

NAIROBI CITY COUNTY GOVERNMENT



NAIROBI CITY COUNTY ASSEMBLY  
(SECOND ASSEMBLY- SECOND SESSION)

*paper laid on  
Wed 5/12/18  
@ 2.30pm.  
D/Clerk  
5/12/18*

*Report agreed to  
on Wed. 20/3/2019.  
AAOmyer  
D/C  
19/3/19.*

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REPORT OF THE SECTORAL COMMITTEE ON LABOUR AND SOCIAL WELFARE ON THE  
INQUIRY REGARDING THE OPERATIONS OF THE COUNTY PUBLIC SERVICE BOARD  
SPECIFICALLY ON EMPLOYEE MANAGEMENT

Clerks Chambers  
Nairobi City County Assembly  
City Hall Buildings  
NAIROBI

NOVEMBER, 2018

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## 1.0 PREFACE

### Hon. Speaker,

The Sectoral Committee on Labour and Social Welfare is one of the Sectoral Committees established under Standing Order 203. The Committee is mandated under the 3<sup>rd</sup> Schedule of the Standing Orders to *investigate, inquire into and report on all matters related to labour, trade union relations, manpower or human resource planning; County Public Service; gender and social welfare, youth.*

## MEMBERSHIP OF COMMITTEE

The Committee on Labour and Social Welfare comprises the following Members:

- |  |                  |
|--|------------------|
| 1. Hon. Peter Wanyoike Gitau, MCA      | Chairperson      |
| 2. Hon. Geoffrey Ng'ang'a Mbuthia, MCA | Vice Chairperson |
| 3. Hon. Fuad Hussein Mohammed, MCA     |                  |
| 4. Hon. Rose Adhiambo Ogonda, MCA      |                  |
| 5. Hon. Antony Ng'ang'a Gatune, MCA    |                  |
| 6. Hon. Peter Wahinya Kimuhu, MCA      |                  |
| 7. Hon. Wilson Ongele Ochola, MCA      |                  |
| 8. Hon. John Ng'ang'a Mukiri, MCA      |                  |
| 9. Hon. Anthony Kimemia, MCA           |                  |
| 10. Hon. Jared Akama, MCA              |                  |
| 11. Hon. Evans Otiso, MCA              |                  |
| 12. Hon. Eve Malenya, MCA              |                  |
| 13. Hon. Mary Njambi, MCA              |                  |
| 14. Hon. Laurah Mwende, MCA            |                  |
| 15. Hon. Beatrice Waithera, MCA        |                  |
| 16. Hon. Esther Nyangweso, MCA         |                  |
| 17. Hon. Susan Makungu Kavaya, MCA     |                  |
| 18. Hon. Eunice Wanjiku Marimbi, MCA   |                  |
| 19. Hon. Margaret Wanjiru Mbote, MCA   |                  |

**Hon. Speaker,**

On behalf of the Members of Sectoral Committee on Labour and Social Welfare, it is my pleasant duty and privilege to present the Committee's Report on the inquiry that was conducted in order to seek justice for officers in the County Executive who have been dismissed from work unlawfully.

#### **APPRECIATION**

**Hon. Speaker,**

The Sectoral Committee on Labour and Social Welfare wishes to thank the offices of the Speaker and the Clerk of the Nairobi City County Assembly for the support extended to it in the conduct of this inquiry.

Further, the Committee extends its gratitude to the Secretariat for their contributions during and after the investigation and compilation of this report.



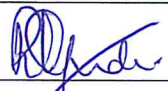
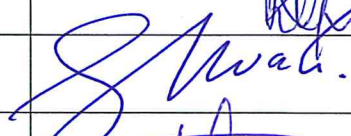
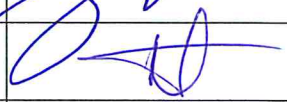






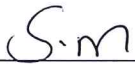
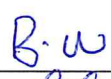
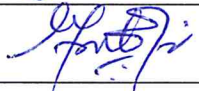


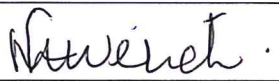

Finally, I sincerely thank the Members of the Sectoral Committee for their commitment during the inquiry which contributed immensely to the compilation of this report.

SIGN.....

DATE...4/12/18.....

**HON. PETER WANYOIKE, CHAIRPERSON**  
**SECTORAL COMMITTEE ON LABOUR AND SOCIAL WELFARE**

# COMMITTEE MEMBERS SIGNATURES FOR ADOPTION OF REPORT

NO	NAME	SIGNATURE
1	Hon. Peter Wanyoike Gitau, MCA	
2	Hon. Geoffrey Ng'ang'a Mbuthia, MCA	
3	Hon. Rose Adhiambo Ogonda, MCA	
4	Hon. Peter Wahinya Kimuhu, MCA	
5	Hon. John Ng'ang'a Mukiri, MCA	
6	Hon. Wilson Ongele Ochola, MCA	
7	Hon. Evans Otiso, MCA	
8	Hon. Jared Akama, MCA	
9	Hon. Antony Kimemia, MCA	
10	Hon. Fuad Hussein Mohamed, MCA	
11	Hon. Antony Ng'ang'a Gatune, MCA	
12	Hon. Susan Makungu Kavaya, MCA	
13	Hon. Beatrice Waithera Gakuru, MCA	
14	Hon. Margaret Wanjiru Mbote, MCA	
15	Hon. Esther Nyangweso, MCA	
16	Hon. Eve Malenya, MCA	
17	Hon. Laurah Mwende, MCA	
18	Hon. Eunice Wanjiku Marimbi, MCA	
19	Hon. Mary Njambi Njuguna, MCA	



## **2.0 INTRODUCTION**

**Hon. Speaker,**

The Committee received two Statements; one from Hon. Peter Warutere regarding the operations of the County Public Service Board specifically on employee management and the other from Hon. Godfrey Majiwa regarding the disciplinary procedures of the County Public Service Board (CPSB) specifically on employee management.

In the Statements, the Members requested the Committee Chairperson to inquire into and report on:

- i. Reasons for the delays by the County Public Service Board in re-instituting employees whose appeals are successful such as Mr. James Hillary Wambugu of PIN No. 19760000173, Mr. James Muhindi Njogu of PIN No. 199100111595 and Mr. Tom Elisha Odera of PIN No. 19910000930;
- ii. Table the Board's internal procedures document(s) on disciplinary procedures and measures the Board has taken or is taking to ensure smooth handling of all claims and counter claims in work disputes; and
- iii. Measures taken against Board members or persons flouting labour laws and laid down procedures in handling of employee related disputes.
- iv. Why the Board has refused to reinstate the affected employees whose appeals are successful such as Ms. Mary Githara of PIN No. 19020; and
- v. What consequences, if any, has the Board or its membership suffered for derailing the course of justice or flouting labour laws and laid down procedures in handling of employee related disputes.

**Hon. Speaker,**

The Committee wrote to the County Public Service Board on various dates inviting them for meetings to enable them to furnish the Committee with responses to Statements requested by the said Members.

The County Public Service Board appeared before the Committee to submit their oral and written responses to the Statements but the Committee was dissatisfied with the responses given as it appeared that there was bias in handling disciplinary cases involving the above-mentioned employees. It is on this background that the Committee resolved to conduct an inquiry in order to investigate the Board's internal procedures on disciplinary cases involving the four officers and three others.

### **3.0 THE INVESTIGATION**

#### **3.1 Mr. James Hillary Wambugu, Mr. James Muhindi Njogu, Mr. Tom Elisha Odera, Mr. Jairus Gekonge Basweti, Mr. Alipaz Muteti Ndambuki and Mr. Peter Mwatu Mwaka**

**Hon. Speaker,**

The County Public Service Board informed the Committee that Mr. James Hillary Wambugu of PIN No. 19760000173, Mr. James Muhindi Njogu of PIN No. 199100111595, Mr. Tom Elisha Odera of PIN No. 19910000930, Mr. Jairus Gekonge Basweti of PIN No. 19890004878, Mr. Alipaz Muteti Ndambuki of PIN No. 19890004716 and Mr. Peter Mwatu Mwaka of PIN No. 19970002996 were issued with interdiction letters on 8th July 2016 which stated that concerns were raised due to the continued state of lawlessness within the City of Nairobi including certain officials of the County Inspectorate team who were receiving bribes to abet lawlessness and disorder, the wanton dumping of garbage, illegal use of parking bays by matatus and continued presence of boda bodas within the CBD; and the presence of hawkers in the city streets. The officers responded to the interdiction letters on 15th July 2016 denying all the allegations leveled against them.

The County Human Resource Management Advisory Committee (CHRMAC) after much consideration recommended in October 2016 that the interdictions be lifted with effect from 8th July 2016 being the date they were imposed and that Mr. James Hillary Wambugu utilizes all the accumulated fifty five (55) leave days upon lifting of interdiction. After the completion of the leave days, he be issued with a retirement notice under the '50' year rule.

The County Human Resource Management Advisory Committee also recommended that Mr. James Muhindi Njogu, Mr. Tom Elisha Odera, Mr. Jairus Gekonge Basweti, Mr. Alipaz Muteti Ndambuki and Mr. Peter Mwatu Mwaka utilize their annual leave days upon lifting of interdiction and be deployed to another sector / department; and further cautioned to perform their duties with care and utmost diligence.

The County Public Service Board considered the County Human Resource Management Advisory Committee recommendation and insisted that the six officers had committed a misconduct for which punishment had to be meted out. The Board guided by section 76(4) of the County Governments Act, 2012 resolved that the officers be retired in public interest on account of gross misconduct.

The officers appealed to the Board and after considering their representation, the Board alleged that the officers did not present any new evidence to warrant a reversal of its earlier decision to retire them on public interest. The Board also informed the Committee that it had opted for retirement in public interest as it was less harsh than dismissal and therefore the officers' long service had been considered. The officers wrote applications for review of their case but the Board upheld its earlier decision to retire them in public interest, despite the County Human Resource Advisory Committee recommendation that their interdictions be lifted.

### **3.2 Ms. Mary Githara**

**Hon. Speaker,**

The Committee was informed that Ms. Mary Githara of PIN No. 19020 was dismissed from service with effect from 9<sup>th</sup> April 2014 on account of gross misconduct resulting from grossly exaggerated bids resulting to a loss of public funds of Kshs. 1.5 Million and Kshs. 3.885 Million respectively for two tenders. The officer was also accused of manipulating the minutes of the Tender Evaluation Committee making them unreliable.

The Director of Investigations and Information Analysis conducted an investigation and on that basis Ms. Mary Githara was arrested and arraigned in court on 6<sup>th</sup> June 2014 with forgery of documents contrary to Section 351 as read with 349 of the Penal Code.

The County Human Resource Management Advisory Committee deliberated on the matter and resolved to dismiss the officer on account of gross misconduct. The officer appealed the decision to the County Public Service Board on 18<sup>th</sup> June 2014 which appeal was dismissed for lacking new material evidence to warrant a reversal of the decision of the County Human Resource Management Advisory Committee.

Thereafter, Ms. Githara requested for a review of the decision by the Board on compassionate grounds, following the demise of her husband who was shot under mysterious circumstances, whereby the officer survived with bullet wounds; but the Board upheld the dismissal. On 15<sup>th</sup> June 2017, she sued the County Executive in the Employment and Labour Relations Court claiming that there was malice in determining her matter. The case is still pending determination and the Board did not wish to go into more details on the matter due to the rule of sub-judice.

The Committee after much deliberation wrote to the County Public Service Board requesting them to review its decision to dismiss the officer from service on humanitarian grounds. The Board declined the request stating that it was unable to revisit the matter as there was a case pending determination in Court.

The Committee while conducting this inquiry invited Ms. Mary Githara to a meeting in order gather more information on the matter. She appeared before the Committee on 11<sup>th</sup> July 2018 and informed Members that she received a 'show cause' letter in the month of April 2014 from the County Human Resource Management Advisory Committee and appeared before it to answer to the allegations leveled against her.

Ms. Mary further informed the Committee that she was a member of the Tender Evaluation Committee that awarded a tender to Shekeltech Limited through a

competitive process as is required by the procurement laws. The Evaluation Committee was headed by an officer by the name Ms. Nancy Karuri who was never summoned by the County Human Resource Management Advisory Committee.

Ms. Mary Githara also informed the Committee that the County Public Service Board never produced the original version of the allegedly manipulated Minutes of the Tender Evaluation Committee while considering her case, but only relied on photocopies of Minutes that had been doctored to implicate her. She confirmed to the Committee that the criminal case against her was withdrawn under section 87(a) of the Criminal Procedure Code for lack of sufficient evidence in the month of October 2015.

The Committee was further informed that there was actually no loss of public funds as alleged by the County Public Service Board since the two tenders awarded to Shekeltech Limited have never been paid to date.

#### **4.0 COMMITTEE FINDINGS**

##### **4.1 The case for Mr. James Hillary Wambugu, Mr. James Muhindi Njogu, Mr. Tom Elisha Odera, Mr. Jairus Gekonge Basweti, Mr. Alipaz Muteti Ndambuki and Mr. Peter Mwatu Mwaka**

The Committee learnt that the County Public Service Board did not produce any evidence to support the bribery allegations against the six officers. The Board proceeded to prosecute the case of the six officers despite the fact that the County Human Resource Management Advisory Committee recommended that their interdictions be lifted with effect from 8<sup>th</sup> July 2016.

The Committee further noted that the County Public Service Board failed to produce before the Committee a comprehensive report of the disciplinary case for the three officers for perusal. It also emerged that the County Human Resource Management Advisory Committee after much consideration recommended in October 2016 that the interdictions be lifted with effect from 8<sup>th</sup> July 2016, due to lack of sufficient evidence.

#### **4.2 The Case for Ms. Mary Githara**

The Committee learnt that the officer was issued with a 'show cause' letter and immediately dismissed from service before her matter was considered by the County Human Resource Management and Advisory Committee.

The Committee noted that the allegedly manipulated Minutes of the Tender Evaluation Committee that awarded a tender to Shekeltech Limited could not be traced. This therefore goes to show that her prosecution was baseless as the County Public Service Board ought to have relied on original Minutes.

It also emerged that all the other officers, including the officer who headed the Tender Evaluation Committee were never summoned by the County Human Resource Management Advisory Committee nor the County Public Service Board while conducting their investigations. This therefore proves that the case against Ms. Mary Githara was bias since the allegations seem to have been targeted at her.

Further, the criminal case against her was withdrawn under section 87(a) of the Criminal Procedure Code for lack of sufficient evidence in the month of October 2015.

Finally, the Committee noted with concern that the officer lost her husband following a shooting incident where the officer was also shot on the hand and lost her two fingers. The husband was driving the officer's vehicle at the time, thus indicating that she could have been the main target since nothing was stolen from them.

## 5.0 RECOMMENDATIONS

**In view of the above investigation, the Committee recommends the following:-**

1. That Mr. James Hillary Wambugu utilizes all the accumulated leave days and retired under the Voluntary Early Retirement Programme; and be issued with a reasonable retirement package following his many years of service in the defunct County Council and the County Government;
2. That Mr. James Muhindi Njogu, Mr. Tom Elisha Odera, Mr. Jairus Gekonge Basweti, Mr. Alipaz Muteti Ndambuki and Mr. Peter Mwatu Mwaka be re-instated back to work with immediate effect and deployed to the relevant sector / department in accordance with their experience in the County Government;
3. That Ms. Mary Githara be re-instated back to work with immediate effect and deployed to the relevant sector / department in accordance with her professional qualification and experience in the County Government; and
4. That the recommendations of this Committee be implemented with immediate effect.



MINUTES OF THE 27<sup>TH</sup> SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY SECTORAL COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ON WEDNESDAY 28<sup>TH</sup> MARCH, 2018 AT 12.00 PM AT THE CHARTER HALL, CITY HALL BUILDINGS

PRESENT:

- |  |                  |
|--|------------------|
| 1. Hon. Peter Wanyoike Gitau, MCA      | Chairperson      |
| 2. Hon. Geoffrey Ng'ang'a Mbuthia, MCA | Vice Chairperson |
| 3. Hon. Evans Otiso, MCA               |                  |
| 4. Hon. Jared Akama, MCA               |                  |
| 5. Hon. Rose Ogonda, MCA               |                  |
| 6. Hon. Eve Malenya, MCA               |                  |
| 7. Hon. Mbugua Kabiro, MCA             |                  |
| 8. Hon. Beatrice Gakuru, MCA           |                  |
| 9. Hon. Antony Kimemia, MCA            |                  |
| 10. Hon. Esther Nyangweso, MCA         |                  |
| 11. Hon. John Ng'ang'a Mukiri, MCA     |                  |
| 12. Hon. Peter Wahinya Kimuhu, MCA     |                  |
| 13. Hon. Susan Makungu Kavaya, MCA     |                  |
| 14. Hon. Eunice Wanjiku Marimbi, MCA   |                  |
| 15. Hon. Margaret Wanjiru Mbote, MCA   |                  |
| 16. Hon. Fuad Hussein Mohammed, MCA    |                  |

ABSENT:

1. Hon. Habiba Hassan, MCA
2. Hon. Laurah Mwende, MCA
3. Hon. Wilson Ongele Ochola, MCA

SECRETARIAT:

- |                        |   |                 |
|------------------------|---|-----------------|
| 1. Ms. Josephine Kamau | — | Clerk Assistant |
|------------------------|---|-----------------|

Agenda:

- 1) Preliminaries (prayers & adoption of the Agenda)
- 2) Consideration of response to a Statement requested by Hon. Godfrey Majiwa regarding the disciplinary procedures of the County Public Service Board specifically on employee management
- 3) Any Other Business
- 4) Adjournment

MIN.97/LSW/MARCH/2018:

PRELIMINARIES

The Chairperson called the meeting to order at 12 noon and opened the meeting with a word of prayer. He then welcomed Members to the meeting and read the agenda of the day which was subsequently adopted for discussion as proposed by Hon. Wilson Ochola and seconded by Hon. Susan Makungu.

MIN.98/LSW/MARCH/2018: CONSIDERATION OF RESPONSE TO A STATEMENT REQUESTED BY HON. GODFREY MAJIWA REGARDING THE DISCIPLINARY PROCEDURES OF THE COUNTY PUBLIC SERVICE BOARD SPECIFICALLY ON EMPLOYEE MANAGEMENT

The Chairperson took the Committee through the written response to a Statement requested by Hon. Godfrey Majiwa as submitted by the County Public Service Board. Members raised a concern on the claim that Ms. Mary Githara altered the Minutes of the Tender Committee therefore awarding a tender to Shekeltech Enterprises Lt as the Committee comprised of several other members who had access to the Minutes.

Members deliberated on whether it would be prudent to invite Ms. Mary Githara to clarify on the matter or to await the outcome of the Court case that she lodged at the Employment and Labour Relations Court.

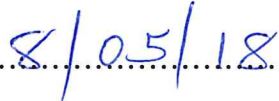
The Committee resolved to table the response as received and follow up on the outcome of the Court case due to the rule of sub-judice.

MIN.99/LSW/MARCH/2018: A.O.B & ADJOURNMENT

The Committee having dispensed with the business of the day and the time being fifty minutes past Twelve O'clock, the Chairman adjourned the sitting. The date and venue of the next sitting was going to be communicated by way of notice.

CONFIRMED AS TRUE RECORD OF PROCEEDINGS

SIGN.....

DATE.....

HON. PETER WANYOIKE (CHAIRPERSON)

MINUTES OF THE 45<sup>TH</sup> SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY SECTORAL COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ON WEDNESDAY 13<sup>TH</sup> JUNE, 2018 AT 11.30 AM AT THE MEMBERS LOUNGE, CITY HALL BUILDINGS

PRESENT:

- |  |                  |
|--|------------------|
| 1. Hon. Peter Wanyoike Gitau, MCA      | Chairperson      |
| 2. Hon. Geoffrey Ng'ang'a Mbuthia, MCA | Vice Chairperson |
| 3. Hon. Jared Akama, MCA               |                  |
| 4. Hon. Rose Ogonda, MCA               |                  |
| 5. Hon. Beatrice Gakuru, MCA           |                  |
| 6. Hon. Laurah Mwende, MCA             |                  |
| 7. Hon. Wilson Ongele Ochola, MCA      |                  |
| 8. Hon. Peter Wahinya Kimuhu, MCA      |                  |
| 9. Hon. Margaret Wanjiru Mbote, MCA    |                  |

ABSENT:

1. Hon. Evans Otiso, MCA
2. Hon. Eve Malenya, MCA
3. Hon. Habiba Hassan, MCA
4. Hon. Kabiro Mbugua, MCA
5. Hon. Antony Kimemia, MCA
6. Hon. Esther Nyangweso, MCA
7. Hon. John Ng'ang'a Mukiri, MCA
8. Hon. Eunice Wanjiku Marimbi, MCA
9. Hon. Susan Makungu Kavaya, MCA
10. Hon. Fuad Hussein Mohammed, MCA

SECRETARIAT:

- |                        |   |                 |
|------------------------|---|-----------------|
| 1. Ms. Josephine Kamau | – | Clerk Assistant |
|------------------------|---|-----------------|

Agenda:

- 1) Preliminaries
- 2) Meeting with Ms Mary Githara ( former employee of the County Executive) to clarify on issues raised in a Statement requested by Hon. Godfrey Majiwa regarding the disciplinary procedures of the County Public Service Board (CPSB) specifically on employee management
- 3) Any Other Business
- 4) Adjournment

MIN.163/LSW/JUNE/2018:                      PRELIMINARIES

The Chairperson called the meeting to order at 11.30 am and opened the meeting with a word of prayer. He then welcomed Members to the meeting and read the agenda of the day which was subsequently adopted for discussion as proposed by the Vice Chairperson and seconded by Hon. Margaret Mbote.

MIN.164/LSW/JUNE/2018: MEETING WITH MS MARY GITHARA TO CLARIFY  
ON ISSUES RAISED IN A STATEMENT REQUESTED BY HON. GODFREY MAJIWA  
REGARDING THE DISCIPLINARY PROCEDURES OF THE COUNTY PUBLIC SERVICE  
BOARD (CPSB) SPECIFICALLY ON EMPLOYEE MANAGEMENT

The Committee was informed that Ms Mary Githara had sent an apology letter as she would not be available for the meeting due to unavoidable circumstances. She requested Members to reschedule the meeting and Members were agreeable to that.

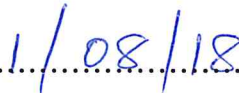
The Committee therefore resolved to invite Ms Githara in the month of July 2018 due to the tight schedule of retreats in June.

MIN.165/LSW/JUNE/2018: A.O.B & ADJOURNMENT

The Committee having dispensed with the business of the day and the time being five minutes past Twelve O'clock, the Chairman adjourned the sitting. The date and venue of the next sitting was going to be communicated by way of notice.

CONFIRMED AS TRUE RECORD OF PROCEEDINGS

SIGN..........

DATE..........

HON. PETER WANYOIKE (CHAIRPERSON)

MINUTES OF THE 46<sup>TH</sup> SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY SECTORAL COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ON TUESDAY 3<sup>RD</sup> JULY, 2018 AT 12.00 PM AT THE CHARTER HALL, CITY HALL BUILDINGS

PRESENT:

- |  |                  |
|--|------------------|
| 1. Hon. Peter Wanyoike Gitau, MCA      | Chairperson      |
| 2. Hon. Geoffrey Ng'ang'a Mbuthia, MCA | Vice Chairperson |
| 3. Hon. Rose Ogonda, MCA               |                  |
| 4. Hon. Evans Otiso, MCA               |                  |
| 5. Hon. Eve Malenya, MCA               |                  |
| 6. Hon. Jared Akama, MCA               |                  |
| 7. Hon. Kabiro Mbugua, MCA             |                  |
| 8. Hon. Beatrice Gakuru, MCA           |                  |
| 9. Hon. Antony Kimemia, MCA            |                  |
| 10. Hon. Esther Nyangweso, MCA         |                  |
| 11. Hon. John Ng'ang'a Mukiri, MCA     |                  |
| 12. Hon. Wilson Ongele Ochola, MCA     |                  |
| 13. Hon. Peter Wahinya Kimuhu, MCA     |                  |
| 14. Hon. Susan Makungu Kavaya, MCA     |                  |
| 15. Hon. Eunice Wanjiku Marimbi, MCA   |                  |
| 16. Hon. Margaret Wanjiru Mbote, MCA   |                  |
| 17. Hon. Fuad Hussein Mohammed, MCA    |                  |

ABSENT:

1. Hon. Habiba Hassan, MCA
2. Hon. Laurah Mwende, MCA

SECRETARIAT:

1. Ms. Josephine Kamau – Clerk Assistant

Agenda:

- 1) Preliminaries
- 2) Confirmation of previous Minutes – 28<sup>th</sup>, 29<sup>th</sup> & 30<sup>th</sup> sittings
- 3) Matters Arising
- 4) Any Other Business
- 5) Adjournment

MIN.166/LSW/JULY/2018: PRELIMINARIES

The Chairperson called the meeting to order at 12.15 pm and opened the meeting with a word of prayer. He then welcomed Members to the meeting and read the agenda of the day which was subsequently adopted for discussion as proposed by Hon. Rose Ogonda and seconded by Hon. Kabiro Mbugua.

MIN.167/LSW/JULY/2018: CONFIRMATION OF MINUTES

The Chairperson read through the Minutes of the 28<sup>th</sup> sitting held on 3<sup>rd</sup> April, 2018. The Minutes were confirmed to be the true record of the proceedings as proposed by Hon. Kabiro Mbugua and seconded by Hon. John Mukiri.

Hon. Kabiro Mbugua read through the Minutes of the 29<sup>th</sup> sitting held on 5<sup>th</sup> April, 2018. The Minutes were confirmed to be the true record of the proceedings as proposed by Hon. Fuad Hussein and seconded by Hon. Esther Nyangweso.

Hon. Kabiro Mbugua read through the Minutes of the 30<sup>th</sup> sitting held on 10<sup>th</sup> April, 2018. The Minutes were confirmed to be the true record of the proceedings as proposed by Hon. John Mukiri and seconded by Hon. Evans Otiso.


MIN.168/LSW/JULY/2018:                      MATTERS ARISING

The Committee resolved to invite Ms Mary Githara on 11<sup>th</sup> July 2018 to clarify on issues raised in a Statement requested by Hon. Godfrey Majiwa.

MIN.169/LSW/JULY/2018:                      A.O.B & ADJOURNMENT

The Committee having dispensed with the business of the day and the time being two minutes past One O'clock, the Chairman adjourned the sitting. The date and venue of the next sitting was going to be communicated by way of notice.

CONFIRMED AS TRUE RECORD OF PROCEEDINGS

SIGN..........

DATE..........

HON. PETER WANYOIKE (CHAIRPERSON)

**MINUTES OF THE 48<sup>TH</sup> SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY SECTORAL COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ON WEDNESDAY 11<sup>TH</sup> JULY, 2018 AT 11.30 AM AT THE MEMBERS LOUNGE, CITY HALL BUILDINGS**

**PRESENT:**

- |  |                  |
|--|------------------|
| 1. Hon. Peter Wanyoike Gitau, MCA      | Chairperson      |
| 2. Hon. Geoffrey Ng'ang'a Mbuthia, MCA | Vice Chairperson |
| 3. Hon. Evans Otiso, MCA               |                  |
| 4. Hon. Rose Ogonda, MCA               |                  |
| 5. Hon. Eve Malenya, MCA               |                  |
| 6. Hon. Jared Akama, MCA               |                  |
| 7. Hon. Laurah Mwende, MCA             |                  |
| 8. Hon. Peter Wahinya Kimuhu, MCA      |                  |
| 9. Hon. Eunice Wanjiku Marimbi, MCA    |                  |
| 10. Hon. Susan Makungu Kavaya, MCA     |                  |
| 11. Hon. Margaret Wanjiru Mbote, MCA   |                  |
| 12. Hon. Godfrey Majiwa, MCA           | = Statement      |

**ABSENT:**

1. Hon. Kabiro Mbugua, MCA
2. Hon. Beatrice Gakuru, MCA
3. Hon. Antony Kimemia, MCA
4. Hon. Esther Nyangweso, MCA
5. Hon. John Ng'ang'a Mukiri, MCA
6. Hon. Habiba Hassan, MCA
7. Hon. Wilson Ongele Ochola, MCA
8. Hon. Fuad Hussein Mohammed, MCA

**IN-ATTENDANCE:**

1. Ms. Mary Githara – Former procurement officer at Nairobi County Government

**SECRETARIAT:**

2. Ms. Josephine Kamau – Clerk Assistant

**Agenda:**

- 1) Preliminaries
- 2) Meeting with Ms. Mary Githara to clarify on issues raised in a Statement requested by Hon. Godfrey Majiwa regarding the disciplinary procedures of the County Public Service Board (CPSB) specifically on employee management
- 3) Any Other Business
- 4) Adjournment

MIN.173/LSW/JULY/2018:

PRELIMINARIES

The Chairperson called the meeting to order at 11.40 am and opened the meeting with a word of prayer. He then welcomed Members to the meeting and read the agenda of the day which was subsequently adopted for discussion as proposed by Hon. Jared Akama and seconded by Hon. Peter Wahinya.

After a round of introduction, the Chairperson briefly highlighted the purpose of the meeting which was to gather more information from the aggrieved officer whose job was terminated by the Nairobi County Government following a disciplinary case.

MIN.174/LSW/JULY/2018:

MEETING WITH MS. MARY GITHARA TO CLARIFY  
ON ISSUES RAISED IN A STATEMENT REQUESTED BY HON. GODFREY MAJIWA  
REGARDING THE DISCIPLINARY PROCEDURES OF THE COUNTY PUBLIC SERVICE  
BOARD (CPSB) SPECIFICALLY ON EMPLOYEE MANAGEMENT

The Chairperson welcomed Ms. Mary Githara to give her side of the story. She started off by stating that she received a 'show cause' letter in the month of April 2014 from the County Human Resource Management Advisory Committee and appeared before it to answer to the allegations leveled against her.

She also informed the Committee that an officer named Nancy Karuri who headed the procurement committee was never summoned by the disciplinary committee despite the fact that she was controlling the budget at the time.

Members sought to know whether Ms. Githara had a civil case as well as a criminal case pending before Court. She confirmed to the Committee that the criminal case against her was withdrawn under section 87(a) of the Criminal Procedure Code for lack of sufficient evidence in October 2015.

She further informed the Committee that Shekeltech Limited was awarded the highest marks by the Tender evaluation committee although the original Minutes cannot be traced. The Company supplied goods but was never paid for the two tenders as alleged by the County Public Service Board and therefore no money was lost by the County Government.

MIN.175/LSW/JULY/2018:

A.O.B & ADJOURNMENT

The Committee having dispensed with the business of the day and the time being One O'clock, the Chairman adjourned the sitting. The date and venue of the next sitting was going to be communicated by way of notice.

CONFIRMED AS TRUE RECORD OF PROCEEDINGS

SIGN.....

DATE.....

HON. PETER WANYOIKE (CHAIRPERSON)

MINUTES OF THE 49<sup>TH</sup> SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY SECTORAL COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ON THURSDAY 12<sup>TH</sup> JULY, 2018 AT 12.00 PM AT THE CHARTER HALL, CITY HALL BUILDINGS

PRESENT:

- |                                     |             |
|-------------------------------------|-------------|
| 1. Hon. Peter Wanyoike Gitau, MCA   | Chairperson |
| 2. Hon. Evans Otiso, MCA            |             |
| 3. Hon. Rose Ogonda, MCA            |             |
| 4. Hon. Eve Malenya, MCA            |             |
| 5. Hon. Jared Akama, MCA            |             |
| 6. Hon. Susan Makungu Kavaya, MCA   |             |
| 7. Hon. Eunice Wanjiku Marimbi, MCA |             |
| 8. Hon. Margaret Wanjiru Mbote, MCA |             |

ABSENT:

- |                                       |                  |
|---------------------------------------|------------------|
| 1. Hon. Geoffrey Ng'ang'a Mbugha, MCA | Vice Chairperson |
| 2. Hon. Habiba Hassan, MCA            |                  |
| 3. Hon. Kabiro Mbugua, MCA            |                  |
| 4. Hon. Beatrice Gakuru, MCA          |                  |
| 5. Hon. Laurah Mwende, MCA            |                  |
| 6. Hon. Antony Kimemia, MCA           |                  |
| 7. Hon. Esther Nyangweso, MCA         |                  |
| 8. Hon. John Ng'ang'a Mukiri, MCA     |                  |
| 9. Hon. Wilson Ongele Ochola, MCA     |                  |
| 10. Hon. Peter Wahinya Kimuhu, MCA    |                  |
| 11. Hon. Fuad Hussein Mohammed, MCA   |                  |

SECRETARIAT:

- |                        |   |                 |
|------------------------|---|-----------------|
| 1. Ms. Josephine Kamau | – | Clerk Assistant |
|------------------------|---|-----------------|

Agenda:

- 1) Preliminaries
- 2) Confirmation of Minutes – 31st & 32nd sittings
- 3) Matters Arising
- 4) Formulation of mechanism to assist Ms Mary Githara on her re-instatement to work
- 5) Any Other Business
- 6) Adjournment

MIN.176/LSW/JULY/2018:

PRELIMINARIES

The Chairperson called the meeting to order at 12.00 pm and opened the meeting with a word of prayer. He then welcomed Members to the meeting and read the agenda of the day which was subsequently adopted for discussion as proposed by Hon. Jared Akama and seconded by Hon. Evans Otiso.

MIN.177/LSW/JULY/2018:

CONFIRMATION OF MINUTES

The Chairperson read through the Minutes of the 31<sup>st</sup> sitting held on 12<sup>th</sup> April, 2018. The Minutes were confirmed to be the true record of the proceedings as proposed by Hon. Evans Otiso and seconded by Hon. Jared Akama.

MIN.178/LSW/JULY/2018:

MATTERS ARISING

There were no matters arising from the minutes.

MIN.179/LSW/JULY/2018:

FORMULATION OF MECHANISM TO ASSIST MS MARY GITHARA ON HER RE-INSTATEMENT TO WORK

The Committee having met Ms Githara and heard her predicament resolved to assist her on humanitarian grounds. However, Members noted that there was conflict of interest in her case due to the fact that her sister was awarded a tender by the Tender Evaluation Committee that she served.

The Committee therefore resolved to invite the CECM and Chief Officer for Public Service Management to deliberate on the same in order to come up with an amicable solution.

MIN.180/LSW/JULY/2018:

A.O.B & ADJOURNMENT

The Committee having dispensed with the business of the day and the time being Fifty minutes past Twelve O'clock, the Chairman adjourned the sitting. The date and venue of the next sitting was going to be communicated by way of notice.

CONFIRMED AS TRUE RECORD OF PROCEEDINGS

SIGN..........

DATE..........

HON. PETER WANYOIKE (CHAIRPERSON)

MINUTES OF THE 66<sup>TH</sup> SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY SECTORAL COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ON TUESDAY 2<sup>ND</sup> OCTOBER, 2018 AT 12.00 PM AT THE CHARTER HALL, CITY HALL BUILDINGS

PRESENT:

- |  |                  |
|--|------------------|
| 1. Hon. Peter Wanyoike Gitau, MCA      | Chairperson      |
| 2. Hon. Geoffrey Ng'ang'a Mbuthia, MCA | Vice Chairperson |
| 3. Hon. Evans Otiso, MCA               |                  |
| 4. Hon. Rose Ogonda, MCA               |                  |
| 5. Hon. Eve Malenya, MCA               |                  |
| 6. Hon. Jared Akama, MCA               |                  |
| 7. Hon. Susan Makungu Kavaya, MCA      |                  |
| 8. Hon. Eunice Wanjiku Marimbi, MCA    |                  |
| 9. Hon. Margaret Wanjiru Mbote, MCA    |                  |
| 10. Hon. Kabiro Mbugua, MCA            |                  |
| 11. Hon. Beatrice Gakuru, MCA          |                  |
| 12. Hon. Laurah Mwende, MCA            |                  |
| 13. Hon. Antony Kimemia, MCA           |                  |
| 14. Hon. Esther Nyangweso, MCA         |                  |
| 15. Hon. John Ng'ang'a Mukiri, MCA     |                  |
| 16. Hon. Wilson Ongele Ochola, MCA     |                  |
| 17. Hon. Fuad Hussein Mohammed, MCA    |                  |

ABSENT:

1. Hon. Habiba Hassan, MCA
2. Hon. Peter Wahinya Kimuhu, MCA

SECRETARIAT:

- |                        |   |                 |
|------------------------|---|-----------------|
| 1. Ms. Josephine Kamau | – | Clerk Assistant |
|------------------------|---|-----------------|

Agenda:

- 1) Preliminaries
- 2) Confirmation of previous – 48<sup>th</sup> Sitting
- 3) Matters Arising
- 4) AOB & Adjournment

MIN.243/LSW/OCTOBER/2018:

PRELIMINARIES

The Chairperson called the meeting to order at 12.10 pm and opened the meeting with a word of prayer. He then welcomed Members to the meeting and read the agenda of the day which was subsequently adopted for discussion as proposed by Hon. Susan Makungu and seconded by Hon. Wilson Ochola.

MIN.244/LSW/OCTOBER/2018:

CONFIRMATION OF MINUTES

The Chairperson read through the Minutes of the 48<sup>th</sup> sitting held on 11<sup>th</sup> July, 2018. The Minutes were confirmed to be the true record of the proceedings as proposed by Hon. Laurah Mwende and seconded by Hon. Rose Ogonda.

MIN.245/LSW/OCTOBER/2018:

MATTERS ARISING

Following the meeting held with Ms. Mary Githara, the Committee resolved to come up with one report on re-instatement of all the County employees who were unfairly dismissed from duty. These workers were mainly from the City Inspectorate department.

The Committee also resolved to invite the County Chief Officer for Public Service Management and the Head of Supply Chain Management in order to probe further on the circumstances that led to the unfair dismissal of Ms. Mary Githara.

MIN.246/LSW/OCTOBER/2018: PREPARATION OF MEETING WITH THE KENYA COUNTY GOVERNMENT WORKERS UNION OFFICIALS TO DELIBERATE ON A COMPLAINT REGARDING VARIOUS ISSUES AFFECTING WORKERS IN THE CITY INSPECTORATE DEPARTMENT

The Chairperson read out a letter received from the Kenya County Government Workers Union seeking the Committee's intervention on various issues affecting workers in the City Inspectorate department.

Members noted with concern that the department seems to be marred with a lot of issues as indicated in the complaint from the Union.

The Chairperson urged Members to avail themselves for the meeting scheduled to be held on 03/10/2018 with the Union officials to deliberate on the weighty matters concerning the City Inspectorate department.


MIN.247/LSW/OCTOBER/2018:

A.O.B & ADJOURNMENT

The Committee having dispensed with the business of the day and the time being fifty seven minutes past Twelve O'clock, the Chairman adjourned the sitting. The date and venue of the next sitting was going to be communicated by way of notice.

CONFIRMED AS TRUE RECORD OF PROCEEDINGS

SIGN..........

DATE..........

HON. PETERWANYOIKE (CHAIRPERSON)