion because Mr. Speaker Sir, some of the people have worked for more than ten (10) years as casuals and yet this person was only given a one -day notice. It is very unfortunate.

Recently I went to a water pump where we were having watchman who has been there for seven (7) years. The County Government deployed two administration policemen who are being paid Kshs 3,000 per night. Mr. Speaker Sir, are we really helping our county by misusing the county fund? The Chairman of PIC/PAC should go into details because I was approached by one policeman and asked me when will we be paid our dues and I was not aware they are there.

He approached me while I was going home. I wonder. We were deployed here and we have been here for two days. How much do you want? He said three thousand (3,000) for two days. The person who has been there was only paid six (6) thousand for thirty (30) days. What is the logic there, what is the benefit for the county?

Mr. Speaker Sir, the letter written to casuals was as follows Mr. Speaker (that) Contract services as a casual with the County Government of Nyandarua has been terminated with effect from 31 December 2013,” and it was dated 30th December

2013. Note that the law requires contract should not exceed three (3) months for such appointment.

Mr. Speaker, according to the report that we brought to this House as a Committee of Legal and Public Service we recommended that the County Government absorbs the people who are working in the county. There have been no terminations of people who have been working for three months. People have been working continuously, working all through ten years, seven years and Mr. Speaker Sir if these people (Executive) are taken to court using labour laws, who will lose in this county.

By the end of the day, we will be told there is no money. Mr. Speaker whoever sacked these people, it is my feeling and that of this House is malicious. The due process of the law was not followed and was unconstitutional and an abuse Mr. Speaker. These people should have been given letters indicating that on such a date your services will be terminated.

The other thing I took an initiative with the in-charge of the labour docket and the Public Service. The public service said it was not aware. Mr. Speaker, it has been done by a single person and when we had a committee meeting (Aberdare Resort) we had a person who said she had paid a courtesy call to a dignified committee and somebody cannot pop in and say I paid courtesy call and yet we had a letter to summon that person. The person is Grace Maina, head of Human Resource and Mr. Speaker.

We need to pull our teeth...

Speaker: How is the member of Rurii out of order member for Gatimu.

Hon. Kieru: Mr. Speaker I was in that committee the member is referring that the County Human Resource and she never said she was paying a courtesy call. That was not the words from her mouth. Mr. Speaker it happened that the clerk to that committee had written a letter to the County Secretary to appear before that committee yesterday. The letter was written on Friday as a matter of urgency. So yesterday morning maybe realized that the letter may not have reached the

County Secretary she decided to go and enquire whether the County Secretary had received the letter.

When she went there, the County Secretary was not available. The person who was available was the County Human resource Manager (CHRM), The CHRM came to the meeting and she said and she asked as a question, is it not courtesy for me to avail even though I was not called because the person who was called was the County Secretary? I only came to inform..

Speaker: What is it Member for Njabini

Hon. Gachomba: Mr. Speaker Sir is a point of order. I was in that meeting and actually, that madam said she came there as a courtesy, call. I asked him (her) who told you to pay a courtesy call in this Honourable Committee of the whole House.

Laughter

Mr. Speaker Sir, let us not dwell much on that issue. I wish to call the mover of the motion....

(More laughter)

Speaker: I think the member for Rurii was in his feet and because those are three different opinions, what happened in a committee this House is not going to dwell into it until we see the report of the committee. So proceed member for Rurii.

Hon. Kamoche: Thank you very much Mr. Speaker and it is true what honourable Gachomba has said. It is true that this letter was signed by the person who attended the committee and I did hear that "I am paying a courtesy call."

Mr. Speaker I would like to urge this House to adopt the dignity of this House and dignity of these honourable members. We should be respected by the Executive. We are two different entities, bull fighting, because it was done by somebody behind the back doing this intentionally because when you go to every ward, people are crying. These honourable members will fail to turn their ears because of the complaints, which are there. Mr. Speaker, here are some who are at the

gate of this Assembly trying to bring their grievances hoping that they would be listened by this Assembly.

Mr. Speaker, this is very serious and we should refer this to certain committee and give it a timeline and these people be reinstated to their jobs and therefore I call the mover to respond.

Speaker: Member for Gathanji.

Hon. Thuita: Thank you Mr. Speaker Sir, I rise to support the mover of this motion. As it has been said by these members of this honourable House, It is true that whatever decision is affecting the people of our County. It is unfortunate that somebody sat down and made a decision that is affecting this county.

Mr. Speaker. When we left this House after adjournment, we left people who were coming to protest to this House. I wonder why they were coming to protest to this House. And yet it is the Executive that wrote the letter to sack them.

In this perspective, the person who committed himself to do this, was even putting this House to a shame because if this protest occurred and press people were around, they would capture the people protesting to this House as if we are the ones who had sacked those people.

I will support this motion and say that the people who were sacked be reinstated. Further Mr. Speaker it is worth noting that in my ward Gathanji. There is no one offering services in the markets or to collect garbage. Mr. Speaker, as the sacked people are reinstated, I would urge the Executive to make sure that all the three person who had been persons who been employed by the defunct county council there have died.

(laughter)

So Mr. Speaker I would request ...

More laughter

I urgently need in Gathanji ward three more people to do the cleaning.

Mr. Speaker as the member for Njabini Kiburu says, I am employing people to do the cleaning, Boiman town -2 people, Gathanji-1, bahati-1 and Kahuruko and Kwangegi I have been signing oa person to do the cleaning at least twice a day twice a day. It is not my prerogative to do this, it is the work of the County Government and the Executive. So Mr. Speaker as they reinstate these, they should also absorb about four people casual labourers on top of those they were paying to go and do the work Mr. Speaker. And , with this I support the motion Mr. Speaker Sir.

Speaker: Member for Kipipiri:

Hon. Kirumba: Thank you Mr. Speaker, Mr. Speaker I have taken too long to trying to reconcile myself whether this is the road we have taken on in terms of a procedural motion. The gravity of this matter is like we did something that is sending a very strong signal because history has it that just the motions are just read by the Executive and smile. And when we send that signal and even in the future they won't realize what we are talking about.

It has taken to long trying to see exactly from the human point of view what we are feeling because of this very inhuman act. I am aware that we have lawyers in the executive who ought to have advised whoever did this and at least within the labour laws, get the nitty-gritty of what it means to dismiss a casual who have been there for six months and the exposure this county is being exposed to in terms of litigation. Should any wise person out of those sacked ought to (seek legal redress) We are talking of millions that we will pay just because of a human being, just because of one person.

Mr. Speaker in my opinion, your background is law and you will guide us because we need to move and move very fast. I have a feeling that something is not right. I have issues that may not be related to this motion, which is telling me that one says this, I do not know whether there is, fighting or one is seniority or whatever it is but I can assure you if this is what we are going to have, we will not do nothing. Whether we have an issue or a grader and somebody says a grader fuel here another one says I was not consulted. We are going nowhere and I really do not know what we are doing. In my opinion Mr. Speaker if we just give these

comments, leave it at that, in the Hansard and nobody will see , I can assure you we will be treated like a very toothless Assembly.

In my opinion the Constitution allows it, the mandate we have, I think we will need to put our things together and come up with a very strong signal, because whatever this means, the exposure it is giving, the county at large, if it is going to be the precedent, then you can imagine where we are heading.

So Mr. Speaker it is in everybody's common knowledge that there is a very serious, I think it is taking too long. This is one year down the line and people have not taken their position and appreciate that we cannot keep on fighting time unending so Mr. Speaker this mover has a very good valid point and on the basis of this, these are the people who are sacrosanct in the Constitution.

We are not talking of foreigners; we are talking of Nyandarua citizens. People with families the members have talked about. It is really very moving to see somebody waking up and with a stroke of a pen render people jobless. That to me is very inhuman.

Mr. Speaker, then therefore, I think you give it a second thought, refer this to one of the committees and come up with a very serious signal because if we don't do nothing and God forbid we will just be having the motion in vain Mr. Speaker. I think having said that Mr. Speaker, I saw you taking notes of the deliberations and I could read the body language, it is telling you it is moving everybody here and let that be complimented by a serious action Mr. Speaker. Thank you Mr. Speaker and I do support all the sentiments by members here. Mr. Speaker I have equally read the mood and I can call the mover to respond. Thank you, Mr. Speaker.

Speaker: Member for Kanjuiri are you seconding that the mover be called to respond.

Hon. Suleiman: I am supporting the motion.

Speaker: The mover might donate a minute for you. If you have arrangements with the mover, he can donate a minute for you so that we can conclude this matter.

Hon. Kagwe: Thank you Mr. Speaker, let me donate one minute for him.

Member for Kanjuiri Hon. Suleiman : Thank you Mr. Speaker, I stand to support the motion brought by the Member for Central Mr. Kagwe. As I heard members debating the motion, it is distressing. The person who dismissed the workers, I think he did not know what he was doing.

If you consider our areas have shortages of staff, our markets are dirty, toilets filthy, infact we need to take action on that person, and I support the member for Githabai who said that he opposed this motion. What I can say is that we do not have enough casual labourers, when we are employing let us consider the areas where casuals have not been employed.

In my area I do not have busy centres like Tumaini on the way to Nakuru and the town is growing at a very high rate. We do not have a casual who is cleaning that town. Also there we have another town Ngorika ..

Speaker: Member for Githabai, Is the Member for Kanjuiri in any way out of any order?

Hon Kairu. I was trying ..

Speaker: Member for Kanjuiri resume your seat.

Hon Kairu. Thank you Honourable Speaker, I was standing on a point of information..

Speaker: Member for Kanjuiri do you require information?

Hon. Suleiman: Yes

Hon Kairu: He has spoken the truth. In my area, the (Lack of) casuals have caused problems but what I was trying to defend is that I do not have casual labourers in my area. When they will be employed as the Member for Kanjuiri is trying to say, let Githabai to be considered and with that, I withdraw my opposition and now support the motion. (Applause)

Speaker: Member for Githabai that obviously is not a point of information (Applause) that is a request you are making.

Hon. Suleiman: Thank you Mr. Speaker, as you can see the Member for Githabai has changed his mind that is why Member for Central has given me a chance so that the Member of Githabai could change his brains. What I was saying is that if we can have balancing /equal distribution of workers, that one is very vital and even in the Constitution it is stipulated that we need to distribute all resources equitably and casual workers so that we can be able to implement the Constitution. Thank You Mr. Speaker Sir.

Speaker: Member for Central,

Hon. Kagwe : Thank you Mr. Speaker and Honourable Members for supporting this motion that is very crucial. This is a motion of County importance and Mr. Speaker I really thank the members for the way they have supported this motion. I really thank you Mr. Speaker for the way you have supported as Hon. Kirumba has said. I was really checking on you and seeing you taking notes most of the times so I know an immediate action will be taken Mr. Speaker.

Mr. Speaker, as I respond to this motion it is good to understand that in Nyandarua County there are some wards, which you cannot be able to define whether they are in Laikipia or are in Nyeri counties. Mr. Speaker and you do not know whether revenues from there are paid in Nyeri or in Laikipia.

One is Kariki where there is not a single barrier, that place is very productive throughout the year, and the cess is paid to either Laikipia or Nyeri counties. We will discuss that latter.

When it comes to employment, let us consider regional balancing so that each ward is represented Mr. Speaker. Mr. Speaker when it comes to the issue of casuals we cannot wait to let them suffer let us act now.

As the leader of this Honourable House, we do request through the authority of this House you just write a letter to the Executive together with the Hansard

report as they wait for the report of the committee, at least an action will have been taken and running of our towns will continue Mr. Speaker.

With those few and many remarks, I urge this House to support this motion.

Thank you Mr. Speaker Sir.

Speaker: Question put. The 'Ayes' have it. There is no 'Nay'

This motion has now been adopted as a motion of this House. Firstly, I would like to comment that although the Executive and when I talk about the Executive I mean only two people elected by the people in the entire Executive. What we are saying is that in all other Commonwealth jurisdictions; it is the members of Parliament who are referred to as the representatives of the people. Therefore, you are the people who represent the people of this county. That is why you are called County Representatives.

If you go to Britain, the Westminster model of Parliament you will find that the House of Commons is the one that represents the people and in Britain the word common come from commoners, the ordinary people. In America, it is called the House of Representatives, representing the people.

I think the Constitution of this country and the County Government Act gives you all the teeth, it is only that you are not showing it. I think this is the time you should show it because there is no other time that a decision affecting the people should be made without consultations. Those who represent these particular people.

I will be referring this matter to the Committee on Justice and Public Service, which deals with matters of employment in the county, and if members feel that there is a mandate that will be left out, you can have some contributions centered on the mandate. I put it to you to know the process that informed the sacking. You should know how the decision was reached, who sat down and came out with this, then as a House we shall sit down and decide the way forward.

Then we know whether there is any personnel who have been recruited to replace he sacked workers, how much they are being paid and what was being

paid to the sacked personnel. We would also like to know what is the working relationship between the County Public Service Board and the County Secretary and the Minister in-charge of Justice, Legal and Public Service because it seems that with the kind of correspondence that is in my office, those people are not in the same reference because the Board is complaining (that) the Secretary is sacking and the Minister does not seem to know what is happening.

We need to know as an Assembly that democracy in this World has succeeded because of an efficient and streamlined civil service. You can never develop without it and if the leadership of the civil service is confused, as Nyandarua we shall be doomed.

I think that is as much as the mandate goes and I would like to confirm from the committee if they will have a report ready immediately we are opening the Assembly on the 11th of February 2014.

Hon Kagwe: Mr. Speaker because we do not have much to do, I think we can have the report ready.

Speaker: Very well, on the 11th of February 2014 at 2.30 PM. We shall have the resolutions in the motion communicated to the office of the Governor with a copy of the Hansard attached, which shall be done by the office of the clerk after my approval within 48 hours.

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