

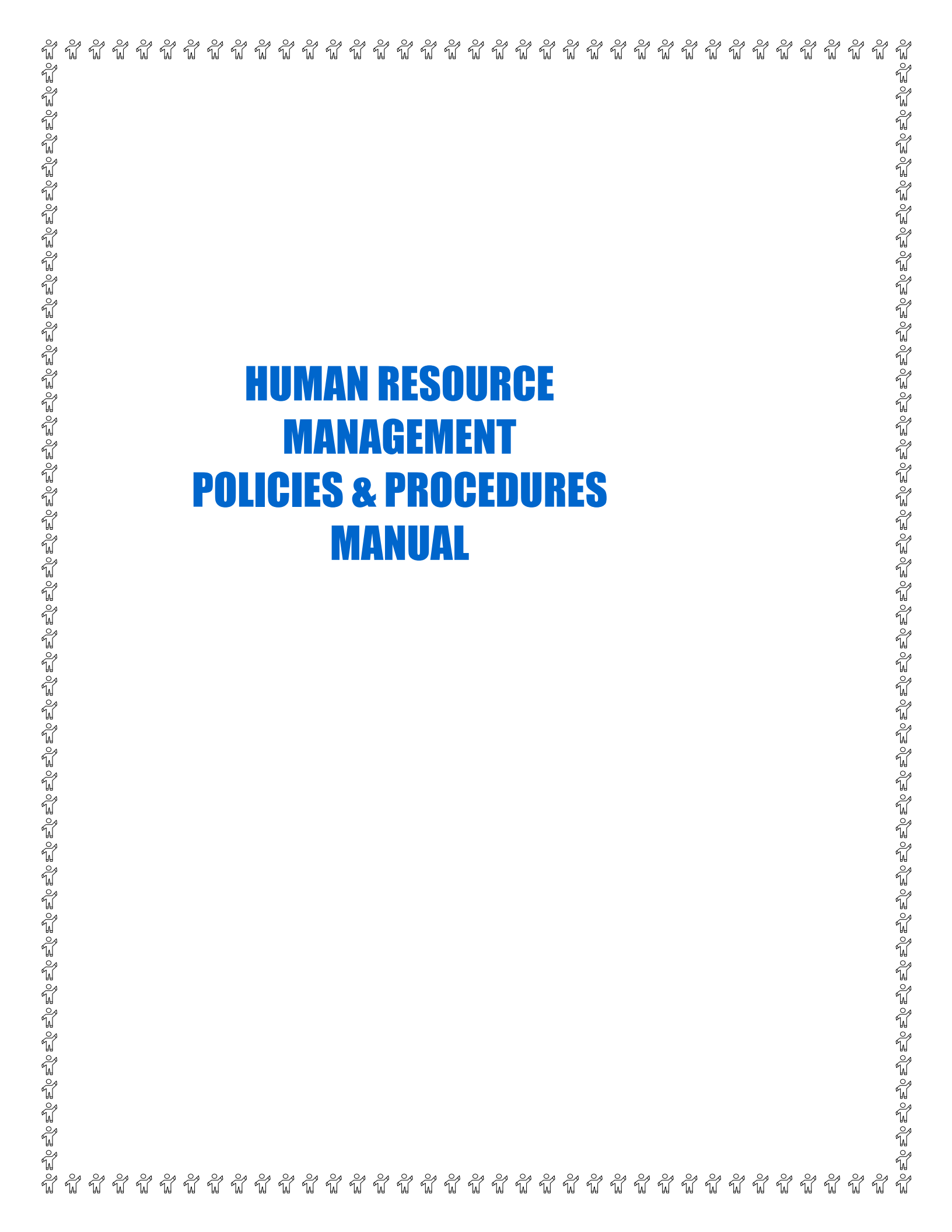
NYANDARUA COUNTY ASSEMBLY

HUMAN RESOURCE MANAGEMENT

HANDBOOK

(POLICIES AND PROCEDURES)

Final April, 2016

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HUMAN RESOURCE MANAGEMENT POLICIES & PROCEDURES MANUAL

TABLE OF CONTENTS

TABLE OF CONTENTS.....	ii
PREAMBLE.....	ix
DEFINITION OF ABBREVIATIONS AND TERMS.....	Error! Bookmark not defined.
1 INTRODUCTION.....	1
1.1 Nyandarua County Assembly Vision Statement.....	1
1.2 Mission Statement	1
1.3 Core Values	2
2 HUMAN RESOURCE MANAGEMENT- POLICIES AND PROCEDURES	3
2.1 Policy Framework and Purpose.....	3
2.2 Execution of the Policy.....	3
2.3 POLICY NO 1: GENERAL EMPLOYEES RESPONSIBILITIES	4
2.3.1 Policy Statement.....	4
2.3.2 Attendance and Punctuality.....	4
2.3.3 Work Schedule	4
2.3.4 Safety.....	4
2.3.5 Personal Conduct.....	4
2.4 POLICY NO. 2: DRESS CODE & STAFF UNIFORM	5
2.4.1 Policy Statement.....	5
2.4.2 Dress Code.....	5
2.4.3 Personal protective equipment and apparel.....	5
2.5 POLICY NO 3: RECRUITMENT AND SELECTION POLICY	6
2.5.1 Policy Statement.....	6
2.5.2 Need Assessment	6
2.5.3 Job Description	6
2.5.4 Sourcing.....	6
2.5.6 Interview.....	7
2.5.7 Selection.....	7
2.5.8 Offer of Appointment	7
2.5.9 Appointment on Probation	8
2.5.10 Confirmation of Appointment	8
2.6 POLICY NO.4: INDUCTION.....	9
2.6.3 Aims of the induction process	9
2.7 POLICY NO. 5: PROMOTION	10
2.7.1 Policy Statement	10
2.7.2 General guidelines to promotion	10

2.7.3	Selection Criteria	10
2.7.4	Acting Appointments.....	11
2.8	POLICY NO.6: OFFICE SPACE, FACILITIES AND ASSETS (consider relocating this policy)	12
2.8.1	Policy Statement.....	12
2.9	POLICY NO.7: LEAVE ADMINISTRATION	13
2.9.1	Policy Statement.....	13
2.9.2	Annual Leave	13
2.9.3	Administration of Annual Leave	13
2.9.4	Accumulated Leave	14
2.9.5	Compassionate/ Bereavement Leave.....	14
2.9.6	Maternity leave	14
2.9.7	Paternity Leave	14
2.9.8	Unpaid Leave	15
2.9.9	Convalescent Leave	15
2.9.10	Sick Leave.....	15
2.9.11	Abuse of Sick Leave.....	15
2.9.12	Study Leave	16
2.10	POLICY NO.8: RECORDS MANAGEMENT.....	17
2.10.1	Policy Statement.....	17
2.10.2	Confidentiality.....	17
2.10.3	Personnel Files	18
2.10.4	Control of file movement.....	18
2.10.5	Record Retention/Disposal schedule	19
2.10.6	Security of Records.....	19
2.10.7	Retention of records.....	19
2.11	POLICY NO.9: PERFORMANCE MANAGEMENT	20
2.11.1	Performance Standards.....	20
2.11.2	Unacceptable Performance	20
2.11.3	Performance Appraisals.....	20
2.11.4	Policy Statement.....	20
2.11.5	Keys to Effective Appraisals	21
2.11.6	Appraisal Management	21
2.11.7	General Responsibilities	21
2.11.8	Appraisal during probationary period	22

2.12	REWARD MANAGEMENT POLICY.....	23
2.12.1	Policy Statement.....	23
2.12.2	Purpose	23
2.12.3	Scope	23
2.12.4	Objectives of the Policy	23
2.12.5	The Aims of Rewarding Staff	23
2.12.6	Procedure/Methodology	24
2.12.7	Areas to be considered for Awards/Rewards	24
2.12.8	Brief Description	24
2.12.9	Composition of the Awards committee	25
2.12.10	Funding.....	25
2.13	POLICY NO 11: ALLOWANCES	26
2.13.1	Policy Statement.....	26
2.13.2	Daily Subsistence Allowance (DSA)	26
2.13.3	Lunch allowance	26
2.13.4	Commuter allowances	26
2.13.5	Telephone/ airtime allowance	26
2.13.6	Leave allowance	26
2.13.7	Extraneous allowance	27
2.13.8	Training allowance	27
2.13.9	Living and subsistence allowance paid to trainees studying abroad.....	27
2.13.10	Retreats allowance	27
2.14	POLICY NO 12: ADVANCE OF SALARY	27
2.14.1	Policy Statement.....	27
2.14.2	Administration of the Advance.....	28
2.14.3	Recovery of Salary Advance	28
2.15	POLICY NO 13: PROFESSIONAL MEMBERSHIPS.....	29
2.15.1	Policy Statement.....	29
2.15.2	Non Practicing Allowance	29
2.15.3	Membership Reimbursement	29
2.15.4	Budgeting.....	29
2.16	POLICY NO14: DISCIPLINE AND DISPLINARY PROCEDURES.....	30
2.16.1	Policy Statement.....	30
2.16.2	Scope of Application	30

2.16.3	Legislation	30
2.16.4	General Responsibility of the Human Resource Department.....	30
2.16.5	Misconduct	30
2.16.6	Authority to Discipline	32
2.16.7	Disciplinary Steps for Gross Misconduct	32
2.16.8	Powers of the Board and Punishments for Gross misconduct.....	32
2.16.9	Interdiction:.....	33
2.16.10	Suspension	34
2.16.11	Notice of suspension shall be given in writing to the employee concerned.....	34
2.16.12	Compulsory leave	34
i).	Disciplinary Steps for Minor Misconduct	34
2.16.14	Termination on Death of Employee	35
2.17	GRIEVANCE HANDLING POLICY.....	36
2.17.2	Grievance Handling Procedure	36
2.17.3	Employees’ Grievances against a Director or the Clerk	36
2.17.4	Employee Relations	37
2.17.5	Procedure for Employees during their Probationary Period, on Temporary and Casual Terms	37
2.18	POLICY NO 16: DRUG AND SUBSTANCE ABUSE.....	39
2.18.1	Policy Statement.....	39
2.18.2	Prohibition of Use Alcohol and Drugs in Work Place	39
2.18.3	Corrective Action/Employee Assistance	39
2.18.4	Prescribed Drugs	39
2.18.5	Alcohol consumption at social functions.....	39
2.18.6	Testing Procedure of Suspected Impairment	40
2.18.7	Testing of Employees	41
2.18.8	Information and Education.....	41
2.19	POLICY NO 17: CONFLICT OF INTEREST.....	42
2.19.1	Policy statement	42
2.19.2	Scope of the Policy	42
2.19.3	Collections and Harambees.....	42
2.19.4	Declaration of Income, Assets and Liability	43
2.19.5	Gifts.....	43
2.19.6	Pecuniary Embarrassment.....	43

2.19.7	Theft	44
2.19.8	Assembly Visitors	44
2.20	POLICY NO 18: REMUNERATION POLICY	45
2.20.1	Policy Statement	45
2.20.2	Salary Payment	45
2.21	POLICY NO 19: HEALTH AND SAFETY IN THE WORKPLACE	45
2.21.1	Policy Statement	45
2.21.2	Awareness of Safety	46
2.21.3	Personal Protective Equipment	46
2.21.4	Records of Accidents	46
2.21.5	Maintenance of Work Environment	46
2.21.6	Floors and Traffic Routes	47
2.21.7	Falls	47
2.21.8	Falling Objects	47
2.21.9	Transparent or Translucent Doors, Gates or Walls and Windows	48
2.22	POLICY NO 20: MEDICAL POLICY	50
2.22.1	Policy Statement	50
2.22.2	Medical Insurance Cover	50
2.22.3	Ex-Gratia Assistance	50
2.23	POLICY NO 21: EMPLOYEE EXIT POLICY	51
2.23.1	Policy Statement	51
2.23.2	Resignation	51
2.23.3	Retirement	51
2.23.4	Redundancy	51
2.23.5	Death	52
2.23.6	Last Expenses	52
2.23.7	Certificate of Service	52
2.23.8	Exit Interviews	53
2.23.9	Return of Service Property	53
2.23.10	Transfer of Service and Secondment of Pensionable Officers	53
2.24	POLICY NO.22: TRAINING AND DEVELOPMENT POLICY	55
2.24.1	Policy Statement	55
2.24.2	Management and Coordination of Training	55
2.24.3	Composition of the Training Committee	55

2.24.4	Course Approval.....	55
2.24.5	Conditions Applicable to Serving Officers Attending Courses in Kenya.....	56
2.24.6	Conditions Applicable to Serving Officers Attending Courses outside Kenya	57
2.24.7	Courses Financed Under Technical Assistance Arrangements	58
2.24.8	Bonding.....	59
2.24.9	Officers Attending Short Courses, Seminars and Conferences.....	59
2.24.10	Self-Sponsored Courses.....	59
2.24.11	Training Institutions.....	60
2.24.12	Long Courses/Short Courses	60
2.24.13	Research Allowance.....	60
2.24.14	Allowances Payable to Officers Participating in Workshops, Seminars and Retreats	61
2.25	POLICY NO. 23: HIV AND AIDS WORKPLACE POLICY	62
2.25.1	Policy Statement.....	62
2.25.2	Guiding Principles	62
2.25.3	Scope of Policy.....	63
2.25.4	Rationale.....	63
2.25.5	Procedures	63
2.25.6	Treatment, Care and Support	64
2.25.7	Stigma and Discrimination	65
2.25.8	Privacy and Confidentiality	65
2.25.9	Gender and HIV/AIDS.....	65
2.25.10	Job Security and Reasonable Accommodation	65
2.25.11	Management and Coordination.....	66
2.25.12	Monitoring and Evaluation.....	67
2.26	DISABILITY POLICY	68
2.26.1	Policy Guideline	68
2.26.2	Guidelines for the Employment of People with Disabilities.....	68
2.27	GENDER MAINSTREAMING POLICY	69
2.28	SEXUAL HARASSMENT POLICY	70
2.28.1	Definition of sexual harassment.....	70
2.28.2	Procedure for Handling Sexual Harassment Complaints	70

PREAMBLE

The Human Resource Management Handbook provides regulations and policies governing the Assembly employees in their day-to-day activities. The handbook is a supplement of all legislation governing matters of employment and Human resource issues and where applicable Collective Bargaining Agreement.

This Human Resource Management Handbook is applicable to Nyandarua County Assembly Service and may be updated from time to time to reflect any changes taking place within the assembly. Where clarification of any regulation contained in the handbook is required, the same should be addressed to the Clerk of County Assembly.

The Clerk,
Nyandarua County Assembly,
P. O. Box 720 – 20303,
OL KALOU.

1 INTRODUCTION

Nyandarua¹ County Assembly is one of the 47 Assemblies in Kenya that was established pursuant to Article 6 (1) of Constitution of Kenya, 2010 as an arm of Nyandarua County Government.. The Assembly came into being following the general elections on 4th March 2013 and it comprises of 41 members (25 elected and 16 nominated) and the speaker who is an ex official member.

. Section 12 of the County Government Act No.17 of 2012 established the County Assembly Service Board as a body corporate comprising of the Speaker of the Assembly, the leader of the majority party, the leader of minority party , one representative of the public and the Clerk is the secretary to the Board. The Board is responsible for: providing services and facilities to ensure efficient and effective functioning of the Assembly, constituting offices in the County Assembly Service, appointing and supervising office holders.

The affairs of the County Assembly are managed in accordance with the county Government Act 2012 Laws of Kenya. This Human Resources Policies and Procedures Manual describes the strategic content for Nyandarua County Assembly's human capital management. It is based on the Assembly's vision, mission, and values and is issued as a guide to Management and employees in order to make provisions for administrative and employee relations matters. Heads of Directorates and Sections are expected to be conversant with the Manual and ensure that other employees under them are conversant with it.

The purpose of this manual therefore, is to provide guidelines on a fair, equitable and consistent system of human resource administration within Nyandarua County Assembly.

1.1 Nyandarua County Assembly Vision Statement

To be the leading County Assembly in representation, legislation and oversight for good governance

1.2 Mission Statement

To facilitate the Nyandarua County attain the highest standards in social, economic and political development by effectively and efficiently undertaking its role in representation, legislation and oversight.

¹ Nyandarua means "Ranges" in Kikuyu symbolizing the Aberdare Ranges

1.3 Core Values

The core values of the Service are informed by the values and principles of Public Service as set out under Chapter 13 of the Constitution of Kenya, 2010 as well as Leadership and Integrity Act. Without prejudice to values in the aforementioned legislations, the Service shall maintain and uphold the following core values of service delivery that will define our management practice and culture:

- Integrity;
- Accountability;
- Transparency;
- Equity, respect and objectivity;
- Professionalism and inclusivity; and
- Political neutrality

The mission statement for the Human Resource Function

“ To be the global labour market leader in attracting, developing and retaining a highly productive human resource”

2 HUMAN RESOURCE MANAGEMENT- POLICIES AND PROCEDURES

2.1 Policy Framework and Purpose

This policy is drawn from the Constitution of Kenya, 2010, various Acts of Parliament, guidelines on Human Resource and Employment Relations that are issued by the Head of Public Service and Constitutional bodies from time to time, negotiated Collective Bargaining Agreement where applicable, as well as resolutions of the Assembly. In particular the policy is informed by the following laws and statutes:

- The Constitution of Kenya,2010;
- National Social Security Act Cap 258;
- National Hospital Insurance Act Cap 255;
- Leadership and Integrity Act,2012
- Employment Act 2007;
- Labor Relations Act 2007;
- Work Injuries Benefit Act 2007;
- Occupational Safety & Health Act 2007;
- County Government Act 2012; and
- Other relevant laws.

The policy aims at establishing mechanisms that promote the core values of the Service and the best human resource principles and practices. In particular the policy provides broader guidelines on recruitment to the service, employee performance and development, compensation and benefits, labor relations and dispute resolutions, work environment safety and exit mechanism from the service. The policy shall bind the Board and its employees and shall come into force upon the Board's resolution to adopt the manual.

2.2 Execution of the Policy

The Director Administrative Services will be responsible for the will be responsible for the day today implementation of the Policy. There will be involvement of directors and section heads to give it visible and positive support. The general responsibility for ensuring that this policy is executed and functionalized rests with the Board through the Clerk.

2.3 POLICY NO 1: GENERAL EMPLOYEES RESPONSIBILITIES

2.3.1 Policy Statement

The employees of the Service shall strive to attain the highest standards in discharging their duties and shall remain committed to the core and values of the establishment.

2.3.2 Attendance and Punctuality

- i. All employees shall punctually attend to their duties and responsibilities in accordance with the set and required time.
- ii. Except for public holidays, the Service working hours shall be from Monday to Friday from 8.00 am to 1.00 pm and from 2.00 pm to 5.00 pm on each day.
- iii. If an employee is likely to be late or absent from work on a particular day, the employee shall notify his or her supervisor by 10.00 am of that day.

2.3.3 Work Schedule

All employees shall accomplish their assignments within the normal working hours. However, in the event that the assignments are not completed within the normal working hours, the Board through the Clerk may reschedule such assignments beyond the normal working hours.

2.3.4 Safety

All employees shall comply with the existing assembly safety rules and procedures.

2.3.5 Personal Conduct

- i. All employees shall maintain a good working relationship with co-workers and clients and uphold high levels of integrity in their service delivery.

2.4 POLICY NO. 2: DRESS CODE & STAFF UNIFORM

2.4.1 Policy Statement

Employees shall dress decently and in a manner that promotes honor, dignity and respect for the Service. Employees are expected to adorn decent dressing, suitable and acceptable attire while on duty.

2.4.2 Dress Code

- i. All employees shall dress decently and presentably during working hours.
- ii. The dress code for the service shall be official clothing preferably dark colored suits and a tie for male employees, and dark colored skirt suit, trouser suit, or a dress and a coat for female employees.
- iii. Female employees shall maintain modest hair style, jewelry, and make up.
- iv. On Fridays employees may dress in decent dark casual wear or an approved service - wear.

2.4.3 Personal protective equipment and apparel

- i. An employee whose duty requires being uniformed or being in protective gear shall perform such duty while uniformed or adorned in protective gear as the case may be.
- ii. Where necessary, an employee shall be supplied with uniform or protective gear, as the case may be, which shall remain the property of the Assembly.
- iii. The surrender of apparel especially from Sergeant at Arms Department on termination shall be mandatory.

2.5 POLICY NO 3: RECRUITMENT AND SELECTION POLICY

2.5.1 Policy Statement

Recruitment in the Service shall be informed by Needs Assessment and shall be guided by competitiveness, fairness, efficiency and productivity.

2.5.2 Need Assessment

The need to recruit shall arise as result of:-

- i. The Board creating a new office ; or
- ii. Identification by a department in the Service through the department for Human Resource matters and upon approval by the Board.

2.5.3 Job Description

- i. A job description shall be guided by the nature of the identified need and the scheme of service.

2.5.4 Sourcing

- i. Recruitment into the Service shall, unless for exceptional cases resolved by the Board, be through a competitive process.
- ii. Sourcing for candidates for appointment shall be through advertisement in at least one newspaper of national circulation and other available means including electronic advertisement;
- iii. The Board shall advertise the positions to be filled internally through email or internal memo and on notice board for five working days before the closing date
- iv. The Board shall keep and maintain a register of all applications for a job indicating the date of the application and any other detail that it may consider necessary.
- v. The Board shall ensure that no application is received later than the date and time prescribed for an application.

The board while sourcing shall consider candidates from within and outside the county. While at the same time factoring in the 1/3 rule.

2.5.5 Shortlisting

- i. On Short listing the Board shall, within twenty one days after the closure of applications, constitute a committee which shall consider the applications and short list qualified candidates for interview.
- ii. The Committee shall prepare a report and its findings for every application.

- iii. The Board shall cause to be published in at least one newspaper of national circulation, the names of all candidates shortlisted for an interview for positions to be filled by external candidates
- iv. For positions to be filled by internal candidates, the Board shall publish the names of the candidates shortlisted for an interview in the institutions notice board. The notice for an interview shall contain, amongst other things that may be necessary, the date, time and venue for the interview.
- v. The notice shall also require the applicants to provide their contact address and reliable phone numbers.
- vi. In addition to the requirement contained in this section, the Board may notify shortlisted candidates of the interview through other available means.

2.5.6 Interview

- i. The Board shall establish a panel to interview the candidates and may incorporate such persons as it deems appropriate for the exercise.
- ii. The panel shall maintain a report containing the score, for every matter and issue under its consideration, for every candidate.

2.5.7 Selection

- (i) The interview panel shall, within seven days after the interview, present to the Board a report on all interviewed candidates and the recommended candidate(s) for appointment.
- (ii) The Board shall, upon being satisfied of the interviewing panel's report, appoint the recommended candidate(s).
- (iii) Where the Board is not satisfied with the report, whether wholly or partially, it shall, with documented reasons, refer the matter back to the interviewing panel for review.
- (iv) The interviewing panel in exercise of its review powers may, upon considering the reasons given by the Board, re-affirm its recommendation or make any other recommendation including recommending another candidate(s) for appointment.

2.5.8 Offer of Appointment

- i). A successful candidate shall be notified of the offer of appointment through the provided contact address and reliable phone numbers.
- ii). The Board may in addition to the requirement of this section, use such other available means to notify the candidate of offer of appointment.
- iii). A successful candidate shall, unless otherwise decided by the Board, be notified of the offer of appointment within seven days after the decision to that effect and the offer shall remain valid for 30 days after the notification.
- iv). A candidate shall accept or decline an offer of appointment in writing.

2.5.9 Appointment on Probation

- i). A person shall be appointed on probationary basis for not more than six months that may be extended for a further period of not more than six months with the agreement of the employee. The Board shall not employ an employee under probation contract for more than the aggregate period of twelve months.
- ii). Where the Board intends to extend the probation period of an employee, a notice of such intention, of not less than 14 days shall be given to the employee before lapse of the probation period.

2.5.10 Confirmation of Appointment

- i). A candidate who has successfully concluded the probation period shall, within thirty days, be confirmed on permanent appointment terms.
- ii). Where an employee has not been confirmed in accordance with this section, he/she shall be deemed to have been confirmed.

2.6 POLICY NO.4: INDUCTION

2.6.1 Policy Statement

This policy aims to support new employees as they settle into the County Assembly and to help them become fully integrated into the Assembly as quickly and as easily as possible.

2.6.2 Introduction

The Board recognizes that starting of a new job is a demanding and often stressful experience. Apart from the challenge of tackling new tasks, there is also the need to become accustomed to the new organization, environment and colleagues. While this policy will cater mainly for the 'new' employees, appropriate induction programmes will also be required for current staff that are transferred or promoted within the Assembly.

2.6.3 Aims of the induction process

The Induction processes will aim to assist new employees to:

- Understand and contribute to the Assembly vision, mission and values;
- Understand the Assembly's organizational structure and job-specific requirements;
- Understand behavior and performance requirements; and
- Comply with key relevant legislative requirements.

The Induction Programme

Once a job offer has been accepted the induction program should be tailored according to the nature of the post being filled. The Director of Administrative Services is responsible for overseeing the implementation of the program and will ensure that its elements are covered by the appropriate person as identified in the Induction Programme. The programme will be conducted within the first three months of employment.

2.7 POLICY NO. 5: PROMOTION

2.7.1 Policy Statement

Promotion of an officer to a higher scale shall be subject to the existence of a vacancy in the approved establishment and shall be made by the County Assembly Service Board on the recommendation of the Clerk to the County Assembly.

Where an officer passes an examination or obtains a certificate relevant to the services of the Assembly which qualifies him or her for promotion to a higher scale, but owing to the lack of vacancy in the higher scale, he/she cannot be immediately promoted, he/she shall receive two additional increments with effect from the date of presenting the certificate and shall be kept on waiting list for promotion. Such a certificate shall be reviewed by the training committee. .

2.7.2 General guidelines to promotion

- i. The positions that have fallen vacant will be advertised internally through email and on notice board for five working days before the closing date;
- ii. Promotions in the Service shall be on the basis of a recommendation following a performance appraisal conducted in accordance with this policy.
- iii. In selecting candidates for promotion, regard will be given to merit and ability as reflected in work performance and results, as well as , experience, and academic or professional qualifications.
- iv. If an officer has been appointed by the Board to act in a post and subsequently promoted to it without any interval between the appointment in an acting capacity and the date of the substantive promotion, the effective date of promotion will be the date on which he commences to act or the date of occurrence of the vacancy whichever is the later. All appointments shall be in writing.

2.7.3 Selection Criteria

In the selection of an employee to fill an upgraded job, the following factors will be carefully considered:

- Competency
- Performance
- Qualifications
- Relevant experience

Where an employee is promoted, the employee will receive a promotion letter documenting the terms and conditions of the promotion from the Clerk.

2.7.4 Acting Appointments

Employees may be appointed to temporarily take on responsibilities of a higher job grade to support a specific business need for a period not exceeding six (6) months. An employee may be appointed by the Director of Administrative Services in liaison with the Head of Directorate/Department to act in a higher job grade. The Clerk shall approve acting appointments for Directorate Positions.

2.8 POLICY NO.6: OFFICE SPACE, FACILITIES AND ASSETS

2.8.1 Policy Statement

Every officer shall be provided with working equipment appropriate for his/her work operations.

- i. An inventory shall be maintained by Accounts department in liaison with the immediate supervisor for movement;

(ii) Any equipment moved from its respective office should be accompanied by an asset movement form/register which should indicate the source and destination of movement and duly signed by an authorized officer. A copy of the form shall be issued to the source department, destination department and another copy with the Accounts and a final copy with the Procurement Department

- i. (iii) Every asset must have its own serial number appropriately marked and recorded in assets register.

(iv) When any office equipment or furniture is being moved from County Assembly facility to another, it shall be accorded a gate pass for security purposes in a prescribed form.

2.9 POLICY NO.7: LEAVE ADMINISTRATION

2.9.1 Policy Statement

The Assembly, in promoting the staff welfare and productivity shall administer various leaves as contained in this section which shall be administered as per the agreement or any other employment regulations currently in force.

The types of leaves available to the County Assembly staff include:

- a) Annual Leave
- b) Sick Leave
- c) Maternity Leave
- d) Paternity Leave
- e) Compassionate Leave.
- f) Convalescent leave
- g) Terminal Leave
- h) Study leave

An employee on probation employment shall not be entitled to claim any of the category of the leaves except for compassionate and sick leave.

2.9.2 Annual Leave

- i. Every employee shall be entitled to a thirty working days fully paid annual leave, every calendar year (excluding public Holidays and weekends)
- ii. Leave for a newly appointed employee shall be calculated on pro-rata basis for the first calendar year served.

2.9.3 Administration of Annual Leave

- i. An employee shall make an application for annual leave to the head of the Directorate on matters of Human Resource through direct supervisor of an employee and in the prescribed form. Annual leave can be commuted for cash only when the said employee is leaving the organization.
- ii.
- iii. Annual leave may be taken in full or staggered in parts as may be agreed with the direct supervisor of an employee, provided that at least one half of the parts of the leave shall constitute at least two interrupted working weeks.

2.9.4 Accumulated Leave

- i. Except for a new appointee, accumulating annual leave shall not be permitted.
- ii. In exceptional circumstances, the Clerk may authorize accumulation of annual leave in writing.
- iii. Notwithstanding paragraph ii, annual leave shall not be accumulated beyond thirty days and shall be taken by the 30th of December of the following year, failure to which the same shall be deemed forfeited.

2.9.5 Compassionate/ Bereavement Leave

The County Assembly will give consideration to the granting of special leave on compassionate grounds on the production of proof of the necessity of such leave.

- i. An employee shall be entitled to:-
 - (a) A maximum of five working days compassionate leave in the event of bereavement by a relative but can only be taken only two times a year.

2.9.6 Maternity leave

- i. A female employee shall be entitled to 3 months maternity leave with full pay.
- ii. The Clerk may, in exceptional circumstances, extend the maternity leave of an employee.
- iii. Such employee shall not forfeit her annual leave that year.
- iv. Mothers who have still births will be entitled to their full maternity leave.
- v. Immediately on expiry of maternity leave before resuming her duties, a female employee proceeds on sick leave or with consent of the Clerk on annual leave; compassionate leave; or any other leave, the three months maternity shall be deemed to expire on the last day of such extended leave.

2.9.7 Paternity Leave

- i. A male employee shall be entitled to a two week's paternity leave with full pay.
- ii. Paternity leave shall be taken immediately upon the birth of a child, and will not be accumulated.

2.9.8 Unpaid Leave

The County Assembly may grant unpaid leave to an employee who has exhausted all his/her annual leave and any other leave entitlements. Any unpaid leave granted by the Assembly to an employee shall be without pay

Leave without pay of up to three (3) months may be granted to meet family obligations, community service responsibilities, study and travel. Leave without pay will not normally be granted unless an employee has exhausted all other leave entitlements.

2.9.9 Convalescent Leave

- a) An employee will be granted up to a maximum of 21 days of absence from duty on recommendation of a Doctor registered by medical practitioners and dentist board for recuperative purposes immediately following an illness.
- b) In the case of convalescent leave rendered necessary by an employee's own neglect or misconduct, his/her full salary may be forfeited for the whole period of absence from duty.

2.9.10 Sick Leave

- i. An employee shall be entitled to a sick leave of three months with full pay and thereafter to a sick leave of three months with half pay, in each period of twelve consecutive months of service.
- ii. Sick leave shall be granted subject to production by an employee of a certificate of incapacity to work, signed by a duly qualified medical practitioner or a person acting on the practitioners behalf, in charge of a dispensary or medical aid centre.
- iii. To be entitled to sick leave, an employee shall notify or cause to be notified as soon as it is reasonably practicable, his head of department of his/her absence and the reason for it.
- iv. Where an employee remains sick for more than nine months, the Board shall apply for constitution of a medical board to evaluate the employees' capacity to remain in service and may, if it considers appropriate, extend the half pay for such period of time as it may determine.

2.9.11 Abuse of Sick Leave

- i. The following circumstances may be construed as abuse of sick leave:
 - a. Sick leave applied the day before or following a holiday or vacation period;
 - b. Sick leave applied frequently on Fridays or Mondays;
 - c. Sick leave applied during periods of heavy work load; or

- d. Sick leave applications made after other leave applications have not been approved.
- ii. The direct supervisors of an employee shall be monitoring the above indicators and should look for consistent patterns to establish consistency and recurrence.
- iii. Once a supervisor has reasonable cause to believe that an employee is abusing sick leave, he or she shall institute appropriate disciplinary action.

2.9.12 Study Leave

- i. An employee shall be entitled to a study leave administered in accordance with the set out training policy.

2.10 POLICY NO.8: RECORDS MANAGEMENT

2.10.1 Policy Statement

The County Assembly shall ensure that systems and controls for recording, storing and retrieval of assembly related information are maintained. General Documents and information Management

- i. There shall be a central point of receipt and dispatch of all documents of communication in the Service.
- ii. All documents of communication shall be classified as either, confidential, departmental or committee correspondences.
- iii. The Director of Administrative services may establish other classifications of communication documents as may be necessary for efficient management.
- iv. All electronic communications (emails and faxes) shall be through the established official means of such communication and shall be printed and processed in accordance with this section.
- v. An employee, who receives official communication by private means, during working days, shall disclose such information within twenty four hours.
- vi. Failure to disclose official communication received by private means shall be treated as misconduct.
- vii. The Director of Administrative Services shall cause to be established and maintained a system that promotes and enhances safe custody of documents and their easy retrieval including where necessary, electronic storage of documents.
- viii. The Clerk shall establish a system of storage of documents including central, confidential and departmental points of storage.
- ix. The Clerk shall be the custodian of all confidential documents and where there is established a departmental point of storage of document, the head of the directorate to which the document relates shall be the custodian of such document.

2.10.2 Confidentiality

- i. All the communication to and from the Service shall be treated as confidential unless otherwise classified by the Clerk or the Board.

- ii. Employees in contact with official information shall observe confidentiality on the information unless it has otherwise been classified non-confidential.

2.10.3 Personnel Files

- i. The Clerk, through the head of directorate on matters human resource, shall cause to be kept individual files for all employees in the Service.
- ii. The file shall contain at least the following information of an employee:
 - (a) the advertisement and the application letter for the employment ;
 - (b) interview proceedings of the employee;
 - (c) letter of appointment;
 - (d) letter of confirmation;
 - (e) copy of national identity card;
 - (f) updated academic and professional certificates;
 - (g) reasons for termination or leaving of employment;
 - (h) applications for leaves;
 - (i) promotion letters
 - (j) warning letters or other evidence of misconduct of an employee; and
 - (k) performance appraisals

In handling personnel files the cover should always be closed at all times. The officer in charge should at all times be able to locate a file that has moved from registry by use of:-

- i. File movement register: - A book containing the file reference number, title, date issued, and name of officer to see and date returned.
- ii. File movement grid: - Columns on folders for name/designation of action officer, the folio and date of issue.

2.10.4 Control of file movement

All personal files should be kept in the office of the Director of Administrative Services unless in use. To promote harmonious relationship with the officer in charge of staff personal files,

an authorized officer wishing to collect a file from registry must sign for it. A notification card shall be used in case a file is passed from an authorized officer to another officer.

2.10.5 Record Retention/Disposal schedule

Records shall be disposed of in accordance with the Public Archives and Documentation Service Act Cap. 19.

2.10.6 Security of Records

Precautionary measures should be put in place to ensure that in the event of a major disaster the security of vital records is secured. The records should also be placed under key and lock always. A separate staff bio – data should be maintained as back – up.

2.10.7 Retention of records

The records will be retained and disposed in line with the provisions of the Archives Act or any other relevant Acts.

2.11 POLICY NO.9: PERFORMANCE MANAGEMENT

2.11.1 Performance Standards

Definition

A performance standard is an expressed measure or level of achievement. Examples include work quality/quantity, meeting schedules, and cost effectiveness. These standards shall be assessed in a hierarchical manner. An employee shall negotiate the performance standards with the immediate supervisor at the beginning of a financial year. The negotiated standards shall borrow heavily from the individual employees' annual work plan and the Assembly's Strategic Plan.

Individual work plans shall be directly related to the individual's duties and responsibilities as per the scheme of service. These performance standards, in order to be meaningful, must be objective, specific, accurate, measurable, realistic and time bound.

2.11.2 Unacceptable Performance

- i. An employee's performance shall be considered unacceptable if the supervisor determines that he/she has not met the established standards.
- ii. The head of the Department including the Clerk may on the basis of unacceptable performance recommend to the Board to demote or terminate the employment of an employee.
- iii. Alternatively, the head of department may use alternative remedial action including training, counseling, restructuring the job, or redistributing duties.

2.11.3 Performance Appraisals

The performance standards shall be assessed on a quarterly, bi-annual and annual basis of a financial year. The bi-annual assessment shall provide room for revision of the set performance standard.

2.11.4 Policy Statement

The Assembly believes that the process of evaluating employee performance is an important way to improve the effectiveness of an organization through the best possible use of the human resource. This policy describes the system used by the Assembly, and its purposes.

- i. Performance appraisal shall be undertaken on half yearly and annual basis by the Board and the head of departments using the prescribed forms.
- ii. The half yearly performance appraisal shall record unusual circumstances or extraordinary performance as well as poor performance. All appraisals must be discussed with the employee.

All heads of departments are to keep the following points in mind so that the assembly and employees may benefit from an effective appraisal system.

A head of departments shall:-

- a. Inform the employees progressively , on their performance ;
- b. Identify and try to correct any work-related problem;
- c. Acknowledge and commend good work;
- d. Adjust any work schedules or objectives of an employee if necessary; and
- e. Document employees' performance.

2.11.5 Keys to Effective Appraisals

- i. Each head of departments shall provide continuing attention to the performance appraisal process by:-
 - a. Ensuring that all employees understand the Assembly's appraisal system its objectives, affects and benefits on employee;
 - b. Making sure that the employees they supervise have clear goals and objectives that they expect to meet;
 - c. Being available and accessible to employees who wish to discuss their progress, or clarify objectives;
 - d. Bringing to the attention of the Board any procedures or systems within the working environment requiring improvement for appropriate and prompt action ;
- ii. A disagreement arising from performance appraisal process shall be referred to the established conflict resolution mechanism.

2.11.6 Appraisal Management

The performance appraisal forms shall be filled in duplicate. One copy shall be filed in the individual personal file and the second copy shall be retained by the appraisee.

2.11.7 General Responsibilities

- i. The Clerk has the general supervisory role over the Service and this shall be exercised through various heads of departments.
- ii. A head of the department shall:-

- a) Communicate to employees in advance the performance standards and critical elements to the job;
- b) Conduct the performance appraisal in accordance with the published established standards of the assembly;
- c) Recognize and reward employees for superior performance;
- d) Counsel employees whose performance is judged unacceptable; and
- e) Take appropriate action when unacceptable performance fails to improve.

2.11.8 Appraisal during probationary period

- i. A probationary employee's performance shall be appraised not later than the sixth month after the date of appointment whether the employee has been able to perform his or her job duties satisfactorily.
- ii. If an employee is established to be performing unsatisfactorily, during this probationary period, he or she will be given an opportunity to improve or terminated from employment after continued unacceptable performance, as determined by the Board. However, the decision to terminate will require the approval of the Head of the department, and an agenda will be placed at the County Assembly Service Board for a resolution. Employees should also be informed that unsatisfactory performance at any time during their careers may be grounds for termination of employment.

2.12 REWARD MANAGEMENT POLICY

2.12.1 Policy Statement

The Assembly is committed to the recognition of excellent performance and achievement through the use of rewards that are creative, flexible, and meaningful.

2.12.2 Purpose

The purpose of this policy is to acknowledge employees' contributions to the Assembly's performance, ensure employee retention and improve employee loyalty and motivation.

2.12.3 Scope

All employees who have worked with the Assembly for at least twelve continuous months are eligible for recognition and award. However, the rewards shall not be entitlements. There shall be clear criterion determining such recognition.

2.12.4 Objectives of the Policy

- i. To provide guidelines to recognize specific, unique, value added and critical performance incidents within or beyond expected & predefined performance objectives;
- ii. To align employee performance and achievements with the Assembly's Vision, Mission and core values, ;
- iii. To reward these performance incidents in monetary or non-monetary terms indicating organizational recognition and appreciation towards the employees;
- iv. To ensure that the employees are rewarded fairly, equitably and consistently.

2.12.5 The Aims of Rewarding Staff

The main reasons for rewarding achievers are to:

- Develop a performance culture
- Convey the message to staff that hard work pays
- Let employees know that their work is valued and appreciated
- Give employees a sense of ownership and belonging in their place of work
- Improve morale
- Enhance loyalty
- Help build a supportive work environment
- Increase employee motivation

- Improve employee retention

2.12.6 Procedure/Methodology

The recognition procedure is described against each area of recognition, proposing how the winners will be selected, who will qualify and what the reward will be.

2.12.7 Areas to be considered for Awards/Rewards

The following areas are proposed for consideration. These will be reviewed from time to time to incorporate more areas and to do away with redundant areas.

- i. Best overall employee
- ii. Long Service
- iii. Retirement
- iv. Service Delivery

2.12.8 Brief Description

- i. Long Service Award

For this category, Director Administrative Services shall avail information on staffs that have worked with the Assembly for 10 continuous years.

- ii. Retirement

Staff who have attained the mandatory retirement age of 60 years will be recognized and awarded. Those who wish to proceed on voluntary retirement upon attaining the retirement age of 55 years and above and have offered 5 continuous years of service to the Assembly will also be recognized. The committee shall verify and confirm that the requirements are met and compile the names of the staff to be awarded and submit the names to the Board

- iii) Service Delivery

a) Recognition of high integrity and honesty

This category is as nominated by internal customers as a person who works well with all staff; observes punctuality to work; treats all staff with respect and fairness; is honest and respectful to all and is reliable.

b) Team Player

In this category, the Assembly will give consideration to staff that has demonstrated capacity to work with members within the Department and in other Departments. He/she will show that they serve clients with a positive attitude, i.e. service with a smile, courtesy and respect; an

employee who serves a client without being persuaded to do so and has ability to serve a client conclusively. There will be a winner and a runner up in each Directorate- with a total of 8 employees to be rewarded.

c) Best overall Department

This category will be a Department whose performance is very good and above as evidenced in the Performance Contract.

d) Best overall employee

After collating the results from the performance appraisal forms, the Director Administrative Services will forward to Management the list of staff whose achievement was “excellent” for recommendation to the Board.

2.12.9 Composition of the Awards committee

The Assembly shall appoint an Awards Committee comprising 3 members of Management and 3 members of staff as proposed by the Clerk.

2.12.10 Funding

The Assembly shall create a budget for the programme. The budget shall consider expenses for cost of awards, expenses related to the presentation of awards ceremony/end year staff party (e.g. food, facilities such as venue and equipment).

2.13 POLICY NO 11: ALLOWANCES

2.13.1 Policy Statement

This Section provides the various allowances which may be granted to officers in specific circumstances. While it may be considered that the salary attached to a post represents appropriate remuneration of its holder for proper and efficient performance of day-today duties, there are circumstances in which additional payments are warranted. Such additional payments are made in form of allowances, either to reimburse an officer for the expenses incurred directly or indirectly in the execution of his/her duties, or to compensate him for services rendered over and above the normal job requirements.

2.13.2 Daily Subsistence Allowance (DSA)

- i. A daily subsistence allowance shall be paid to an officer who spends a night out of the duty station, for official reasons.

- ii. The amounts payable as daily subsistence allowance shall be as guided by the Salaries and Remuneration Commission.

2.13.3 Lunch allowance

While officers are working outside their work station and with the intention of coming back to the office in the course of the day, they are entitled to lunch allowance. This allowance will be paid to the officers as approved by the HoD as per Salaries and Remuneration Commission Guidelines.

2.13.4 Commuter allowances

- i. An employee shall be entitled to a monthly commuter allowance at a rate determined by Salaries and Remuneration Commission (SRC).

2.13.5 Telephone/ airtime allowance

This allowance shall be available to Assembly staff after determination by the Board and on recommendation from the Communication Directorate and the Clerk. The Directors, HoDs and other staff, dependent highly on the nature of their duties will receive airtime.

2.13.6 Leave allowance

- i. An employee proceeding on annual leave or whose annual leave has been deferred in accordance with this policy, shall be paid a leave allowance.

- ii. The amount payable as leave allowance shall be as determined by the Salaries and Remuneration Commission.

2.13.7 Extraneous allowance

Extraneous allowance shall be paid to all officers in the County Assembly as a way of compensating them for the extraneous nature of their duty as they are required to work long hours during week days, holidays, weekends and sometimes on public holidays. The rates eligible for payment are 30% of basic pay.

2.13.8 Training allowance

- i. This allowance shall be administered in line with the training guidelines from the Directorate of State for Public Service Management.
- ii. The training will be on the approved courses by the Board on recommendation by the Training Committee.
- iii. Trainees sponsored by the Board to undertake courses will receive stipend as stipulated in the training policy approved by the Board.

2.13.9 Living and subsistence allowance paid to trainees studying abroad

Living allowance is paid to trainees undertaking long courses abroad to cater for subsistence, accommodation, outfit and excess baggage while subsistence allowance is paid to officers attending short courses or those travelling outside the country on official duties. The rates should be paid at the approved rates in the Training Policy.

2.13.10 Retreats allowance

Officers called upon to participate in retreats for special assignments which are meant to review, develop and produce policy documents will be paid Kshs. 5000 for the chairman, and 4,000.00 per day for members for a maximum of ten (10) days

2.13.12 Other allowances **Special duty allowance, entertainment allowance** payable to officers shall be guided by the Code of Regulation and recommendation by SRC.

2.14 POLICY NO 12: ADVANCE OF SALARY

2.14.1 Policy Statement

The assembly may advance a permanent employee salary advance in cases of extreme emergency.

2.14.2 Administration of the Advance

An advance of not more than one month's salary may be granted by the Assembly Clerk to an officer on permanent establishment when the officer, owing to circumstances beyond his control, is placed in a difficult financial position requiring assistance from the Assembly.

In applying for the advance, the officer should explain in detail the circumstances leading to the situation which he could not have foreseen and therefore planned.

An advance under this regulation may be granted only when an officer has no other outstanding salary advance. In very exceptional circumstances, the Clerk may approve an advance of not more than two months' basic salary. The clerk may authorize an advance of more than two months with the approval of the board.

2.14.3 Recovery of Salary Advance

The recovery period for salary advance will be limited to a period of twelve (12) months. In respect of an officer who is due to leave the service before twelve months, the advance must be fully recovered in equal installments within the remaining period of the officer's service in the assembly failure to which the remaining advance will be recovered from his/her terminal dues. The following procedures shall apply:

- a. The staff will forward his/her application to the Clerk through the respective head of department.
- b. The applicant must attach documentary evidence, to support his/her application.
- c. Consideration for any salary advance will strictly be subject to the 2/3 rule that require employee's total deductions not to exceed 2/3 of his/her total earnings. No advance will be extended to an applicant with a negative salary.

2.15 POLICY NO 13: PROFESSIONAL MEMBERSHIPS

2.15.1 Policy Statement

The Board recognizes that certain jobs and functions may be enhanced by participation of the employees in professional and technical associations. Listed below are the areas where the Board will reimburse the employee expenses associated with such participation: In recognition of Assembly employees being members of professional bodies, the Board will determine payment of non-practicing allowance.

2.15.2 Non Practicing Allowance

Various professions shall be eligible for a non-practicing allowance on production of a practicing certificate

- - i. Non-practicing allowance shall be awarded to a staff on successful completion of a recognized professional exam, which is directly related to an employee's work and only on registration of the officer to the respective professional body.
 - ii. Payment of the allowance shall be on monthly basis upon an employee submitting evidence from the relevant professional body confirming the member is active
 - iii. The Board shall regularly review the allowance
 - iv. The Board shall facilitate the annual renewal of professional subscription.

2.15.3 Membership Reimbursement

The Assembly shall pay the prescribed membership and annual subscription fees for employees who are members of recognized professional societies/bodies where applicable. However, consideration will be given to bodies that provide professional value addition to Assembly members of staff. The Board may approve for the payment or reimbursement of expenses for attending annual and periodic professional meetings, seminars and conferences.

2.15.4 Budgeting

All departments must have budgeted funds, approved in accordance with the Assembly's budgeting procedure, to provide reimbursement in this area.

2.16 POLICY NO14: DISCIPLINE AND DISPLINARY PROCEDURES

2.16.1 Policy Statement

This policy contains general rules of conduct to be observed by County Assembly employees with a view of maintaining the core values of the Service and also uphold the dignity of the public office to which they have been appointed.

The policy also outlines the procedures for disciplinary actions and it is therefore, imperative that every employee of the Service adheres to these rules of conduct, and such other rules which may be introduced from time to time.

2.16.2 Scope of Application

This policy applies to all employees of the Service including those on probationary period.

2.16.3 Legislation

This policy shall be read and applied in conjunction with Employment Act 2007 and where there is a conflict between the two, the provisions of the Employment Act shall apply.

2.16.4 General Responsibility of the Human Resource Department

- (i) The department responsible for matters of Human Resource Management shall be responsible for ensuring that every employee is acquainted with the provisions of this policy.
- (ii) The heads of the various directorates or departments shall be responsible for monitoring and reporting to the head of Human Resource department any non-compliance with this policy.

2.16.5 Misconduct

- i. Misconduct includes any non-compliance with the policies contained in this document or any other act or omission that is willingly done and which adversely affects the Service and the establishment and may generally be classified as either minor or gross misconduct.
- ii. Gross misconduct is a conduct that fundamentally destroys the contract between employee and Board thus making any further working relationship or trust impossible.
- iii. On completion of an investigation and full disciplinary procedure and process and the Board is satisfied that gross misconduct has occurred, it may, summarily dismiss an employee.

2.16.5.1 Minor misconduct

- i. The following, although not exhaustive, shall constitute acts or omissions of minor misconducts:
 - (a) Idling or loitering during working hours;
 - (b) Habitual lateness or early departure from place of work without approval of the supervisor;
 - (c) abetting misconduct;
 - (d) failure to account for advanced monies within specified time; and
 - (e) Poor performance due, carelessness or unreliability
 - (f) Negligence of duty.

2.16.5.2 Gross misconduct

The following, although not exhaustive, shall constitute acts or omissions of gross misconduct

- a) Absence from duty without leave;
- b) Intoxication during working hours which renders an employee unwilling or incapable of properly performing work;
- c) Use of abusive or insulting language or behaving in a manner insulting the Board or a person placed in authority over the employee by the Board;
- d) Fighting in the workplace/assault;
- e) Sexual harassment;
- f) Serious insubordination or refusal to obey lawful and proper commands issued by a superior, the consequences of such a refusal being that there is clear breach of contract between the staff member and the Board.
- g) serious negligence which causes or may cause unacceptable loss, damage or injury to persons or property of the Service;
- h) Conviction for a serious criminal offence such as theft, fraud, deliberate falsifications of records, forgery, impersonation, taking bribes, undue influence, misappropriation of funds and intentionally damaging employer's property.
- i) being lawfully arrested for an offence punishable by imprisonment and is not released on bail or bond within 14 (fourteen) days or otherwise lawfully set at a liberty; and
- j) An employee commits, or on reasonable and sufficient grounds is suspected of having committed, a criminal offence against or to the substantial detriment of his employer or his employer's property.
- k) Serious breach of confidentiality(Official Secrets Act 1989)

2.16.6 Authority to Discipline

- i. The stages of the disciplinary procedure are designed to allow a case to progress through the normal management chain. Action may be initiated by the Assembly Clerk, Heads of Departments at any stage, depending on the seriousness of the case and finalized by the disciplinary Committee and County Assembly Service Board where appropriate. However, it is important to note that;
 - (a) The Board has the general authority to take disciplinary action against the employees of the Service.
 - (b) The Board shall have final authority to handle a matter of gross misconduct of an employee.
 - (c) The head of a Directorate or Departments shall have authority to take disciplinary action against any issue of minor misconduct by an employee.

2.16.7 Disciplinary Steps for Gross Misconduct

- i. The following steps shall apply in case of gross misconduct;
 - (a) The Clerk shall notify the Board in writing, any instance of gross misconduct of employee.
 - (b) Except for a complaint of sexual harassment, all other instances of gross misconduct shall first be discussed at the Disciplinary Committee before being notified to be Board.
 - (c) An employee complaining of having been sexually harassed shall write a complaint to the Clerk and copy the same to the chairperson of the Board.
 - (d) The Board shall, upon being notified of an instance of gross misconduct, constitute a Committee consisting of the following;

The 4 heads of directorates and any other person it may so decide as an ad-hoc committee

(a) .

- (e) The Committee shall investigate the complaint and make appropriate recommendations to the Board and shall accord the accused employee an opportunity to be heard including notifying him/ her in writing the allegation of the misconduct and the particulars thereof.

2.16.8 Powers of the Board and Punishments for Gross misconduct

- (i) The Board may agree or disagree with the whole or part of the report by the Committee and may:

- (i) Adopt the report as presented by the Committee;
- (ii) Find the allegations unsubstantiated.
 - (i) Review the recommended punishment and impose a more or less severe punishment.
 - (ii) Where the Board makes a finding that the accusation has not been substantiated, no further proceedings shall be undertaken against the employee on account of the said accusation.
 - (iii) The Board may impose one or more of the following punishments in any instance of gross misconduct:
 - (a) Recovery of cost or part of the cost of any loss or breakage caused by default or negligence;
 - (b) Reprimand including severe reprimand or warning letter;
 - (c) Deferment of increment;
 - (d) Withholding of increment;
 - (e) Stoppage of increment;
 - (f) Demotion;
 - (g) Dismissal;

2.16.9 Interdiction:

Where an employee is guilty of a misconduct which may lead to termination of service, the Clerk on recommendation of the relevant staff Disciplinary committee; shall interdict the employee from duty pending investigations and consideration of the offence. While under interdiction the employee shall not attend his place of work and must keep off the Assembly's premises unless requested otherwise. During the period of interdiction, the employee shall receive such salary, half his/her basic salary and benefits. Notice of interdiction shall be given in writing to the employee concerned.

No interdiction period shall exceed thirty consecutive calendar days.

2.16.10 Suspension

- i) If an employee commits or on reasonable and sufficient grounds is suspected of having committed gross misconduct against or to the substantial detriment of the Assembly or the Assembly property, he/she may be suspended with half basic salary and full benefits.
- ii) At the end of the suspension period and where the employee has been found guilty, the employee shall be paid terminal dues less all liabilities owing.
- iii) All cases of suspension will be made by the Clerk on the resolution of the Board
- iv) Every effort should be made to reach a decision without delay as to whether or not an employee should be reinstated.

2.16.11 Notice of suspension shall be given in writing to the employee concerned.

Where disciplinary or criminal proceedings have been taken or instituted against an officer under interdiction/suspension and such an officer is neither dismissed nor otherwise punished under these regulations, the whole or any salary withheld shall be restored to the officer upon the termination of such proceedings.

2.16.12 Compulsory leave

(i) Where the Board reasonably believes that gross misconduct has been committed and there is need for further investigation, it may send the concerned employee on a compulsory leave not exceeding three months, to facilitate the investigation.

(ii) An employee on compulsory leave shall be entitled to full pay and other benefits.

- i). **Disciplinary Steps for Minor Misconduct**A matter constituting minor misconduct shall be dealt with by the head of Directorate or Department.
- ii). The Director or head of Department as the case may be, shall, verbally warn an employee against continued commission or omission of the misconduct.
- iii). Where there is continued commission of a minor misconduct, the head of Directorate or head of Department as the case may be, shall report the matter at the Management meeting and upon its resolution, issue the employee with a warning letter with a copy to the Clerk.
- iv). Where employee is issued with a warning letter and continues to commit acts constituting minor misconduct, the Head of Department shall report the issue in the Management meeting and upon its resolution, the Clerk shall issue the employee with a second warning letter.

- v). An employee who continues to commit an act or omission constituting a minor misconduct after having been issued with two warning letters, shall upon resolution of the Management committee, be issued by the Clerk, a notice to show cause why a disciplinary process for gross misconduct should not be undertaken in accordance with this policy.
- vi). Where in the opinion of the Management committee and after according an employee an opportunity to be heard, no satisfactory reason has been given as to why a disciplinary process for gross misconduct should not be undertaken, the Clerk shall report the matter to the Board to institute disciplinary proceedings in accordance with the requirements of this policy.
- vii). Where the offender is a Head of Directorate, the disciplinary steps detailed above shall apply with necessary modification, save that verbal and warning letters shall be issued by the Clerk.

2.16.14 Termination on Death of Employee

- i. In the event of death of an employee facing disciplinary proceedings, the Head of Department shall promptly report the matter to the Clerk and thereafter to the Disciplinary Committee or the board for resolution to terminate the case.
- ii. Any terminal benefits will be paid to the estate of the deceased or his/her legally appointed next of kin on production of the relevant legal documents such as notification of death, Burial Permit, Death Certificate, Letters of Administration.
- iii. Such payments shall be subject to applicable deductions.

2.17 GRIEVANCE HANDLING POLICY

2.17.1 Policy Statement

It shall be the policy of the Assembly that employees, in accordance with the rules of natural justice should:

- (a) Be given a fair hearing by their immediate supervisor or Director concerning any grievances they may wish to raise.
- (b) Have the right to appeal to a more senior officer against a decision made by their immediate supervisor or Director.
- (c) Have the right to be accompanied by a fellow employee of their own choice, when raising a grievance or appealing against a decision.

2.17.2 Grievance Handling Procedure

The purpose of the procedure is to ensure the settlement of grievances at the earliest opportunity. The main stages through which a grievance may be raised are as follows:

- (a) The employee raises the matter with his immediate supervisor and may be accompanied by a fellow employee of his own choice.
- (b) If the employee is not satisfied with the decision, the employee requests a meeting with a member of the Management who is more senior than the supervisor who initially heard the grievance. This meeting takes place within seven days of the request and is attended by a Human Resource Officer, the employee appealing against the decision, and, if desired, his witness. The Human Resource Officer records the proceedings of the meeting and issues copies to all concerned.
- (c) If the employee is still not satisfied with the decision, he or she may appeal to the Disciplinary Committee. The meeting to hear this appeal shall be convened within 14 days.

2.17.3 Employees' Grievances against a Director or the Clerk

- i. An employee who is aggrieved by an action or omission of a Director or the Clerk on any work related matter shall write a complaint to the management committee and forward a copy of the same to the Clerk. Upon receipt of the complainant from the employee, the management committee shall make a resolution in the earliest meeting possible and make recommendation. If the employee is not satisfied with the resolution of the management committee a written communication shall be made to the staff welfare committee of the Board through the Clerk.

- ii. In every three months, the management committee shall submit a report to Board on the grievances that it has received detailing its findings and decision on the grievance.

2.17.4 Employee Relations

- i. The Board recognizes the rights of employees to have their interest represented to management through Heads of departments.. This should however be regarded as a partnership to an effective two-way communication channel to enable staff members have an opportunity to talk frankly to the management in an orderly manner about their problems, concerns and suggestions which affect staff members and their working conditions.

2.17.5 Procedure for Employees during their Probationary Period, on Temporary and Casual Terms

- a. The employer recognizes that in the case of employees who are in their probationary period or on short term contracts, it would not normally be in the interest of either party to apply the full disciplinary procedure.
- b. Therefore at all levels of misconduct and unsatisfactory performance short of gross misconduct, the following will apply:

Stage I

The employer shall ensure that performance expectations and standards are defined, performance is monitored and probationers are given appropriate feedback, training and support to meet these standards.

Stage II

If immediate supervisor believes that an employee's performance is not up to the standards, an informal discussion will be held with the employee in the presence of the Head of Department to try to establish the reasons and to agree on the actions required to improve performance. The outcome of this interview will be recorded in writing and a copy will be given to the employee and the Principal Administrative Officer.

Stage III

If it is apparent that poor performance constitutes misconduct or should the employee show no improvement over a defined period following the interview, the Head of Department will investigate the case and if necessary, recommend that a disciplinary hearing is convened in the normal way.

Stage IV

If it is decided at the hearing that a case exists for disciplinary action a recommendation for one month's notice or one month's basic pay in lieu of notice to terminate the employee's services will be submitted to the board. Intention to terminate service will be given in writing.

2.18 POLICY NO 16: DRUG AND SUBSTANCE ABUSE

2.18.1 Policy Statement

The Assembly considers alcoholism, drug abuse and similar problems as health problems. Whenever possible, the Assembly will give any employee with such a problem an opportunity for rehabilitation. Listed below are the responsibilities of employees in this area, as well as action to be taken by the supervisory personnel:

2.18.2 Prohibition of Use Alcohol and Drugs in Work Place

The consumption of alcohol, cigarette smoking and use of narcotic drugs at the workplace is prohibited.

2.18.3 Corrective Action/Employee Assistance

- (i) The Board may, where an employee has been diagnosed with alcohol and narcotic drug substance abuse, facilitate his/her rehabilitation. Employees in need of assistance or rehabilitation, as a result of the use of or a dependence on alcohol or drugs, may be given support and assistance in accordance with the contract services provided by the relevant medical cover provider.
- (ii) The Board may from time to time provide the service of counselor to address issues of drugs and substance abuse.

2.18.4 Prescribed Drugs

- (i) If any side effects of prescribed medications are likely to affect employee's ability to work safely or effectively, the employee should advise their Supervisor accordingly. The Supervisor may then make other suitable arrangements.

2.18.5 Alcohol consumption at social functions

- (i) The consumption of alcohol at the Assembly workplaces for social functions, or at other premises for Assembly sponsored functions, may only be approved by the Clerk or his delegates, in accordance with the following guidelines:
- (ii) Official functions where alcohol may be taken, should ordinarily be conducted after normal work is completed.

- (iii) All employees have a corporate and community responsibility to conduct themselves in an appropriate manner by displaying behavior that is acceptable and responsible.
- (iv) Only a moderate quantity of alcohol is to be provided to ensure that safe drinking levels are not exceeded.
- (v) Low-alcohol and non-alcoholic drinks must be available.
- (vi) The consumption of alcohol is a personal choice - no one should feel pressured to drink. The consumption of alcohol is away from the work environment, and which does not interfere with Assembly operations is not a cause for an employee to be in breach of the Code of Ethics.

2.18.6 Testing Procedure of Suspected Impairment

If a Supervisor has sufficient grounds to suspect that an employee is impaired by the effects of alcohol or drugs whilst roistered for duty the Supervisor shall -

- a. Instruct the employee to cease work immediately; and
- b. Discuss the grounds for suspecting impairment with the employee to establish acknowledgment or otherwise of the effects of alcohol or drugs.
- c. If the employee acknowledges he/she is affected by alcohol or drugs, the Supervisor Manager shall arrange for a counseling session.
- d. If the employee does not acknowledge he/she is affected by alcohol or drugs, subsequent actions should be aimed at establishing that the employee is not affected, with the employee having the option of requesting that a staff representative attend the interview. The Supervisor shall consult with the Director of Human Resource to arrange for testing of the employee. The employee is requested to submit for an alcohol or drug test and advised of his/her option to have a staff representative present.
- e. If the employee refuses to be tested, but there is sufficient ground to believe that they have engaged in drug and alcohol abuse, then the employee is to be notified that he/she is suspended with pay forthwith; and he/she is to attend a hearing during a Staff Committee.

2.18.7 Testing of Employees

- a. If there is sufficient ground for suspicion of Drug and alcohol abuse, the Supervisor should contact the Director of Human Resource for advice on or to arrange for the alcohol or drug testing of employees.
- b. Testing for suspected impairment should be arranged as follows:
 - For effects of alcohol - within two hours; and
 - For effects of drugs - within four hours.

2.18.8 Information and Education

All employees shall be informed of the dangers of drug abuse and the prohibitions of the same in office during induction training.

2.19 POLICY NO 17: CONFLICT OF INTEREST

2.19.1 Policy statement

This policy shall be applied in conjunction with public officers' Code of Ethics, County Government Act, PSC Act 184 and the Public Procurement and Disposal Act 2005.

2.19.2 Scope of the Policy

- i. An officer in the Service shall use his/her best efforts to avoid being in a position in which his personal interest conflicts with his official duties.
- ii. Without limiting the generality of paragraph (i) an officer in the Service shall not hold shares in a corporation, partnership or other bodies, directly or through another person, if holding those shares or having that interest would result in that person's interest conflicting with his official duties.
- iii. An officer in the Service whose personal interest conflicts with his official duties shall:
 - a) Declare the personal interest to his superior or other appropriate body and comply with any other legal direction to avoid the conflict.
 - b) Refrain from participating in any other issue with respect to the matter.
- iv. Notwithstanding any directions to the contrary under sub-section 3:
 - a) A public officer shall not award a contract or influence the award of a contract to himself or
 - b) A spouse or relative, a business associate, a corporation, partnership or other body in which an officer has an interest.
- v. In this section "personal interest" includes the interest of a spouse, relative or business associate.

2.19.3 Collections and Harambees

- i. An officer in the Service shall not:
 - a) Solicit for contributions from the public for a public purpose unless the President has by notice in the gazette declared a national disaster and allowed a public collection for the purpose of national disaster.
 - b) Participate in public collection of funds in a way that reflects adversely on that officer's integrity, impartiality or interfere with official duties.

- c) Use his/her office or place of work as a place for soliciting or collecting funds for Harambees; or
- d) Either as a collector or promoter of public collection, obtain money or other property from a person by using official position in any way to exert pressure.

2.19.4 Declaration of Income, Assets and Liability

All Public Officers are drawn to the provisions of the Public Officers Ethics and Crimes Act (2003) in regard to declarations of their income, assets and liabilities. Some of the pertinent obligations of officers under the Act are that:

- i) Every officer shall on first appointment and after every 2 years until termination, submit a declaration of income; assets and liability of himself, spouse(s) and dependent children of less than eighteen (18) years in accordance with the Leadership and Integrity Act 2012;
- ii) Within 30 days after ceasing to be a public officer, the former officer shall submit a final declaration to the responsible commission (Public Service Commission).
The statement date should be the date the public officer ceased to be a public officer.
- iii) The Human Resources Department will include in their letters of appointment and retirement to individual officers an advice to all employees to fill and submit a final wealth declaration form immediately and submit it to Administration for onward transmission to Public Service Commission.

2.19.5 Gifts

A gift to a Service Officer on a public or official occasion shall be treated as a gift or donation to the State and section 14 of the Leadership and Integrity Act No.19 2012 shall apply in respect to a gift received by an officer in the Service in an official occasion.

2.19.6 Pecuniary Embarrassment

- i. Pecuniary Embarrassment from whatever cause, will be regarded as impairing the efficiency of an officer and thus rendering him/her liable to disciplinary proceedings.
- ii. Lending and borrowing money at very excessiverates of interest, will be regarded as an offence affecting both the respectability of the service and trustworthiness of the individual, and may be held to be a bar to promotion or increment.

- iii. The Board shall give officers who are in debt every opportunity to extricate themselves from financial embarrassment, but there must be a limit beyond which an officer cannot be retained in the Assembly service. In such a case, the officer can be retired in public interest. In certain circumstances, it might even be necessary to consider dismissal, but this step will only be taken in case of a most serious nature where indebtedness is not the only factor involved.
- iv. The Head of Department will write to any officer who is reported as being a judgment debtor. In so doing, his attention should be drawn to paragraph 1 above and he should be informed that the Assembly takes a very serious view of his indebtedness, and that he has rendered himself to disciplinary proceedings, which could result in removal from the service if rapid steps are not taken to improve the situation.
- v. When an officer's indebtedness requires that he should no longer carry out duties in which he might be tempted to appropriate for his own use public funds or stores, it may be necessary either to deploy him/her where temptation is unlikely to come his way. When the alternative option is not possible, the management may require the officer to retire in public interest. Any officer, therefore, holding an office of this nature, and who shows a tendency to run into debts, should be warned in writing of his position.

2.19.7 Theft

Theft of any Assembly's property including office supplies and equipment, inventory, tools and embezzlement of funds shall be a serious case of gross misconduct.

2.19.8 Assembly Visitors

- (i) All visitors shall register at such point as may be established for the purpose before they enter Assembly premises.

2.20 POLICY NO 18: REMUNERATION POLICY

2.20.1 Policy Statement

The Assembly shall provide remuneration that is attractive in order to attract, retain and motivate high caliber staff. In determining appropriate remuneration the Assembly shall be guided by the directives issued by the Salaries and Remuneration Commission, the need to remain competitive by taking into account market indicators and other benchmarks within the County Assemblies of Kenya. The salary structure and allied benefits shall be reviewed from time to time

2.20.2 Salary Payment

- i. The salary and allowances of employees shall be informed by the scheme of service including such advice as may be received from the Salaries and Remuneration Commission.
- ii. The salary of employee shall be paid on monthly basis.
- iii. There shall be established in the Directorate on matters of Human Resource, a pay roll management system.
- iv. The salary and allowances of an employee shall not be reviewed in manner as to reduce them.
- v. Whenever the salary of an employee has been reviewed, the Clerk shall, through the head of the Directorate on matters of Human Resources, forward a notice to the payroll manager and to the concerned employee.
- vi. No deduction shall be done from an employee's salary except a statutory deduction, unless it has been authorized by the employee in writing. This shall be subject to the total deductions not being more than two thirds (2/3) of the basic pay
- vii. The pay roll manager shall strike out an employee who has exited from the Service, from the payroll.

2.21 POLICY NO 19: HEALTH AND SAFETY IN THE WORKPLACE

2.21.1 Policy Statement

The Nyandarua County Assembly values the safety and health of its employees and has established the following policies and regulations in the protection and well-being of every employee.

- a) Establishment of the Assembly's employee's insurance cover.

- b) On the job accidents and illness policy.
- c) All accidents or injuries should be reported immediately to the supervisors. In case of serious injury or emergencies supervisors should take appropriate emergency assistance.

The purpose is to ensure that the risks to health and safety of workers are properly controlled. The Nyandarua County Assembly has purposed to improve management systems to reduce injuries and ill health, demonstrate the importance of health and safety issues at the Assembly level, and report publicly on health and safety issues within the organization, including their performance against targets.

2.21.2 Awareness of Safety

- i. Notice and precept shall be placed at all places with potential risk and danger to occupiers of the precincts and premises of the Assembly.

2.21.3 Personal Protective Equipment

- i. The Board shall ensure employees are provided with protective clothing and equipment in compliance with work safety regulations.
- ii. An employee whose work demands being adorned in special protective clothing, gears or equipment for safety, shall not undertake such work unless so adorned.
- iii. It shall be the duty of an employee whose work requires special clothing, gear or equipment for safety to notify in writing his/her supervisor, the lack of such special clothing gear or equipment.

2.21.4 Records of Accidents

Effective management of health and safety is vital to employee well-being. It enhances the reputation of the Assembly and helps them achieve high-performance teams. The Assembly through the office of Sergeant at Arms shall maintain and update the accident register and that deliberate effort shall be made to analyze the occurrence in the register so as to develop mitigation measures.

2.21.5 Maintenance of Work Environment

The workplace, and certain equipment, devices and systems shall be maintained in efficient working order (efficient for health, safety and welfare). Such maintenance is required for mechanical ventilation systems, equipment and devices which would cause a risk to health, safety or welfare if a fault occurred.

2.21.6 Floors and Traffic Routes

Traffic route means a route for pedestrians, vehicles, or both; any stairs, fixed ladder, doorway, and gateway, loading bay or ramp. There should be sufficient width and headroom, to allow people and vehicles to circulate safely with ease.

Floors and traffic routes should be sound and strong enough for the loads placed on them and the traffic expected to use them. The surfaces shall not have holes, be uneven or slippery and should be kept free of obstructions and where unavoidable appropriate signage shall be provided.

Open sides of staircases should be fenced with an upper rail at 900mm or higher and lower rail. A handrail should be provided on at least one side of every staircase. The Assembly shall ensure that all buildings and structures are accessible to persons with disability including lighting.

2.21.7 Falls

The consequences of falling from heights or into dangerous substances are so serious that a high standard of protection is required. The Assembly shall ensure secure fencing is provided to prevent people falling from edges, and objects falling onto people. Where fencing cannot be provided, other measures shall be taken to prevent falls.

2.21.8 Falling Objects

The office of the HR and Administration shall ensure that materials and objects are stored and stacked in such a way that they are not likely to fall and cause injury. In particular, storage racking and shelves shall be of appropriate strength and stability. Regular checks and maintenance shall be undertaken to mitigate the likelihood of any falling objects within and without the assembly structures.

Assembly employees shall report to the department in charge of administration any hazard and/or damage, however minor, so that its effect on safety may be assessed and fixed in time. In the case of stacking and storing, the following precautionary measures but not limited shall be observed:-

- i. Safe stacking on sound pallets
- ii. Banding or wrapping to prevent individual articles falling.
- iii. Setting limits for the height of stacks to maintain stability
- iv. Regular inspection of stacks to detect and remedy any unsafe stacks

- v. Instruction and training of employees in stacking and
- vi. Special arrangements for objects which may be difficult to store

2.21.9 Transparent or Translucent Doors, Gates or Walls and Windows

The Assembly shall endeavor to ensure that windows, transparent or translucent surfaces in walls, partitions doors and gates are well protected. Breakages and where necessary indicative notifications and warning signs shall be placed [appropriately](#)

a. Openable Windows, doors and gates

The Assembly shall ensure that incase of operable windows, skylights and ventilators, appropriate mechanization is in place to avoid hazardous state and damage to the latter and the users.

b. Health

All employees are required to take a medical examination upon appointment. Additional periodic examinations may be required from time to time at the Assembly's expense. It is the responsibility of the employee to inform his or her supervisor of any health condition or illness which will affect the scale of performance of his or her job.

The measures outlined in this section contribute to the general working environment of people in the workplace.

c. Ventilation

Workplace and rooms need to be adequately ventilated.

d. Temperature in indoor workplaces

The air temperature must be conducive to allow the employee give his maximum output.

e. Lighting

Lighting should be sufficient to enable people to work and move about safely. Local lighting should be provided at individual workstation. Lighting and light fittings should not create any hazard.

Automatic emergency lighting, powered by an independent source, should be provided where sudden loss of light would create a risk.

f. Cleanliness and waste materials

Every workplace, the furnishing and fittings should be kept clean and it should be possible to keep the surface of floors, walls and ceiling clean. Cleaning and the removal of waste should be carried out as necessary and by effective method. The cleaning equipment be stored in suitable receptacles.

g. Room dimensions and space

Workrooms should have enough free space to allow people to move about with ease.

h. Workstation and seating

Workstation should be suitable for the people to use and work in. People should be able to leave workstations swiftly in an emergency. If work can or must be done sitting, suitable seats should be provided.

i. Sanitation

The Assembly shall provide suitable and sufficient sanitary conveniences and washing facilities should be provided at readily accessible places. The rooms containing them should be kept clean and be adequately ventilated and lit. Washing facilities should have sufficient clean running water.

j. Food and water

The assembly shall endeavor to provide suitable, safe and clean drinking water for all employees.

- k. The Clerk shall cause to be established a health and safety committee in compliance with the Occupational and Health Act 2007

2.22 POLICY NO 20: MEDICAL POLICY

2.22.1 Policy Statement

The Board values the contribution of human capital and will endeavor to sustain a healthy work force. In order to achieve this, a comprehensive medical cover shall be provided for all employees and their dependants. The medical policy will cover the employee, his/her spouse and four biological or legally adopted children under the age of 21 years or 25 year if still in school.

2.22.2 Medical Insurance Cover

- The Board shall take up insurance covers in line with provisions and requirements of various Acts of Parliament and guidelines on public service medical insurance. The Medical cover shall consist of inpatient, outpatient, dental, optical,maternity, last expense,among others

2.22.3 Ex-Gratia Assistance

Whereas the Assembly maintains a staff medical scheme for all its employees and their dependents, there is a possibility that medical costs can exceed the entitled provision of the medical cover. This policy will cover both in and out patient cases. All employees' and their dependents will be eligible for ex-gratia assistance.

The administration of the Ex-gratia process will be handled by the Director of Administrative Services. Where the medical cover has certain exclusions and due to their nature they deny employee medical attention hence affecting productivity, such exclusions will be considered as part of ex-gratia. Employees with such exclusion claims will make a formal request for consideration by the Board through the Clerk on ex-gratia basis.

2.23 POLICY NO 21: EMPLOYEE EXIT POLICY

2.23.1 Policy Statement

The Board is alive to the fact that staffs join and leave organizations and this policy therefore provides guidelines on various forms of exit.

2.23.2 Resignation

- i. An employee may resign from the Service by writing to the Board, one month notice or by paying to the Board one month's salary in lieu of such notice.
- ii. An employee, who has resigned, may rejoin the Service in accordance with provisions governing appointments.

2.23.3 Retirement

- i. The mandatory retirement age of an officer from the Service shall be as prescribed by a national policy on retirement age.
- ii. An employee may also retire from the Service in accordance with sections 79, 80, 81, 82, 83 and 84 of the County Government Act No. 17 of 2012.

2.23.4 Redundancy

Redundancy procedures aim to meet statutory, ethical and practical considerations when dealing with this process.

Redundancy is the situation in which management decides that an employee or employees are surplus to requirements in a particular occupation and cannot be offered suitable alternative work.

a) Employees may be surplus to requirements because of changes in the economic circumstances of the Assembly. This means that fewer employees are required, or because changes in methods of working mean that a job no longer exists in its previous form. An employee given notice because he or she is unsuitable or inefficient is not regarded as redundant and would be dealt with in accordance with the usual disciplinary or performance appraisal procedure. Where there is a genuine reduction of work the Assembly shall not proceed to declare employees redundant until such time that statutory and negotiated procedures are followed.

- i) In the event of it being necessary for the Assembly to terminate the services of an employee on the grounds of redundancy, the selection of employees for such

termination shall be made in accordance with the principle of “Last in First out” but, where necessary, the basis of “MERIT” may otherwise apply.

- ii) In case of redundancy, the Assembly will set out criteria and determine the number of staff to be affected, draw up the redundancy package and communicate the details to affected staff.

2.23.5 Death

On receipt of advice that an employee has died Human Resources will:

- convey condolences in writing to the immediate family;
- calculate outstanding salary and leave entitlements as from the last known working day and advise Payroll for payment action;

Advise the relevant pension Fund trust of the member’s details which may include date of death, name and address of next of kin, and name and address of person handling estate.

2.23.6 Last Expenses

The Assembly shall meet the funeral expenses for: Staff members, Spouse of staff member and to the maximum of and will meet funeral expenses of a sum recommended by the Board. For an employee, the costs that the Assembly may meet include the following: -

- Transportation
- Mortuary Charges
- Funeral Advertisement and Broadcast Rates
- Coffins

2.23.7 Certificate of Service

- (a) The Assembly is obliged to give to any employee leaving its service a “Certificate of Service” unless the employment has continued for a period of less than four weeks, and such certificate will contain:

- i) The Assembly’s name and address
- ii) The name of the employee
- iii) The date when employment commenced

- iv) The nature and usual place of employment
- v) The date when employment ceased
- (b) The Assembly is not bound to give any employee a testimonial, reference or certificate relating to the character or performance of an employee.

All enquiries from prospective employers should be referred to Human Resource Department. Personal testimonials making any reference to former or existing employees' work or association with the Assembly must not be given by individuals.

2.23.8 Exit Interviews

- i. Where an employee intends to exit from the Service by resignation or early retirement, the head of the Directorate on matters of Human Resource may conduct an exit interview to the employee.
- ii. The exit interview shall aim at deriving the employee's opinion, suggestion and experience of the work place and conditions.

2.23.9 Return of Service Property

- i. The Clerk shall, upon receipt of exit letter, instruct the relevant officer to calculate the terminal benefits due to the employee for payment.
- ii. An employee shall, on leaving the Service, return all original documents and copies belonging to the County Assembly or related to its business.
- iii. The employee shall in addition also return computers hardware and software, any written and training materials, keys, budges, job cards and any other property of the County Assembly.
- iv. An employee shall be expected to disclose his /her computer passwords, in order to access to important data that is contained therein.
- v. An employee shall obtain a certificate of clearance from the relevant departments.
- vi. An employee shall complete all outstanding tasks and honor other obligations including paying all debts owed to the Nyandarua County Assembly before exiting the Service
- vii. The Board shall give an employee who has been cleared for exit, a certificate of service.

2.23.10 Transfer of Service and Secondment of Pensionable Officers

- (1) When a pensionable officer is transferred to the national government, another county government or another administration, which is "scheduled" under the Pensions Act, the pension Form GP.178 the statement of aggregate pensionable emoluments form GP.190 should be completed and forwarded to the Pensions Department of the County Treasury.

- (2) Transfers of pensionable officers from the Government to organizations which are not “scheduled” under the Pensions Act but which have been declared to be “public service” for the purposes of the Act need not be notified to the Pensions Department of the County Treasury until the eventual retirement from the organizations of such officers.
- (3) County departments are required to ascertain from the county department responsible for Human Resource Management or the Pension Department of the County Treasury whether or not an organization to which their officers are seeking transfer has been declared a “public service”.
- (4) An officer whose benefits are determined under the Public Service Superannuation Scheme will be able to transfer his terminal benefits to a new organization as provided under Regulation L.21.
- (5) When pensionable officers are seconded from one government to another government or Administration, the recipient organization or Administration pays pension contributions to the parent government based on a fixed percentage of the officer’s substantive salary in the parent government for the period of secondment. The present rate of pension contribution is thirty one percent (31%).

2.24 POLICY NO.22: TRAINING AND DEVELOPMENT POLICY

2.24.1 Policy Statement

The Assembly will continually upgrade competence, knowledge skills and Attitude of its officers. The trainings shall always aim at addressing, identified performance and skills gaps. All officers should have at least **21 days training** in a year, while newly recruited or transferred officers shall be inducted within three months of joining the Assembly. The training must be based on identified training needs of the Assembly.

2.24.2 Management and Coordination of Training

- i. There shall be in the Service under the office of the Clerk, a Training Committee whose terms of reference shall be to:-
 - a) Coordinate staff training and development activities;
 - b) Interpret the training policy to the rest of the staff;
 - c) Identify and assess training needs of various departments and staff;
 - d) Approve and ensure smooth implementation of the training policy;
 - e) Endeavor to identify and develop appropriate training programs;
 - f) Receive, review and recommend to the Clerk all the training needs;
 - g) Select suitable and qualified candidates for various training programs, locally and internationally;
 - h) Ensure evaluation of effectiveness of training programs attended by staff;
 - i) Receive post training reports from staff who have attended training programs;
 - j) Review and recommend the list of qualified and competent training institutions;
 - k) Review the training policy from time to time; and
 - l) Assess, identify and advice the Board through the Clerk of the training and competency gaps within the Assembly establishment.

2.24.3 Composition of the Training Committee

- i. The training committee shall be constituted by the Clerk from the Directors and the heads of department headed by the Director of Administration and Human Resources Management.

2.24.4 Course Approval

- The Board shall, on advice of the training committee, approve training to officers before proceeding on authorized training.
- An officer on approved training will be deemed to be on duty and entitled to requisite benefits and subject to service regulations.

2.24.5 Conditions Applicable to Serving Officers Attending Courses in Kenya

The conditions applicable to serving officers attending courses in Kenya are indicated as follows.

1. Salary and salary progression

- a. An officer shall continue to draw his/ her substantive salary for the period of the course. Any deductions due will continue to be made in the normal way
- b. Provided that his work and conduct are satisfactory, an officer will be eligible to receive annual increment in accordance with the normal procedure
- c. During the period of training an officer will remain eligible to be considered for promotion.

2. Allowances

An officer traveling for training sponsored by the Government, the Assembly or any sponsoring/ partnering Agency will be deemed to be traveling on duty, and will be granted appropriate allowances and traveling privileges in accordance with the prevailing regulations.

3. Leave

- a. Attendance at a course which has no provision for vacation will count as being on duty. For this reason, the officer will be eligible for leave
- b. An officer following/attending a full time course of study in a local academic institution such as a recognized University will normally be granted study leave, but may be required to resume duty during vacation at the Assembly, provided that he/she enjoys a minimum of one-month vacation in a year. Such an officer will be eligible for any additional leave in respect of the period of the course.

4. Expenditure which is an officers own responsibility

An officer will be responsible for meeting the following expenditure in connection with a course.

- i. All personal commitments, including subscriptions (voluntary or compulsory) laundry, recreation, entertainment, etc.

5. Expenditure which will be met by the Assembly.

In addition to the payment of salary and allowances, the Assembly will meet the following expenditure for the officers it has sponsored.

- Total fees for approved courses and related exam fees.
- Transport and traveling to and from the institution at which the course is held.

2.24.6 Conditions Applicable to Serving Officers Attending Courses outside Kenya

The conditions applicable to serving officers attending courses outside Kenya are as follows:

1. Courses Financed by the County Assembly

a. Salary and Progression

- i. An officer's full basic salary will continue to be paid throughout the period of study, and any other deductions will continue to be made in the usual way.
- ii. Provided that the performance and conduct are satisfactory, the officer will continue to be eligible for annual increment in the normal manner.

b. Allowances

An officer who is required to attend a course/seminar/workshop outside Kenya will be eligible for payment of Daily Subsistence Allowance at the prevailing rates to meet his basic and other living expenses such as subsistence, accommodation, local transport, warm clothing and excess luggage on his return home.

c. Leave

An officer will be eligible for his normal annual leave due only for the year he returns to Kenya

d. Expenditure

i. Expenditure which is an officer's own responsibility

An officer will be responsible for meeting all expenditure in connection with the course of the following items from the allowances payable to him.

- a) The full cost of his own subsistence during the term time and vacation, whether this takes the form of payment of board and lodging outside the institution;

- b) Fares for daily journeys between his lodging and place of study;
- c) The purchase of all outfits and clothing, including any academic dress required;

ii. Expenditure which will be met by the Assembly.

In addition to payment of salary and allowances, the following items of expenditure will be met by the Assembly;

- a) Pre-departure medical examination, passport, visa, vaccination and inoculation fees;
- b) All course fees including registration, admission, tuition, examination, project/desertion/thesis, laboratory and similar fees.
- c) All transport and traveling necessary to the officers training (other than daily commuting between lodgings and an officers normal place, or places of study) at economy class rates;
- d) Local transport traveling to and from the airport of departure and arrival in Kenya at prevailing rates.
- e) And medical insurance contribution where applicable

2.24.7 Courses Financed Under Technical Assistance Arrangements

All the conditions stipulated under Courses financed by the Assembly and the Expenditure which is an officer's own responsibility will also apply to serving officers undertaking courses under this arrangement.

a) Expenditure which will be met by the assembly

In addition to the payment of salary and allowances, the Assembly will meet the expenditure in respect of any item listed in the Expenditure which will be met by the Assembly in the above regulations if these are not covered by the scholarship award. Course fees and the cost of transport and travel in the country in which the course is held will, however, be met from the award.

b) Medical insurance coverage

The terms of a scholarship award may or may not provide medical insurance cover. Where such insurance cover is not provided under a Technical Co-operation Training Award, the Assembly will make appropriate arrangements through the appropriate Mission abroad to provide sufficient medical insurance cover for the study fellow

Maintenance allowance from Assembly funds will not normally be paid since an officer's subsistence is generally provided for by the scholarship award. However, an officer traveling outside the country on a short course of up to four (4) weeks and partially funded under bilateral agreement, the officer will be entitled to 25% (1/4 per diem) of the subsistence allowance applicable to the designated country.

2.24.8 Bonding

Serving officers attending training sponsored by the Assembly, the Government or a development partner will be bonded as follows;

Employees sponsored for courses lasting six (6) months but less than one (1) year will be bonded for a period of one year

- (a) Employees attending courses lasting more than one (1) and not more than two (2) years will be bonded for two (2) years.
- (b) Employees attending courses lasting more than two (2) years will be bonded for three (3) years.
- (c) Where an employee under the bond obligation chooses to terminate his services with the Assembly prematurely, he/she will be required to redeem the bond in full which will be an amount equivalent to the total cost of training and total paid monthly salaries plus allowances during the period of the study.

The amount of bond to be redeemed will be depreciated on pro-rata basis in respect to the period of service after resumption of duty.

2.24.9 Officers Attending Short Courses, Seminars and Conferences

Officers attending short courses, seminars, conferences of up to four (4) weeks duration locally or abroad will be regarded to be traveling on duty and will receive allowance applicable as communicated by the Assembly from time to time.

2.24.10 Self-Sponsored Courses

The Assembly shall assist employees with financial means to study for nationally and internationally recognized examinations that are directly relevant to the employees work assignment provided such courses are initially approved by CASB with the advice of the Training Committee through the Clerk. The Assembly shall bear up to 70% of the tuition fees and the balance met by the employee towards meeting the cost of the course.

If at the end of the course the employee passes all the papers for the award of a certificate, the Assembly shall reimburse in full all the balance of the examination and tuition fees.

The Training Committee will administer tuition fees after certifying that the course meets the training needs of the employee based on his present and future work assignment.

Assembly employees undertaking part time classes may be granted paid leave of up to fourteen (14) working days during examination days provided that they obtained prior course approval from the training committee, evidence of the ongoing course and examination timetable are submitted to the Human Resources Manager through the Head of Department

2.24.11 Training Institutions

The Assembly shall make use of local and overseas recognized and approved training institutions both public and private. In an effort to develop employees, the Assembly may also organize local and overseas attachment, study tours, conferences and seminars as may be appropriate.

2.24.12 Long Courses/Short Courses

For the purposes of this policy, a long course will be a full time course lasting over three (3) months, while a short course will be full time but lasting less than three months and trainees will be paid at the applicable rates that will be in force at that time

2.24.13 Research Allowance

a) Academic research

Research is an important component for degrees and it is in recognition of this that trainees are normally paid a research allowance to facilitate this process. It is reiterated that research allowance will be paid to Assembly sponsored trainees on approved degrees. To be eligible for the allowance, a trainee must submit a research proposal approved by the training Institution. The allowances have been categorized according to the field of study and will be paid at the following rates:

Masters	50,000
PhD	80,000

1.

2.24.14 Allowances Payable to Officers Participating in Workshops, Seminars and Retreats

If the workshops, seminars and the retreats are not fully sponsored, the participants will receive night outs as are applicable in the terms of service, but if it is fully sponsored, the participants will only receive out of pocket allowances as applicable to every officer.



2.25 POLICY NO. 23: HIV AND AIDS WORKPLACE POLICY

2.25.1 Policy Statement

The Nyandarua County Assembly acknowledges the seriousness of the HIV and AIDS pandemic and the significant impact of the same in the place of work. Nyandarua County Assembly shares the understanding of HIV and AIDS as chronic and life threatening with psychosocial, economic and human rights implications. The Assembly through its HIV and AIDS committee undertakes to create an environment conducive to the reduction of these implications through comprehensive, proactive HIV and AIDS programs at the place of work and commitment to the provision of leadership in the implementation of such programs. The purpose of this policy is to ensure a uniform and fair approach to effective prevention, care, treatment and support of HIV/AIDS affected and infected employees and their families.

2.25.2 Guiding Principles

Nyandarua County Assembly recognizes that its workers and members of the Assembly are either infected or affected by HIV/AIDS. The Assembly therefore seeks to maintain a workplace environment that encourages and supports HIV prevention and provide treatment, care and support to its employees and members.

The principles that guide this policy are in accordance with the Constitution of Kenya, International Conventions, the ILO Code of Practice on HIV and AIDS, The Government of Kenya HIV and AIDS Policy for the Public Sector, The County Government act, The Employment Act 2007, The Service Commission Act CAP 185; The Factories and Other Places of Work Act CAP. 514. The policy is based on the following principles:

1. HIV and AIDS is a work place issue and should be treated like any other illness/condition in the workplace.
2. Employees and Assembly Members need information regarding HIV and AIDS on how to prevent the spread of HIV, how to protect themselves from infection and on its treatment.
3. The Assembly is committed to helping employees with HIV/AIDS and will do all it reasonably can to provide care.
4. The Assembly is committed to ensuring that employees with HIV/AIDS are not discriminated against in any manner and that all personal information is kept strictly confidential.
5. The Assembly will monitor its HIV/AIDS programs to ensure they are up to date and responsive to the latest information regarding HIV/AIDS.



2.25.3 Scope of Policy

This policy applies to:

- a. Members of staff, their spouses and children below 18years
- b. All Assembly members.

2.25.4 Rationale

HIV and AIDS present the greatest challenge to the development of the County Assembly and have put immense pressure in the workplace. It has led to loss of skilled and experienced manpower due to deaths, loss of man-hours through prolonged illnesses, absenteeism, reduced performance, increased stress, stigma and discrimination among others. Consequently, the Assembly suffers economic loss due to decreased productivity and increase in health care costs.

As a result of the negative impact of HIV and AIDS in the workplace, the Assembly as a major employer has the challenge to provide a policy framework for the prevention, treatment, care and support of the infected and affected.

So far, there has been no comprehensive workplace policy to guide the Assembly members and employees to address HIV and AIDS issues. There is therefore need to develop a clear, consistent, coherent and harmonized policy framework on HIV and AIDS.

This policy not only demonstrates the assembly's concern and commitment in taking concrete steps in management of HIV and AIDS pandemic, but also provides guidance on the development of the Assembly's specific workplace policies.

2.25.5 Procedures

1. Prevention

a) Education and training

Through education and dissemination of information, the Assembly desires to influence attitudes, change of behaviors and help in the prevention of HIV and promote the overall health of its members. The assembly will initiate a peer education program to inform and educate its employees and Assembly members on HIV and AIDS prevention, care and support. The Assembly will build the capacity of its service providers and update their knowledge on new and emerging areas of HIV/AIDS.

b) Voluntary Counseling and Testing (VCT)

In order to promote preventive practices for its workers, the Assembly strongly encourages all its employees and Assembly members to know their HIV status through Voluntary Counseling and Testing. The Assembly will make available VCT services to its members and employees.

c) Condoms

The Assembly will avail male and female condoms and educate people on their proper use and disposal.

d) Sexually Transmitted Infections (STI)

The Assembly encourages all its workers and Assembly members to seek early and prompt treatment of STIs.

e) Prevention of Mother to Child Transmission (PMTCT)

Nyandarua County Assembly encourages its employees, Assembly members or spouses to access antenatal care services in clinics that provide PMTCT services. The Assembly will collaborate with other partners in the provision of PMTCT services to its employees and Assembly members.

f) Community Outreach

For the well-being of its people and the communities in Nyandarua, the Assembly will encourage community outreach HIV/AIDS education, information and other services through ward leaders. The Assembly will participate in commemorating appropriate International days such as World Health Day, World TB day and World AIDS Day.

2.25.6 Treatment, Care and Support

a) Supportive Counseling for HIV positive employees and Assembly members.

Employees who are HIV positive will be provided with counseling services to encourage them to cope with the status.

b) Opportunistic Infections:

The Assembly encourages infected employees to seek early treatment. Coverage of this medical condition will be treated similar to other medical conditions.

c) ART:





It has been proven that provision of ARV to HIV infected individuals helps to prolong their lives and enable them to live productive lives. Employees who require and meet the criteria for ARVs are encouraged to seek this service at government health institutions.

2.25.7 Stigma and Discrimination



Discrimination and stigmatization of people living with HIV/AIDS inhibits efforts aimed at promoting HIV/AIDS prevention and care. All employees will be treated equally regardless of their HIV status. This shall extend to job advancement opportunities, training opportunities, medical cover, social inclusion, isolation and any other matters pertaining to terms and condition of service.

Members of staff infected or perceived to be infected by HIV/AIDS will be protected from stigmatization and discrimination by management, co-workers, the union or the customers.

Grievances related to HIV/AIDS will be addressed by the management according to the laid down grievance procedures.

2.25.8 Privacy and Confidentiality

No employee shall be compelled to disclose his or her HIV status. In cases where employees with HIV inform Management of their situation, then all reasonable precautions will be taken to ensure confidentiality and the employees' right to disclosure will be observed.

Access to personal data relating to a worker's HIV status will be bound by the rules of confidentiality.

2.25.9 Gender and HIV/AIDS

The Assembly recognizes that HIV and AIDS affects and impacts on women and men differently. Women tend to be more adversely affected by HIV/AIDS. Sexual abuse is one of the risk factors for HIV/AIDS among women. To this end, there shall be zero tolerance to sexual harassment, abuse and exploitation in the Nyandarua County Assembly. The vices will be treated as gross misconduct and where proven, will lead to disciplinary action.

2.25.10 Job Security and Reasonable Accommodation

HIV and AIDS tests will not be required of job applicants or employees.

Access to Assembly benefits, education opportunities, promotions, transfers and job security will not be affected by a persons' known or assumed HIV/AIDS status.

Employees living with HIV/AIDS will continue to work as long as they are able to perform their duties.



The Assembly will take measures to extend reasonable accommodation to employees with HIV/AIDS related illnesses. These could include:

- i. Rearrangement of working time
- ii. Opportunities for rest breaks.
- iii. Time off for medical appointments
- iv. Flexible sick leave.
- v. Part time work and return to work arrangements.



Where an employee is too ill to continue to work (due to HIV /AIDS or non-related illness) and where alternative working arrangements including extended sick leave have been exhausted, the employment relationship may cease in accordance with anti-discrimination labor laws and Assembly policies and procedures.

On humanitarian grounds the Assembly will expedite the processing of the final dues for such individuals.

2.25.11 Management and Coordination

The Assembly Clerk is responsible and accountable for implementing the appropriate HIV/AIDS programmes and practices within the Assembly. The Assembly Clerk will also take immediate and appropriate collective action when provisions of this policy are violated. The Assembly Clerk shall appoint a HIV/AIDS Programme Coordinator and HIV/AIDS Committee.

The role of the HIV and AIDS Programme Coordinator will be to:

- i. Secretary of the HIV and AIDS Control Committee.
- ii. Manage day to day activities of the HIV and AIDS programmes of the Assembly.
- iii. Submit progress reports on a monthly basis to the Assembly Clerk's office, which will be tabled to the County Assembly Service Board.
- iv. Collect data from the service delivery points for compilation in the monthly reports.
- v. Support and supervise the programme volunteers.
- vi. Carry out capacity building for the programme.

The role of the committee will be to:



- i. Communicate the policy to all staff and Assembly members
- ii. Mobilize/coordinate HIV/AIDS interventions in all sections
- iii. Implement, monitor and evaluate the Assembly's HIV/AIDS programme
- iv. Advise management regarding programme implementation and progress
- v. Liaise with local AIDS service organizations and other resource persons in the community.
- vi. Create a supportive and non-discriminatory working environment.
- vii. Liaise with local and international AIDS serving organizations
- viii. Mobilize resources.
- ix. Play leadership role in advocacy for the prevention of spread and provision of care and support to those infected and affected by HIV and AIDS.

2.25.12 Monitoring and Evaluation

The assembly clerk shall ensure that the implementation of this policy is regularly monitored and reviewed. The HIV and AIDS Coordination Committee will develop appropriate indicators and time frame for monitoring and evaluation of the policy and programme. This policy will be reviewed from time to time to ensure it is relevant to the needs of Nyandarua County Assembly.

All heads of department shall establish and maintain communication channels to enable employees raise concerns and grievances and access support relating to HIV and AIDS.

2.26 DISABILITY POLICY

2.26.1 Policy Guideline

The Assembly is committed to addressing the barriers that exclude persons with disabilities from full and equal participation in its operations as per the provisions of the Persons with Disabilities Act of 2003. The Assembly will facilitate the work environment to suit the needs of persons with disabilities.

The Assembly will endeavour to work with institutions that champion needs of persons with disabilities. This will be geared towards facilitating persons with disabilities at the Assembly for purposes of enhancing their productivity and accommodating their requirements as far as the work environment is concerned.

The Assembly is committed in implementing initiatives in relation to persons with disabilities at the work place that may include:

- a. Re-organizing work stations;
- b. Adapting existing facilities to make them accessible;
- c. Providing requisite facilities and equipment where possible;
- d. Providing specialized supervision, training and support;
- e. Affirmative Action during recruitment and selection processes.

2.26.2 Guidelines for the Employment of People with Disabilities

The Assembly recognizes its social obligation in providing equal opportunities in employment and facilities for persons with disabilities. Candidates seeking employment and who have disabilities will be considered solely on their ability to do the job.

Any special needs concerning work or the working environment would where possible be adjusted to meet the needs of the person with disability.

The Assembly will endeavour to develop skills and potential of employees with disabilities to the full and offer them training and promotion opportunities in accordance with their abilities and policy in force.

2.27 GENDER MAINSTREAMING POLICY

The Assembly will put in place a Gender Mainstreaming Policy. The aim of this policy will be to ensure empowerment and mainstreaming the needs of women and men in the Assembly so that they can participate and benefit equally from opportunities for career growth and development. In addition, the policy recognizes that gender is central and cross-cutting, and therefore, programme strategies will incorporate gender equality as a goal. To achieve these, mechanics aimed at achieving gender balanced development through the removal of disparities between men and women will be put in place. It also underscores social, cultural, legal, and political factors that perpetuate inequalities

2.28 SEXUAL HARASSMENT POLICY

In compliance to section 6(2) of the Employment Act (2007), Every employee of the Assembly is entitled to employment that is free of sexual harassment. The Assembly seeks to eliminate sexual harassment through education and by encouraging employees, interns and attachees to report concerns or complaints. Prompt corrective measures will be taken to stop sexual harassment whenever it occurs.

The Assembly will not disclose the name of a complainant or the circumstances related to the complaint to any person except where disclosure is necessary for the purpose of investigating the complaint or taking disciplinary measures in relation thereto.

2.28.1 Definition of sexual harassment

- i) Any unwanted physical, verbal or visual request for sexual favors, and other sexually oriented conduct which is offensive or objectionable to the recipient, including, but not limited to: epithets, derogatory suggestive comments, slurs or gestures and offensive posters, cartoons, pictures, or drawings, off-color jokes, fondling, belittling comments, touching, brushing against, offensive staring etc
- ii) Any conduct of a sexual nature that is perceived to be embarrassing, demeaning or compromising to the individual in the workplace.

2.28.2 Procedure for Handling Sexual Harassment Complaints

- i. Employees can bring forward complaints of sexual harassment through the grievance procedure
- ii. Hearings will be conducted fairly with both parties given equal opportunity to put their case forward
- iii. Complaints on sexual harassment will be handled confidentially and with sensitivity and due respect to both parties
- iv. Care will be taken to protect the careers and reputations of both parties
- v. Sexual harassment is a gross misconduct and where the offender is guilty, he/she will be liable to disciplinary action that includes but not limited to the following:
 - a) Oral or written caution or warning
 - b) Suspension
 - c) Counseling
 - d) Discharge from service
- vi. The disciplinary action(s) imposed will be determined on the basis of the facts of each case and the extent of harm to both individual's and Assembly's interests.