

Dead on 11/9/2024
Committed to Labour/Health
Committee
V. K. Ag S.C.A
11/09/2024

COUNTY GOVERNMENT OF NAIROBI CITY



NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY
(THIRD SESSION)

[PUBLIC PETITION PURSUANT TO STANDING ORDER 214]

PETITION BY HANNAH WANGUI KANGATHIA ON BEHALF OF OTHER 373 (THREE HUNDRED AND SEVENTY-THREE) ON VIOLATION OF ACT 4 OF 2015 ON UNFAIR ADMINISTRATIVE ACTION ON IMPLEMENTATION OF HEALTH WORKERS ALLOWANCE HARMONIZATION REPORT FORWARDED UNDER COVERING LETTER REF: HRM/1/50/2023 DATED 6TH MARCH 2023.

I, THE UNDERSIGNED Citizen of Kenya is a resident of Nairobi City County on behalf of other 373 (Three Hundred and Seventy-Three) Nurses within Nairobi City County.

DRAW the attention of the County Assembly of Nairobi to the following: -

AWARE THAT, Article 185 of the Constitution of Kenya, 2010 vests the legislative authority and oversight of the County Governments in the County Assembly;

THAT WHEREAS, under part 2 of the fourth schedule of the Constitution of Kenya, county health services including the human resource for health component is a devolved function;

THAT WHEREAS, Act 4 of 2015 on Fair Administrative action, states that every Person have right to fair administrative action which is expeditious, efficiency, lawful, reasonable and procedurally fair and has right to be given a written reason for every administrative action against him/her;

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THAT, in the year 2020, Nairobi County Government, Kenya County Government Workers Union and Nairobi County Public Service Board explored ways of bridging the disparities that arose from the Job evaluation and enhanced allowances for Health workers expect those from Defunct Local Authorities;

THAT, upon deliberation, the Nairobi County Public Service Board resolved to directly appoint the said Defunct staff and transfer them from 'AC' payroll to 'AB' payroll adopting SRC pay structure;

THAT, following the forementioned administrative action, the said appointments were dated 17th November 2020 before transfer of function to National Government and subsequence establishment of Nairobi Metropolitan Services;

THAT, due to the foregoing, the Nairobi County Public Service Board through Nairobi County Secretary wrote to the Nairobi metropolitan Services requesting the implementation of the said new appointments but never happened;

THAT, the said appointments were done from 1st November 2022 instead of 17th November 2020 but arrears were never paid which was unlawful, unreasonable and procedurally unfair and therefore, violates Act 4 of 2015 on Fair Administrative action;

THAT WHEREAS, petitioners, confirm that efforts have been made to have the matter addressed by the relevant body, it failed to give a satisfactory response;

AND THAT, all the matters in respect of which the petition is raised is not pending before any court of law or constitutional body.

NOW THEREFORE, your humble Petitioners **PRAY** that the County Assembly of Nairobi County intervenes and ensure that; -

1. The Investigation is done and justice be delivered by recommending that the County Public Service Board implement the forementioned appointment as from 17th November 2020 and not 1st November,2022;
2. The violators are punished to act as deterrence to avoid further violations of the same; and
3. Make any other order that it may deem fit in the circumstances of this petition

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And your Petitioners will forever pray.

Presented by;

Hon. Speaker, MCA

On behalf of;

Hannah Wangui Kangathia on behalf of other 373(Three Hundred and Seventy-Three) aggrieved Nurses.

And by extension;

- All residents of Nairobi County.

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