

PAPER LAID

The following Paper will be laid on the Table of the assembly, today Thursday 31st October, 2013.


THE REPORT OF THE COMMITTEE ON LABOUR AND SOCIAL WELFARE ON THE VETTING OF THE FOLLOWING NOMINEES:-

- | | | | |
|-------|-----------------------------|---|-----------------|
| (I) | Ms. Meshack J R Guto | - | Board Secretary |
| (II) | Ms. Charity Seleina Kasotu | - | Board Member |
| (III) | Ms. Vesca Jepkemboi Kangogo | - | Board Member |

(Chairperson – Sectoral Committee on Labour and Social Welfare)

Copies to:

The Speaker
The Clerk
Hansard Editor
Hansard Reporters
The Press

Approved
Speaker


31/10/2013



*Paper for
31/10/13
-con. October
H. Ilce*

NAIROBI CITY COUNTY ASSEMBLY

FIRST ASSEMBLY - FIRST SESSION

**FOURTH REPORT OF THE
COMMITTEE ON LABOUR AND SOCIAL WELFARE**

ON

**THE VETTING OF THE NAIROBI CITY COUNTY PUBLIC SERVICE
BOARD NOMINEES**

OCTOBER, 2013

TABLE OF CONTENTS

PAGE

1.0	PREFACE.....	3-6
2.0	BACKGROUND.....	7
2.1.	Establishment of the Committee on Labour & Social Welfare.....	7
2.2.	Appointment process of the County Public Service Board nominees.....	7-8
3.0	VETTING OF COUNTY PUBLIC SERVICE BOARD NOMINEES.....	8
3.1	Ms.Veska Jepkemboi Kangogo.....	8 - 10
3.2	Ms. Charity Seleina Kisotu	10 - 11
3.3	Mr. Meshack J. R. Guto	11 - 12
4.0	COMMITTEE'S OBSERVATIONS.....	13 - 18
5.0	COMMITTEE'S RECOMENDATIONS.....	19

APPENDICES

- (i) Appendix (1) -Correspondence
(KRA, HELB, Ethics & Anti-Corruption Commission)
- (ii) Appendix (2)
Minutes
- (iii) Appendix (3) – Curriculum Vitae and Certificates
Annex (1) – Ms. Vesca Jepkemboi Kangogo
Annex (2) – Ms. Charity Seleina Kisotu
Annex (3) – Mr. Meshack J. R. Guto

1.0 PREFACE

On behalf of the Members of the Committee on Labour and Social Welfare and pursuant to the provisions of Section 58(1) of the County Governments Act and Standing Order No. 191, it is my pleasure and duty to present to the House, the Committee's Report on the vetting of the Secretary and Members of the County Public Service Board nominees.

Committee Membership

The Committee on Labour and Social Welfare was constituted by the House on Tuesday 7th May, 2013, with eight additional members joining the Committee on Wednesday 28th August, 2013. The Committee comprises of the following Members:-

1. Hon. Wilson Ochola, MCA - CHAIRMAN
2. Hon. Alfred Ambani, MCA – VICE CHAIRMAN
3. Hon. Elizabeth Manyala, MCA
4. Hon. Peter Isuha Vukindu, MCA
5. Hon. Dan Mutiso, MCA
6. Hon. John Waweru Kinuthia, MCA
7. Hon. Peter Wanyoike, MCA
8. Hon. Fredrick N. Njogu, MCA
9. Hon. Anthony Kiragu Karanja, MCA
10. Hon. Sam Nyangwara, MCA
11. Hon. Asha Abdi Sosso, MCA
12. Hon. Rose Ogoda, MCA
13. Hon. Alexina Mudi, MCA
14. Hon. Marion Githinji, MCA
15. Hon. Rosemary Macharia, MCA
16. Hon. Christine Abuto, MCA
17. Hon. Mohammed Abdi, MCA

Committee mandate

The Committee on Labour and Social Welfare is one of the Sectoral Committees established under Standing Order No. 191 (5) (f) which provides that, *the functions of a sectoral committee shall be to-*

“to vet and report on all appointments where the constitution or any law requires the County Assembly to approve, except those under Standing order 185 (Committee on Appointments).

Nomination of Members of the County Public Service Board

Pursuant to Section 58 of the County Governments Act, H.E. the Governor, forwarded to the Speaker of the County Assembly, the names of the following four (4) nominees vide letters dated 6th and 7th May, 2013 for vetting by the Committee on Labour and Social Welfare and consideration for approval by the County Assembly for appointment as Members and secretary of the County Public Service Board.

	Nominee	Position
1.	Ms. Vesca Jepkemboi Kangogo	Member
2.	Ms. Charity Seleina Kasotu	Member
3.	Mr. Meshack J. R. Guto	Secretary

On Tuesday 1st October, 2013, the Honourable Speaker in a message to the Assembly, informed the Assembly that he had received the name of the said nominee and directed that the name and Curriculum Vitae of the said nominee be referred to the Committee on Labour and Social Welfare for vetting and reporting to the House.

Committee meetings

The Committee held four sittings one of which Mr. Leboo Ole Morintat appeared before the Committee on Labour and Social Welfare and was vetted in accordance with the provisions of the County Governments Act for appointment as Chief Officer, Public Service Management.

On behalf of the Committee on Labour and Social Welfare, I have the honour and pleasure to present the Committee's Report on the nominee for appointment as Chief Officer, Public Service Management of the Nairobi City County. May I take this opportunity to thank all Members of the Committee for their input and valuable contributions during the deliberations and vetting of the said nominee.












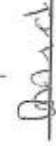




Thank you.

Signed


Hon. Wilson Ochola, MCA
Chairperson Committee on Labour and Social Welfare

Date 31/10/2013

COMMITTEE MEMBERS

	Signature
1. Hon. Alfred Ambani, MCA – VICE CHAIRMAN	
2. Hon. Elizabeth Manyala, MCA	
3. Hon. Peter Isuha Vukindu, MCA	
4. Hon. Dan Mutiso, MCA	
5. Hon. John Waweru Kinuthia, MCA	
6. Hon. Peter Wanyoike, MCA	
7. Hon. Fredrick N. Njogu, MCA	
8. Hon. Anthony Kiragu Karanja, MCA	
9. Hon. Sam Nyangwara, MCA	
10. Hon. Asha Abdi Sosso, MCA	
11. Hon. Rose Ogoda, MCA	
12. Hon. Alexina Mudi, MCA	
13. Hon. Marion Githinji, MCA	
14. Hon. Rosemary Macharia, MCA	
15. Hon. Christine Abuto, MCA	
16. Hon. Mohammed Abdi, MCA	

BACKGROUND

2.1 ESTABLISHMENT OF THE COMMITTEE ON LABOUR AND SOCIAL WELFARE

The Committee on Labour and Social Welfare is one of the Sectoral Committees established under Standing Order No. 191 with the mandate to vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing order 185 (Committee on Appointments).

2.2 APPOINTMENT PROCESS OF THE PUBLIC SERVICE BOARD NOMINEES

- (i) Pursuant to Section 58 of the County Governments Act, H.E. the Governor, forwarded to the Speaker of the County Assembly, the names of the three (3) nominees vide letters dated 24th June, 2013 for vetting by the Committee on Labour and Social Welfare and consideration for approval by the County Assembly for appointment as members of the County Public Service Board.
- (ii) On 27th August, 2013, the Honourable Speaker in a message to the Assembly, informed the Assembly that the Speaker of the County Assembly had received the names of the said three (3) nominees and directed that the names and Curriculum Vitae of the said nominees be referred to the Committee on Labour and Social Welfare for vetting and reporting to the House soonest.
- (iii) The public was expected to participate in the vetting process through submission of memoranda (affidavits) on the suitability or otherwise of the nominees. On Friday 6th September, 2013 the Clerk of the County Assembly placed an advertisement in the print media inviting the public to submit memoranda by Friday 13th September 2013 on the suitability or otherwise of the said three (3) nominees. No memoranda were received from the

public

3.0 VETTING OF THE PUBLIC SERVICE BOARD NOMINEES

In conducting the vetting process, the Committee on Labour and Social Welfare examined the nominees against the following criteria, amongst others;

- (i) Academic qualifications
- (ii) Employment record
- (iii) Professional affiliations
- (iv) Potential conflict of interest
- (v) Knowledge of the relevant subject
- (vi) Overall suitability for the position
- (vii) Tax compliance
- (viii) Integrity

During its Sittings held on Monday 16th September, 2013, at the Council Chambers, the Committee orally interviewed the three (3) nominees for appointment as Public Service Board nominees. The Minutes of the vetting proceedings are attached (*Annex 2*).

3.1 MS. VESKA JEPKEMBOI KANGOGO - NOMINEE FOR POSITION OF MEMBER OF THE COUNTY PUBLIC SERVICE BOARD -

Ms. Veska Jepkemboi Kangogo appeared before the Committee on Monday 16th September, 2013. She stated to the Committee that;

- (i) She has a rich background and experience in industrial relations having worked at senior positions in H.R Management in various considerably large organizations. She also has had much exposure in dealing with the unions of the defunct Local Authorities while working at LAPFUND. She

will ensure to carry on these good practices gained in the field to the Board as a member.

- (ii) Having been the Quality Manager during the development of LAPFUND's Quality Management System (QMS), the skills and experiences acquired will be helpful to the Board as it sets up new systems in line with the new Constitution and the County Governments Act. She further stated that being a consultant at Prevention of Corruption in Institutions, she would add value to the Institution in its fight against corruption.
- (iii) The role of the Board will be to come up with policies and communicate them to the staff. Allow the management and staff space to perform their tasks and carry out evaluation. The success of the Board would be seen by the collective responsibility of all.
- (iv) Her priority areas would be to seek the answer to the question "what hinders the effective and efficient performance of the staff?" and to look into previous reports and recommendations on the same. She would also seek for the review of mechanisms so that the Institution is not reactive but becomes proactive. She would also seek that an effective performance management system is put in place to aid in reporting and accountability; and the building of capacity in those charged with Human Resource Management.
- (v) It is necessary for the Boards' performance to be evaluated and appraised on the level of the Boards ability to meet its mandate and being able to work as a cohesive team.
- (vi) She would be available to serve the Board and the County with passion and give adequate time to complete assigned tasks and deliver.

- (vii) Low morale is experienced by staff in many organizations and not just Nairobi County. However as a Board it would be prudent to ensure considerable improvement in the work environment over time, invest in employee participation in decision making and review of programmes that contribute to the low morale and attitude amongst the workforce.
- (viii) A realistic audit should be carried out to determine the exact numbers and whether there was indeed a bloated workforce. The various supervisors should be made to account for the staff under them and exactly what duties they perform.
- (ix) The Board should come up with a policy that governs the issue of minorities and the disabled in the workplace to ensure that all Kenyans are accorded equal opportunity and are not subjected to any form of discrimination.

3.2 MS. CHARITY SELEINA KISOTU - COUNTY PUBLIC SERVICE BOARD MEMBER NOMINEE

Ms. Charity Seleina Kisotu appeared before the Committee on Monday 16th September, 2013. She stated to the Committee that;

- (i) Having skills and exposure in Corporate Governance, Financial Management and Public Administration she will bring invaluable skills to the Board as they set up and formulate policies in the various areas.
- (ii) She has no integrity issues and the Kenya Police had cleared her on the same.

- (iii) She is suitable for the position as she has previously been a part of the team implementing devolution and so knows what devolution should be about; as the Chairperson of the 1st ranked parastatal, Kenya Wine Agencies, she will bring the leadership demonstrated at the Institution to enable the County progress further.
- (iv) On the role of the County Public Service Board under the County Governments Act is to establish and abolish offices in the County, appoint officers in the offices, and exercise disciplinary control.
- (v) In order to deal with the poor work ethic of some of the workforce, it is important to put in place a mentoring programme and encourage training amongst the staff. A job evaluation will also need to be carried out to match employee skills with the duties performed.
- (vi) Low morale and attitude can be sorted out through culture change trainings; initiation of programmes that will improve motivation and show appreciation for example sponsorship for trainings and workshops; conduct performance appraisals and encourage and reward hard work.
- (vii) The role of the Board is to provide oversight and policy frameworks for the management while the management as implementers of the policies should be given adequate space to work.

3.3 MR. MESHACK J. R. GUTO - SECRETARY COUNTY PUBLIC SERVICE BOARD NOMINEE

Mr. Meshack Guto appeared before the Committee on Labour & Social Welfare on 16th September, 2013. He stated to the Committee as follows;

- (i) His experience spanning over twenty years as a Company Secretary will help set up structures and provide effective secretariat services to the Board. Further, as a lawyer his professional expertise will enable him give legal services and advice to the Board whenever needed, noting that the County Public Service Board is a Body Corporate able to sue and be sued in its own name.
- (ii) He is passionate about public service, especially corporate governance and will ensure that what he has learnt over the years in the field will be beneficial to Nairobi County. He is willing to work fulltime or part time depending on the demands of the job, even though the County Governments Act states that the job may be part time.
- (iii) The role of the Board will be to establish and create offices needed for the performance of county functions and abolish those that are no longer needed, following the laid down provisions; promote discipline amongst staff; manage the development of the human resource capital and ensure compliance with the provisions of Articles 10 and 232 of the Constitution of Kenya 2010.
- (iv) In order to deal with the perception of a bottom heavy unskilled workforce it will be prudent for the Board to conduct a thorough job evaluation, develop job specifications and do a right placement of the staff. This will ensure that staff are placed according to the level of their skill and have adequate duties commensurate to those skills.
- (v) In order to improve the low morale of the workforce, in his opinion, the Board should look into issues such as staff compensation – equal pay for equal work; promotions based on merit and carried out at determined time periods; rewards based on merit; ensuring the provisions of the Constitution are adhered to, for example non- discrimination.

- (vi) In order to avoid role overlaps with the executive, it would be necessary for the Board to as soon as possible draw up a Board Charter laying out the responsibilities of the Board to solve areas of potential overlap and conflict between the Board and the executive. An Operations manual for the Board laying out step by step operations of all Board functions will also be key to effective performance by the Board members.
- (vii) Five years from now his vision would be that the Board will be able to steer the County to compete internationally in service delivery but this will be dependent on the management and staff willingness to adhere to and perform their duties as laid down by relevant legislation; that tax payers get value for money; ensure that there are written down policies and expected standards which are communicated to all staff and followed by all; that equality and equity as guaranteed by the Constitution are practiced. That in five years he will be surrounded by a workforce of workers willing to work on their own persuasion.
- (viii) As a certified and practicing arbitrator he will seek for other ways of resolving conflicts with the unionizable staff outside of the courts as this should always be the last resort.

4.0 COMMITTEE'S OBSERVATIONS

4.1 COUNTY PUBLIC SERVICE BOARD NOMINEE FOR POSITION OF MEMBER – MS. VESCA JEPKEMBOI KANGOGO:-

The Committee having considered his curriculum vitae and heard her oral submission during the vetting exercise/interview, made the following observations:-

- (i) She is a holder of a Masters of Business Administration Degree from Kenya Methodist University; a Bachelors Degree in Education from Kenyatta University;

Higher National Diploma in Human resource management from Kenya Polytechnic and is undertaking CPS currently completed section IV.

- (iii) She is currently the Business Development and Technical Director at Three Sixty Management Consultancy.
- (ii) She has previously worked as Corporate Affairs and Marketing Manager, having risen from Human Resource and Administration Manager, at the Local Authorities Provident Fund (LAPFUND). She also worked at KBC for five years as a Human Resource Officer.
- (iii) She has attended several special courses and seminars namely – Corporate Governance Course for Directors; ISO Lead Auditors Training (KEBS); Brand and product/ service Management; Performance Contracting; Integrity Assurance Officers Course, amongst others.
- (iv) Has never been charged in a Court of Law, has no potential conflict of interest, and has fully complied with her tax obligations.
- (v) Has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution which deals with conduct of state officers that are adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.

(viii) The Committee found the nominee suitable for appointment as a Member of the County Public Service Board.

4.2 NOMINEE FOR POSITION OF MEMBER OF COUNTY SERVICE BOARD – MS. CHARITY SELEINA KASOTU

The Committee having considered her curriculum vitae and heard her oral submission during the vetting exercise/interview, made the following

observations:-

- (i) She is a holder of an MBA in Finance from Moi University, is a CPA (K); holds a Bachelors Degree in Education from Catholic University. She is the chairperson of the Board of Kenya Wines Agency (KWAL); and is a consultant at Toppers Management Consultancy. She previously worked as an acting chief accountant at the National Water Corporation and also taught at Musa Gitau Secondary School.
- (ii) She has attended various courses and seminars including Financial Management Training (ESAMI); Strategic Training; Health and Safety Training.
- (iv) Has never been charged in a Court of Law, has no potential conflict of interest, and has fully complied with her tax obligation.
- (v) Has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution which deals with conduct of state officers that are adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
- (vi) The Committee recommended that the nominee be re- invited to make further submissions on areas which they felt were not satisfactorily answered.

The nominee was re-invited and appeared before the Committee on Thursday 10th October, 2013.

- a) She was asked to enumerate the functions of the County Public Service Board to which her response was; promote the values and principles contained in Articles 10 and 232 of the Constitution amongst the staff; advise the County Government on Human Resource management; exercise disciplinary control; establish and abolish offices in the County Public

Service; prepare and submit regular reports to the County Assembly; and make recommendations to the Salaries and Remuneration Commission on behalf of the County Government; amongst other roles.

- b) On being a member of two boards, the one to which she was being proposed and the Board Chairperson of Kenya Wine Agencies Limited (KWAL), Ms Kisotu responded that she was a non-executive Chairperson of the Board of KWAL, where they met once quarterly to evaluate whether the organizations performance contract was being implemented by the management; liaise with the Chief Executive Officer in order to maintain a good working relationship and to consult.
- c) She is good in the Swahili language and would be able to effectively communicate with all staff including those not fluent in English.
- d) On her contribution to the betterment of society and the less fortunate Ms Kisotu told the Committee that she is currently educating two young girls who have been neglected by their families. She has also assisted a community based organization in writing proposals that have enabled them get funding to educate Maasai girls.
- e) The Committee found the nominee suitable for appointment as a Member of the County Public Service Board.

4.3 NOMINEE FOR POSITION OF SECRETARY OF COUNTY PUBLIC SERVICE BOARD – MR. MESHACK J. R. GUTO.

The Committee having considered his curriculum vitae and heard his oral

submission during the vetting exercise/interview, made the following observations:-

- (i) He is a holder of a post graduate diploma in Law from the Kenya School of Law and a Bachelor of Laws Degree from the University of Nairobi. He is a Certified Public Secretary of Kenya (CPS-K). He holds memberships in various professional bodies i.e. Law Society of Kenya, Institute of Certified Public Secretaries [ICPS (K)], Chartered Institute of Arbitrators and the Institute of Directors.
- (ii) He is currently practicing law at his private legal practice of Guto and Company Advocates. Previously he worked for Mumias Sugar Company as Company Secretary retiring after a period of twenty (20) years; and before then worked as a legal officer at the Kenya Industrial Estates, prior to which he was an Assistant Secretary at the Ministry of Foreign Affairs.
- (iii) Has never been charged in a Court of Law; does not envisage conflict of interest, but in the event of any will declare his interest and exclude himself from the deliberations; he has fully complied with his tax obligation.
- (iv) Has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution which deals with conduct of state officers that are adversely mentioned in any investigatory report of Parliament or any Commission of Inquiry.
- (vii) The Committee recommended that the nominee be re- invited to make further submissions on areas which they felt were not satisfactorily answered.

The nominee was re-invited and appeared before the Committee on Thursday 10th October, 2013.

- a) He submitted to the Committee that he has since been able to resolve the issue with the Higher Educations Loans Board (HELB) and was issued with a certificate of clearance. Monthly deductions were made by his then employer and remitted to the HELB. However, during that time the records were kept manually there were remittance entries that were omitted. As far as he was concerned he had completed repaying the loan unknown to him that there were amounts that had not been reconciled. He had since done the reconciliations with HELB, and a clearance certificate issued. He availed the certificate to the Chairman of the committee for verification.
- b) On the issue of his age, the nominee responded that based on the County Governments Act and the advertisement for the post, he felt he met all the relevant requirements and qualification for the position. There was also no mention of affirmative action in the advertisement, giving special preference to any group. He felt that based on this he merited nomination for the position.
- c) The Committee found the nominee suitable for appointment as Secretary of the County Public Service Board.

5.0 COMMITTEE'S RECOMMENDATIONS

Pursuant to section 58 of the County Governments Act and Standing Order No. 42 and 191 (5), the Committee recommends that:-

This Assembly approves the following three (3) nominees for appointment by H.E. the Governor as Secretary and members of the County Public Service Board respectively;

- 1) Mr. Meshack J. R. Guto
 - 2) Ms. Veska Jepkemboi Kangongo
 - 3) Ms. Charity Seleina Kisotu
-