

Paper laid
Hon. Asha Abdi Soror
on 16/02/2017
PCA CLSP
Moi



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

5TH SESSION

NBI CA. PLC. 2017 / (005)

16th February, 2017

PAPER LAID

Pursuant to Standing Order 180 (6) I beg to lay the following Paper on the Table of the Assembly, today Thursday 16th February, 2017.

THE REPORT OF THE SECTORAL COMMITTEE ON LABOUR AND SOCIAL WELFARE
ON THE INVESTIGATION OF COUNTY HEALTH WORKERS ISSUES, INTERDICTION
OF SIX OFFICERS FROM INSPECTORATE DEPARTMENT AND MR. BENARD MOI
MULI'S TERMINATION FROM DUTY

(Chairperson, Sectoral Committee on Labour and Social Welfare)

Copies to:
The Speaker
The Clerk
Hansard Editor
Hansard Reporters
The Press

Approved:
Speaker
16/2/17



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Notice of motion
given by Hon.
Asha Abdi Sarro
on 16/02/2017
PCA Clerk
Muri

(T&J/RM/003/2017)

GOVERNMENT OF NAIROBI CITY COUNTY



NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

(5TH SESSION)

NOTICE OF MOTION – (Chairperson, Sectoral Committee on Labour and Social Welfare)

Hon. Speaker, I beg to give notice of the following motion:-

THAT, this Assembly adopts THE REPORT OF THE SECTORAL COMMITTEE ON LABOUR AND SOCIAL WELFARE ON THE INVESTIGATION OF THE COUNTY HEALTH WORKERS ISSUES , INTERDICTION OF SIX OFFICERS FROM THE INSPECTORATE DEPARTMENT AND MR. BENARD MOI MULI'S TERMINATION FROM DUTY, laid on the Table of the Assembly today Thursday, 16th February, 2017.

(Chairperson, Sectoral Committee on Labour and Social Welfare)

Adhwaal
Speaker
16/2/17

Report laid by Hon
Asua Abdi' Soro on
16/02/2017
PCA CLRP/
Ngori



NAIROBI CITY COUNTY ASSEMBLY

FIRST ASSEMBLY – FOURTH SESSION

NINETEENTH REPORT OF THE SECTORAL
COMMITTEE ON LABOUR AND SOCIAL WELFARE
ON

THE INVESTIGATION OF COUNTY HEALTH WORKERS ISSUES, INTERDICTION OF SIX
OFFICERS FROM INSPECTORATE DEPARTMENT AND MR. BENARD MOI MULI'S
TERMINATION FROM DUTY

Clerk's Chambers,
County Assembly,
City Hall Buildings,
P O Box 45844-00100.
NAIROBI October, 2016

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1.0 PREFACE

The Sectoral Committee on Labour and Social Welfare is established under Standing Order No. 191 and is mandated pursuant to Standing Order 191(5) to:-

- a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;*
- b) study the programme and policy objectives of departments and the effectiveness of the implementation;*
- c) study and review all county legislation referred to it;*
- d) study, assess and analyze the relative success of the departments as measured by the results obtained as compared with its stated objectives;*
- e) investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;*
- f) vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 185(Committee on Appointments); and*
- g) make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.*

1.1 Committee Membership

The Committee comprises the following Members:-

1. Hon. Wilson Ochola, MCA - Chairman
2. Hon. Peter Wanyoike, MCA - Vice- Chairman
3. Hon. Abdi I.Hassan, MCA
4. Hon. Alfred Ambani, MCA
5. Hon. Elizabeth Manyala, MCA
6. Hon. Peter IsuhaVukindu, MCA
7. Hon. DanielMutiso, MCA
8. Hon. John WaweruKinuthia, MCA
9. Hon. Fredrick N. Njogu, MCA
10. Hon. Elizabeth Sang, MCA,
11. Hon. Daniel Oria, MCA

12. Hon. Asha Abdi Sosso, MCA
13. Hon. Rose Ogonda, MCA
14. Hon. Marion Githinji, MCA
15. Hon. Rosemary Macharia, MCA
16. Hon. Christine Abuto, MCA
17. Hon. Mohammed Abdi , MCA

The Committee exercises oversight role on the work and administration of the County Public Service Board, Public Service Management and the Department of Education, Youth Sports, Gender Affairs, Culture & Social Services.

Mr. Speaker Sir, in accordance with the Second Schedule of the Standing Orders, the Labour and Social Welfare Committee is mandated to consider all matters relating to: - *labour, trade union relations, manpower or human resource planning; County Public Service; gender and social welfare, youth, sports activities and facilities.*

Mr. Speaker Sir,

The Committee held a retreat with the County Public Service Board and the department of Public Service Management which took place from 15th to 18th September, 2016 at Royal City Hotel, Kisumu where the Committee considered the Nairobi County Workers Issues.

Mr. Speaker Sir,

The Committee wishes to sincerely thank the Offices of the Speaker and the Clerk of the County Assembly for the support and services extended to Members of the Committee which enabled the successful completion of this report. I am grateful to the Members of the Committee and the Secretariat whose support enabled the Committee to accomplish this task.

On behalf of the Committee, I now have the honour and pleasure to present the Report of the Labour and Social Welfare Committee on the retreat held at Royal City Hotel, Kisumu from 15th -19th September, 2016 for consideration and adoption.

Thank You Mr. Speaker Sir.

SIGNED 

DATE 23/11/2016

HON. WILSON OCHOLA, MCA (CHAIRMAN)

2.0 COMMITTEE MEMBERS

NAMES

SIGNATURE

1. Hon. Wilson Ochola, MCA – Chairman
2. Hon. Peter Wanyoike, MCA – Vice-Chairman
3. Hon. Alfred Ambani, MCA
4. Hon. Abdi I. Hassan, MCA
5. Hon. Elizabeth Manyala, MCA
6. Hon. Peter IsuhaVukindu, MCA
7. Hon. DanielMutiso, MCA
8. Hon. John WaweruKinuthia, MCA
9. Hon. Fredrick N. Njogu, MCA
10. Hon. Daniel Oria, MCA
11. Hon. Elizabeth Sang, MCA
12. Hon. Asha Abdi Soso, MCA
13. Hon. Rose Ogonda, MCA
14. Hon. Mohammed Abdi, MCA
15. Hon. Marion Githinji, MCA
16. Hon. Rosemary Macharia, MCA
17. Hon. Christine Abuto, MCA

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3.0 INTRODUCTION AND OBJECTIVES OF THE WORKSHOP

The participants of the workshop comprised of Labour and Social Welfare Committee Members, Members of the County Public Service Board (CPSB) and the department of Public Service Management (PSM).

In accordance with the Second Schedule of the Standing Orders, the Sectoral Committee is mandated to consider all matters relating to labour, trade union relations, manpower or human resource planning; County Public Service; and as such, the Committee was tasked to consider issues affecting County workers.

The objectives of the workshop amongst others, was to;

- i. consider the dismissal and suspension of sixty four (64) nurses of Pumwani Referral Maternity Hospital
- ii. inquire into alleged negative figures on payslips due to unexplained deductions from some County Health workers salaries and non-payment of non-practicing allowance to 483 nurses
- iii. Inquire into the interdiction of six (6) officers from the Inspectorate department and the issue of Mr. Benard Moi Muli's alleged unfair termination from duty.

4.0 SUBMISSIONS FROM THE DEPARTMENT OF PUBLIC SERVICE MANAGEMENT

4.1 ALLEGED DISMISSAL AND SUSPENSION OF 64 NURSES OF PUMWANI REFERRAL MATERNITY HOSPITAL

In their submissions on the alleged dismissal and suspension of 64 nurses of Pumwani Maternity Hospital, the Department of Public Service Management gave the following Presentation:

Background of the case

- That the 64 nurses stationed at Pumwani Maternity Hospital were absent from duty without permission. Subsequently, they were addressed registered show cause letters through their last known address for unauthorized absence and given 7 days to respond. However, no response was received from any of the officers.

- The Deputy Director payroll stated that on 13th April, 2015, the Kenya National Union of Nurses - Nairobi Branch of the issued a strike notice.
 - On 20th April, 2015. Subsequently, the Nairobi City County Government obtained a court order restraining the Kenya National Union of Nurses from commencing or calling for a strike. He added that on 24th April, 2015 the General Secretary of the Kenya National Union of Nurses informed the Cabinet Secretary of the Ministry of Labour, Social Security & Services that the strike notice of 13th April, 2015 was null and void as the right procedure was not followed in issuing the notice.
 - The Deputy Director payroll stated that the Nursing personnel were suspended from duty pursuant to Section 24 (2) of the Public Service Commission Regulations, 2005 which states that *'an Authorized Officer may suspend from the exercise of the functions of his public office, a public officer against whom proceedings for dismissal have been taken if, as a result of those proceedings, he considers that the public officer ought to be dismissed'*.
 - On 18th May, 2015 the Secretary General of the Kenya National Union of Nurses (KNUN) informed the office of the County Secretary that the Nurses left their work station after they were threatened by County Askaris who attacked and chased them away from the Hospital and that a report was made to the police.
- The Deputy Director payroll added that the Secretary General KNUN stated that the issue of security of the nurses in question had become a subject of litigation and the court had issued a court order insulating the nurses from any form of harassment and threats. He stated that all discipline letters should be channeled through their lawyers.
- The Deputy Director payroll stated that no response was received from any of the officers in question. The cases were therefore presented to County Human Resource Advisory Committee (CHRMAC) for deliberations

- The Public Service Management informed the Labour and Social Welfare Committee that the Advisory Committee noted that the nursing personnel had deliberately absconded from duty and had failed to respond to show cause and suspension letters addressed to them.

Public Service Management further informed the Labour and Social Welfare Committee that the Advisory Committee held a meeting on 10th June, 2015 vide Minute No. 03/10/06/2015 and recommended that the affected Nursing Personnel be dismissed from service on account of unauthorized absence with effect from the date they absconded duty.

The Committee was further informed that on 21st January, 2016 the County Public Service Board requested for a brief on the Nurses Appeal. However, the CPSB could not consider the case since the Kenya National Union of Nurses filed a case in the Labour Relations which is yet to be determined.

4.1 UNEXPLAINED DEDUCTIONS FROM SOME COUNTY HEALTH WORKERS SALARIES/PAYSLIPS

Background

The Public Service Management informed the Labour and Social Welfare Committee that

The Kenya National Union of Nurses vide their letter dated 17th August 2015 issued the County with a strike notice in which they wanted the following grievances addressed:

- Promotions and re-designations
- Implementation of new house allowances
- Employment of new health workers
- Address of health workers issues despite court directive
- Timely payment of salaries
- Harmonization of salaries and allowances
- Reinstatement of medical allowances to mitigate increased NHIF rates

The County engaged the Union officials and agreed on most of their grievances except on a few areas which were not part of the agenda for example reinstatement of Pumwani Maternity Hospital Nurses. As a result of the disagreements, the Union called an industrial

strike which commenced on 8th September 2015. Subsequently, the County moved to Court seeking for a court order to declare the strike illegal and to compel the nurses to resume duty.

Meanwhile the Chief Officer - Health Services recommended that the salaries for the 64 striking nurses be withheld until they resumed duty. The Committee was informed that this instruction was implemented in November 2015 since the communication reached Public Service Management on 19th October 2015 after the payroll had been closed.

The Committee was informed that the court in its ruling dated 8th October 2015 declared the strike illegal and issued prohibitory orders restraining the union officials and members of the Union from calling, commencing, mobilizing, inciting, or continuing with the strike pending inter-parties hearing.

The Kenya National Union of Nurses called off their strike on 27th October 2015 and most nurses resumed duty on 28th October 2015. The Chief Officer - Health Services had confirmed that most nurses had resumed duty and that they would not be paid for the period they were on strike but be paid from the date of resuming duty. On 1st December 2015 the Chief Officer - Health Services submitted a list of 125 nurses who had resumed duty and therefore had their withheld October 2015 salaries released.

Further, on 16th December 2015 an updated list of 135 nurses indicating the respective date they resumed duty was released and therefore their December 2015 salaries were released and no recovery was done due to limited time.

The Public Service Management further informed the Committee that In January 2016 almost all nurses had been reinstated into the payroll and the process of recovering for the days they were absent was implemented in the same month.

This recovery of at least 50 days was affected from their January salary in the form of departmental overpayment recovery but since no recovery had been made previously, most of them earned negative salaries in January 2016.

In March 2016 the Chief Officer Health submitted a list of 67 officers who had previously been recovered salaries for the 50 days that they participated in the strike yet they had been on duty during the period of strike and recommended that the officers be refunded the

amounts erroneously recovered. This was done in the month of April 2016 where full amounts were paid back to the officers.

4.2 COUNTY HEALTH WORKERS ALLEGEDLY INDEFINITELY SUSPENDED FROM SERVICE

On 16th October 2015 the under listed officers were suspended for gross misconduct after they failed to respond to show cause letters and were found to have incited health workers to go on strike:

1. Mr. George Gibore Manoah P/No 2013024670 – Registered clinical officer
2. Ms. Eunice Thaara Ngari P/No 1991065506 – Registered Nurse I
3. Ms. Magdaline Ngari P/No 2004011867 – Senior Registered Nurse I

The Public Service Management informed the Committee that three (3) officers incited other health workers to abandon their duties through circulation of Short Message Service (SMS) and media coverage after the Secretary General of the Kenya National Union of Nurses issued a strike notice. The officers were addressed show cause letters dated 8th September, 2015 by the Chief Officer Health Services and were suspended from duty with effect from 8th September, 2015 after they failed to respond to the show cause letters.

On 18th September, 2015 the Chief Officer- Health Services reported that the officers had failed to respond to the show cause letters and had recommended suspension. Therefore, their cases were tabled for discussion at the County Human Resource Advisory Committee which noted that the officers failed to respond to the show cause letters addressed to them and failed to report to work despite working in an essential service sector.

It was recommended that the three (3) officers be dismissed from service with effect from 8th September, 2015 on account of gross misconduct.

The Committee was informed that the three (3) officers appealed to the County Public Service Board terming their dismissal unfair. However, before the Board could determine the case, the three (3) health workers went to court and filed the case. Therefore, the Board could not intervene as the matter is awaiting determination by the court.

4.3 INTERDICTION OF SIX OFFICERS FROM INSPECTORATE DEPARTMENT

Background of the case

The Committee was informed that concerns were raised due to the continued state of lawlessness within the City of Nairobi, 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 the continued presence of bodabodas within the CBD and the presence of hawkers in the City streets. The Ag. County Secretary addressed the under listed officers from Inspectorate department show cause letters on gross

misconduct and interdicted them with effect from 8th July, 2016. They all responded to the show cause letters. The following are the officers who were interdicted:

- i. Mr. James Hilary Wambugu
- ii. Mr. James Muhindi
- iii. Mr. Jairus Gekonge
- iv. Mr. Allipaz Ndambuki muteti
- v. Mr. Tom Elisha Odera
- vi. Mr. Peter Mwatu Mwaka

The Committee was informed that the officers responded to the show cause letters and their cases were deliberated in the County Human Resource Management Advisory Committee

(CHRMAC) meeting held on 28th July, 2016 which resolved that an independent investigator be appointed to inquire into the allegations and submit a report.

The recommendations of CHRMAC have yet to be forwarded to the County Public Service Board for consideration.

4.4 MR. BENARD MOI MULI'S TERMINATION FROM DUTY

The Committee was informed that the Kenya County Government Workers Union wrote to the County Public Service Board requesting for reinstatement of Mr Moi Muli who was an employee of the Former Nairobi City council employed on March 1988 until May 1992 when his salary was stopped. He continued service until December 1996 without salary. A period of fifty six months (56 months)

This matter was referred to Public Service Management to establish the circumstances that led to the stoppage of salary. The case is yet to be determined and the findings submitted to the Chief Officer Public Service Management

6.0 COMMITTEE RECOMMENDATIONS

Mr. Speaker Sir,

In view of the above, the Committee urges the Assembly to resolve as follows;

- i. That the sixty four (64) nurses be reinstated through negotiation between the Kenya National Union of Nurses (KNUN) and the County Government
- ii. That the County Human Resource Management Advisory Committee (CHRMAC) forward its recommendations to the County Public Service Board soonest possible, in order for the cases of the six (6) officers from inspectorate department to be determined
- iii. That the issue of the three (3) former County health workers: Ms. Eunice Ngari, Ms. Magdaline Ngari and Mr. George Gibore await determination by the court
- iv. That the County Public Service Board consider Mr. Benard Moi Muli's case and payment of his salary for fifty six (56) months be effected

MINUTES OF THE 54TH SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY LABOUR AND SOCIAL WELFARE COMMITTEE HELD ON FRIDAY 16TH SEPTEMBER 2016, AT ROYAL CITY HOTEL, KISUMU

PRESENT

1. Hon. Wilson Ochola, MCA – Chairperson
2. Hon. Peter Wanyoike, MCA – Vice Chairman
3. Hon. Peter Isuha, MCA.
4. Hon. Daniel Mutiso, MCA.
5. Hon. John Waweru, MCA.
6. Hon. Fredrick Njogu, MCA.
7. Hon. Elizabeth Sang, MCA.
8. Hon. Christine Abuto, MCA.
9. Hon. Marion Githinji, MCA.
10. Hon. Alfred Ambani, MCA.
11. Hon. Asha Abdi Sosso, MCA.
12. Hon. Rosemary Macharia, MCA.
13. Hon. Elizabeth Manyala, MCA.
14. Hon. Rose Ogonda, MCA.

ABSENT

1. Hon. Mohamed Abdi, MCA.
2. Hon. Abdi I. Ibrahim, MCA.

SECRETARIAT

1. Ms. Shirley Achieng' – Committee Clerk
2. Mr. Andriano Muchai- AHADI Intern

COUNTY PUBLIC SERVICE BOARD

1. Mr. Meshack Guto – Board Secretary
2. Ms. Veska Kangogo – Board Vice-Chairperson
3. Ms. Charity Kisotu

COUNTY PUBLIC SERVICE MANAGEMENT

1. Mr. Daniel Kibet – Deputy Director Payroll
2. Ms. Doreen Oyugi
3. Ms. Alice Kahotho
4. Ms. Peacemary Ndungu

5. Ms. Lilian Maina

MIN 200/LSW/SEPT/2016 – INTRODUCTION AND OBJECTIVES OF THE WORKSHOP

The Meeting was called to order at 10.00 am and opening prayers were conducted by the Chairman.

The Chairperson welcomed Committee Members, Members of the County Public Service Board and the department of Public Service Management to the workshop.

He further stated that the objective of the workshop was to consider the Nairobi County Workers issues pertaining to alleged dismissal and suspension of 64 nurses of Pumwani Referral Maternity Hospital, issues of alleged negative payslips due to unexplained deductions from some County Health workers salaries, payment of non-practicing allowance to 483 nurses, interdiction of six officers from the Inspectorate department and the issue of Mr. Benard Moi Muli's termination from duty.

MIN 201/LSW/SEPT/2016 – ALLEGED DISMISSAL AND SUSPENSION OF 64 NURSES OF PUMWANI REFERRAL MATERNITY HOSPITAL

The department of Public Service Management gave the following presentation:

Background of the case

That the 64 nurses stationed at Pumwani Maternity Hospital were absent from duty without permission. Subsequently, they were addressed registered show cause letters through their last known address for unauthorized absence and given 7 days to respond. However, no response was received from any of the officers.

The Deputy Director payroll stated that on 13th April, 2015, the Nairobi Branch of the Kenya National Union of Nurses issued a strike notice. On 20th April, 2015. Subsequently, the Nairobi City County Government obtained a court order restraining the Kenya National Union of Nurses from commencing or calling for a strike. He added that on 24th April, 2015 the General Secretary of the Kenya National Union of Nurses informed the Cabinet Secretary of the Ministry of Labour, Social Security & Services that the strike

that Nursing Personnel No. 1-50 be dismissed from service on account of unauthorized absence with effect from the date they absconded duty.

Further, the Committee was informed that on 21st January, 2016 the County Public Service Board requested for a brief on the Nurses Appeal. However, the CPSB could not consider the case since the Kenya National Union of Nurses filed a case in the Labour Relations which is yet to be determined.

MIN 202/LSW/SEPT/2016 – ISSUE OF ALLEGED NEGATIVE PAYSLIPS DUE TO UNEXPLAINED DEDUCTIONS FROM SOME COUNTY HEALTH WORKERS SALARIES

Background

The Labour and Social Welfare Committee was informed that the Kenya National Union of Nurses vide their letter dated 17th August 2015 issued the County with a strike notice in which they wanted the following grievances addressed:

- Promotions and re-designations
- Implementation of new house allowances
- Employment of new health workers
- Address of health workers issues despite court directive
- Timely payment of salaries
- Harmonization of salaries and allowances
- Reinstatement of medical allowances to mitigate increased NHIF rates

The Committee was informed that the County engaged the Union officials and agreed on most of their grievances except on a few areas which were not part of the agenda for example reinstatement of Pumwani Nurses. As a result of the disagreements, the Union called an industrial strike which commenced on 8th September 2015. Subsequently, the County moved to Court seeking for a court order to declare the strike illegal and to compel the nurses to resume duty.

notice of 13th April, 2015 was null and void as the right procedure was not followed in issuing the notice.

The Deputy Director payroll stated that the Nursing personnel were suspended from duty pursuant to Section 24 (2) of the Public Service Commission Regulations, 2005 which states that *'an Authorized Officer may suspend from the exercise of the functions of his public office, a public officer against whom proceedings for dismissal have been taken if, as a result of those proceedings, he considers that the public officer ought to be dismissed'*.

Further, he stated that on 18th May, 2015 the Secretary General of the Kenya National Union of Nurses (KNUN) informed the office of the County Secretary that the Nurses left their work station after they were threatened by County Askaris who attacked and chased them away from the Hospital and that a report was made to the police.

The Deputy Director payroll added that the Secretary General KNUN stated that the issue of security of the nurses in question had become a subject of litigation and the court had issued a court order insulating the nurses from any form of harassment and threats. He stated that all discipline letters should be channeled through their lawyers.

The Deputy Director payroll stated that no response was received from any of the officers in question. The cases were therefore presented to County Human Resource Advisory Committee (CHRMAC) for deliberations

CHRMAC's DELIBERATIONS

The Labour and Social Welfare committee was informed that the Advisory Committee noted that the nursing personnel had deliberately absconded duty and had refused to respond to show cause and suspension letters addressed to them

CHRMAC's RECOMMENDATION

The Labour and Social Welfare Committee was informed that the Advisory Committee held a meeting on 10th June, 2015 vide Minute No. 03/10/06/2015 and recommended

the amounts erroneously recovered. This was done in the month of April 2016 where full amounts were paid back to the officers.

MIN 203/LSW/SEPT/2016 – THREE COUNTY HEALTH WORKERS ALLEGEDLY INDEFINITELY SUSPENDED FROM SERVICE

On 16th October 2015 the under listed officers were suspended for gross misconduct after they failed to respond to show cause letters and were found to have incited health workers to go on strike:

1. Mr. George Gibore Manoah P/No 2013024670 – Registered clinical officer
2. Ms. Eunice Thaara Ngari P/No 1991065506 – Registered Nurse I
3. Ms. Magdaline Ngari P/No 2004011867 – Senior Registered Nurse I

The Committee was informed that three officers incited other health workers to abandon their duties through circulation of SMS and media coverage after the Secretary General of the Kenya National Union of Nurses issued a strike notice. The officers were addressed show cause letters dated 8th September, 2015 by the Chief Officer Health Services and were suspended from duty with effect from 8th September, 2015 after they failed to respond to the show cause letters.

On 18th September, 2015 the Chief Officer Health Services reported that the officers had failed to respond to the show cause letters and had recommended suspension. Therefore, their cases were tabled for discussion at the County Human Resource Advisory Committee which noted that the officers failed to respond to the show cause letters addressed to them and failed to report to work despite working in an essential service sector.

It was recommended that the three officers be dismissed from service with effect from 8th September, 2015 on account of gross misconduct.

The Committee was informed that the three officers appealed to the County Public Service Board terming their dismissal unfair. However, before the Board could determine

Meanwhile the chief officer health vide letter dated 24th September 2015 recommended that the salaries for the 64 striking nurses be withheld until they resumed duty. The Committee was informed that this instruction was implemented in November 2015 since the communication reached Public Service Management on 19th October 2015 after the payroll had been closed

The Committee was informed that the court in its ruling dated 8th October 2015 declared the strike illegal and issued prohibitory orders restraining the union officials and members of the Union from calling, commencing, mobilizing, inciting, or continuing with the strike pending inter-parties hearing

The Committee was informed that the KNUN called off their strike on 27th October 2015 and most nurses resumed duty on 28th October 2015 and that the Chief Officer Health had confirmed that most nurses had resumed duty and that they would not be paid for the period they were on strike but be paid from the date of resuming duty. On 1st December 2015 the Chief Officer submitted a list of 125 nurses who had resumed duty and therefore had their withheld October 2015 salaries released.

Further, on 16th December 2015 an updated list of 135 nurses indicating the respective date they resumed duty was released and therefore their December 2015 salaries were released and no recovery was done due to limited time.

The Committee was informed that In January 2016 almost all nurses had been reinstated into the payroll and the process of recovering for the days they were absent was implemented in the same month.

This recovery of at least 50 days was affected from their January salary in the form of departmental overpayment recovery but since no recovery had been made previously, most of them earned negative salaries in January 2016.

In March 2016 the Chief Officer Health submitted a list of 67 officers who had previously been recovered salaries for the 50 days that they participated in the strike yet they had been on duty during the period of strike and recommended that the officers be refunded

the case, the three health workers went to court and filed the case. Therefore, the Board could not intervene as the matter is awaiting determination by the court.

MIN 204/LSW/SEPT/2016 – THE INTERDICTION OF SIX OFFICERS FROM INSPECTORATE DEPARTMENT

Background of the case

The Committee was informed that concerns were raised due to the continued state of lawlessness within the City of Nairobi, 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 the continued presence of bodabodas within the CBD and the presence of hawkers in the City streets. The Ag. County Secretary addressed the under listed officers from Inspectorate department show cause letters on gross misconduct and interdicted them with effect from 8th July, 2016. They all responded to the show cause letters. The following are the officers who were interdicted:

- i. Mr. James Hilary Wambugu
- ii. Mr. James Muhindi
- iii. Mr. Jairus Gekonge
- iv. Mr. Allipaz Ndambuki muteti
- v. Mr. Tom Elisha Odera
- vi. Mr. Peter Mwatu Mwaka

The Committee was informed that the officers responded to the show cause letters and their cases were deliberated in the County Human Resource Management Advisory Committee

(CHRMAC) meeting held on 28th July, 2016 which resolved that an independent investigator be appointed to inquire into the allegations and submit a report.

The recommendations of CHRMAC have yet to be forwarded to the County Public Service Board for consideration.

MIN 205/LSW/SEPT/2016 – MR. BENARD MOI MULI'S TERMINATION FROM DUTY

The Committee was informed that the Kenya County Government Workers Union wrote to the County Public Service Board requesting for reinstatement of Mr Moi Muli who was an employee of the Former Nairobi City council employed on March 1988 until May 1992 when his salary was stopped. He continued service until December 1996 without salary. A period of fifty six months (56 months)

This matter was referred to Public Service Management to establish the circumstances that led to the stoppage of salary. The case is yet to be determined and the findings submitted to the Chief Officer (PSM)

MIN 206/LSW/SEPT/2016 – COMMITTEE RECOMMENDATIONS

In view of the above, the Committee urges the Assembly to resolve as follows;

- i. That the 64 nurses be reinstated through negotiation between the Kenya National Union of Nurses and the County Government
- ii. That the County Human Resource Management Advisory Committee (CHRMAC) forward its recommendations to the County Public Service Board soonest possible, in order for the cases of the six officers from inspectorate department to be determined
- iii. That the three former County health workers: Ms. Eunice Ngari, Ms. Magdaline Ngari and Mr. George Gibore issue be resolved amicably since they were not served with show cause letters on time to enable them respond.
- iv. That the County Public Service Board consider Mr. Benard Moi Muli's case and payment of his salary for fifty six (56) months be effected

CONFIRMED AS TRUE RECORDS OF PROCEEDINGSCHAIRPERSON DATE 23/11/2016