

KNL/HQ/PL/61



# HUMAN RESOURCE MANUAL

JANUARY 2017

*(1<sup>st</sup> Revised Edition)*

## TABLE OF CONTENTS

<b>SECTION 1: DEFINITIONS AND GENERAL PROVISIONS.....</b>	<b>1</b>
1.1 DEFINITION OF TERMS.....	1
<b>PREAMBLE.....</b>	<b>3</b>
<b>PART I: BOARD GOVERNANCE STRUCTURE AND OFFICIAL COMMUNICATION.....</b>	<b>3</b>
<b>SECTION A.....</b>	<b>4</b>
<b>ORGANISATIONAL FRAMEWORK.....</b>	<b>4</b>
<b>VALUES AND PRINCIPLES OF PUBLIC SERVICE.....</b>	<b>4</b>
1.2 GENERAL PROVISIONS.....	4
1.2.1 <i>Authorities and Application</i> .....	4
1.2.2 <i>Policy Objective of the Manual</i> .....	5
1.2.3 <i>Application</i> .....	5
1.2.4 <i>Responsibility</i> .....	5
1.2.5 <i>Interpretation</i> .....	5
1.2.6 <i>Amendments</i> .....	5
1.2.7 <i>Delegation</i> .....	5
1.2.8 <i>Powers of the Director</i> .....	5
<b>SECTION 2 – RECRUITMENT AND APPOINTMENTS.....</b>	<b>7</b>
2.1 POLICY STATEMENT.....	7
2.2 CATEGORIES OF APPOINTMENT.....	7
2.3 PERMANENT AND PENSIONABLE APPOINTMENT.....	7
2.3 PROBATIONARY PERIOD.....	8
2.4 <i>Procedure for confirmation in Appointment</i> .....	8
2.5 APPOINTMENT ON CONTRACT.....	9
2.6 TEMPORARY APPOINTMENT.....	10
2.7 CASUAL EMPLOYMENT.....	10
2.8 POWER TO MAKE APPOINTMENTS.....	10
2.8.1 <i>Appointments by the Board</i> .....	10
2.9 POLICY ON SELECTION ON FIRST APPOINTMENT.....	11
2.10 FILLING OF VACANT POSITIONS.....	11
2.11 CONFIDENTIAL REPORTS.....	12
2.11.2 <i>Non Discrimination in Employment</i> .....	12
2.11.4 <i>Rights and privileges of Persons with Disabilities</i> .....	12
2.11.5 <i>Recruitment of non-citizens</i> .....	12
2.12 LETTER OF APPOINTMENT.....	12
2.13 DATE OF APPOINTMENT.....	13
2.14 MEDICAL EXAMINATION.....	13
2.15 PARTICULARS OF NEXT-OF-KIN.....	13
2.16 OFFICIAL SECRETS ACT DECLARATION.....	14
2.17 EMPLOYMENT IDENTITY CARD.....	14
2.18 DUTIES OF AN EMPLOYEE.....	14
2.19 HANDING-OVER REPORT.....	14
2.20 CLEARANCE CERTIFICATE.....	14
2.21 CERTIFICATE OF SERVICE.....	14
<b>3.0 SECTION 3 - TERMS AND CONDITIONS OF SERVICE.....</b>	<b>15</b>
3.1 SALARY.....	15
3.1.1 <i>Policy Statement</i> .....	15

3.2	PAYMENT OF SALARY.....	15
3.2.3	<i>Deductions and Contributions.....</i>	<i>15</i>
3.3	GRADING STRUCTURE .....	16
3.4	PAYMENT OF SALARY ON FIRST APPOINTMENT .....	16
3.5	ANNUAL SALARY INCREMENT.....	16
3.6	GRANT OF ANNUAL INCREMENTS.....	16
3.7	INCREMENTS FOR APPROVED EXPERIENCE .....	16
3.8	DETERMINATION OF SALARY ON PROMOTION OF A SERVING OFFICER .....	17
3.9	DETERMINATION OF SENIORITY BETWEEN OFFICERS.....	18
<b>SECTION 4 - ALLOWANCES.....</b>		<b>20</b>
4.1	ACTING ALLOWANCE.....	20
4.2	SPECIAL DUTY ALLOWANCE .....	20
4.3	EXTRA DUTY ALLOWANCE .....	21
4.4	DAILY SUBSISTENCE ALLOWANCE (LOCAL TRAVEL).....	21
4.5	MEAL ALLOWANCE .....	21
4.6	DAILY SUBSISTENCE ALLOWANCE WHILE TRAVELLING ON DUTY OUTSIDE KENYA.....	22
4.7	OVERTIME ALLOWANCE.....	22
4.8	ENTERTAINMENT ALLOWANCE .....	22
4.9	NON PRACTICING ALLOWANCE .....	22
4.10	LEAVE ALLOWANCE .....	23
4.11	TELEPHONE COMMUNICATION FACILITIES .....	23
4.11.1	<i>Telephone Allowance.....</i>	<i>23</i>
4.12	EXTRANEOUS ALLOWANCE .....	23
4.13	COMMUTER ALLOWANCE .....	24
4.14	IMPREST .....	24
4.15	HARDSHIP ALLOWANCE.....	24
4.16	HOUSE ALLOWANCE .....	24
4.17	RETIREEES ALLOWANCE .....	24
4.18	TRANSFER ALLOWANCE .....	24
4.19	TASK FORCE ALLOWANCE .....	25
<b>SECTION 5 – LEAVE .....</b>		<b>26</b>
5.1	POLICY STATEMENT .....	26
5.2	CATEGORIES OF LEAVE.....	26
5.3	ANNUAL LEAVE.....	27
5.4	CASUAL LEAVE .....	27
5.5	ANNUAL LEAVE FOR EMPLOYEES STATIONED IN HARDSHIP AREAS .....	28
5.6	MATERNITY LEAVE .....	28
5.7	PATERNITY LEAVE.....	28
5.8	UNPAID LEAVE.....	28
5.9	SPECIAL LEAVE FOR SPORTSMEN/WOMEN .....	29
5.10	SICK/CONVALESCENT LEAVE.....	29
5.11	COMPASSIONATE LEAVE.....	30
5.12	STUDY LEAVE .....	30
5.13	LEAVE FOR SPECIAL PURPOSES .....	30
5.14	TERMINAL LEAVE.....	30
5.15	CHILD ADOPTION LEAVE .....	30
5.16	PUBLIC HOLIDAYS .....	30
<b>SECTION 6 - MEDICAL BENEFITS .....</b>		<b>32</b>
6.1	POLICY STATEMENT .....	32
6.3	IN-PATIENT TREATMENT .....	32
6.4	OUT-PATIENT.....	32
6.5	MEDICAL TREATMENT OUTSIDE KENYA.....	32
6.6	GROUP PERSONAL ACCIDENTS INSURANCE COVER .....	32

<b>SECTION 7 - ADVANCES AND LOANS .....</b>	<b>33</b>
7.1 POLICY STATEMENT .....	33
7.2 SALARY ADVANCE .....	33
7.3 SALARY IN ADVANCE.....	33
7.4 ADVANCE FOR THE PURCHASE OF MOTOR CYCLE .....	33
7.5 ADVANCES FOR PURCHASE OF A BICYCLE.....	34
7.6 ADVANCES FOR PURCHASE OF REFRIGERATORS/WATER TANKS/SOLAR PANELS/GENERATORS.....	34
7.6.1 <i>Eligibility for Advance</i> .....	34
7.6.2 <i>Amount of advance and repayment</i> .....	34
7.6.3 <i>Application Procedure and Conditions</i> .....	34
7.7 LOAN FOR PURCHASE OF MOTOR-VEHICLE/MOTORCYCLES .....	35
7.8 HOUSE MORTGAGE LOANS .....	35
<b>SECTION 8 - TRANSPORT POLICY .....</b>	<b>36</b>
8.1 PROVISION OF FREE TRANSPORT .....	36
8.2 TRANSPORTATION OF BAGGAGE ON TRANSFER AND RETIREMENT .....	36
8.3 TRAVELLING IN OWN CAR ON OFFICIAL DUTY .....	36
8.4 TRAVELLING IN BOARD'S VEHICLE/MOTORCYCLE .....	37
8.5 TRAVELLING BY TAXI, RAIL, BUS OR OTHER PUBLIC MEANS .....	37
8.6 TRAVELLING BY TRAIN.....	37
8.7 TRAVELLING BY AIR .....	37
8.8 MANAGEMENT OF BOARD'S VEHICLE/MOTORCYCLES.....	38
8.9 REPORTING OF ACCIDENTS .....	39
8.10 DISPOSALS AND ACQUISITION OF BOARD'S VEHICLE/MOTORCYCLES .....	39
8.11 TRANSPORTATION OF THE DECEASED EMPLOYEE FOR BURIAL.....	39
<b>SECTION 9 - THE PERFORMANCE MANAGEMENT SYSTEM POLICY .....</b>	<b>41</b>
9.1 POLICY STATEMENT.....	41
9.2 SCOPE OF APPLICATION .....	42
9.3 STAFF PERFORMANCE APPRAISAL PROCESS.....	43
9.4 STAFF COMPETENCIES AND VALUES ASSESSMENT .....	43
9.5 MANAGERIAL AND SUPERVISORY COMPETENCIES.....	46
9.6 FREQUENCY OF PERFORMANCE APPRAISAL .....	47
9.7 END OF YEAR APPRAISAL .....	47
9.8 RECOMMENDATION/SANCTIONS .....	48
9.9 TYPES OF REWARDS AND SANCTIONS.....	48
<b>SECTION 10 - HUMAN RESOURCE DEVELOPMENT POLICY .....</b>	<b>50</b>
10.1 POLICY STATEMENT .....	50
10.2 OBJECTIVES .....	50
10.3 GUIDING VALUES AND PRINCIPLES.....	50
10.4 KNLS STAFF TRAINING AND ADVISORY COMMITTEE.....	51
10.5 TERMS AND CONDITION OF TRAINING.....	51
10.6 SALARY .....	52
10.7 ALLOWANCES .....	52
10.8 LEAVE .....	53
10.9 THE EXPENSES TO BE MET BY THE EMPLOYEE .....	53
10.10 PROGRESS REPORT .....	53
10.11 RESUMPTION OF DUTY.....	53
10.12 REFUND OF TRAINING EXPENSES INCURRED .....	53
10.13 CONFERENCE AND SEMINARS.....	53
10.14 SUBSCRIPTION TO PROFESSIONAL BODIES .....	54
10.15 IMPLEMENTATION PROCEDURE .....	54
10.15.1 <i>Criteria for Selection</i> .....	54
10.16 TYPES OF SPONSORSHIP.....	54
10.17 FULL SPONSORSHIP BY THE BOARD.....	54

10.18	PARTIAL SPONSORSHIP.....	55
10.19	PRIVATE STUDY.....	56
10.20	TRAINING NEEDS ANALYSIS .....	56
10.21	SKILLS INVENTORY .....	56
10.22	STANDARDIZATION AND CERTIFICATION .....	56
10.23	BONDING.....	56
10.24	BONDING PERIOD AND COURSE DURATION.....	56
10.25	CALCULATION OF THE BONDING AMOUNT .....	57
10.26	LIVING AND SUBSISTENCE ALLOWANCE .....	58
10.27	INDUCTION TRAINING .....	58
10.28	ATTACHMENT .....	58
10.29	INTERNSHIP.....	58
10.30	RESEARCH/PROJECT ON KNLS OPERATIONS .....	58
10.31	VOLUNTEERS .....	58

**SECTION 11 - EMPLOYEE CONDUCT AND DISCIPLINE POLICY ..... 60**

11.0	CODE OF CONDUCT .....	60
11.1	POLICY STATEMENT.....	60
11.2	GENERAL OBLIGATIONS .....	60
11.3	RULE OF LAW .....	61
11.4	PUBLIC TRUST .....	61
11.5	DEPLOYMENT.....	61
11.6	PERFORMANCE OF DUTIES .....	61
11.7	PROFESSIONALISM .....	61
11.8	FINANCIAL INTEGRITY .....	61
11.9	COOPERATION AND OBEDIENCE.....	62
11.10	OFFICE HOURS.....	62
11.11	ATTENDANCE .....	62
11.12	CONFLICT OF INTEREST.....	62
11.12.2	AN EMPLOYEE .....	63
11.14	MORAL AND ETHICAL REQUIREMENTS .....	63
11.15	NEWSPAPERS AND PUBLICATIONS.....	63
11.16	PUBLIC AND POLITICAL RESPONSIBILITIES.....	64
11.16.1	<i>Interviews</i> .....	64
11.16.2	<i>Political neutrality</i> .....	64
11.16.3	<i>Acting for foreign power</i> .....	64
11.17	CARE OF PROPERTY .....	64
11.18	MISUSE OF OFFICIAL INFORMATION .....	64
11.19	FALSIFICATION OF RECORDS .....	64
11.20	IMPARTIALITY .....	64
11.21	COLLECTIONS AND HARAMBEES.....	64
11.22	CONDUCT OF PRIVATE AFFAIRS.....	65
11.23	BULLYING.....	65
11.24	SEXUAL HARASSMENT.....	65
11.25	NEPOTISM.....	65
11.26	ACTING THROUGH OTHERS .....	65
11.27	REPORTING IMPROPER ORDERS.....	66
11.28	DECLARATION OF INCOME, ASSETS AND LIABILITIES.....	66
11.29	DISCLOSURE OF INFORMATION .....	66
11.30	OFFICIAL SECRETS ACT DECLARATION .....	66
11.31	UNIFORMS.....	66
11.32	PECUNIARY EMBARRASSMENT.....	66
11.33	DRESSING CODE .....	67
11.33.1	<i>Enforcement of Dress Code</i> .....	67
11.34	POLITICAL PARTICIPATION .....	67
11.35	OUTSIDE ACTIVITIES AND INTERESTS .....	67

11.36	TEAM WORK .....	68
11.37	REPORTING RELATIONSHIP .....	68
11.38	DISCIPLINE AT WORK .....	68
11.39	ACCEPTING GIFTS AND BENEFITS IN KIND.....	68
11.40	EMPLOYMENT OF RELATIVES.....	68
11.41	CONFIDENTIAL INFORMATION AND PRIVACY COMMUNICATIONS .....	68
11.42	BOARD'S ASSETS.....	68
11.43	SOFTWARE AND COMPUTER.....	69
11.44	CONDUCT OF BOARD BUSINESS .....	69
11.45	REPORTING VIOLATIONS .....	69
11.46	BOARD'S OBLIGATIONS .....	70
11.47	EMPLOYEES OBLIGATIONS .....	70
<b>SECTION 12: DISCIPLINARY CONTROL.....</b>		<b>70</b>
12.1	DELEGATED DISCIPLINARY POWERS .....	71
<b>GENERAL PROVISIONS .....</b>		<b>71</b>
12.2	HUMAN RESOURCE MANAGEMENT ADVISORY COMMITTEE .....	71
12.3	THE HUMAN RESOURCE & SERVICE DELIVERY COMMITTEE .....	72
<b>12.4</b>	<b>SPECIFIC PROVISIONS .....</b>	<b>72</b>
<b>12.4.2</b>	<b>ALTERNATIVE INTERVENTIONS IN THE DISCIPLINE PROCESS.....</b>	<b>73</b>
<b>12.4.3</b>	<b>COUNSELLING.....</b>	<b>73</b>
<b>12.4</b>	<b>GUIDANCE AND COUNSELLING.....</b>	<b>73</b>
<b>12.5</b>	<b>DISPUTE RESOLUTION .....</b>	<b>73</b>
12.6	DISCIPLINARY OFFENCES .....	74
12.7	MAJOR OFFENCES/GROSS MISCONDUCT WARRANTING DISMISSAL.....	74
12.8	MINOR OFFENCES/MISCONDUCTS:.....	75
12.9	DISCIPLINARY ACTION.....	75
12.8	DEFINITION OF INCREMENTS WITHHELD, DEFERRED OR STOPPED.....	76
12.9	SUPERVISOR'S RESPONSIBILITY .....	76
12.10	REPRIMAND.....	77
<b>DISCIPLINARY PROCEDURE .....</b>		<b>77</b>
12.11	SHOW CAUSE LETTER.....	77
<b>12.12</b>	<b>CONDUCT OF INVESTIGATIONS .....</b>	<b>77</b>
12.13	ISSUE OF WARNINGS.....	78
12.14	INTERDICTION.....	78
12.15	SUSPENSION .....	79
12.16	EMPLOYEES APPEARING IN COURT.....	80
12.17	PRIVATE CIVIL CASES.....	80
12.18	LEGAL PROCEEDINGS BY AND AGAINST EMPLOYEES ARISING OUT OF THE.....	80
<b>DISCHARGE OF THEIR OFFICIAL DUTIES.....</b>		<b>80</b>
12.18	GRIEVANCES AND GRIEVANCES PROCEDURE .....	80
12.19	APPEAL .....	81
12.20	APPEALS.....	81
12.21	GRIEVANCES AGAINST IMMEDIATE SUPERVISORS:.....	82
<b>SECTION 13 – STAFF EXIT AND RETIREMENT BENEFITS SCHEME POLICY .....</b>		<b>83</b>
13.1	POLICY STATEMENT .....	83
13.2	FORMS EXIT FROM THE SERVICE .....	83

13.2.1	<i>Resignation</i> .....	83
13.2.2	<i>Termination of Appointment</i> .....	83
13.2.3	<i>Dismissal</i> .....	83
13.2.4	<i>Retirement on Attaining the Age of 60 Years</i> .....	84
13.2.5	<i>Retirement Under the '50 Year' Rule</i> .....	84
13.2.6	<i>Retirement on Abolition/Redundancy</i> .....	85
13.2.7	<i>Retirement in Public Interest</i> .....	85
13.2.8	<i>Retirement due to Ill - Health</i> .....	85
13.2.9	<i>Staff Retirement Benefit Scheme</i> .....	85
13.2.10	<i>Death</i> .....	86
<b>SECTION 14: OTHER KNLS POLICIES.....</b>		<b>87</b>
14.1	HIV/AIDS AT WORKPLACE.....	87
14.1.1	<i>Policy statement</i> .....	87
14.1.2	<i>Objectives</i> .....	87
14.1.3	<i>Principles</i> .....	87
14.1.4	<i>The Role &amp; Responsibilities</i> .....	87
14.2	GENDER MAINSTREAMING AT WORKPLACE.....	87
14.2.1	<i>Policy Statement</i> .....	87
14.2.2	<i>Objectives</i> .....	88
14.2.3	<i>Guiding Principles</i> .....	88
14.2.4	<i>Implementation of knls Gender Policy</i> .....	89
14.3	WORKPLACE GENDER BASED VIOLENCE.....	90
14.3.1	<i>Policy Statement</i> .....	90
14.3.2	<i>Policy Objectives</i> .....	90
14.3.2	<i>Guiding Principles</i> .....	90
KNLS BOARD SHALL:.....		90
14.3.4	<i>GBV&amp; SH Redress Procedures</i> .....	90
14.4	DISABILITY AT WORKPLACE.....	91
14.4.1	<i>Policy Statement</i> .....	91
14.4.2	<i>Guiding Principles</i> .....	91
14.4.3	<i>Roles and Responsibilities</i> .....	91
14.5	ALCOHOL, DRUGS & SUBSTANCE ABUSE AT WORKPLACE.....	92
14.5.1	<i>Guiding Principles</i> .....	92
14.5.2	<i>Measures to Reduce Alcohol, Drugs and Substance Abuse</i> .....	92
14.5.3	<i>Responsibility for Implementation</i> .....	92
14.5.4	<i>Intervention and Disciplinary Procedures</i> .....	93
14.6	SAFETY, HEALTH AND ENVIRONMENTAL.....	93
14.6.1	<i>Policy Statement</i> .....	93
14.6.2	<i>Responsibility of the knls Board</i> .....	93
14.6.3	<i>Responsibility of Safety &amp; Health Committee</i> .....	93
14.6.4	<i>Responsibilities of Employees</i> .....	94
<b>SECTION 15 LABOUR RELATIONS.....</b>		<b>95</b>
15.0	INTRODUCTION.....	95
15.1	UNION MEMBERSHIP.....	95
15.2	RECOVERY OF UNION DUES.....	95
15.3	DISPUTE RESOLUTION.....	95
15.4	EMPLOYEE PARTICIPATION IN STRIKES.....	95
15.5	BOARD'S OBJECTIVES FOR COLLECTIVE BARGAINING NEGOTIATIONS.....	96
<b>APPENDICES.....</b>		<b>97</b>
APPENDIX I – SHOW CAUSE LETTER.....		97
APPENDIX II – INTERDICTION UPON CRIMINAL CHARGE.....		98
APPENDIX III – INTERDICTION UPON PROCEEDINGS LEADING TO DISMISSAL WITHOUT A CRIMINAL CHARGE.....		99
APPENDIX IV – LIFTING OF INTERDICTION.....		100





## SECTION 1: DEFINITIONS AND GENERAL PROVISIONS

### 1.1 Definition of Terms

In this Human Resource Manual: -

- |        |                      |   |
|--------|----------------------|---|
| (i)    | “Legal Notice”       | - Means the relevant legal provisions issued by the Government from time to time.   |
| (ii)   | “Library”            | - Means an organized collection of printed books, periodicals, or any graphic or audio-visual material to which a member of the Public has access free of charge or on payment of fees or by virtue of being a member of an organization or Institution.  |
| (iii)  | “Board of Directors” | - Means the Team of Management of Kenya National Library Services approved by the Cabinet Secretary for the time being responsible for National Library Services  |
| (iv)   | KNLS                 | - Means the Kenya National Library Service  |
| (v)    | PAYE                 | - Means Pay As You Earn   |
| (vi)   | NSSF                 | - Means National Social Security Fund   |
| (vii)  | NHIF                 | - Means National Hospital Insurance Fund  |
| (viii) | “Board”              | - Means the Kenya National Library Services Board   |
| (ix)   | “Director”           | - Means the Chief Executive Officer of and Secretary to the Board appointed by the Board of Directors.  |
| (x)    | “Cabinet Secretary”  | - Means the Cabinet Secretary of the State Department for the time being responsible for Library Service.   |
| (xi)   | “Spouse”             | - Means the legal marriage partner of an employee as specified under the Marriage Act or in accordance with the relevant Customary Law. The spouse must be disclosed at the time of appointment or at the time of marriage if it occurs during employment in.   |
| (xii)  | “Child”              | - Means a biological offspring or a legally adopted child age twenty-two (22) years and below whom is unmarried and wholly dependent on the employee and in exceptional circumstances a child above 22 years who is still in school or has permanent disability. For purposes of personnel records, all dependent children must be declared at the time of appointment or at the time of birth or adoption if it occurs during employment. Copies of birth certificates or legal adoption papers of dependents will be required in either case. |

(xiii)	“Immediate Family”	- Includes the employee, spouse, children and employee’s mother or father.
(xiv)	“Nuclear Family”	- Includes the employee, spouse and children.
(xv)	“Family Domicile”	- Means the location specified by the employee as his family domicile shown in the employee’s personnel records.
(xvi)	“Employee”	- Means a person employed on permanent and pensionable terms, contract or temporary terms of service, unless otherwise stated.
(xvii)	“Employer”	- Means Board
(xviii)	“Officer”	- Means the employee unless otherwise stated or implied.
(xix)	Next-of- kin	- Means the name of an officer/employee for the purpose of contact during emergency and incase of death assumes the role of administrator of the deceased estate
(xx)	“Basic Salary”	- Means pay of an employee exclusive of all allowances.
(xxi)	“Gross Salary”	- Means pay of an employee including all allowances.
(xxii)	“Per Diem”	- When performing duties outside the duty station, an employee is entitled to a per diem allowance dependent on the duration of a particular assignment. The rate of per diem will vary from time to time as determined by the Board
(xxiii)	“Financial Year”	- Means the period from 1 <sup>st</sup> July to 30 <sup>th</sup> June of the following year.
(xxiv)	“Calendar Year”	- Means the period from 1 <sup>st</sup> January to 31 <sup>st</sup> December, both days inclusive.

Unless otherwise stated or implied, words in the masculine gender include the feminine gender; words in the plural include the singular and words in the singular include the plural.

## **Preamble**

The Board notes that the current Public Service code of regulation was last reviewed in 2006. Since then there have been fundamental changes both in the structure of the Public Service and the Management of the Human Resource. These changes include the promulgation of the Constitution and reforms in various aspects of public Service Management. The changes have necessitated a review and harmonization of the code of regulations. In doing so, the code has been renamed Human Resource Policies and Procedures Manual for the Public Service in tandem with best Human Resource practices.

Human Resource policies and Procedure Manual provides guidelines in the management and development of Human resource capacity towards the achievement of various national goals and objectives.

The Manual incorporates provisions of the constitution, Labour Laws and Legislation that govern various aspects of industrial relations in the Public Service. The manual is also anchored on other policies and guidelines governing the management of the public service. It provides the basis for Human Resource Policies and Regulations in the wider public service from which knls Board policies are anchored on.

It is important to note that these policies are not exhaustive of all the rules and regulations governing Public Servants in their day to day activities. They should therefore be read alongside other relevant Statutes, where applicable, for better interpretation and application.

The policies will apply to the National Government and other Government agencies and will be updated from time to time to reflect policy changes affecting Human Resource Management and Development in the Service. The regulations should however, be used as the minimum norms and standards for Human Resource practice in the Public Service.

Where clarification on any of these regulations is required it should be sort from the Director/Chief Executive Officer of knls Board.

Hon. Noah Katana Ngala  
Chairman, knls Board  
**NAIROBI**

## **PART I: BOARD GOVERNANCE STRUCTURE AND OFFICIAL COMMUNICATION**

This part comprises organizational framework for Human resource management in the Board's service and official communication.

## **SECTION A**

### **ORGANISATIONAL FRAMEWORK**

Section A provides a summary of matters related to the administration and management of the Board. It shall be read alongside the constitution of Kenya, the Board's rules and regulations and other legal statutes.

### **VALUES AND PRINCIPLES OF PUBLIC SERVICE**

(1) The Board shall be responsible for the implementation of government policies and programs as guided by the following values and principles of the public service as stipulated in Article 232 of COK:

- i. High standards of professional ethics;
- ii. Efficient, effective and economic use of resources;
- iii. Responsive, prompt, effective, impartial and equitable provision of services;
- iv. Involvement of the people in the process of policy making;
- v. Accountability for administrative acts;
- vi. Transparency and provision to the public of timely, accurate information;
- vii. Fair competition and merits as the basis of appointments and promotions;
- viii. Representation of Kenyans diverse communities; and
- ix. Affording adequate and equal opportunities for appointments, training and advancement, at all levels of Board's service, of:
  - a. Men and Women
  - b. Members of ethnic groups; and
  - c. Persons with disabilities.

(2) The values and principles of public service apply to Public Service in: -

- (i) All state organs in both levels of Government; and
- (ii) All state Corporations.

(3) National Values and Principles of Governance

Public Service will also be bound by the National values and principles of governance as stipulated in Article 10 of the COK. These include: -

- (i) Patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people;
- (ii) Human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized;
- (iii) Good governance, integrity, transparent and accountability; and
- (iv) Sustainable development.

## **1.2 General Provisions**

### **1.2.1 Authorities and Application**

The HR Manual has been established in accordance with the Kenya National Library Service Board Act Cap 225 of the Laws of Kenya.

It incorporates provisions of relevant policies and procedures which are applicable on matters of employment and all other human resource management issues. The provisions of the Manual shall apply to all employees of the Board. The Board reserves the right to amend and/or alter the provisions of the HR Manual from time to time.

### **1.2.2 Policy Objective of the Manual**

The objective of the HR Manual is to align HR practices at the knls to the requirements of the Constitution of Kenya 2010 and other administrative rules and regulations.

The Manual guidelines and procedures have been defined to ensure: -

- (i) Harmony, consistency and uniformity in management of human resources operations
- (ii) Employees clear understanding of their respective roles and adherence to relevant laws and Government guidelines issued from time to time where applicable
- (iii) Integrated coordination of policies, procedures, organizational structure and individual roles timely and cost effective to achieve objectives
- (iv) Adherence to various professional etiquettes and public expectation of a work environment zero tolerant to corruption.
- (v) Employees have a common understanding of standards and procedures in monitoring their work performance for continued service delivery improvement
- (vi) Operations and work environment are within the purview of the Constitution of Kenya

### **1.2.3 Application**

The HR Manual shall be applicable to all employees of knls Board.

### **1.2.4 Responsibility**

The Board is responsible for administration of the HR Manual. All knls employees are expected to read and understand the Manual.

Supervisors shall ensure that all staff under them are made aware of all sections of this manual.

Ignorance of any of the clauses herein will not be accepted as an excuse for failure to comply with the Manual.

### **1.2.5 Interpretation**

The interpretation of the clauses in the Manual shall rest with the knls Board.

Where clarification on any of the clause contained in the Manual is required, it should be sought from the knls Board.

### **1.2.6 Amendments**

This Manual may be amended from time to time; however, such amendment will require authorization of the knls Board.

### **1.2.7 Delegation**

The Board may delegate any of its powers and functions under this Manual to a Committee of the Board or the Director or any employee, provided that he/she remain accountable to the Board for the proper discharge of those powers and functions. The Director may in turn delegate to a relevant and competent officer of the Board provided that he/she remain accountable to the Board for the proper discharge of those powers and functions.

### **1.2.8 Powers of the Director**

The Director shall be responsible to the Board for day to day direction of the Manual subject to any instructions of a specific or general nature as may be given by the Board acting in accordance with the provisions of the knls Act Cap 225 and any law governing employment.



## **SECTION 2 – RECRUITMENT AND APPOINTMENTS**

### **2.1 Policy Statement**

- 2.1.1 Knls shall be an equal opportunity employer and shall not in its recruitment discriminate on the basis of gender, age, race, and ethnicity or entertain any other form of discrimination. knls shall comply with the provisions of article 232 (h) and (i) of the COK, 2010.
- 2.1.2 Knls shall recruit and select qualified personnel in terms of academic and professional qualifications for relevant vacancies available with an aim to achieve the Board's objectives.
- 2.1.3 All appointments shall be made with the approval of the knls Board within the authorized staff establishment.
- 2.1.4 Human Resource Plans  
knls Board shall prepare Human Resource plans to support achievement of goals and objectives in its strategic plans. The plans shall be based on comprehensive job analysis and shall be reviewed every year to address emerging issues and needs. The plans shall be submitted to the Board at the beginning of every financial year to enable it plan to fill the vacancies.

### **2.2 Categories of Appointment**

- 2.2.1 An employee may be appointed to any of the following terms of service:
  - (i) Permanent and Pensionable
  - (ii) Contract
  - (iii) Temporary
  - (iv) Casual

### **2.3 Permanent and Pensionable Appointment**

- 2.2.2 An employee who is being considered on permanent terms will be required to serve on probationary terms. On satisfactory completion of the probationary period an employee will be subject to a performance appraisal by the Board as the case may be.
- 2.2.3 Permanent and pensionable appointment applies to employees who after successful completion of their probationary period are eligible to join knls Pension Scheme.
- 2.2.4 Appointment on permanent and pensionable terms shall be restricted to candidates below the age of fifty five (55) years.
- 2.2.5 An employee being considered for appointment on permanent and pensionable terms will be required to serve for a probationary period of six (6) months.
- 2.2.6 Upon completion of probationary service, an employee will be subjected to a performance appraisal. The Board shall either:

- (i) Confirm the employee in appointment and admit him/her to permanent terms of service.

OR

- (ii) Extend the employee's probation period for further three (3) months where appropriate.

OR

- (iii) Terminate the employee's appointment by giving one month's notice or one month's salary in lieu of notice in case of unsatisfactory service during probation which renders the employee unsuitable for appointment on permanent terms of service.

2.2.7 The decision to confirm, extend or terminate an employee's probationary appointment shall be communicated to the respective employee in writing.

2.2.7.1 For the purposes of this manual and for the employee's subsequent retirement from the service, a birth certificate and National Identity card issued after the date of first appointment will not be accepted unless the date of birth shown in the birth certificate/identity card tallies with the date of birth declared in the application for employment form completed and signed by him prior to or immediately after his first appointment.

### **2.3 Probationary Period**

2.3.1 During the probationary period, the Head of Department/Branch or immediate supervisor shall submit progress reports on work performance and conduct to the Director or the Board for the purpose of assessing the employee's suitability for the post. The assessment reports shall be made after the first half of the probation period. Any shortcomings or weaknesses observed and included in the report shall be notified to the employee in writing with a view to helping him/her improve on them before the expiry of the probationary period. Based on the Head of Department or immediate supervisor's recommendations at the expiry of the probation period, the Head of Human Resource will refer the report to the Human Resource Management Advisory Committee for deliberation and decision whether the officer should be confirmed in the appointment, or the probation period extended or the appointment terminated.

2.3.2 If the period is extended, the employee's performance shall be subjected to appraisal again to determine improvement and suitability for the post.

2.3.3 Where the probationary service is unsatisfactory after the extended period, the appointment shall be terminated.

### **2.4 Procedure for confirmation in Appointment**

2.4.1 The powers to confirm, extend or terminate an employee's probationary appointment shall vest in the Board whose decision shall be final. Notwithstanding this provision, the Director, shall exercise delegated powers to confirm or terminate probationary appointment of an employee. An employee whose probationary appointment is



terminated by the Director under this provision will have the right of appeal to the Board.

### **Procedure**

- 2.4.2 The supervisor will make a report on the employee's suitability for confirmation for confirmation or otherwise at least one (1) month before the end of the probationary period and inform the employee accordingly.
- 2.4.3 Where the supervisor fails to submit a report during the probationary period, the employee shall be confirmed in appointment.
- 2.4.4 Where an employee's performance is unsatisfactory, he shall be informed in writing and the probation period may be extended to a maximum period of three (3) months.
- 2.4.5 Should the employee's performance fail to improve on expiry of the extended probation period, his probationary appointment shall be terminated.
- 2.4.6 An applicant who is below the age of eighteen (18) years or above fifty-five (55) years of age will not be eligible for appointment on probationary/permanent terms of service. In this regard every employee will be required to produce an official document in support of his age on first appointment.
- 2.4.7 Where an officer has served on other terms other than pensionable and is subsequently appointed on a pensionable post, the terms of service may be translated to pensionable from the date the officer was placed on the pensionable terms. The officer will however, not be required to serve the probationary period in accordance with this regulation.

## **2.5 Appointment on Contract**

- 2.5.1 Appointment on contract terms shall apply to positions that may not be filled on pensionable terms or where suitable candidates can only be appointed on contract terms of service.
- 2.5.2 Appointments on contract will normally be awarded for a maximum period of five years and may be renewed at the discretion of the Board acting on the advice of the Director. An employee serving on contract terms of service shall be subject to the terms and conditions of service and shall be eligible for payment of service gratuity at the rate of 31% (or the prevailing rate) of the employee's basic salary over the period worked. Where the employee does not complete the period of contract, he shall be paid service gratuity on a pro-rata basis.
- 2.5.3 An employee serving on contract terms of service and who may wish to have his contract renewed shall make a written application to the Board/Director at least three months before and not more than six months to the expiry of the contract.
- 2.5.4 An employee serving on contract, and whose services are still required, will be informed in writing at least three (3) months before the expiry of the contract.
- 2.5.5 The Board shall appoint a professional Librarian as the Director through open advertisement and appointed on contract terms of service of three (3) years period

(renewable) as per the provisions of knls Board Act 225 and State Corporations Act 446 or guidelines issued by the Government from time to time.

## **2.6 Temporary Appointment**

2.6.1 Appointment on temporary terms will apply to cases where the service of an employee would normally not be required beyond a period of twelve (12) consecutive months. Appointment on temporary terms will be confined to those cases where the service of an officer would not normally be required beyond a period of twelve (12) months

OR

Where a candidate does not qualify for appointment to the particular vacancy other than on temporary terms under the service regulations

OR

Where the establishment is of a temporary nature.

2.5.6 An employee serving on temporary terms shall not be entitled to any service gratuity, medical or other benefits.

## **2.7 Casual Employment**

2.7.1 Casual employees are engaged on a day to day basis and should be paid their wages at the end of each day. Such engagement may be for a specified period of time and in any case not exceeding three (3) consecutive months.

2.7.2 A casual employee is not entitled to any leave, service gratuity, medical or any other benefits.

## **2.8 Power to Make Appointments**

### **2.8.1 Appointments by the Board**

2.8.1.1 The Board will hire the Director/CEO on such terms and conditions of service as may be approved by the relevant government organ(s).

2.8.1.2 The Board will approve the appointment of Senior Management Staff in scale 7 to 2 as per the annual recruitment plans forwarded to the Board at the beginning of each financial year or as the Board may decide from time to time.

2.8.1.3 All vacancies at entry level for Degree and Diploma holders at scale 8 & 9 and all unionisable cadres in scale 10-16 will be reported to the Board for filling by the Director as per the approved staff establishment.

2.8.1.4 For effective discharging of duties and responsibilities, in the absence of a Board, management may effect minimum recruitment to facilitate service delivery within the authorized structures.

## **2.9 Policy on Selection on First Appointment**

- 2.9.1 It will be the policy of the Board to attract and recruit individuals who are qualified by job related standards or education, training, experience and/or who can be trained to perform work in a manner that will contribute to the attainment of the objectives of the Board.
- 2.9.2 In making selection for appointment, preference will be given to qualified and suitable Kenya citizens. Information concerning a candidate's general background and/or previous employment will be verified at this point.
- 2.9.3 Secondment of staff to and from knls may be made in accordance with the existing Government procedures and will normally be for a period of three (3) years for employees in Salary Grade 9 to 1. Secondments will be authorized only in cases where there are no reciprocal transfer arrangements for pension purposes.

## **2.10 Filling of Vacant positions**

- 2.10.1 Where a position falls vacant, the Head of Department shall inform the Head of HR. The Head of Human Resource will notify the Director and advise whether the vacancy should be filled from within or recruitment from outside.
- 2.10.2 Where the Head of HR recommends for filling of the vacant position, he/she shall furnish the Director the reasons for doing so.
- 2.10.3 Vacancies will be advertised in a manner that reaches the widest pool of potential applicants and allow for at least twenty (21) days before closing the advert or review applications received by the organization for employment on the basis of fair competition and merit; representation of Kenya's diverse communities; adequate and equal opportunities to all gender, youth, members of ethnic groups, persons with disabilities and minorities.  
  
For Community Based Library applications for appointment shall be regulated by the Community Based Library Policy. In each case and where possible, a shortlist of not less than five (5) candidates per post shall be prepared and interviews conducted.
- 2.10.4 A candidate applying for employment shall do so online or manually by completing the prescribed knls employment form.
- 2.10.5 A committee will be established by the Director or as per the Board's advice to carry out short listing exercise for the applicants and thereafter convene an interviewing panel.
- 2.10.6 Recruitment will be undertaken on the basis of fair competition and merit; representation of Kenya's diverse communities; adequate and equal opportunities to all gender, youth, members of ethnic groups, persons with disabilities and minorities.
- 2.10.7 Before taking up duty, a person appointed to any office will be issued with appropriate letter of offer of appointment as the case may be, which must be signed before he commences his/her duties.
- 2.10.8 An offer of appointment may be withdrawn if the candidate does not accept in writing and take up the appointment within thirty (30) days of the offer.

## **2.11 Confidential Reports**

2.11.1 The Director shall call for confidential report of a candidate from previous employers, contents of which will determine whether the candidate may be considered for appointment.

### **2.11.2 Non Discrimination in Employment**

Knls Board shall promote equality of opportunity in employment and will not discriminate directly or indirectly against an employee on any grounds including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth.

2.11.3 The Board will endeavor to have a gender balanced staff establishment by ensuring that not more than 2/3 of positions in its establishment are filled by either gender.

### **2.11.4 Rights and privileges of Persons with Disabilities**

- a. Persons with disability shall be accorded equal opportunities for employment provided they have the necessary qualifications and are suitable for such employment
- b. Knls Board shall implement the principle that at least five (5) percent of all appointments shall be for persons with disabilities.
- c. Knls Board where possible shall provide facilities and effect modification, whether physical, administrative or otherwise, in the workplace as may be reasonably required to accommodate persons with disabilities.

### **2.11.5 Recruitment of non-citizens**

- a. It is the policy of Government not to employ non-citizens where there are citizens with appropriate qualifications. Recruitment of non-citizen will require the authority of the Public Service Commission
- b. In applying for authority to recruit non-citizen, knls Board should confirm that there are no citizens with the required qualifications available for the appointment and the candidate has complied with the provisions of the immigration Act and regulations.
- c. Recruitment from outside Kenya will also be subject to the following:
  - i. That the candidate is prepared to accept an appointment on contract terms
  - ii. That the Government of the country to which the candidate belonged raises no objection to his recruitment; and
  - iii. The candidate complies with the requirements of the Immigration Act.
- d. Non- citizen employees are also subject to the policies and regulations applicable in knls Board.
- e. It is the responsibility of knls Board to facilitate the acquisition of work permits for non-citizen employees.

## **2.12 Letter of Appointment**

2.12.1 The letter of appointment to an employee on first appointment shall be issued in duplicate, and shall contain the following details:-

- (i) Name and address of the employee

- (ii) Date of appointment
- (iii) The post and Salary Grade to which the candidate is appointed
- (iv) The terms and conditions of appointment and separation
- (v) The Salary Grade and amount payable as basic salary
- (vi) The house and other allowances payable
- (vii) Place of work/ duty station

2.12.2 The letter of appointment must be acknowledged by the employee through his signature before or on the date of engagement and a copy filed in his personal file. A candidate on first appointment shall provide the following documents:

- i. National identity card
- ii. Birth Certificate
- iii. KRA taxation
- iv. Original academic and professional certificates duly authenticated by the issuing authority or letter from Commission for University Education verifying the certificates
- v. Certificate of good conduct from the Directorate of criminal investigations
- vi. Coloured photographs
- vii. Bank account details

2.12.3 In addition, Authorized Officers shall ensure that all newly appointed officers are duly vetted as per existing policy.

2.12.4. The officer shall also make an initial declaration of income, assets and liabilities by completing the prescribed form.

### **2.13 Date of Appointment**

An appointment made from within Kenya will take effect from the date of assumption of duty. An appointment made from outside Kenya will take effect from the date of departure for Kenya in a most direct route.

### **2.14 Medical Examination**

2.14.1 Every candidate whom it is proposed to employ shall be required to undergo a medical examination conducted by a medical doctor or any other Government Medical Practitioner recommended by Knls. Employees may be required to undergo regular medical check-ups in the course of employment.

### **2.15 Particulars of Next-of-Kin**

2.15.1 An employee shall be required to complete the particulars of the next-of-kin form and notify the Head of Human Resource of any change in name and address of the next-of-kin for updating of the records.

2.15.2 In addition, employees shall be required to declare the names of their family (nuclear) members. Employee shall also be required to provide evidence of marriage, birth certificate of self, spouse, children and copy of ID/Passport. Any changes in the event of death of a family member or otherwise shall be provided by the employee.

**2.16 Official Secrets Act Declaration**

2.16.1 Every employee shall be required to sign a Declaration of Secrecy Form under the Official Secrets Act, Cap.187, Public Officer Ethics Act and any other applicable Acts on appointment and on termination of the service. In addition, the employees shall be required to comply with the provisions of The Public Officer Ethics Act, 2003.

**2.17 Employment Identity Card**

2.17.1 Every employee shall be issued with an official employment identity card by the Knls Board which shall be displayed prominently during official working hours.

2.17.2 In the event of loss of the employment card, an employee shall apply for a replacement upon payment of a specified fee. If a replacement of the card is as a result of change of designation or marital status, no fee shall be charged.

2.17.3 On termination of appointment, the employee shall be required to surrender his employment identity card to the Board.

**2.18 Duties of an Employee**

2.18.1 The duties of an employee shall include the usual duties of the office in which he is employed.

2.18.2 All employees shall be given a job description commensurate with the assigned duties

**2.19 Handing-Over Report**

2.19.1 Upon exit or redeployment, an employee will prepare a comprehensive handing over report under the supervision of the immediate supervisor and/or the Head of Department. A copy of the report duly approved by the Supervisor will be submitted to the Director for record purposes.

An exit interview shall be conducted to members of staff upon resignation by Human Resource Department.

**2.20 Clearance Certificate**

2.20.1 An employee shall be required to obtain a clearance certificate on exit from service of knls Board. In case of death of an employee, the Human Resource Department shall organize for the clearance.

**2.21 Certificate of Service**

2.21.1 A Certificate of Service signed by the Director will be issued to an employee upon exit.

### **3.0 SECTION 3 - TERMS AND CONDITIONS OF SERVICE**

#### **Introduction**

Terms and conditions of service are the rights and obligations of an employee and employer in the employment contract. These include; salary, allowances, housing, transport, terminal benefits, leave, conducive work environment and welfare and wellness.

Knls Board is committed to ensure that its terms and conditions of service are competitive in order to attract, motivate and retain skilled and productive workforce that ensures quality service delivery.

#### **3.1 Salary**

While determining salaries for employees, knls shall seek advice from the Salaries and Remuneration Commission as established by the Constitution of Kenya, 2010 under article 230 (5)

##### **3.1.1 Policy Statement**

The Board will regularly review the existing salary levels and revise the salary structure to enable it to provide a competitive remuneration package and incentives so as to attract and retain competent personnel in the service based on prevailing economic factors, ability to pay and government reviews given from time to time.

#### **3.2 Payment of Salary**

3.2.1 Each employee will have a stated monthly basic salary, which will be stated in the letter of appointment. The salary will be quoted before any statutory deductions.

3.2.2 Salary will be paid monthly and will be denominated and paid in Kenya shillings. Employees will advise the Human Resource office to pay their salary through the Bank for security reasons.

##### **3.2.3 Deductions and Contributions**

The Board shall deduct from the salaries of employees and remit to the appropriate recipient:

- a) Any amount required to be deducted by any written law in force for the time being.
- b) Any amount due as a contribution to Staff Retirement Benefits Scheme approved by the Board.
- c) A reasonable amount for any damage done to, misuse of, or loss of the Board's property occasioned by willful default of any employee.
- d) Any amount due for indebtedness to the Board.
- e) Any other deduction resulting from court orders.
- f) Any other voluntary contributions e.g. for insurance policy premiums, SACCO, check offs etc.

Deductions and contributions from salary will be effected so long as their net effect does not leave an employee with less than one third of the gross salary.

3.2.3 On termination of employment, the last payment will be made on production of a

clearance certificate on the prescribed form.

### **3.3 Grading Structure**

3.3.1 The Board salary structure will consist of sixteen (16) designated as knls1- 16, or as shall be determined from time to time. Knls scale 1-9 is for Management cadre while knls 10-16is for union cadre.

3.3.2 Each Salary Grade for Management cadre in knls shall have a salary scale showing minimum and maximum salary payable and the salary progression for the grade.

3.3.3 The salary grade for union cadre shall show the minimum wage payable. However, the review of salary or other terms for union cadre shall be negotiated through Collective Bargaining Agreement (CBA).

3.3.4 The Director may conduct periodic salary surveys to determine changes in cost of living and terms of employment being offered by comparable organizations. Such surveys shall form the basis of consultation with the relevant Government authority for appropriate salary reviews.

### **3.4 Payment of Salary on First Appointment**

3.4.1 An employee on first appointment will be paid salary with effect from the date of assumption of duty.

### **3.5 Annual Salary Increment**

3.5.1 Annual increment shall be awarded provided an employee has served for at least 12 months. An officer's annual incremental date shall be the first date of the month when one is appointed.

3.5.2 If an employee is granted unpaid leave which is not increment earning in accordance with Regulation 5.8.1 his incremental date will be recomputed by taking into account the amount of such leave taken, and will then be adjusted to the first day of the appropriate half in accordance with paragraph (1) of this regulation.

### **3.6 Grant of Annual Increments**

3.6.1 An employee shall be entitled to receive an annual increment in accordance with regulation 3.5.1 above.

### **3.7 Increments for Approved Experience**

3.7.1 Except where otherwise provided, an employee appointed on permanent, contract or temporary terms of service may be granted incremental credit(s) for previous approved experience at the rate of one increment for each complete year of approved experience provided the maximum salary of the scale assigned to the post is not exceeded and the Director certifies that there will be no supersessions among serving employees. The grant of increments for approved experience will be subject to the following rules: -

- (i) Incremental credit(s) will only be granted in respect of relevant experience gained after acquiring the requisite minimum qualifications for the grade. In



granting incremental credit(s) for any period of service or experience stipulated as basic requirement for appointment or promotion to a particular grade will be excluded as this constitutes the minimum requirement specified for appointment to that grade.

- (ii) Incremental credit(s) will be granted only for previous relevant experience in the type of work upon which an employee will be employed on appointment to the particular grade.
- (iii) Incremental credit(s) may not be granted on appointment to promotional posts, i.e. posts to which an employee would not normally be appointed if he had joined immediately after completing his education.
- (iv) Incremental credit(s) should be given for the number of years of aggregate relevant experience; periods in excess of full years being ignored. Thus, where an employee has relevant experience for three periods each of 1½ years, since the total amounts to 4½ years, he will be eligible for four increments only.
- (v) An employee should submit documentary proof of previous experience to the Director within two months of taking up the appointment. Documents submitted outside this period will not be considered.

### **3.8 Determination of Salary on Promotion of a Serving Officer**

- 3.8.1 Where an employee is promoted from one Salary Grade to another and his salary on the effective date of promotion is less than the minimum of the salary scale attached to the new Salary Grade and where that employee was earning an annual increment, he will receive the minimum of the salary scale attached to his new Salary Grade on the effective date of his promotion.
- 3.8.2 Where the salary of an employee on the day preceding the effective date of his promotion is one point immediately below the minimum of the salary scale attached to his new Salary Grade and where that employee was earning an annual increment, he will receive the minimum of the salary scale attached to his new Salary Grade on the effective date of his promotion.
- 3.8.3 Where the salary of an employee on the day preceding the effective date of his promotion corresponds to or is higher than the minimum of the salary scale attached to the Salary Grade to which he is promoted, his salary on promotion will be determined in accordance with the rules set out below:-
  - (i) Where on the day preceding the effective date of his promotion he had attained the maximum point of the salary scale attached to his former Salary Grade and his service at that salary amounted to less than one year, he will enter the salary scale attached to his new Salary Grade from the effective date of his promotion at the next point above his salary.
  - (ii) Where on the day preceding the effective date of his promotion he had attained the maximum point of the salary scale attached to his former Salary Grade and his service at that salary amounted to one year or more but less than three

years, he will enter the salary scale attached to his new Salary Grade from the effective date of his promotion at the next point above his salary.

- (iii) Where on the day preceding the effective date of his promotion he had attained the maximum point of the salary scale attached to his former Salary Grade and his service at that salary amounted to three years or more, he will initially be awarded the due annual increment for that period thereafter, enter the salary scale attached to his new Salary Grade from the effective date of his promotion at one point higher than the next point above his salary in the new Salary Grade.
- (iv) Where on the day preceding the effective date of his promotion he had not attained the maximum point of the salary scale attached to his former Salary Grade but was earning an annual increment in that salary scale, he will enter the salary scale attached to his new Salary Grade from the effective date of his promotion at the next point above his salary.

3.8.4 The above rules will not apply in the determination of salaries on promotion of employees whose emoluments are not directly related to the salary structure applicable to employees of the regular and pensionable establishment but are receiving fixed salaries determined on *ad hoc* basis- The Board's unionisable employees.

### **3.9 Determination of Seniority between Officers**

3.9.1 Seniority means the relative seniority of employees. In these regulations, seniority shall be determined as follows:-

- (i) As between employees of the same grade:-
  - (a) by reference to the dates on which they respectively entered the grade;
  - (b) if the employees entered that grade on the same day, by reference to their seniority on the day immediately preceding that day; and

if any employees who entered the same grade on the same day did so by appointment and not by promotion (excluding promotion from a non-pensionable grade), their seniority relative to each other shall be determined by reference to their respective ages.
- (i) As between employees of different grades, on the same salary scale or the same flat rate of salary, by reference to the dates on which they respectively entered their grades.
- (ii) As between officers of different grades on different salary scales, by reference to the maximum point on their salary scale, a flat rate of salary being regarded for this purpose as a salary scale with a maximum point equivalent to the flat rate.
- (iii) Provided that when assessing the seniority of a pensionable officer, service by himself or any other person in a non-pensionable capacity, shall not be taken into account.



## **SECTION 4 - ALLOWANCES**

### **4.1 Acting Allowance**

- 4.1.1 When an employee is qualified to undertake the duties of a higher post which has been temporarily or permanently vacated for a minimum period of 30 days, an acting allowance will be paid to the employee at the rate of 20% of his current monthly basic salary.
- 4.1.2 Acting appointments will be made where the period involved is 30 days or more. An employee who is appointed on an acting capacity will be eligible during the tenure of his acting appointment for traveling privileges and other related allowances such as hotel or accommodation allowance for the higher post but not leave or house allowances. The allowances will be determined at the rates applicable to minimum salary of the salary scale assigned to the higher post.
- 4.1.3 Recommendations for payment of acting allowance will be submitted by Head of Department to the Human Resource Management Advisory Committee as soon as an employee assumes the duties of the higher post. The Human Resource Management Advisory Committee will deliberate on the recommendations and advise the Director accordingly. Authority for payment of acting allowance will not be granted to take effect from a date earlier than three (3) months prior to the date on which a recommendation shall be submitted to the Director.
- 4.1.4 Where the higher post is permanently vacated, the Board shall, at the same time as the acting appointment is made, advertise the vacancy in question so that it may be filled in a substantive capacity.
- 4.1.5 The maximum period for an acting allowance shall not exceed six (6) months
- 4.1.6 Employees who shall be eligible for acting allowance are those in Salary Grade 9 to 2.
- 4.1.7 In all cases of Acting, an employee must be appointed to act in writing by the Director or such other officer who the Director may delegate such responsibility.

### **4.2 Special Duty Allowance**

- 4.2.1 Where an employee does not possess all the necessary qualifications and cannot be appointed to act in a higher post, but is competent to perform the duties, the employee may be called upon to undertake the duties of the higher post.
- 4.2.2 Employees eligible for special duty allowance are those in Salary Grade 9 to 2.
- 4.2.3 Recommendations for payment of special duty allowance will be submitted by the Head of Department to the Human Resource Management Advisory Committee as soon as an employee assumes the duties of the higher post. The Human Resource Management Advisory Committee will deliberate on the recommendation and advise the Director accordingly. Authority for payment of special duty allowance will not be granted to take effect from a date earlier than three (3) months prior to the date on which a recommendation shall be submitted to the Director.

- 4.2.4 Special duty allowance will be granted to an employee on the advice of the Human Resource Advisory Management Committee for a period not exceeding six (6) months.
- 4.2.5 Special duty allowance payable in each case will be paid at the rate of 15% of an employee's current monthly basic salary.
- 4.2.6 Employees performing duties of higher post under this provision shall be eligible for travelling privileges, accommodation allowance, subsistence allowance or an extraneous allowance and entertainment allowance applicable. However, the employee shall not qualify for house allowance or other remunerative allowances applicable to the post.

#### **4.3 Extra Duty Allowance**

When an employee on scale 16 to scale 10 is performing duties of another employee who is on leave/or out for some reason or another, he/she shall be paid at the monthly rates agreed in the current CBA. Minimum days an employee has to work to qualify for duty allowance shall be 21 days.

#### **4.4 Daily subsistence allowance (Local travel)**

- 4.4.1 An employee who travels on official duty outside the duty station and makes his own arrangements for Boarding and lodging will be paid a non-accountable allowance as will be approved by the Board from time to time.
- 4.4.2 Daily Subsistence allowance shall be paid for a maximum continuous period of up to thirty (30) days. Notwithstanding the provisions 4.4.1, an officer who is required to be away from his duty station for more than thirty (30) days will be paid accommodation allowance for the subsequent additional days at half (1/2) rate upto a maximum period of five (5) months. Beyond this period, if the officer continues to work in the same station, this will be treated as a posting and accommodation allowance will cease to be applicable.

#### **4.5 Meal Allowance**

- 4.5.1 Meal allowance will be payable to employees authorized to travel on duty outside the duty station within the country and is not required to spend a night away from his permanent station, he shall be eligible for a meal allowance at the prevailing rates approved by the Board from time to time.
- 4.5.2 Meal allowance shall not be paid as a compensation for officers who are required to work beyond the official working hours
- 4.5.3 Meal allowance shall be paid at the rate of 15% for breakfast, 20% for lunch and 20% for dinner of the daily subsistence rate applicable.
- 4.5.4 Meal allowance shall not be paid alongside Daily Subsistence allowance.

#### **4.6 Daily subsistence allowance while travelling on duty outside Kenya.**

- 4.6.1 An employee who is required to travel on duty outside Kenya will be granted subsistence allowance at the daily rates applicable in the Public Service as announced by the Government from time to time.
- 4.6.2 The rates of subsistence allowance which are payable for each complete twenty four (24) hours commencing from the time of departure from Kenya are designed to meet the cost of accommodation at good, but not luxury class hotels, three meals a day including service charges, local traveling (such as taxi, bus or train fare), incidental expenses including any taxes and an element in respect of essential entertainment. In addition, traveling expenses incurred from the airport of disembarkation to a hotel or other residential place and vice versa, airport charges, fees for vaccination, visas and passport charges will be refunded.
- 4.6.2 Where an employee is traveling, Boarding and lodging expenses are paid in full directly to the hosting institution/hotel by the Kenya Government or any other Organization, a residual allowance of up to one-quarter (1/4) of the standard rate of subsistence allowance may be paid to him to cover incidental expenses. Where only lodging expenses are covered, subsistence allowance may be paid at three-quarters (3/4) of the standard rate. In cases where the sponsor does not meet the expenses directly but pays an allowance and such allowance is less than the standard rate of subsistence allowance, the employee may claim the difference from the Board.

#### **4.7 Overtime Allowance**

- 4.7.1 When officer in Salary Grade 16 to 10 is required to work overtime, an allowance may be granted to him with approval of the departmental head for overtime worked in excess of forty (40) hours per week, at the rate of one and half (1 1/2) times the officer's basic salary during working days and two (2) times the officer's basic salary during other days including public holidays.
- 4.7.2 Overtime allowance will be paid subject to a maximum of ten (10) hours per week.
- 4.7.3 This provision will not apply to certain categories of staff in the Board's service who are required to work overtime regularly and an allowance has been authorized for their compensation.

#### **4.8 Entertainment Allowance**

Owing to the nature of their duties, officers in Salary Grade 1 and 2 may be called upon to provide hospitality and entertainment on behalf of the Board. The officers in scale 1 shall be eligible at the rate specified in the State Corporation guidelines and approved by the Board while officers in scale 2 the rates shall be determined by the Board from time to time.

#### **4.9 Non Practicing Allowance**

Non practicing allowance shall be paid to eligible officers whose professions are governed by an Act of Parliament at the rate determined by the Board from time to time.

#### **4.10 Leave Allowance**

4.10.1 Leave Allowance shall be payable to all employees once a year provided that an employee proceeds for at least half (½) of his leave entitlement. The allowance shall be paid on or before the commencement of the leave at the rates determined by the Board from time to time.

4.10.2 Employees stationed in any designated hardship area by the Government will be eligible for payment of leave allowance twice a year provided that they take not less than half of their leave entitlement. If such employee does not apply for leave he shall only draw leave allowance once per year.

#### **4.11 Telephone Communication Facilities**

Provision will be made for telephone/communication facilities for all employees in accordance with their respective Salary Grades and responsibilities as determined by the Board from time to time.

##### **4.11.1 Telephone Allowance**

A monthly telephone/airtime allowance will be paid to the Director, Deputy Directors and Heads of Department/branches at the rates set out by the Board from time to time.

#### **4.12 Extraneous Allowance**

4.12.1 All employees who are called upon to undertake extra responsibilities in addition to their normal duties and therefore work over and above the official working hours on a continuous basis are eligible for extraneous allowance.

4.12.2 The allowance will also be payable to employees attending Board meetings.

4.12.3 In addition, extraneous allowance will be payable to certain employees attached to the office of the Director and Cash office because of the extraneous nature of those offices.

4.12.4 For the purpose of this regulation, normal duties refer to those duties that an employee must perform as part of one's job as stipulated in the Job Description, performance contract, relevant Acts and professional bodies.

4.12.5 The rates for payment of extraneous allowance will be paid as follows:-

- a. Board meetings – Kshs. 10,000.00
- b. Other official duties
  - i. Secretarial staff attached to the office Director- Kshs 10,000 per month.
  - ii. Cash office—Kshs 8, 000 per month.
  - iii. Caretaker's occupying the Board's houses- Kshs 8,000 per month.
  - iv. Drivers/support staff attached to the Director's office - Kshs 8,000 per month or as per CBA.
  - v. Any other- 2,000
- c. Staff claiming the extraneous allowance per month will not be eligible for any other extraneous allowance at the Director's/Headquarters for similar duties performed. The

above rates and eligibility for payment shall be determined by the Board from time to time.

- d. Authority to undertake extraneous duties shall be given by the Director/Authorized signatories before undertaking the duties and claiming for payment.

#### **4.13 Commuter Allowance**

All employees who are not provided with house to office transport will be entitled to an automatic monthly commuter allowance at such rates as shall be determined by the Board from time to time.

#### **4.14 Imprest**

Employees who draw imprest prior to proceeding on safari must collect sufficient funds to cover the period they anticipate to be away. The imprest drawn must be accounted for within seven (7) days after returning from the safari. The claims must be within the salary scales/grades of such employees.

#### **4.15 Hardship Allowance**

4.15.1 An employee stationed in hardship areas will be granted a hardship allowance as will be determined by the Government from time to time. The hardship areas shall be as designated by the government.

Hardship allowance will not be paid for any continuous period of absence from the specified areas in excess of 30 days. Similarly, an officer normally stationed outside the specified areas will not qualify for hardship allowance when traveling on duty on those areas except when he spends a continuous period of 30 days or more.

#### **4.16. House Allowance**

4.16.1 All employees will be entitled to a House Allowance applicable to their Grades as may be determined by the Board from time to time.

4.16.2 Employees occupying institutional houses will pay rent in accordance to the prevailing assessed rental value of the house or surrender their house allowance whichever is lower. The assessment of the house for purposes of determining the rent shall be carried out by the Government Ministry in-charge of housing. The market rent applicable for the house will be communicated to the occupant from time to time.

#### **4.17 Retirees Allowance**

When an employee retires from the Board service, the Board shall pay him/her 1½ month's basic salary to facilitate resettlement in the new environment.

#### **4.18 Transfer Allowance**

An employee who gets transferred from one station to another by the Board will be entitled to payment of one month basic salary as Transfer allowance. If the transfer is requested by the employee concerned for his convenience, then the Board shall not pay Transfer allowance.



#### **4.19 Task force allowance**

Members of a Task force will be paid a compensation on successful completion of the task at the following rates:

Chairperson	Kshs 5,000
Members	Kshs, 4,000
Secretarial staff	Kshs 2,000
Driver/Support staff	Kshs 1,000

#### **Guidelines to constituting and compensation of Task Force**

- i. A Task Force will be constituted by the Director. Members will be individually appointed in writing and given clear terms of reference and duration of assignment, with well-defined outputs. The total number of a Task Force will be limited to a maximum of fifteen (15) members, inclusive of not more than two (2) supporting staff. An employee should not be appointed to more than one Task Force at any one given time.
- ii. A Taskforce assignment should be completed within a maximum of period of twenty (20) days. Where out of necessity, it is anticipated that a task will take more than twenty days, prior authority must be obtained from the Board, clearly giving the justifications/ circumstances and the expected period in the excess of the twenty (20) days.

For efficient management of Taskforce, the Director will:

- i. Constitute a Taskforce to undertake an assignment on conviction that the assignment is not a normal employee's duty and can only be accomplished through a taskforce.
  - ii. Personally approved payment of the Task force Allowance
  - iii. Make mid year returns on the number of task forces and the expenditure on the payment on the Taskforce allowance to the Head, Directorate of Public Service Management with a copy to Principal Secretary, National Treasury; and
  - iv. Ensure that overtime Allowance and retreat allowance are not paid alongside Taskforce Allowance
- 4.19.1 Officers in scale 1, 2 and 3 will not be eligible for Taskforce Allowance since their remuneration package has factored any extraneous assignments they may be required to perform in their normal course of duty.

## **SECTION 5 – LEAVE**

### **5.1 Policy Statement**

- 5.1.1 All employees shall be eligible for different types of leaves for purpose of rest, relaxation, attend personal matters and recuperative purposes to enable renew his/her energy and improve efficiency and effectiveness, while still receiving full compensation from the Board.
- 5.1.2 Leave is a right under the Employment Act, 2007. However, such a Leave shall be granted with approval of the Director.
- 5.1.3 Leave schedules/rosters will be prepared at the beginning of each financial year and release employees to proceed on leave to ensure that the mandate is not compromised.
- 5.1.4 Each Head of Department/branch will circulate a leave schedule in June, for employees to provide anticipated leave dates in order to allow proper planning and deployment of the human resource.
- 5.1.5 Annual leave shall not be commuted for cash, nor is leave allowance payable to dependents or to the estate of the deceased in the event of an employee's death in service.

### **5.2 Categories of Leave**

Leave falls into any of the following categories:-

- (i) Annual Leave
  - (ii) Casual Leave
  - (iii) Annual Leave for People Stationed in Certain Areas
  - (iv) Maternity Leave
  - (v) Paternity Leave
  - (vi) Unpaid Leave
  - (vii) Special Leave for sportsmen/women
  - (viii) Sick/Convalescent Leave
  - (ix) Compassionate Leave
  - (x) Study Leave
  - (xi) Leave for Special Purposes
  - (xii) Terminal leave
  - (xiii) Child Adoption leave
  - (xiv) Public Holidays
  - (xv) Leave for spouses of diplomats.
- 5.2.1 A Spouse of a Diplomat shall qualify for unpaid leave during the period of assignment of duty outside Kenya.
  - 5.2.2 A spouse of a diplomat shall apply for such a leave for the duration of the assignment outside the country.
  - 5.2.3 A spouse of the diplomat shall apply for posting one (1) month before the end of the tour/assignment.

### 5.3 Annual Leave

5.3.1 An employee will be eligible for annual leave at the commencement of a “financial year” except in the case of a newly appointed employee who will be required to complete a minimum of three months’ service before being granted annual leave. Annual leave shall be taken between 1<sup>st</sup> July to 30<sup>th</sup> June.

5.3.1.1 For the purpose of stock taking Branch Heads shall not take annual leave in the month of stock taking in June of every year.

5.3.2 Annual leave excludes Saturdays, Sundays and Public Holidays and shall be granted as follows:-

Salary Grade	Leave Entitlement
1 to 9	30 days
10 to 16	As per CBA

5.3.3 Annual leave is not accummable. Hence, leave earned shall be taken within the financial year it falls due or be forfeited. However, an employee may, if he so wishes, carry forward from one financial year, to another not more than one half of his annual leave entitlement.

5.3.4 Annual leave must be taken within the leave year it falls due or be forfeited. Deferment of annual leave year to another shall not be permitted except in very exceptional circumstances with prior approval of the Director.

5.3.5 An employee may utilize his annual leave at any time during the “financial year”, but shall not be eligible for such annual leave if he is not returning for further service for a minimum period of three (3) months. This condition does not, however, apply to an employee who resigns from the service at the end of a calendar year after having utilized his annual leave.

5.3.6 An employee who has not utilized the annual leave due for the year in which his employment ceases will be entitled to terminal leave in accordance with the Employment Act, 2007.

5.3.7 Annual leave for newly employed appointed employees will be calculated on pro-rata basis only for the year of his appointment.

### 5.4 Casual Leave

5.4.1 An employee may take casual leave which shall be between one day and less than one half of annual leave entitlement in a financial year in case of any pressing personal need.

5.4.2 Casual leave is only applicable upon exhaustion of annual leave entitlements.

## **5.5 Annual Leave for Employees Stationed in Hardship Areas**

- 5.5.1 An employee stationed in hardship areas designated by the government from time to time may avail himself of his annual leave in two portions, each to be taken once every period of six months, i.e. from 1<sup>st</sup> July to 31<sup>st</sup> December and from 1<sup>st</sup> of January to 30<sup>th</sup> June.
- 5.5.2 An employee who takes not less than half of his/her annual leave once every period of six months will be granted, in addition to his leave, traveling time of three days each way and normal traveling privileges.

## **5.6 Maternity Leave**

- 5.6.1 Female employees who are required to be absent from duty on account of confinement, shall be granted maternity leave with full pay for a maximum period of ninety (90) calendar days exclusive of annual leave due for the year
- 5.6.2 Before maternity leave is granted, the employee will be required to produce an acceptable medical certificate indicating the expected date of delivery. The date of commencement of maternity leave shall be the date indicated in the Birth Notification Certificate.
- 5.6.3 Should it be necessary to extend maternity leave beyond ninety (90) calendar days on grounds of sickness of the mother, the officer will be granted sick leave subject to confirmation by a recognized medical practitioner.
- 5.6.4 Where the extension sought is on the account of the child's sickness, the officer will be granted sick leave subject to confirmation by a recognized medical practitioner.

## **5.7 Paternity Leave**

A male employee shall be entitled to two weeks (10 working days) paternity leave with full pay during the period of the spouses' maternity leave. The male employee will be required to avail Birth Notification Certificate. Such leave shall not earn any allowance and shall be taken immediately after the child's birth. Paternity leave shall be taken once a year and for the spouse recognized by the NHIF.

## **5.8 Unpaid Leave**

- 5.8.1 Unpaid leave may be granted to an employee on the following grounds:
  - i. urgent private business or proven cases of exceptional hardships.  
The full details of the case, which shall be regarded as being strictly confidential shall be submitted to the Director in writing.
  - ii. Employees whose spouses are posted to foreign missions during the tour of service;
  - iii. Employees who are appointed to international organizations where they cannot transfer their service or be on secondment for a period not exceeding three (3) years.
  - iv. Spouses of officers appointed under iii above, will be granted unpaid leave for a minimum non-renewable period of one (1) year.
- 5.8.2 For an employee to qualify for unpaid leave, he will be required to have served for at least three (3) consecutive years.

- 5.8.3 Unpaid leave when granted shall not exceed thirty (30) days.
- 5.8.4 Unpaid leave shall not be increment earning
- 5.8.5 Unless it is specifically stated to the contrary, unpaid leave shall be treated for pension purposes as leave granted not on grounds of public policy and the period involved shall accordingly not be pension earning.
- 5.8.6 An employee on unpaid leave shall continue to discharge his liabilities to in respect of any financial advances during the period of absence.
- 5.8.7 For an employee whose spouse has been posted to a Kenyan mission abroad shall qualify for unpaid leave
  
- 5.8.8 There shall be no provision for unpaid study leave.

## **5.9 Special Leave for Sportsmen/Women**

The Director may grant an employee, who is selected to represent Kenya in national, regional or international fixtures, special leave with full pay for the necessary period of training and subsequent participation in sports. This special leave shall not be counted against the employee's annual leave entitlement.

## **5.10 Sick/Convalescent Leave**

Any absence from duty on account of illness must be supported by a medical certificate duly signed by a registered medical practitioner. The medical certificate shall indicate the convalescent leave days (sick offs) given according to calendar days for a maximum period of seven (7) days. Upon expiry of the seven days, subsequent sick offs will be on the basis of medical reviews and certificates given till recovery.

- 5.10.1 Sick/Convalescence leave will be subject to the maximum periods indicated below:
  - (a) Up to three (3) months on full pay followed by three (3) months on half pay, in a financial year, for employees on permanent and contract terms of service. At the expiry of the six (6) months, if the employee has not shown any signs of recovery, then the Board will request a second opinion from a doctor of its own choice to review the case and give an opinion as to the employee's suitability for continued employment. If in the opinion of the appointed doctor the employee has no prospects of immediate recovery or the ailment will render the employee unfit for continued employment in any capacity then the employee's services may be terminated on medical grounds.
  
  - (b) Up to one (1) month on full pay followed by one (1) month on half pay, in a financial year, for employees on temporary terms of service and thereafter the employment will cease.
  
- 5.10.2 An employee who cannot report on duty due to illness or injury must consult the Board doctor or any other approved medical practitioner who will issue the necessary medical certificates. The employee must at all times ensure that such absence is reported to his/her head of department or branch.

5.10.3 Sick leave will not be granted during a period of annual leave. An employee who continues to be sick after expiry of annual leave will, however, be granted sick leave in the normal way.

5.10.3.1 In the event that an employee is expected to donate an organ to a patient, such an employee shall apply for sick leave as per the registered medical practitioners recommendations.

## **5.11 Compassionate Leave**

An employee who has exhausted his/her annual leave may be granted compassionate leave up to ten (10) working days in a financial year under the following circumstances:

- a. If one loses his/her parents, a spouse or a child;
- b. one's immediate family (Husband, wife, child, mother, father) are admitted in hospital.

An employee requesting for compassionate leave shall furnish his/her head of department/branch with sufficient and acceptable proof of all documentary evidence in support of his/her request

## **5.12 Study Leave**

There shall be no provision of unpaid study leave in knls Board.

## **5.13 Leave for Special Purposes**

An employee may be granted leave in exceptional circumstances to enable the employee to attend, for example specific religious festivals.

## **5.14 Terminal Leave**

Employees pending retirement shall be entitled to their annual leave which shall be calculated on pro-rata basis i.e. the number of months such an employee has worked during that financial year. Such an employee shall not be required to return for three months service before the retirement date. In addition, that employee shall be entitled to a thirty days terminal leave which shall include weekends and public holidays and any other outstanding leave days

## **5.15 Child Adoption Leave**

5.15.1 An employee who decides to adopt a child shall be granted the above leave in accordance with the Children's Act to allow bonding with the child as follows:

- |      |                 |   |         |
|------|-----------------|---|---------|
| (i)  | Female employee | - | 60 days |
| (ii) | Male employee   | - | 10 days |

5.15.2 Where the adoption is by both the officer and spouse, and the spouse is also an employee in the service, child adoption leave will only apply to the female officer.

## **5.16 Public Holidays**

5.16.1 Employees will be entitled to the following public holidays:-

- |                         |   |                           |
|-------------------------|---|---------------------------|
| i. New Year's Day       | - | 1 <sup>st</sup> January   |
| ii. Good Friday         | - | to be announced           |
| iii. Easter Monday      | - | to be announced           |
| iv. Labour Day          | - | 1 <sup>st</sup> May       |
| v. Madaraka Day         | - | 1 <sup>st</sup> June      |
| vi. Mashujaa Day        | - | 20 <sup>th</sup> October  |
| vii. Jamuhuri/Uhuru Day | - | 12 <sup>th</sup> December |
| viii. Christmas Day     | - | 25 <sup>th</sup> December |
| ix. Boxing Day          | - | 26 <sup>th</sup> December |
| x. Id ul Fitr           | - | to be announced           |

5.16.2 In addition to the above public holidays, the following will be observed as public holidays as indicated:-

- |                  |   |   |
|------------------|---|---|
| (i) Idd ul Adhaa | - | Officers professing to the Islamic faith. |
| (ii) Diwali      | - | Officers professing to the Hindu faith    |

## **SECTION 6 - MEDICAL BENEFITS**

### **6.1 Policy Statement**

Knls Board regards a healthy employee as a great asset; consequently, the Board will accord medical benefits to assist the employee and his/her family for maintenance of good health. Available medical privileges will be accorded to all employees except those on casual terms, internship or field attachments. The Board will require all employees to undergo regular medical checkups to maintain safe and healthy workforce.

6.2.1 All employees will be entitled to both out-patient and in-patient medical benefits in accordance to an employee's salary scale/grade.

6.2.2 Where the Board has established a medical insurance cover, all employees will be entitled to both out-patient and in-patient medical benefits in accordance to an employee's salary scale/grade.

6.2.3 For the purpose of this section, the term "family" means the spouse and up to four (4) children of the employee who are under the age of 22 years and wholly dependent on the employee and are not married and in exceptional circumstances those who are in school/college or have permanent disability.

### **6.3 In-Patient Treatment**

6.3.1 Where the Board has an in-patient medical insurance scheme, it will cover the employee, the spouse and up to four (4) children. The limit of the medical cover shall be determined by Board from time to time.

6.3.2 In addition, where an employee's ailment is not covered by the medical insurance scheme, the employee shall be reimbursed the ex gratia for the medical expenses on production of receipts.

### **6.4 Out-Patient**

All employees will be entitled to medical allowance on monthly basis to enable them seek medical attention from any hospital of their choice. The rates of medical allowance will be determined by the Board from time to time.

### **6.5 Medical Treatment outside Kenya**

The Board will provide medical treatment as is available in Kenya. However, where an employee is recommended for treatment abroad, the medical insurance scheme shall meet the expenses, subject to provisions of the medical cover.

### **6.6 Group Personal Accidents Insurance Cover**

Board will provide Group Personal Accident Insurance Cover for its employees.



## **SECTION 7 - ADVANCES AND LOANS**

### **7.1 Policy Statement**

The objective of knls advances and loans is to cushion employees in circumstances of emergencies defined as unforeseen, unplanned and un avoidable events that demand immediate financial attention requiring an employee to secure funds on short notice. If this occurs knls will assist employees by providing an advance. To this end knls will have an advance facility. The following are the type of advances and eligibility:

### **7.2 Salary Advance**

7.2.1 An advance of not exceeding one month's salary may be granted by the Director, when an employee owing to circumstances beyond his control is placed in a difficult financial position requiring assistance from the Board. In applying for the advance, an employee should explain in detail the circumstances leading to the situation.

7.2.2 An advance under this regulation may be granted only when an employee has no other outstanding salary advance. In very exceptional circumstances, the Director may grant an advance of not more than two month's salary in situations similar to those in regulation 7.2.1 above, if he is satisfied that the employee needs assistance in excess of one month's salary advance.

7.2.3 Advance of salary may be granted to an employee on permanent establishment or to an employee serving on contract terms who has served for more than one (1) year and has more than one (1) year to serve before retirement.

7.2.4 Recovery of salary advance shall be effected in reasonable installments of up to twelve months. An advance in excess of one month salary shall also be recovered in twelve (12) monthly installments. In respect of an employee who is due to leave the service before twelve months the advance must be fully recovered in equal installments within the remaining period of service.

### **7.3 Salary in Advance**

An employee proceeding on annual leave may, when he utilizes not less than one half of his annual leave, be paid his salary for the month in which he proceeds on leave three (3) days before departure from his station. This arrangement does not constitute an advance of salary.

### **7.4 Advance for the Purchase of Motor Cycle**

7.4.1 An employee serving on permanent and pensionable or contract terms of service may be granted an advance for the purchase of motor-cycle. Such an employee should satisfy the Director that he is engaged on duties which necessitate the use of a motor-cycle and that his financial position is such that the repayment of the advance will not impose any financial hardship on him.

7.4.2 The maximum amount of advance is, however, limited to an employee's full annual basic salary and subject to a set ceiling as will be provided by the Board from time to time whichever is less. In applying for the advance, the details to include are description, make, price, name of seller and the place of sale.

- 7.4.3 The advance will be repayable over a period not exceeding forty-eight (48) months and will be paid directly to the supplier on production of an invoice.
- 7.4.4 The employee shall be required to maintain comprehensive insurance cover during the recovery period of the advance.
- 7.4.5 The logbook of the motor cycle will be deposited with the Director until full recovery of the advance is made.
- 7.4.6 Advance for the purchase of a motor cycle will normally be granted once in ten (10) years.

## **7.5 Advances for Purchase of a Bicycle**

- 7.5.1 An employee on permanent and pensionable or contract terms of service may, on the recommendation to the Head of his Department, be granted an advance for the purchase of a bicycle, provided: -
  - (i) That he is engaged on duties which necessitate the use of a bicycle; or
  - (ii) That he resides in an area in which adequate public transport facilities do not exist.
- 7.5.2 The amount of advance shall not exceed the price of the bicycle and shall be subject to a set ceiling as will be provided by the knls from time to time, whichever is less. The amount will be paid to the Dealer on production of an invoice.
- 7.5.3 The advance will be repayable over a period not exceeding twenty-four (24) months.
- 7.5.4 Applications for advances should be submitted through the Head of Department/Branch to the Director.
- 7.5.5 Not more than one advance will be granted within any period of thirty-six (36) months, save in exceptional circumstances such as when the bicycle is extensively used and any repairs are considered to be uneconomical

## **7.6 Advances for Purchase of Refrigerators/Water Tanks/Solar Panels/Generators**

### **7.6.1 Eligibility for Advance**

An employee serving on permanent and pensionable or contract terms of service may be granted advance for the purchase of the above item(s) subject to having the ability to pay.

### **7.6.2 Amount of advance and repayment**

- (i) The amount of advance shall not in any case exceed the price of the above items and shall be subject to a maximum sum determined by the Board from time to time.
- (ii) The advance will be repayable over a period not exceeding (36) thirty-six months

### **7.6.3 Application Procedure and Conditions**

- (i) Application for advance should be submitted through the Head of Department/Branch to the Director. The Director may approve or reject the applications at his discretion after calling for such further information as he may consider necessary.

- (ii) Where an application for advance for purchase of the above items is approved, the employee will be required to enter into an agreement and to produce an invoice from the Supplier. On completion of the agreement, the amount of advance will be paid directly to the supplier.
- (iii) Not more than one advance will be granted within any period of 6 years.

**7.7 Loan for purchase of Motor-vehicle/motorcycles**

7.7.1 An employee on permanent and pensionable or contract terms of service may apply for a loan from a bank or any other financial institution for the purchase of motor vehicle/motorcycle. Knls will, however, limit its role to guaranteeing monthly recovery and remittance of such loans for the duration that the employee remains in its employment. The Board shall not be held liable in case of a default by loanee.

7.7.2 The Board will also adopt other Government policies on Car Loan from time to time

**7.8 House Mortgage Loans**

7.8.1 An employee serving on permanent and pensionable terms may apply for a loan with any bank or financial institution to enable him purchase a house. Knls will, however, limit its role to guaranteeing monthly recovery and remittance of such loans for the duration that the employee remains in its employment. The Board shall not be held liable in case of a default by loanee.

7.8.2 The Board will also adopt other Government policies on House Mortgage from time to time.

7.8.3 Recovery shall not exceed two thirds of an employee's monthly total earning at any time.

## SECTION 8 - TRANSPORT POLICY

### 8.1 Provision of Free Transport

8.1.1 Knls shall provide transport for the employee, spouse and up to four (4) unmarried children under twenty-two (22) years of age who are dependent on him, on occasions when traveling, retirement and termination of service, other than resignation, summary dismissal or termination/expiry of contract terms before attaining the age of 60 years. However, an employee in the above category may be re-reimbursed the expenses incurred on transport where Board transport is not available.

8.1.2 An employee who resigns or is dismissed from the Service shall not be entitled to transport.

### 8.2 Transportation of Baggage on Transfer and Retirement

Where transport is not provided to an employee when travelling on transfer or retirement, the employee shall be permitted to carry personal baggage by rail or road at the expense of the Board. The employee shall be reimbursed the cost of transport at the following rates:

Job Scale	Rate per km
2-8	130
9	110
10-16	As per CBA

### 8.3 Travelling in Own Car on Official Duty

8.3.1 The Board will, where possible, provide its employees with transport when travelling on official duty.

In the absence of a more cost effective means, an employee may use a private vehicle/motorcycle for official duty with prior authority of the Director.

Where such permission is granted, the employee will be entitled to a mileage allowance at the prevailing Automobile Association of Kenya (AA) rates. The vehicle/motorcycle capacity will be limited to up to 2000 c.c.

The mileage rates payable in respect of any motor vehicle/motorcycle, are based on the cost of running such vehicle/motorcycles fully loaded and no additional allowances shall be payable for the conveyance of passengers in such a vehicle/motorcycle.

In case of any breakages labour and towing charges will be reimbursed on production of genuine receipts

8.3.2 Employees using their own motorcycles shall be granted the allowances at the approved rates subject to regulation 8.3.1 above.

#### **8.4 Travelling in Board's Vehicle/motorcycle**

- 8.4.1 An employee travelling on duty will be granted permission by the Director or an officer authorized by him to use a vehicle/motorcycle.
- 8.4.2 The Board's vehicle/motorcycles are intended for official purposes only, and should not be used for private purposes. An employee who makes improper use of Board's vehicle/motorcycle shall render himself liable to disciplinary action.
- 8.4.3 Whenever a Board's vehicle/motorcycle is used, it is compulsory that the details of the journey be indicated in the work ticket. Any driver (or any other employee for the time being authorized to drive the vehicle/motorcycle) found operating without a work ticket authorizing the journey in question, or found carrying unauthorized passengers or goods, shall be subject to disciplinary action. The Government Vehicle/motorcycle Check Unit is empowered to stop and check any Board's vehicle/motorcycle and prefer charges, where appropriate, against the driver/employee.

#### **8.5 Travelling by Taxi, Rail, Bus or Other Public Means**

An employee who is compelled to travel on duly authorized official duty, to attend or coming back from a course, conference, seminar, workshop, interview may make use of a taxi service from his residence to the airport, railway or bus station, and claim reimbursement of the cost of taxi fares at standard rates, provided that no official transport is available, or use of public transport is deemed to be inconvenient.

- 8.5.1 An employee who makes use of his own car in the circumstances described in regulation 8.3 above, may claim duty mileage allowance as set out in regulation 8.3 of this section – AA rates.

#### **8.6 Travelling by Train**

- 8.6.1 An employee may travel by train and claim reimbursement of the fare paid or may be issued with a railway warrant.

- 8.6.2 The entitlement will be as follows:-

<b>Salary Grade</b>	<b>Class</b>
1 to 2	1st Class, Single Unit with Compartments
3 to 6	1st Class Ordinary
7 to 16	2nd Class

- 8.6.3 An employee will be eligible for refund of the cost of any meals or beddings supplied to him at full rates on production of the Railway Catering Receipts.

#### **8.7 Travelling by Air**

- 8.7.1 When travelling on official duty to another country, an employee shall normally travel by air. Air travel within Kenya shall be used only when it is deemed to be economical

or where saving of time shall be paramount and shall require prior approval by the Director.

8.7.2 The Director shall travel in business class while all the other employees of the Board shall travel in economy class.

8.7.3 An employee travelling on duty by air shall not be granted any luggage allowance in addition to the free allowance on the air ticket, unless excess is required for official purposes in which case reimbursement for excess luggage shall be considered by the Director.

## **8.8 Management of Board's Vehicle/motorcycles**

8.8.1 The Director shall cause a register of all vehicle/motorcycles to be opened and maintained up to date. The register will include the following particulars in respect of each vehicle/motorcycle:-

- (i) Description of vehicle/motorcycle
- (ii) Chassis number
- (iii) Engine number
- (iv) Registration number
- (v) Log Book number
- (vi) Date vehicle/motorcycle purchased
- (vii) Department to which allocated
- (viii) Expiry/renewal dates for insurance policy and road licence and applicable licences
- (ix) Date and method of disposal

8.8.2 Each vehicle/motorcycle belonging to knls shall be comprehensively insured.

8.8.3 Each vehicle/motorcycle shall have a file in which all relevant documents and correspondence relating to the vehicle/motorcycle shall be filed.

8.8.4 It shall be the responsibility of the Director to ensure that all vehicle/motorcycles shall be properly used. He shall arrange for centralized overnight garaging and parking of the vehicle/motorcycles and arrange for proper custody of ignition keys, outside office hours.

8.8.5 All personnel required to drive Board vehicle/motorcycle shall have a valid driving licence appropriate for the particular class of vehicle/motorcycle. Any officer allowing or authorizing improper use of Board vehicle/motorcycles shall be held personally responsible, making him liable for suitable disciplinary action in accordance with this manual.

8.8.6 Disciplinary action will be taken against any employee of the Board who although properly authorized to drive the Board's vehicle/motorcycle has misused the authority in any of the following ways:

- (i) Driving the vehicle/motorcycle on an unauthorized journey to an unauthorized destination

- (ii) By deviating from the designated and authorized route without good reason or justification
- (iii) By carrying unauthorized passenger or goods

8.8.7 Drivers of Board's vehicle/motorcycles shall at all times set the highest standard of road conduct.

## **8.9 Reporting of Accidents**

8.9.1 All employees and drivers handling Board's vehicle/motorcycles shall acquaint themselves with the provisions of the Traffic (amendment) Act 2012, which requires a driver of a vehicle/motorcycle involved in an accident to stop and give personal particulars of both the driver and the owner of the vehicle/motorcycle, and the identification marks of the vehicle/motorcycle to any person having reasonable ground to require these particulars. If for any reason, the driver of the vehicle/motorcycle does not give his name and address to any such person, or if any injury has been caused, he must report the accident at the nearest police station or to a police officer as soon as possible and in any case within 24 hours of the occurrence of the accident. This procedure shall be followed at all times in the event of an accident involving Board's vehicle/motorcycles.

8.9.2 In addition to any report to the police, the driver, if not incapacitated by the accident, shall submit a preliminary accident report to the Director.

8.9.3 On being informed about an accident involving a Board's vehicle/motorcycle, the Director or such authorized officer, shall inform the vehicle/motorcycle insurers appropriately in accordance with the policy.

8.9.4 Where the Board incurs expenditure as a result of an accident involving a Board vehicle/motorcycle/ motorcycle and such an accident is attributable wholly or partly to the negligence or misconduct of any employee, the employee may be required to reimburse the Board whole or part of the expenditure as may be determined by the Board.

8.9.5 All accidents shall be reported to the Board.

## **8.10 Disposals and Acquisition of Board's Vehicle/motorcycles**

8.10.1 The Director shall seek and obtain authority of the Board to acquire or dispose off Board's vehicle/motorcycles. Disposal shall be either through advertised auctions or open tenders.

## **8.11 Transportation of the Deceased Employee for Burial**

8.11.1 If an employee dies while in the service of the Board, the Director shall provide Kshs.40,000 to defray funeral expenses and hire a hearse to take the body to its final resting place. In addition, the Director will attend or facilitate an officer(s) who will represent the Board at deceased burial.

8.11.2 On the death of an employee's officially declared spouse and upto a maximum of (4) four children below 22 years of age, the Board shall facilitate transport for representative/representatives who will attend the burial.



## **SECTION 9 - THE PERFORMANCE MANAGEMENT SYSTEM POLICY**

### **9.1 Policy Statement**

9.1.1 The Performance Management System is a critical component of the overall Human Resource function. It is predicated upon the principles of work planning, setting of agreed performance targets, feedback and reporting. It is linked to human resource systems and processes including recruitment, staff development, career progression, placement, incentives and sanctions. The performance management system will be evaluated through staff performance appraisals on the basis of the performance contract entered into between the Board and the employees. The emphasis of performance will be on the basis of achievement of specified targets timeframe.

#### **9.1.2 Objective of Performance Management**

Performance Management is intended to:

- a) Inform staff members the Board's strategic business objectives and priorities.
- b) Translate the objectives into departmental and each individual's job specific objectives to support the Board's goals.
- c) Ensure all staff members understand what is expected of their performance in relation to the Board's strategic objectives.
- d) Ensure performance standards and measures are fairly calibrated across similar job roles.
- e) Promote growth of individual staff to develop a workforce that meets the needs of the Board's future goals.
- f) Collect information for Human Resource department to put toward workforce skill composition and succession planning strategies.

#### **9.1.3 Performance Appraisal System**

Performance Appraisal System (PAS) is a component of performance management. It comprises of performance planning and performance evaluation functions. Performance appraisal is intended to:

- a) Assess and evaluate staff performance and measures actual performance against requirements of the job.
- b) Provide two-way discussion about job performance and understanding of job requirements.
- c) Create awareness of potential and motivate the employee to improve performance.
- d) Establish goals and timetables and mechanisms for improvement and provide feedback on progress toward achievement of goals.
- e) Reward good performance and sanction poor performance.
- f) Deal candidly and fairly with marginal and unsatisfactory performance and establish time frames for performance to reach to a satisfactory level.
- g) Provide a foundation for each employee's career planning goals.
- h) Review objectives based on change in business operations.

#### **9.1.4 Guiding Principle**

- a) Performance appraisal are intended to develop the employees' knowledge, skills and abilities by measuring how these factors contribute to job performance.
- b) Performance management is continuous, on-going process addressing past, present and future aspects of the employee's development in relation to their future career aspirations and the Board's goals.
- c) Heads of Departments/branches are responsible for creating a conducive work environment that empowers employees to realize their potential. They should provide the necessary resources to ensure that employees perform their duties to the required expectations.
- d) Continuous self-development and improvement are part of everybody's day to day job since managing performance is an on-going process.

**9.1.5** The overall objective of the PAS is to improve the performance of knls by enabling a higher level of staff participation and involvement in planning, delivery and evaluation of work performance.

**9.1.6** The specific objectives are to:-

- Link individual performance with organizational performance;
- Enable Supervisors and Appraisees to continuously assess work progress;
- Assess on timely basis the learning/development needs of staff;
- Promote accountability in knls ;
- Promote communication and encourage continuous feedback between Appraiser and Supervisor;
- Set the basis on which an officer's performance is monitored and evaluated as stipulated in the individual work plan;
- Improve the quality of work through better planning, on-going discussions and fair participatory appraisal; and
- Provide information for decision making on administrative and human resource issues such as renewal of contracts, promotions, delegation, training, deployment, reward and sanctions.

## **9.2 Scope of Application**

9.2.1 The PAS shall apply to all categories of staff and primarily consists of work planning and setting of performance targets; staff competencies and values assessment; performance appraisal and completion of the staff performance appraisal form (knl/7).

9.2.2 Two copies of the knl/7 will be completed; one copy of the form shall be kept in the employee's confidential file, while the remaining copy shall be retained by the employee.

9.2.3 The primary responsibility for implementing the PAS rests with the Director. The Director shall provide the appraisal report to the Board.

### **9.3 Staff Performance Appraisal Process**

9.3.1 Staff performance appraisal process will be carried out as follows:

- (i) Prior to the beginning of the performance period, the departments shall prepare a departmental work plan based on the strategic plan. Supervisors shall meet with staff under their direct supervision to discuss and ensure that the objectives and performance targets of the department are understood and annual individual work plans are drawn. The Departmental Work Plan should include the Departmental Priority objectives from which individual performance targets will be derived.
- (ii) The Appraisee shall hold discussions with the immediate Supervisor to agree on the work plan. As part of the Staff Training and Development Plan every staff member will indicate at least one professional development goal to be achieved in the reporting period. This may include special assignment, continuing education, on the job training, seminars, conferences and study tours.
- (iii) The individual workplan briefly describes the performance targets of expected results on specific assignment and activities for which the staff member is responsible during the performance year. The expected results may include completion of projects/assignments during the period of assessment. For each assignment there should be an indication of how success will be determined.

9.3.2 Performance appraisal is a continuous process. However, formal appraisal process during the period under review, shall be done twice: after the first six months and the final appraisal at the end of the financial year.

9.3.3 The appraisal reports shall indicate the standard of performance in the employee's key result areas of his/her job as well as general conduct. The aim shall be to obtain a comprehensive and objective assessment with the full knowledge and understanding of the employee's job contents and his/her performance in the job. The report will indicate the appraisee's training needs as well as his/her potential for advancement.

### **9.4 Staff Competencies and Values Assessment**

9.4.1 Achievement of performance targets will also depend on possession of certain specific competencies. Besides these competencies, it is important to ensure that results are realized through the observance of certain well defined values and ethics. A set of values and competencies have therefore been included in the Performance Appraisal System to ensure that they are appraised alongside the performance targets.

It is necessary that the supervisors discuss each competency and value with the appraisee at the beginning of the appraisal period in order to be clear on the relevance of the competencies and values on the performance of the appraisee. Mutual understanding can be achieved in mid-term discussions and final appraisal.

#### 9.4.2 Values

These are the shared values, ethics and principles which guide the actions and behaviour of staff. These values include:

- a) **Quality of Work** - Ability to complete tasks assigned according to standards and specifications—neat, accurate, thorough, timely and acceptable.
- b) **Transparency** - clarity and easily understood in his transactions or performing assigned tasks.
- c) **Accountability** - demonstrates responsibility, willingness to explain his actions and accommodates criticism.
- d) **Professionalism** - demonstrate skills and high standard of behaviour expected of a professional person (well trained and good at his work, or is with special education and training or with a lot of experience and performs his work skillfully).
- e) **Quantity of Work** - Ability to complete tasks assigned of volume required and during a given period of time.
- f) **Adaptability** - Ability to cope with new changes and to sustain normalcy in a crisis.
- g) **Discipline & Conduct** - Conducive attitude and job behaviors, responsiveness, integrity, honesty and accountability.
- h) **Punctuality** - Ability to report for appointment on time.
- i) **Teamwork** - Ability to work in a group effectively.
- j) **Communication** - Ability to communicate – pass on information effectively.
- k) **Knowledge of work** - Ability to demonstrate knowledge and skills of work acquired through education, training and experience.
- l) **Creativity and innovation** - Ability to use imagination and produce new ideas or methods of doing things in different and better way (s) than existed before.
- m) **Judgment** - Ability to think diligently and make decision logically.
- n) **Integrity** - Upholds the Public Service Values and Ethics – demonstrates and upholds Public Service Values as stipulated in the Public Officer Ethics Act, Acts without consideration of personal gain, does not abuse power or authority, takes prompt appropriate action in cases of unprofessional or unethical behaviour.
- p) **Respect for National Diversity/Gender**  
Works effectively with people from all backgrounds, treats all people with dignity and respect, treats men and women equally, shows respect for and understanding of diverse points of view

and demonstrates this understanding in daily work and decision-making, does not discriminate against any individual or group, includes a gender perspective in substantive work, recognizes the strengths in national diversity and takes measures to harness them, appreciates cross-cultural uniqueness and recognizes differences in socio-economic status, in the Institution/work unit, staffing to the extent possible mirrors the people of Kenya.

**q) Patriotism** - Upholds national ideals and aspirations in personal and professional conduct.

**r) Risk Management** - Anticipates risks and takes measures to mitigate against them.

#### **9.4.3 Core Competencies**

These are the skills, behaviour and work related attributes that are considered important for all staff regardless of their grades or functions.

**a) Professionalism**

Demonstrates professional competence and mastery of subject Matter, shows pride in work and in achievements, is conscientious and efficient in meeting commitments, observing deadlines and achieving results, is motivated by professional rather than personal concerns, shows persistence when faced with difficult problems or challenges and remains calm in stressful situations.

**b) Technical Competency**

Command and use of relevant technical and job related knowledge and skills.

**c) Communication**

An employee speaks and writes effectively, listens to others, correctly interprets messages from others and responds appropriately, engages in two-way communication, tailor's language, tone, style and format to match the audience, demonstrates openness in sharing information and keeping people informed.

**d) Teamwork**

An employee works collaboratively with colleagues to achieve organizational goals, solicits inputs by genuinely valuing others' ideas and expertise, i.e. is willing to learn from others, places team agenda before personal agenda, builds consensus for task purpose and direction with team members, supports and acts in accordance with final group decisions even when such decisions may not entirely reflect own position and shares credit for team accomplishments and accepts joint responsibility for team shortcomings.

**e) Time Management** - Ability to work on schedule, meet deadlines and be at the right place at the right time.

**f) Creativity**

An employee has ability to initiate new ideas and new ways of doing things, is not bound by conventional thinking or traditional approaches and has ability to cope with complex changes and to handle high levels of uncertainty.

**g) Continuous Learning and Performance Improvement**

Continuously seeks to develop oneself professionally, keeps abreast of new developments; and shows willingness to learn from others.

**h) Customer Focus**

Identifies customers' needs and matches them to appropriate Solutions, conforms to the provisions of the Service Charter, keeps customers informed of progress or setbacks in service delivery and meets timeliness for delivery of service to the customer.

**9.5 Managerial and Supervisory Competencies**

(i) These are the skills, behaviour and work related attributes that are considered essential for staff who have managerial and supervisory responsibilities:

**a) Leadership**

Has a vision and is able to share it with others, empowers others to translate vision into results, understands and endeavours to apply the Management Accountability Framework as a tool of Results Based Management, is proactive in developing strategies to accomplish Objectives, maintains relationships with a broad range of people to understand needs and gain support, anticipates and resolves conflicts by pursuing mutually agreeable solutions and shows the courage to take the right stand.

**b) Planning and Organizing**

Sets clear objectives and works toward their achievement, establishes and adheres to realistic work plans and time tables and works within budgetary, policy and authority guidelines.

**c) Training and Developing Staff**

Coaches and mentors staff to raise their level of competence, identifies staff performance gaps and recommends appropriate training programmes and offers managerial and supervisory guidance to staff to enable them take up more challenging assignments and responsibilities.

**d) Managing Resources and Accountability**

Plans prudent utilization of scarce resources to meet goals and performance targets, organizes and oversees work processes efficiently to achieve quality results within budget, takes responsibility and honours commitments and operates in compliance with organizational regulations and rules.

**e) Judgment and Objectivity**

Identifies the key issues in a given situation, gathers relevant Information, thinks quickly, logically and accurately in making a decision and makes timely decisions in the interest of the Service.

**f) Managing Performance**

Sets clear objectives and targets and clarifies responsibilities and reporting lines to each staff member, delegates the appropriate responsibility, accountability and decision making authority, allocates resources needed to accomplish tasks and matches tasks to skills,

supports the development and career aspirations of staff and carries out regular staff performance appraisals.

**g) Promoting use of Information Technology**

Takes an active role in introduction and application of Information Technology at the workplace, promotes e-government in the management of the knls resources, allocates resources for the development of ICT in the work place.

**9.6 Frequency of Performance Appraisal**

The appraisal will be biannual and the period will cover one year, from 1<sup>st</sup> July to 30<sup>th</sup> June. The Performance Appraisal reflects the summation of the year's performance.

**a) On-going Performance Appraisal**

Performance appraisal should be an on-going and continuous exercise throughout the performance period. Milestones over the review period should be documented and maintained in the appraisee's personal file.

**b) Mid-Year Performance Review**

The main purpose of the mid-year Performance Review is to accord both the Supervisor and Appraisee the opportunity to jointly review the progress made by the appraisee in accomplishing the tasks and assignments agreed on at the beginning of the Appraisal period.

The review should be in the form of discussions centered on what has been achieved; any constraints experienced and whether there is need to vary the initial assignments in order to accommodate any unforeseen circumstances. Any significant changes in the nature of functions of the appraisee should necessitate revision of performance targets.

The supervisor should, after discussions with the appraisee at mid-year performance comment on the appraisee's performance so far as provided for in Section 5b of the Appraisal form.

In the event that the Supervisor leaves the department, he should be able to appraise the performance of the appraisee(s) up to that point in time.

**9.7 End of Year Appraisal**

- a. The End Year Appraisal takes place at the end of the reporting period;
- b. The Supervisor and Appraisee are required to meet at the end of the year to discuss the overall performance over the period;
- c. Prior to the meeting, the Appraisee should prepare a preliminary assessment of the extent to which the set performance targets were achieved as agreed at the beginning of the Performance Year;

- d. The Supervisor and Appraiser should discuss the agreed performance targets together with any changes/comments from the mid-year performance Appraisal;
- e. The Supervisor assesses the extent to which the Appraiser has achieved the performance targets set, taking into account any unforeseen developments that may have affected performance during the period;
- f. The supervisor is also required to assess the Appraiser's core competencies and values and indicate his views;
- g. The Supervisor will use the following four ratings:
  - i. **Performance targets met and exceeded in several areas**  
This assessment describes performance that fully meets all the targets and exceeds them in several areas.
  - ii. **Performance targets fully met**  
This assessment describes performance that fully meets all the targets agreed upon in the work plan, and represents acceptable level of performance.
  - iii. **Performance targets partially met**  
This describes performance that meets some of the targets that are reflected in the work plan.
  - iv. **Performance targets not met**  
This assessment means that the officer has not met the performance targets detailed in the work plan.

In this case, the Supervisor should include remedial training or development plan which both the Supervisor and Appraiser agree upon.

- a. The Appraiser will comment on the assessment by the Supervisor;
- b. The Second Supervisor will comment on the performance appraisal by the supervisor and sign the form.

## 9.8 Recommendation/Sanctions

9.8.1 The Performance Appraisal System is primarily meant to manage the performance of an individual for the improvement of the Performance, recognizes and rewards good performance and sanction poor performance.

## 9.9 Types of rewards and sanctions

9.9.1 The provision and types of rewards and sanctions shall be set out in the Rewards and sanctions framework of the Board.



### **9.9.2 Knls performance Management Committee (PMC)**

There shall be a Performance Management Committee whose Chairman shall be the Deputy Director (Finance and Administration) while the Head of Human Resource shall be the Secretary. Members of the Committee shall be appointed by the Director.

### **9.9.3 Rules of conduct for the Performance Management Committee**

- a. Members of the Performance Management Committee shall be expected to perform their duties with diligence, integrity, impartiality and confidentiality
- b. In the event that there is disagreement between the supervisor and an appraisee on assessment of performance, the Committee shall moderate the scores based on verifiable performance indicators and make recommendations to the Director.
- c. Members of the performance Management Committee will not discuss or make recommendations in respect to their own performance reports. The Director shall review their performance appraisal reports upon successful appraisal by their various supervisors.
- d. Members of the Performance Management Committee may also be eligible for the awards, provided that they excuse themselves from participating in any decision-making regarding any award for which they are being considered.

### **9.9.4 PMC Recommendations**

The Director on the recommendation of the PMC shall reward excellent performance and apply appropriate intervention in accordance with existing service regulation. The Supervisor may however, recommend other specific interventions depending on the insight gained during the appraisal.

### **9.9.5 Appeals on Staff Performance Appraisal process**

Appeals on performance assessment shall be submitted to the Director.

## **SECTION 10 - HUMAN RESOURCE DEVELOPMENT POLICY**

### **10.1 Policy Statement**

Staff training and development is vital for the success of any organization. Kenya National Library Service Board (Knls Board) recognizes that quality training is a result of prudent investments in physical facilities, tools and equipment.

The knls Board is committed to continuous acquisition and improvement of skills, knowledge, attitudes and competencies of its human capital to enable them realize their full potential and enhance professional development and quality service delivery.

knls Staff Training Advisory Committee (STAC) will be responsible for guiding and coordinating staff training and development activities. The Director shall appoint Heads of Departments/Branches as members of the committee every three years. The committee shall be chaired by the Deputy Director (Finance & Administration). The Human Resource Officer in-charge of training shall be the Secretary.

All trainings shall be guided by training projections that are approved by the Staff Training Advisory Committee.

### **10.2 Objectives**

The objectives of Staff Training and Development Policy are to:

- (i) Guide on staff training and development.
- (ii) Provide criteria for application, selection and training of staff.
- (iii) Spell out terms and conditions for staff training and development.
- (iv) Promote fairness in allocating staff training and development opportunities.

### **10.3 Guiding Values and Principles**

The following values and principles will guide the staff development and training policy and will apply to all aspects of staff training and development activities delivered centrally and support areas as follows:-

- (i) All employees regardless of race, age, marital status, religion, gender, grade and disability or ethnic background are expected to undertake staff training and development as a continuous process throughout their employment.
- (ii) Employees are expected to take responsibility for their own training and development including participation in planned activities and making use of the available opportunities to learn.
- (iii) Line managers are responsible for identifying individual Staff training and development needs, mentoring and coaching staff should uphold accountability and transparency.
- (iv) Staff training and development programmes will be evaluated and reviewed to ensure that it is adequate, relevant and provides value for money for sustainable development.
- (v) Ensure that training contributes to the Board's goals and strategic objectives through the improvement of staff career and work performance.

#### **10.4 knls Staff Training and Advisory Committee**

The committee will be responsible for:-

- (i) Making recommendations to the Director on all training and development related matters for approval.
- (ii) Nominating and selecting suitable candidates for various training programmes organized both locally and internationally.
- (iii) Issuing of guidelines/manuals for implementation and compliance with the provisions of the Training and Development Policy.
- (iv) Reviewing of the training and development policy after five years or as need arises with a view to ensure that it keeps abreast with the changing trends.

#### **10.5 Terms and Condition of Training**

- (i) Where an employee does not successfully complete a course sponsored by the Board, he/she will not be sponsored or granted study leave to pursue a similar course except for situations of illness or any satisfactory reason.
- (ii) An employee sponsored for training will be expected to successfully complete the course within the stipulated time and resume duty. Any changes of the course initially sponsored for must be approved by the Board.
- (iii) All sponsored employees shall make sure that their progress report is submitted to the employer at the end of every semester/term before the next payment is released by the sponsor.
- (iv) An employee fully sponsored by the Board or a donor on fulltime basis will be deducted training levy for the period of training in accordance to Board/Government regulation in force.
- (v) An employee whose training is approved will be expected to successfully complete his/her course within the stipulated period and resume duty.
- (vi) An employee who has booked a place on a paid for course and who fails to complete the course with the exception of illness and where there is no replacement, such an officer will not be considered for retraining for two (2) years.
- (vii) An employee who makes his/her own arrangements for training in the relevant field without first clearing with the Board, on passing the examination, the employer will not be bound to promote or refund examination and tuition fee to the employee.
- (viii) An employee who leaves the organization (knls Board) before the expiry of the bond period shall be liable to pay liquidated damages to the organization. The damages will comprise the whole amount of the bond. The bondee and / or surety(ies) will be required to redeem bond amount in lumpsum in case of default. The Board will reduce the liquidated damages in proportion to the length of the bond period served by the bondee (i.e prorated). Any incomplete months will be calculated to the nearest month.
- (ix) An employee attending a course approved by the Board will be deemed to be on duty and all regulations pertaining to his employment will be applicable.
- (x) An employee shall not be sponsored by the Board for 1<sup>st</sup> degree and 2<sup>nd</sup> Master degree except under special circumstances.
- (xi) Notwithstanding (x) above and in abid to ensure the marginalized and minority groups and persons with disabilities are represented at all levels of public service, the Board may recommend sponsorship of officers for relevant undergraduate degree programs, based on identified training needs in line with affirmative action programs.

(xii) The affirmative action for undergraduate degree programs shall remain in force until such a time that a representative Board's Service is achieved.

**(xiii) Phd Programs-**

Phd training will continue being sponsored and approved for officers in Library, Training and Research departments. However, officers wishing to pursue the Phd under the self – sponsorship arrangement will be approved on condition that the areas of study is relevant to their duties, has completed two (2) years service since the last long course and the approvals shall not provide for reimbursement of training expenses.

The Board will consider financial assistance or approve requests for training at this level on a case by case basis provided that the area of study is a Board priority or is focused toward the Board's strategic needs as outlined in its strategic plan and the course is relevant to the officer's current or potential future job.

**(ix) Training revolving fund**

- a) The Board shall set up a training revolving fund to assist its employee's access funds at subsidized interest rates for training in order to enhance knowledge and skills considered critical for performance improvement and achievement of the Board's development goals.
- b) Officers who have been projected for training in critical areas and the Board has no funds to sponsor them within the fiscal year, may be advised to seek funds from the training revolving funds.
- c) The Staff Training Advisory Committee will vet candidates who have applied for the loan using the set guidelines.

**10.6 Salary**

- (i) An employee attending a course approved by knls will be deemed to be on duty and all regulations pertaining to his employment will be applicable;
- (ii) Provided that his study reports and conduct are satisfactory, an employee shall be eligible for consideration of promotion when due and receive annual increments.

**10.7 Allowances**

- (i) An employee travelling to attend a course approved by knls shall be deemed to be travelling on duty and shall be re-imbursed any travelling and subsistence expenses incurred.
- (ii) An allowance to purchase books, training instruments and apparatus, etc, shall be paid to the sponsored employee on the basis of the recommendation provided by the head of the institution where the course shall be held.
- (iii) Payment of house allowance and medical allowance shall continue during training.

#### **10.8 Leave**

- (i) Attendance at a course which has no provision for vacations will count as duty for the purpose of an employee's eligibility for leave.
- (ii) An employee undertaking fulltime course of study at an academic institution will normally be granted the student's vacation, but may be required to resume duty during vacation provided that he enjoys a minimum of one month's vacation in a year. Such an employee will not be eligible for any additional leave in respect of the period of the course.
- (iii) An employee attending a course outside the country shall be eligible for his normal annual leave due only for the year he returns to the country.

#### **10.9 The Expenses to be met by the Employee**

The employee will meet the following expenses:-

- (i) The full cost of his own subsistence during both term time and vacation, whether this takes the form of a fee for a residence at an institution or payment of Boarding and lodging outside the institution;
- (ii) Fares for daily journeys between his lodging and place of study;
- (iii) The purchase of all outfits and clothing including any academic dress required;
- (iv) Personal commitments including laundry, recreation, entertainment and voluntary subscriptions; and
- (v) Any expenses of personal nature that may be incurred during both term-time, vacation, including travelling and subsistence.

#### **10.10 Progress Report**

knls shall require the employee to submit progress reports on training. The frequency of such reports shall depend on the individual courses undertaken.

#### **10.11 Resumption of Duty**

The employees shall resume duty immediately upon the completion of the course or the expiry of the period of training.

#### **10.12 Refund of Training Expenses Incurred**

An employee on training may be called upon to refund any sums of money expended on him under the following circumstances:-

- (i) If through own acts of omission or commission, unsatisfactory conduct and general indiscipline, the employee displays unsatisfactory progress and is consequently discontinued from the course.
- (ii) If he fails to return on duty at the expiry of the course without reasonable excuse.

#### **10.13 Conference and Seminars**

Employees attending conference, seminars, workshops and study tours, whether locally or abroad, usually of up to four (4) weeks duration, shall be regarded as travelling on duty and shall receive appropriate allowances in accordance with regulation 10.7 of this section.

#### **10.14 Subscription to Professional Bodies**

The Board shall pay annual subscription fee to professional bodies who assists the Board and also for membership in respect to individual staff to professional bodies relevant to the profession and duties of the concerned employee subject to membership of two such bodies.

#### **10.15 Implementation Procedure**

##### **10.15.1 Criteria for Selection**

The following criteria will be followed when nominating and selecting employees for training:-

- (i) Academic and/or professional qualifications;
- (ii) Experience of applicant and work history;
- (iii) Performance appraisal reports and recommendation by Head of Departments/Branches;
- (iv) Relevance of the course and emerging challenges related to the needs of the organization (Board);
- (v) Knls Boards training projections;
- (vi) Availability of funds for sponsorship;
- (vii) Where courses are locally available, the Board will not sponsor an employee for a programme outside the country.

#### **10.16 Types of Sponsorship**

All applicants for training programmes should be recommended to the Director based on the requirements for training for a particular course. The staff training and development will be at four (4) levels i.e.

- (i) Full sponsorship by the Board;
- (ii) Partial sponsorship by the Board;
- (iii) Private study; and
- (iv) Sponsored Seminars, Workshops, Conferences and other Short Courses locally and internationally.

#### **10.17 Full Sponsorship by the Board**

An applicant will be considered for full sponsorship for a long term course by the Board based on the following requirements:-

- (i) Must have completed a minimum period of two (2) year service with the Board
- (ii) Must meet the minimum requirements for the course applied for
- (iii) Must make their formal application through their respective Heads of Department/Branch.
- (iv) Selected applicant must complete bonding forms as required before being cleared for training

- (v) To qualify for long term course, an applicant must have served the Board for a minimum of two (2) years since the completion of the previous long term course sponsored by the Board.

#### 10.17.1 Expenses to be Met by the Board

The knls Board will pay for the following items for employees on full sponsorship:-

- (i) Pre-departure medical examination, passport, visa, vaccination and inoculation fees, if any.
- (ii) All course fees (other than residence fees or other charges for Boarding and lodging).
- (iii) Library fee.
- (iv) Book allowance as stipulated in the Government regulations.
- (v) Medical insurance contribution, where applicable.
- (vi) A return air ticket for an employee attending overseas training and fare from the airport to the work station. The mode of transport will be the most economical.
- (vii) The cost of transporting their baggage by air shall be reimbursed, on production of receipted bills. This shall be paid once only for journey to Kenya and once for journey to the employee's duty station.
- (viii) Full accommodation for local training at the institution's hostels. In the event of not getting accommodation at institution's hostels, an employee will be paid the equivalent rate for alternative accommodation.
- (ix) Fare for employees training in local institutions, from duty station to the venue of the course and back. However for employees attending holiday mode training programmes, the fare shall be reimbursed for every semester attended.
- (x) Project/Research fee will be paid as stipulated in Government regulations and circulars issued from time to time.

#### 10.18 Partial Sponsorship

Requirements:

An applicant will be considered for partial sponsorship for a long term course by the Board based on the following:-

- i. Must have completed a minimum period of two (2) year service with the Board
- ii. The employee shall meet the other requirements stated in clause 10.17 (ii) and (iv) above.
- iii. To qualify for another long term course partial sponsorship an applicant must have served the Board for a minimum of two (2) years since the completion of the previous long term course partially sponsored by the Board.
- iv. An employee will be considered for partial sponsorship based on the needs identified in the previous year staff performance appraisal or training needs assessment to encourage self-development for career progression. Such an employee should have demonstrated exceptional ability in work performance in achieving Board's set targets.

#### 10.18.1 Payments by the Board

The knls Board will pay for the following items for employees on partial sponsorship:-

- (i) Examination fee.
- (ii) Library fee.
- (iii) Requisite benefits such as house allowance, living allowance etc.
- (iv) Selected applicant must complete bonding forms as required before being cleared for training.
- (v) Subject to availability of funds, not more than 50% tuition fee for employees on partial sponsorship.

#### **10.19 Private Study**

Employees shall be encouraged to improve their individual capacities and capabilities at their own cost and time. However, the courses should be relevant to their work in order to achieve improved performance and facilitate career development. An employee wishing to undertake private studies and examinations will be required to:

- (i) Seek for approval of the course from the office of the Director before proceeding for the course and must have completed a minimum period of two (2) year service with the Board.
- (ii) Meet the minimum requirements for the course applied for.

#### **10.20 Training Needs Analysis**

All trainings in knls will be based on comprehensive training needs analysis to be conducted on a two year basis. In addressing training needs, training objectives will be linked to national and knls goals

#### **10.21 Skills Inventory**

Knls will develop and continually update skills inventory to assess and compare the available skills against those that are required so that the missing skills will either be sort from the open labour market or provided through training.

#### **10.22 Standardization and certification**

The knls Board shall only recognize qualifications awarded by legally recognized examination bodies, accredited and/or approved by the commission of Higher Education Board.

#### **10.23 Bonding**

To ensure that knls Board benefits adequately from the skills of employees returning from training, all employees proceeding on long term training, that is, for six months or more months will sign bonding form.

The trainees will be bound to resume duty upon completion of study.

#### **10.24 Bonding Period and Course duration**

The bond period would be determined by either the duration of the course or the value/cost of the course as follows:-



### **Training period**

- a) Six (6) months up to One (1) year
- b) More than one(1)year up to Two (2) years
- c) More than two(2)years up to Three (3) years
- d) More than three (3) years

### **Bonding period**

- One(1) year
- Two(2) years
- Three(3) years
- As per the duration of the course but not exceeding five years

### **10.24.1 Training Levy**

- i. Officers undertaking courses lasting more than four (4) weeks and above in local training institutions will be required to contribute to the cost of their training at the rate of ten percent (10%) of their basic salary per month for the duration of the course.
- ii. Officers attending courses lasting more than four (4) weeks in institutions outside the country will contribute at the rate of twenty percent (20%) of their basic salary per month for the duration of the course. This is regardless of whether the courses are sponsored by the Board/Government of Kenya or by Development Partners through bilateral or multilateral arrangements.
- iii. Officers undertaking Part-time/Full time self- sponsored are however, exempted from paying the training levy.
- iv. Accounting officers should ensure the officers' training contributions are remitted in lump sum for the duration of the course to the Board before the commencement of the course.

### **10.25 Calculation of the Bonding Amount**

10.25.1 Once a bonded employee begins the approved course of training, all the costs of training constitute the bond amount.

- a) **Full Time Sponsored:** Total cost of training plus the gross salary for the duration of training.
- b) **Part-Time Sponsored:** Total cost of training plus gross salary for the period of training during knls Board working hours.
- c) **Own Time Self Sponsored:** No bonding exemption where the officer claims 75% reimbursement in which case the refundable amount constitute the bond amount.

10.25.2 The Board will institute appropriate measures to recover the total amount of bonding for those who fail to return to the knls Board service for the bonded period.

If a trainee changes his/her course midstream the scholarship shall be withdrawn and the Board will be asked to contemplate appropriate disciplinary action including the recovery of the scholarship funds paid.

**10.26 Living and subsistence allowance**

The Board will pay living, subsistence and other allowances to trainees studying abroad and locally in accordance with Government regulations applicable at the time.

**10.27 Induction Training**

Newly appointed employees will be offered induction and orientation training within one month of reporting. The training is expected to help an employee familiarize with the work environment and requirements.

Induction reports should be submitted to the Director within three months of reporting.

**10.28 Attachment**

- a. Students requesting for industrial attachments must accompany their applications with letters of introduction from the institutions of learning. Further, such students should submit Industrial attachment contract forms from National Industrial Training Authority (formerly Directorate of Industrial Training) dully filled.
- b. The knls Board shall limit the number of students on attachment from different colleges up to a maximum of two (2) students per college at any given time subject to a maximum of ten (10) students at any given time.
- c. All students on attachment shall be supervised and assessed by their lecturers while on attachment.
- d. The knls Board shall issue an assessment report in respect of the students to the respective institution and industrial attachment assessment form to National Industrial Training Authority.
- e. Any student offered attachment will not be entitled to any allowances

**10.29 Internship**

knls Board will consider internship for students who have completed their courses as per the knls Internship Policy and guidelines.

**10.30 Research/Project on knls Operations**

- a) Heads of Department/Branch will liaise with students on research and fill/complete all questionnaires appropriately.
- b) A copy of the questionnaire duly completed shall be filed in the respective file for record purpose.
- c) All students on research projects shall be cleared by the National Council of Science and Technology to undertake the project. A copy of the research findings shall be deposited with the knls Board.

**10.31 Volunteers**

The knls Board will allow volunteers to work in the library for a period not exceeding two months renewable. The Head of Department/Branch shall issue the volunteer with a recommendation letter stating the period and skills gained.



## **SECTION 11 - EMPLOYEE CONDUCT AND DISCIPLINE POLICY**

### **11.0 CODE OF CONDUCT**

#### **11.1 Policy Statement**

Every employee is required to maintain loyalty and uphold the dignity of the public office to which the employee is appointed. It should be borne in mind that each employee occupies a special position within and should be proud of that position to ensure that his conduct, both in public and private, does not bring the service into disrepute. It is, therefore, imperative that every employee adheres to these rules and such other rules as may be promulgated from time to time with scrupulous care.

The disciplinary process at knls Board shall be governed by the principles of natural justice; any employee charged with an offence shall be given an opportunity to defend himself/herself. Discipline cases shall be dealt with/dispensed as soon as possible after the occurrence.

In addition to the rules and regulation governing employee conduct in this manual, all employees of the Board are required to comply with the provisions of Chapter Six of the Constitution of Kenya on Leadership and Integrity and Articles 10 and 232 of the Constitution; Leadership and Integrity Act, 2012; Public Officer Ethics Act, 2003; Anti-corruption and Economic Crimes Act, 2003; Labour Relations Act, 2007 and the Employment Act, 2007.

Employees are also required to adhere to their respective professional code of conduct.

The Board's HR Manual contains general rules and regulations to be observed by all in order to maintain discipline and uphold the dignity of the office in which they serve. Failure to adhere to these rules will lead to disciplinary action as outlined in disciplinary procedures.

#### **11.2 General Obligations**

An employee shall:

- a) Neither seek nor accept instructions from any other organization external to the Board in any matter related to their official duties other than those with which the Board deals with in the normal course of official duties.
- b) At all times conduct him/herself in a manner befitting his status as an employee of the Board. He/she shall not engage in any activity that is incompatible with the proper discharge of his/her official duties. He/she shall avoid any action and in particular, any kind of public pronouncement which may adversely reflect on his/her status or the integrity, independence and impartiality which is attributable to that status.
- c) Exercise the utmost discretion in regard to all matters of official business. He shall not communicate to any person either verbally, in writing or electronically, any information known to him/her by reason of his/her official position which has not been made public without the authority of the Director or even use such information at any time for private advantage.
- d) At all times uphold the Board's Mission Statement and Core Values as outlined in the Strategic Plan.

- e) Perform their duties with honesty, integrity and to the best of their abilities. They must not allow themselves to be unduly influenced by anything or anybody.
- f) Be courteous and friendly to customers. They must give correct and timely information regarding the services of the Board in performance of their duty. They must accept accountability for their action and decisions and also appreciate positive criticism.
- g) Use their capabilities and develop their potential as much as possible particularly in return for knowledge and skills acquired during training for the benefits of the Board.
- h) Not absent themselves from duty during appointed working hours, leave their appointed place of work, proceed to a place other than their duty station, exchange duty with other employees or alter working hours of duty without the permission of head of department.
- i) Require approval from the head of department/branch before proceeding on off duty
- j) Not solicit for rewards/bribes before, during or after performance of their duties.
- k) Extract or destroy official records.
- l) Uphold and portray positive image of knls.
- m) At all times take care of knls property that is entrusted under their care.
- n) Have a duty to keep the Board's environment clean.

### **11.3 Rule of Law**

An employee shall carry out his/her duties in accordance with the law and shall not violate the rights and freedoms of any person enshrined under Chapter Four of the Constitution of Kenya.

### **11.4 Public trust**

A public office is a position of trust and the authority and responsibility vested in a public officer shall be exercised in the best interest of the country.

### **11.5 Deployment**

11.5.1 An employee shall be deployed by the Director to serve in those positions that commensurate with his recruitment and qualifications.

### **11.6 Performance of duties**

An employee shall, to the best of his/her ability carry out duties of the office efficiently and honestly, in a transparent and accountable manner, keep accurate records and documents and report truthfully on all matters of the organization.

### **11.7 Professionalism**

An employee shall carry out his/her duties professionally and treat fellow employees with consideration and respect. He/she shall act in a manner that maintains public confidence in the integrity of office.

### **11.8 Financial Integrity**

An employee shall not use the office to unlawfully or wrongfully enrich himself or any other person

An employee shall not maintain a bank account outside Kenya except in accordance with an Act of Parliament or seek or accept personal loan or benefit in circumstances that compromise his integrity.

### **11.9 Cooperation and Obedience**

Every employee shall cooperate with his superiors in the execution of duties for which he is charged and shall render prompt obedience to persons placed in authority over him in discharging such duties.

### **11.10 Office Hours**

11.10.1 The office hours are as follows:-

#### **Monday to Friday**

Morning: 8.00 a.m. to 5.00 p.m for weekdays.

Weekends: 9.00 p.m. to 5.00 p.m for Saturdays

11.10.2 The employee shall devote himself entirely to the duties of his post during the prescribed hours of duty.

11.10.3 Though the general office hours are as stated in regulation 11.10.1 above, the Director may request employees to work outside those hours provided there is any cause requiring their services, either earlier or later.

11.10.4 Where employees are required to work outside the general office hours, for example in shifts, it should be ensured that an employee works for a total duration of not less than forty (40) hours per week.

### **11.11 Attendance**

11.11.1 An employee shall not absent himself from duty during working hours, leave his appointed place of work, proceed to a place other than at which he is usually employed or in case of those working in shifts, exchange duty with any other employee without due permission of his immediate supervisor.

11.11.2 Monitoring Attendance

Staff attendance shall be monitored through a set system which staff shall be clocking in and out when they arrive and leave work. Where a system is in place, all staff must clock in and out.

### **11.12 Conflict of Interest**

11.12.1 A 'conflict of interest' involves a conflict between the public duty and the private interest of an employee in which the employee's private capacity interest would improperly influence the performance of their duties and responsibilities

### **11.12.2 An employee:**

- (i) Shall use the best efforts to avoid being in a situation where personal interests conflict or appear to conflict with the employee's official duties.
- (ii) Shall not hold shares or have any other interest in a corporation, partnership or other body, directly or indirectly or through another person, if holding those shares or having that interest would result in the employee's personal interest conflicting with his/her official duties.
- (iii) whose personal interest conflict with his official duties shall declare the personal interests to his supervisor or other appropriate body and refrain from participating in any deliberations with respect to the matter
- (iv) shall not award a contract or influence the award of a contract to; -
  - a. Himself/herself
  - b. A spouse or relative
  - c. A business associate, or
  - d. Corporation, partnership or other body in which the employee has an interest;
- (v) Who is serving on a full time basis shall not participate in any other gainful employment;
- (vi) Shall not allow himself to be influenced in the performance of his duties by plans or expectations for or offer of future employment or benefits and shall disclose, in writing to the Board all offers of future employment or benefits that could place him in a situation of conflict of interest; and
- (vii) shall not be engaged by or act for a person or entity in a matter in which the employee was originally engaged in as an employee, for atleast two years after leaving service of the Board.

11.12.3 In this section, 'personal interest' includes the interest of a spouse, relative or business associate.

### **11.14 Moral and ethical requirements**

An employee shall:

- i. Not engage in activities that amount to abuse of office;
- ii. Accurately and honestly represent information to the public; and
- iii. Not discriminate against any person

### **11.15 Newspapers and Publications**

- (i) An employee must not, except with the express permission of the Director, act as an editor of any newspaper, or take part directly or indirectly in the management thereof, nor publish in any manner anything which may reasonably be regarded as being of a political or administrative nature, whether under his own name, under a pseudonym or anonymously.
- (ii) An employee may, however, publish in his own name, matters relating to subjects of professional or general interests not involving public matters, politics, the Board or Government affairs.
- (iii) An employee who wishes to publish an article or deliver a speech, the substance of which may subsequently be published, or the substance of which may reasonably be

regarded as being of political or administrative nature, shall seek permission to do so from the Director and a draft of the proposed article or speech submitted for approval.

## **11.16 Public and Political Responsibilities**

### **11.16.1 Interviews**

An employee, whether on duty or on leave, must not accept to be interviewed on issues affecting the Board on matters of public policy. The spokesperson of the Board shall be the Director or an officer duly authorized by him.

### **11.16.2 Political neutrality**

An employee shall not, or in connection with the performance of his/her duties as such act as an agent for, or so as to further the interest of a political party or indicate support for or opposition to any political party or candidate in an election or engage in political activity that may compromise the political neutrality of his /her office.

An employee is entitled to his own views on political matters but is not permitted to express those views publicly.

### **11.16.3 Acting for foreign power**

An employee shall not in any manner that may be detrimental to the security of Kenya, be an agent for, or further the interests of a foreign government, organization or individual.

## **11.17 Care of property**

An employee shall take all reasonable steps to ensure that property that is entrusted to his care is adequately protected and not misused or misappropriated.

## **11.18 Misuse of official information**

An employee shall ensure that confidential or secret information or documents entrusted to his care are adequately protected from improper or inadvertent disclosure.

## **11.19 Falsification of records**

An employee shall not falsify any records or misrepresent information to the public.

## **11.20 Impartiality**

An employee shall at all times carry out the duties of the office within impartiality and objectivity in accordance with articles 10,27,73 (b) and 232 of the constitution.

## **11.21 Collections and Harambees**

An employee shall not use his office or place of work as a venue for soliciting, collecting harambees, either as a collector or promoter of public collection, obtain money or other property from a person using his official position.



### **11.22 Conduct of private affairs**

An employee shall conduct private affairs in a manner that maintains public integrity of the office; pay taxes due from him within the prescribed period and not neglect their financial or legal obligations

### **11.23 Bullying**

An employee shall not bully any person. For the purpose of this section 'bullying' includes repeated offensive behavior which is vindictive, cruel, malicious or humiliating and intended to undermine a person.

### **11.24 Sexual harassment**

An employee shall not sexually harass a member of the public or fellow employee. "Sexually harass" includes doing any of the following, if the person doing it knows or ought to know that it is unwelcome:

- (i) Making request or exerting pressure for sexual activity or favours
- (ii) Making intentional or careless physical contact that is sexual in nature; and
- (iii) Making gestures, noise, jokes or comments including innuendos, regarding another person's sexuality.

**11.24.1** All employees including students on attachment, interns and customers are entitled to work environment that is free of sexual harassment in all its forms.

**11.24.2** Knls Board considers sexual harassment a gross misconduct punishable with suitable disciplinary measures including summary dismissal.

**11.24.3** Any employee sexually harassed shall report in writing to the Director or Head of Human Resource the incident of sexual harassment and it's the burden of the accuser to prove that she/he has been sexually harassed.

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

### **11.25 Nepotism**

An employee shall not practice undue favouritism to their relations and close relatives at the expense of the service.

### **11.26 Acting through others**

An employee contravenes the code if he causes anything to be done through another person that would constitute a contravention of the code if done by that person, or allows or directs a person under their supervision or control to do anything that is in contravention of the code.

Contravention shall not apply where anything is done without the public officer's knowledge or consent or if the public officer has taken reasonable steps to prevent it

An employee who acts under unlawful direction shall be responsible for his action.

### **11.27 Reporting improper orders**

An employee shall report to the Director or any other authorized officer, as the case may be, any order required of him that he shall consider improper or unethical.

### **11.28 Declaration of Income, Assets and Liabilities**

11.28.1 Every employee shall on initial appointment and bi- annually thereafter submit declaration of income, assets and liabilities of himself, spouses (s) and dependent children under eighteen (18) years of age to the Public Service Commission. The employee shall also make a similar declaration on exit from the service.

11.28.2 An employee who fails to submit a declaration or clarification as required, or who submits information that he knows is false or misleading, shall be liable to disciplinary action.

### **11.29 Disclosure of Information**

An employee must not disclose any information concerning the affairs of or its employees, or show or release any official document to any person not connected with unless authorized by the Director.

### **11.30 Official Secrets Act Declaration**

All employees will be required to sign a declaration of secrecy under the Official Secrets Act (Cap.187) on joining and leaving the service of the Board.

### **11.31 Uniforms**

11.31.1 Uniforms and protective clothing may be supplied to such employees of such grade, in such quantities and at such intervals, as the Director may from time to time determine.

11.31.2 A permanent record shall be kept by the supplies section showing the receipts, persons issued with uniforms and their Departments.

11.31.3 An employee may be required at any time to produce for inspection the uniform or protective clothing issued to him.

11.31.4 Every employee who is supplied with a uniform and/or accessories shall, when on duty, appear in such uniform neat and clean.

11.31.5 An employee when in uniform may not enter premises licensed to sell liquor, except when required to do so in the course of his duties.

### **11.32 Pecuniary Embarrassment**

The Board shall give staff in financial difficulty possible assistance to extricate themselves from their problems. However, this help shall have a limit beyond which an employee may be assisted and it may be necessary to terminate the services of anyone who is persistently in

difficulties and below the 25% net salary limit to the extent that he either becomes a risk to the Board or is unable to carry out his duties effectively.

### **11.33 Dressing Code**

All knls employees are required to be decently dressed and well groomed while on duty and to maintain an appropriate standard of dress and personal hygiene.

Employees may put on knls branded attires on Fridays or during functions where they are representing the Board. Jeans, T-shirts (unbranded knls), vests among others are not allowed.

#### **11.33.1 Enforcement of Dress Code**

Heads of departments/branches are responsible for monitoring and enforcing the dress code.

### **11.34 Political Participation**

An employee of the Board may register as a member of any political party provided that such membership does not entail active involvement in politics, which is inconsistent with or might adversely reflect upon the independence and impartiality attributable to the employee's status as an employee of the Board. Payment of normal financial contributions to any political party shall not be construed to be an activity contrary to this manual.

11.34.1 Employees are permitted to exercise their voting rights as provided for in the Constitution of Kenya (2010).

### **11.35 Outside Activities and Interests**

11.35.1 An employee shall not take any outside employment or engage in any other activities prejudicial to the interests of the Board.

11.35.2 An employee shall not actively associate him/herself either directly or indirectly with the management of or hold a financial interest in any business concern in which he would not have been involved if it were not for his official position with the Board.

11.35.3 If in his official capacity an employee is required to deal with a business concern in which he has some vested financial interest, he shall disclose the nature and extent of that interest to the Director prior to dealing with such a concern.

11.35.4 Holding of shares in a company shall not constitute a financial interest within the meaning of regulation 13.3.3. unless such holding constitutes substantial control.

11.35.5 Except in the normal course of official duty and with prior approval of the Director, an employee shall not perform any of the following acts where the act relates to the purpose, activities or interest of the Board;

- a) Issue statements to the media or other agencies of public information;
- b) Accept speaking engagements;
- c) Take part in film, theatre, radio or television production;
- d) Interact with foreign Government (s) purporting to represent the Board.

### **11.36 Team work**

Every employee has an essential part to play in the team to which he/she is a member and must demonstrate co-operation and participation for success.

### **11.37 Reporting Relationship**

To maintain harmony between section heads and heads of departments/branches, staff should report anything that affects them to their immediate supervisor/head of department. Office protocol should be followed to prevent conflicts.

### **11.38 Discipline at Work**

Disciplinary action shall be taken against any employee who commits offences as stipulated in section 11.

### **11.39 Accepting Gifts and benefits in kind**

An employee is prohibited from accepting or requesting for gifts whether in the form of money, goods, free passages or other personal benefits and from giving such gifts unless:

- i. The gift is non-monetary and does not exceed the value prescribed by regulation; or
- ii. The gift is from or to a relative or friend given on a special occasion recognized by custom

11.39.1 A gift donation to an employee on a public or official occasion will be regarded as a gift or donation to the Board and shall be delivered to the Board unless exempted under an Act of Parliament.

11.39.2 When presents are exchanged between employees acting on behalf of the Board in ceremonial occasions with other organizations or their representatives, the presents will be handed over to the Board and any present in return will be given at the Board's expense.

### **11.40 Employment of Relatives**

Where relatives are employed by the Board the employment should be on merit and such relationship must be disclosed.

### **11.41 Confidential Information and Privacy Communications**

Confidential information includes all information, whether technical, business, financial or otherwise covering the Board, which the Board treats as confidential or secret and/or which is not available publicly. It also includes any private information relating to customer records, fellow employees, other persons or other companies, obtained by virtue of an employee's position. The obligation exists during and continues after employment with knls Board.

### **11.42 Board's Assets**

- (i) Compliance with prescribed accounting procedures is required at all times

- (ii) Employees who approve or certify the correctness of a bill or voucher should ensure that the purchase and amount are proper and correct.
- (iii) Obtaining or creating "false" invoices or other misleading documentation is prohibited.
- (iv) Employees having control over assets of Board and transactions are expected to handle them with the strictest integrity and ensure that all transactions are executed in accordance with management's authorization.

#### **11.43 Software and Computer**

11.43.1 Computerized information and computer software are intangible, but they are valuable assets of the Board and must be protected from misuse, theft, fraud, loss and unauthorized use or disposal, just as any other Board's property.

11.43.2 No employee should access Board's records of any kind for his personal use. Misappropriation of computer space, time or software includes, but is not limited to, using a computer to create or run unauthorized jobs operating a computer in an unauthorized mode or intentionally causing any kind of operational failure.

#### **11.44 Conduct of Board Business**

11.44.1 Dishonest or illegal activities on Board's premises or while on Board's operations will not be condoned and can result in disciplinary action, including dismissal or criminal prosecution.

11.44.2 The following is an indicative list of activities that are against Board's policy and which will not be tolerated on Board premises, in Board's vehicle/motorcycles or while engaged in Board's operations:

- a) Consumption and storage of alcoholic beverages;
- b) The use of controlled substances, such as drugs or alcohol;
- c) Driving vehicle/motorcycles or operating Board's equipment while under the influence of alcohol and controlled substances; and
- d) Carrying weapons of any sort in Board's premises in Board's vehicle/motorcycles or while on Board operations.

11.44.3 Knls reserves the right to inspect any property that might be used by employees for the storage of their personal effect. This includes desks, lockers and vehicle/motorcycles owned by the Board in the presence of the employee concerned. It is a violation of Board's policy to store or use any contraband, illegal drugs, toxic materials or weapons on Board's property, or on the person of any employee while on Board's premises or Board's operations.

#### **11.45 Reporting Violations**

11.45.1 All employees should be alert to possible violations of the code anywhere in the Board's premises and are encouraged to report such violations promptly. Reports should be made to heads of departments/branches, the appropriate security, audit or elsewhere as the circumstance dictate.

11.45.2 All cases of questionable activity involving the code or other potentially improper actions will be reviewed for appropriate action, discipline or corrective steps.

11.45.3 Whenever possible, the Board will keep confidential the identity of employees about or against whom allegations of violations are brought unless or until it has been determined that a violation has occurred. Whenever possible the Board will keep confidential the identity of anyone reporting the possible violation.

Reprisal against any employee who has in good faith reported a violation or suspected violation is strictly prohibited and punishable under this Code or this manual.

#### **11.46 Board's Obligations**

The Board has a major part to play in order to achieve its objectives through teamwork. The Board's obligations include:

- (i) Availing the opportunities for training and development as stipulated in this manual
- (ii) Offering fair consideration to equal opportunities for engagement and promotion, merit being among the determining factors.
- (iii) Providing a healthy and safe working environment
- (iv) Encouraging harmony between staff and their heads of departments/branches in healthy discussion, information sharing on matters that affect their work performance and personal lives

#### **11.47 Employees obligations**

On the other hand, the Board expects employees to:

- (i) Co-operate with the Management in dealing with any practices which could have a negative effect on knls reputation and public image.
- (ii) Be honest with the duty entrusted to them by ensuring that the quality of work meets the Board's standards and that the work is worth the day's pay.
- (iii) Be personally responsible for all equipment, machinery tools and materials entrusted to them by virtue of employment.
- (iv) Adhere to the safety and health procedures appropriate for their work to avoid accidents and damage.
- (v) Obey lawful instructions given from time to time and carry them out with diligence.
- (vi) Be responsible/account for monies and any property received on behalf of the Board in the course of their duties.
- (vii) Properly use knls facilities and resources including telephone, faxes and other office equipment.

## **SECTION 12: DISCIPLINARY CONTROL**

The objective of disciplinary control is to create a motivated and dedicated workforce which upholds the rules of conduct and work ethics for optimal service delivery. It is expected that employees will maintain integrity and uphold the dignity of the office to which they are appointed. Further, discipline cases shall be dealt with expeditiously, efficiently, lawfully and in a procedurally fair manner.

## **12.1 Delegated Disciplinary Powers**

The knls Board has delegated some disciplinary powers to the Authorized Officer(s)/Director. Any person or employee dissatisfied with a decision made in the exercise of delegated powers has a right to appeal to the Board within the prescribed period.

## **General Provisions**

### **12.2 Human Resource Management Advisory Committee**

12.2.1 The Human Resource Management Advisory Committee shall advise the Director on disciplinary matters/cases involving all employees.

12.2.2 The Committee is chaired by the Deputy Director (Finance & Administration) while the Head of HRM shall serve as the Secretary to the Committee. Other members shall be appointed by the Director.

12.2.3 The Human Resource Management Advisory Committee will have employee participation during hearing of disciplinary cases. Employees in unionisable cadre will be represented in the Committee by an accredited official of the Union(s) recognized by knls Board during the hearing.

12.2.4 Any employee who is the subject of a disciplinary case may appear in person before the Committee to respond to allegations made against him/her if he/she so desires or he may elect to respond in writing in which case personal appearance may not be necessary.

12.2.5 In all cases, the affected employee will be accorded an opportunity to be heard in person prior to making recommendations on a disciplinary measure to be taken against him/her.

12.2.6 Disciplinary matters deliberated upon including termination/dismissal will be referred to the Human Resource Service Delivery Committee of the Board for deliberations and decision.

12.2.7 Appeals against decisions of the Human Resource Service Delivery Committee will be made to the Full Board of Directors for determination.

12.2.8 Where an employee has been charged on desertion of duty, the letter shall be addressed to his last known address

12.2.9 All acts of misconduct by an employee shall be dealt with as soon as possible after the time of their occurrence.

12.2.10 If criminal proceedings are instituted against an employee or where an employee has been acquitted of a criminal charge in a court of law, the Director shall not be prevented from dismissing him or otherwise punishing him on any other charge arising out of his conduct in the matter.

12.2.11 Where an employee has been charged on desertion of duty, the letter shall be addressed to his last known address by registered mail. Disciplinary cases should be dealt with promptly and finalized within a period of six (6) months

12.2.12 Thorough investigation of an alleged offence shall be undertaken before any disciplinary action is taken.

12.2.13 Application of other interventions in resolving discipline cases such as counseling and dispute resolution mechanisms

12.2.14 Right of appeal and application for review of disciplinary related decisions.

### **12.3 The Human Resource & Service Delivery Committee**

The Human Resource and Service Delivery Committee of the Board shall advise the Full Board on Human Resource and Service Delivery matters including discipline. Its membership is drawn from the members of the Board and is chaired by a Board member elected by the members of the Committee. The secretary to the Committee is the Director. The Head of Human Resource attends the meeting to take minutes and clarify on HR matters.

## **12.4 SPECIFIC PROVISIONS**

### **12.4.1 Procedure to be followed in initial disciplinary action**

12.4.1.1 In the event of initial instance(s) of minor offences committed by an employee, his/her supervisor will issue a verbal warning. The verbal warning should be in the form of structured discussion which will entail counseling. The employee should be informed of the alleged offence and what is likely to befall him/her in case the offence(s) is repeated in future. A copy of the record of such a warning indicating that there was a meeting between the supervisor and the employee should be kept by the supervisor.

#### **12.4.1.2 Verbal warning**

The employee shall sign this record or write to Head of Human Resource as acknowledgment that the warning has been received and understood. Refusal by the employee to sign the acknowledgment shall not invalidate the warning.

12.4.1.3 In the event the officer repeatedly commits minor offences irrespective of the verbal warning (s), a written warning should be given to the employee his/her supervisor. The warning letter should state the exact nature of the offence (s) and indicate future disciplinary action which will be taken against the officer if the offence is repeated.

12.4.1.4 Where an employee fails to reform despite being issued with a verbal and written warnings, or where he or she commits serious offence(s), this procedure shall apply:



- i. Carry out a preliminary investigation and consultation as to the circumstances surrounding the act of misconduct or review the persistent offences which the employee has been warned severally but failed to reform.
- ii. Issue the employee with a showcause letter on the alleged offence and the charges framed against him/her and invite him to state in writing the grounds, if any, on which he relies to exculpate himself/herself.
- iii. The period within which to respond to the charges must be specified in the statement
- iv. On expiry of the specified period of response to the showcause letter, whether or not the employee has responded, the case shall be referred to HRMAC for deliberation and recommendation.
- v. In the event the investigation reveals further offences against the employee, a new showcause letter shall be issued to him/her and steps in iii to iv above shall apply.
- vi. Thereafter the case shall be forwarded to the office of Director with recommendations, material evidence, records, HRMAC signed minutes and any other correspondences related to the case.

#### **12.4.2 Alternative interventions in the Discipline Process**

Alternative interventions are an effort, undertaken by an employer, to address employee misconduct using a method other than traditional disciplinary action. This may under the right circumstances, be more efficient and more effective approach than traditional discipline. While alternative interventions require more thoughtful decision-making and thus poses a greater challenge for supervisors than traditional discipline, the results can be worth the time and effort. Supervisors shall apply the following forms of the alternative interventions:

#### **12.4.3 Counselling**

A counseling session is not a discipline action, as its purpose is not to create negative experience, but rather to communicate helpful information and provide necessary support in management of psychological challenges. Employee shall be referred to the Government counseling unit for counseling.

#### **12.4 Guidance and Counselling**

Traditional disciplinary action is not appropriate in situations where an employee is trying hard to do well, but performs poorly despite his/her efforts. This intervention can be used by supervisors to address poor performance of an employee when there is not misconduct contributing to the problem. Supervisors have the responsibility to have regular meetings with employees to explain workplace rules or whenever an employee is unclear about management expectations. Supervisors should also identify individual employee's shortcomings which can be addressed through training and recommend appropriate training. The training intervention may include; role play, coaching, mentoring, induction and job rotation.

#### **12.5 Dispute resolution**

Dispute resolution techniques can be used effectively to resolve, reduce or even eliminate workplace disputes that might come from circumstances where disciplinary action is appropriate. Alternative dispute resolution affords an opportunity to create solutions that are uniquely tailored to address issues at hand. The method shall be applied in accordance with the Guidelines for mediation, conciliation and negotiation of the Public Service

## **12.6 Disciplinary Offences**

An employee may be summarily dismissed from the service of knls Board, or may suffer such lesser penalty as the Board may decide if he/she commits any of the following offences:-

## **12.7 Major Offences/Gross misconduct Warranting Dismissal**

The Board where applicable may summarily dismiss an employee or impose such lesser penalty as is deemed appropriate:

- (a) If without leave or any other lawful cause, an employee absents himself from duty for a period exceeding twenty four (24) hours and the employee cannot be traced within a period of ten (10) days from the commencement of such absence or if traced, no satisfactory reply to a charge or absence without leave is received from the employee within ten (10) days from the date of dispatch of the charge. For the purpose of this regulation, any absence from duty on account of illness must be supported by a medical certificate duly signed by knls Board Doctor or a recognized Medical Practitioner from a recognized hospital/medical institution. The employee shall also make every effort to notify the office of his sickness. Should the officer fail to produce a medical certificate or to give satisfactory explanation for the absence, he/she shall be considered to be absent without permission and his case shall be dealt with in accordance with the relevant disciplinary provisions.

Where an employee is absent from duty without leave, reasonable or lawful cause, the following steps will be applied by the immediate supervisor (head of department/branch):

- (i) The supervisor will report the absence to the Director indicating the exact dates of absence. If the officer is not traced within ten (10) days from the date of commencement of such absence, the salary is stopped with effect from the date of the absence and action to dismiss the officer initiated.
  - (ii) The Head of Human Resource draw a show cause letter to the officer through his or her last known address by registered mail, giving twenty one (21) days to respond indicating clearly the nature of the offence and the contemplated disciplinary action – dismissal from the service of knls.
  - (iii) If the officer does not respond, the case is submitted to the Human Resource Management Advisory Committee which shall deliberate and recommend to the Director for summary dismissal.
  - (iv) If the officer has responded, the Head of Human Resource scrutinize issues raised in the Show Cause Letter and the defense for decision.
  - (v) The decision is communicated to the officer in accordance to the disciplinary process of knls. The officer has a right to appeal if not satisfied with the decision.
  - (vi) When an officer has been absent from duty without permission and subsequently resumes duty, he shall not be eligible for payment of salary for the period of absence and any amount erroneously paid to him shall be recovered from his salary.
  - (vii) In cases of delay of stoppage of salary and an officer is subsequently dismissed on account of desertion the erroneous payment shall be covered from the officer who occasioned the payment.
- b) If during working hours, by becoming or being intoxicated, an employee renders himself unwilling or incapable to perform his work properly;

- c) If an employee willfully neglects to perform or if he carelessly and improperly performs any work which from its nature it was his duty, under his contract, to have performed carefully and properly;
- d) If an employee uses abusive or insulting language or behaves in a manner insulting to his employer or to a person place in authority over him by his employer;
- e) Fights, assaults or engages in riotous, disorderly or immoral behavior on the Board's premises.
- f) If an employee knowingly fails or refuses to obey a lawful and proper command which it was within the scope of his duty to obey, issued by his employer or a person place in authority over him by his employer.
- g) If in the lawful exercise of any power of arrest given by or under any written law, an employee is arrested for a cognizable offence punishable by imprisonment and is not within fourteen days either released on bail or on bond or otherwise lawfully set at liberty or;
- h) If an employee commits or on reasonable and sufficient grounds is suspected of having committed, a criminal offence against or his employer's property.
- i) If an employee misappropriates or embezzles the Board's funds/ Theft by servant
- j) Acceptance of bribe, secret profit or unauthorized commission
- k) Falsification of information or references on appointment
- l) Unauthorized use or disclosure of confidential information
- m) If an employee commits Sexual Harassment against a fellow employee or the public.

#### **12.8 Minor offences/misconducts:**

- (a) If an employee habitually fails to observe punctuality at his place of work.
- (b) If an employee is dishonest or commits such an act of misconduct as to prejudice the standing of knls Board
- (c) If an employee is declared bankrupt or is in a state of serious pecuniary embarrassment.
- (d) Fails to keep and treat the business of knls and all information coming to hand, as secret in terms of the provisions of the Official Secrets Act (Cap.187) and knls's Code of Conduct.
- (e) Fails to declare to the Director his business interests, where those interests conflict with the interests of knls.
- (f) Pays or authorizes payment by knls of any bill to himself or on behalf of any person, group or persons, company or partnership in which or wherein, he holds personal interests.
- (g) Seeks to or influences any person with a view to obtaining advancement in the service of knls or intervention on his behalf in a matter affecting his service with knls.
- (h) Receives or solicits gifts, rewards or commission by himself or members of his family.
- (i) Makes or utters false statements in the matter which he is required by the Director or a duly authorized officer to furnish information.
- (j) When an employee hawks goods, foodstuffs and wares in the KNLS offices

#### **12.9 Disciplinary Action**

12.7.1 One or more of the following forms of punishment shall be meted out to an employee found to have committed an act of omission or commission any of the offences/misconducts mentioned under chapter 12 and regulation 12.6.17 upon an employee as a result of disciplinary proceedings: -

- (i) Recovery of salary for absence without permission or for the cost or part of the cost of any loss or breakage caused by default or negligence provided no such cost has been recovered by surcharge action.
- (ii) Severe reprimand
- (iii) Deferment of increment
- (iv) Withholding of increment
- (v) Stoppage of increment
- (vi) Demotion/reduction in rank or seniority
- (vii) Termination /Dismissal

12.7.2 An employee who is not satisfied with the disciplinary action taken against him/her under this regulation shall have the right to appeal to the Board through the Director within thirty (30) days from the date of notification of the action.

12.7.3 The powers of dismissal, demotion or reduction in rank of employees shall be vested in the Board. In all such cases the Board's decision shall be final.

## **12.8 Definition of Increments withheld, Deferred or Stopped**

12.8.1 An increment may be withheld when an employee has not qualified for it because his work and/or conduct are unsatisfactory. The increment is withheld until such time the employee's performance and /or conduct is satisfactory. The increment is granted from the date the employee qualifies for it and the employee subsequently reverts to his original incremental date.

12.8.2 An increment may be deferred when the Director has doubts as to the standard of the employee's work and /or conduct and is unable to satisfy him/herself that the employee merits the grant of annual increment. The award of increment is therefore deferred for the time being. After a specified time and it is evident that there has been improvement in the employee's work and /or conduct, the increment may be granted with retroactive effect from the date it was due or it may be treated as increment withheld. In either case, the employee would subsequently revert to this original incremental date.

12.8.3 An increment may be stopped for one year on disciplinary grounds or other reasons when an employee cannot be considered for the grant of increment until another year.

12.8.4 Increments should not be withheld, stopped or deferred unless an employee has already been given prior warning.

## **12.9 Supervisor's Responsibility**

12.9.1 Officers with responsibility to supervise others should familiarize with the due process of disciplining employees who fail to meet the required standards of conduct.

12.9.2 The supervisor should also familiarize with the job content and specifications of their subordinates.

12.9.3 Carry out a preliminary investigation to the circumstances surrounding the act of misconduct

12.9.4 Conduct a discussion/ counseling session to establish reasons for undesirable behavior or conduct or failure to meet the established standard aimed at improvement

### **12.10 Reprimand**

When an employee has failed to respond positively to the discussion/counseling, a verbal caution or a reprimand shall be issued by the immediate supervisor in relation to the misconduct and required standard.

## **Disciplinary Procedure**

### **12.11 Show Cause Letter**

12.11.1 A formal disciplinary procedure shall start with issuance of a “*show cause letter*” in which the employee will be informed by the immediate Supervisor/the Head of the Department/ Branch in writing, of the nature of the alleged offence, where upon he/she shall be given adequate time, but not more than twenty-one (21) days within which to offer his/her defense and/or reasons to exculpate him/herself. A copy of the show cause letter is sent to the Head of Human Resource department.

12.11.2 If an employee fails to respond within the specified period the Head of HRD issues him/her with a written warning.

12.11.3 In all cases the supervisor should desist from taking hasty action not based on the true facts of the case and shall refrain from use of abusive, scolding or intemperate language.

12.11.4 Where the Head of Department/Branch is not satisfied with the employee’s explanation, he/she shall write a letter to the Director reporting the matter and that the employee defense had been found unacceptable.

### **12.12 Conduct of Investigations**

Accurate evidence in the foundation of fairness in discipline cases and this can be achieved through investigations of alleged offences. Such investigations should be carried out by committees appointed in writing by the Director stating the terms of reference and specific timeline within which to carry out the investigation.

The following conditions shall be observed when carrying out investigations: -

- (i) The Director shall constitute a team of not less than three (3) officers to investigate the matter (Where the team is more than three, the team shall consist of an odd number).
- (ii) Members of the team conducting the investigation shall be senior to the accused employee and should not have dealt with the case before.

The report of the investigation shall be submitted to the Director and shall contain:

- i. Evidence collected by the team, including any statements by witnesses.
- ii. Analysis of the evidence and statements
- iii. A statement on whether the charges against the employee have been proved; and

- iv. Details on any matter that may affect the gravity of the case, if any.

The report shall not contain any recommendation in the form of punishment to be inflicted on the accused employee.

### **12.13 Issue of Warnings**

12.13.1 Upon response to the show cause letter, if an employee committed an offense in the opinion of knls Board which does not warrant instant termination or dismissal, such an employee shall be issued with a written warning clearly indicated **First written Warning** and a copy sent to the Union if the employee is unionisable. Such a warning letter, a copy is put in his/her personal file.

12.13.2 If an employee is served with three (3) written warnings within a period of 365 days he/she should be subjected to disciplinary action leading to termination/dismissal from service.

12.13.3 The administration of warnings is explained as follows:

#### **(i) First Written Warning**

The first warning shall be in writing and shall remain valid for a period of twelve (12) months from the date of issue.

#### **(ii) Second Written Warning**

If within the twelve months period the employee commits a similar or any other offence which warrants dismissal, he/she will be given a second warning in writing. The two warnings will remain valid for a period of twelve (12) months from the date of issue of second warning.

#### **(iii) Third & Final Written Warning**

If within the twelve month period the employee further commits an offence which warrants summary dismissal, he/she will be issued with a final warning letter, which will make him/her liable for summary dismissal for any other offence that he/she may commit thereafter. The third and final letter of warning will remain valid for a period of one year from the date of issue.

#### **(iv) Termination or Dismissal**

An employee who has received third written warning letter may be dismissed from the service of knls without further warning if he/she continues to violate knls rules and regulations or terms and conditions of service.

### **12.14 Interdiction**

12.14.1 In cases of gross misconduct where dismissal from service is contemplated the Director may interdict an employee until the case is fully investigated and deliberated

by the Human Resource Management Advisory Committee and make the recommendations to the Director. An employee will be interdicted if the Director is satisfied that in the interest of knls, the employee should cease to exercise the powers and functions of the post forthwith, provided that proceedings which may lead to his/her dismissal are being taken or are about to be taken or that criminal proceedings are being instituted against him/her.

12.14.2 During interdiction an employee will be paid one half ( $\frac{1}{2}$ ) of his basic salary with full house allowance and medical benefits and will not be allowed to leave his duty station without prior written approval of the Director or his duly authorized representative. The employee should report to his supervisor at agreed intervals.

12.14.3 Disciplinary proceedings against an employee on interdiction should be concluded within a period of three (3) months from the date of occurrence of the offences/breaches giving rise to the proceedings. Otherwise, the employee must stay away from the premises of knls unless required.

12.14.4 Where disciplinary proceedings have been taken against an employee under interdiction and such employee is not dismissed from the Service, the whole of any salary withheld under paragraph 11.23.2 above, less the amount recovered for any loss, will be restored to the employee upon the termination of such proceedings.

## **12.15 Suspension**

12.15.1 When an employee has been charged/convicted of a serious criminal or grave offence or otherwise that is likely to affect the standing of knls such as theft or misappropriation of the Board's funds/property or absconded duty or any other offence constituting a gross misconduct the Board may order his/her suspension from the exercise of his duties pending consideration of the case.

12.15.2 An employee under suspension shall not be entitled to any salary except that in cases of real hardship the Director may grant such an employee alimentary allowance as he/she may deem appropriate. Alimentary allowance may be equivalent to half of the officer's basic salary per month.

12.15.3 An employee on suspension, however, will be eligible for payment of house and medical allowances.

12.15.4 For the purposes of this regulation, proceedings for minor offences, such as those under the Traffic Act and By-laws, may be disregarded. Disciplinary proceedings should normally be confined to proceedings under the Penal Code and other Acts where a prison sentence may be imposed other than in default of payment of a fine.

12.15.5 No punishment shall be inflicted on any employee that would be contrary to any law. During suspension an employee will not be allowed to leave his duty station without prior written approval of the Director or his duly authorized representative. The employee will be required to report to his supervisor at agreed intervals, if necessary.

12.15.6 Where disciplinary or criminal proceedings have been taken or constituted against an employee under suspension and such an employee is neither dismissed or otherwise punished under these regulations, the whole or any salary withheld shall be restored to him upon the termination of the proceedings with effect from the date the salary was stopped.

#### **12.16 Employees Appearing in Court**

An employee who is summoned to court as a state witness, in a criminal case, or as an assessor or is summoned to court by a private individual on a case involving knls will be regarded as travelling on duty and knls will meet the relevant expenses. In such cases, any expenses reimbursed by the court shall be credited to the revenue of knls.

#### **12.17 Private Civil Cases**

An employee who is summoned to court at the request of a private individual, or in connection with a civil case in which knls has no interest, will make his own travel and leave arrangements. The employee will, however, be expected to inform the Director of the Civil case.

#### **12.18 Legal Proceedings by and Against Employees Arising out of the Discharge of their Official Duties**

12.18.1 Where a criminal prosecution or civil suit is preferred against an employee as a result of an act of omission by the employee in the course of official duties, the employee may apply to the Director to seek for legal representation immediately he is arrested or served with court summons.

12.18.2 Where the Director is satisfied that the employee acted in good faith in the execution of his official duties and that it is in the interest of KNLS that the employee should be defended, the Director may consider meeting expenses incidental to the case from knls's funds.

12.18.3 Knls may hire an advocate to defend the employee in the case.

12.18.4 Where any fine or award of cost or compensation is ruled by the Court, the Board may meet the expenses.

#### **12.18 Grievances and Grievances Procedure**

12.18.1 Grievances are worker/employee related complaints, any discontent or dissatisfaction expressed openly or otherwise by a worker or a group of workers with a formed opinion or imagination or belief of unfairness. The knls will strive to ensure that staff performance is not hampered due to unresolved differences, which may result in an environment that would not be conducive to work. The following procedures should therefore be followed in resolving grievances.

##### **12.18.2 Verbal Discussion**

The aggrieved party should address their complaint to their immediate supervisor/Head of Department/Branch as soon as the issue arises. The supervisor should discuss the issue with the complainant with a view to resolving the issue as soon as possible (preferably within a day or two)



### 12.18.3 **Written Complaints/Grievances**

In case where the Supervisor fails to resolve the complaint, the staff member should present the complaint to his/her Head of Department/branch in writing with a copy of the same to the Head of human resource. On receipt of the complaint, the Head of Department/branch should respond to the issues therein within seven (7) days and furnish the Head of HR with a copy of his response. An expeditious solution is encouraged through discussion and counseling.

### 12.18.4 **Grievance/Complaint Hearing**

If the grievance/complaint is not resolved within the seven (7) days, the matter should be referred to the Director, through the Head of HR who should attempt to resolve the grievance.

If the grievance is not resolved within seven days, the HOD of Human Resource shall refer it to the Director with recommendations.

At this stage the Director may resolve the grievance or refer the issue to Head of HR.

All parties concerned shall then be called upon to present their cases providing evidence where necessary. Minutes of the hearing shall be taken allowing adequate time for cross-examination to be done.

### 12.18.5 **Deliberation/Recommendations**

The Director shall direct the Head of HR to write to the parties involved giving the final decision and / or recommendations as the case may be.

## 12.19 **Appeal**

12.19.1 If any of the parties is dissatisfied with the recommended action/decision, then they may appeal in writing to the Human Resource Service delivery Committee of the Board. The Committee will review all the evidence presented earlier on the issue before giving their verdict. If the Committee deems it necessary, it may direct further investigations be conducted before giving the final ruling.

12.19.2 Any such appeal shall be made in writing within six (6) weeks from the date of the letter conveying the disciplinary action.

12.19.3 The decision of the Board shall be final.

12.19.4 The Board shall entertain only the appeal in each case

## 12.20 **Appeals**

12.20.1 An appeal by employee(s) against any one or more of the punishments stated in regulation 10.5.4 which has been meted shall have the right to appeal to the Board through the Director. Any such appeal shall be made in writing within six (6) weeks from the date of the letter conveying the disciplinary action.

12.20.2 The decision of the Board shall be final.

12.20.3 The Board shall entertain only one appeal in each case

12.20.4 In cases where more than one person is aggrieved (collective grievance) e.g. cases involving a whole section/ department, the affected staff should elect a representative or channel their complaints through their supervisor and the procedure outlined above shall be followed.

12.20.5 Staff members who have submitted a written grievance may withdraw the same without prejudice.

**12.21 Grievances Against Immediate Supervisors:**

Complaints against one's immediate supervisor should as far as possible be first discussed between the two parties. If such discussion does not lead to a satisfactory resolution of the problem, a written complaint (with a copy made to the immediate supervisor) may be filed with the Head of Department/Head of Human Resource detailing the grievance(s) and the effort made to resolve. When the immediate supervisor is the Head of Department, the written complaint(s) should be filed directly with the Director.

## **SECTION 13 – STAFF EXIT AND RETIREMENT BENEFITS SCHEME POLICY**

### **13.1 Policy Statement**

The Board shall develop and operate a Pension Scheme for all members of staff appointed on permanent and pensionable terms. For other staff, this Scheme is not compulsory unless otherwise specified in an employee's letter of appointment.

### **13.2 Forms Exit From The Service**

Forms of exit from knls service are:

- (i) Resignation
- (ii) Termination in accordance with the letter of appointment
- (iii) Dismissal
- (iv) Expiry of contracts.
- (v) Retirements: -
  - (a) On attainment of 60 years (65 years for employees with disability)
  - (b) Under '50 Year Rule'
  - (c) Redundancy/abolition of office
  - (d) In public interest
  - (e) On medical grounds
  - (f) Death

#### **13.2.1 Resignation**

An employee may resign his appointment by giving one (1) month notice or payment of one month's salary in lieu of such notice. In special circumstances, the Director may waive the minimum period of one month.

On resignation, an employee is required to refund any outstanding liabilities to knls. Any amount due to the employee may be withheld and applied towards any sums due by him. If any liabilities are outstanding, the matter will be referred to the Board's lawyer for legal redress.

#### **13.2.2 Termination of Appointment**

The appointment of an employee(s) serving on permanent and pensionable establishment, contract or temporary terms may be terminated in accordance with the provisions of this Manual, the employee's Letter of Appointment or other Terms and Conditions of Service upon approval by the Full the Board.

#### **13.2.3 Dismissal**

For dismissal cases refer to terms of dismissal in chapter 13 on employee conduct and discipline

#### **13.2.4. Retirement on Attaining the Age of 60 Years**

13.2.4.1 An employee will be required to retire on attaining the age of 60 years unless the Board considers that it is in the public interest to retain his service for a period beyond that age and the employee himself is agreeable to continue in the Service. To avoid succession gaps, the Director will review the case of every employee who is about to retire at least two (2) years in advance of his 60<sup>th</sup> birthday with a view to facilitate identification of a suitable successor and to be appropriately prepared to take up the position.

13.2.4.2 Where in the public interest it is desired to retain an employee beyond the age of 60 years, the Director will, at least six months in advance of the officer's 60<sup>th</sup> birthday, forward such case to the Board stating full reasons why the employee should be so retained. In addition, it must be stated categorically whether or not his retention beyond the age of 60 years will block the advancement of deserving employees and whether or not his energy or efficiency has in any way deteriorated due to age or any other reasons.

13.2.4.3 Where the Board shall grant a recommendation to retain an employee beyond the age of 60 years, the matter shall be forwarded to the relevant Government office for approval.

13.2.4.4 Where it is not intended to retain an officer beyond the age of 60 years, the Director will so inform the employee giving him reasonable notice of one year. It is mandatory that an employee must be given at least six (6) month notice.

13.2.4.5 When a Director approaches the age of 60 years, he will so report to the Board in conformity with paragraph (1) above (omitting any recommendation regarding the desirability or otherwise of his retention in the Service), stating whether or not he would wish to remain in the Service should the Government so require.

13.2.4.6 Other than the notice to be given by the Director in accordance with paragraphs (1) - (3) above, an employee is not required to give notice of his retirement on reaching age of 60 years. Should it be necessary to require an employee to retire in accordance with this Regulation, reasonable notice, of not less than six months, will be given.

#### **13.2.5 Retirement Under the '50 Year' Rule**

13.2.5.1 The Pensions Act (Cap.189) does not prescribe any age limit at which an officer must retire, but under Section 9 of the Act an officer may be required to retire from the service at any time after he attains the age of 50 years.

13.2.5.2 An employee, on attaining the age of 50 years, may elect to retire any time thereafter or may be required to retire by the Director anytime without assigning any cause. Either party shall give notice as provided in the regulations.

### **13.2.6 Retirement on Abolition/Redundancy**

13.2.6.1 The Board may retire employees serving on permanent and pensionable terms on grounds of redundancy/abolition of office. In such a circumstance, the following procedure shall be followed:

- a) Employees affected, the trade union to which an employee is a member and the labour officer of the area shall be notified of the reasons for/ and extend of the intended redundancy
- b) The selection of employees for redundancies shall be determined by the Board in accordance with the criteria as stipulated in the Employment Act 2007
- c) The affected employee shall be entitled to not less than three (3) months' notice.
- d) Upon declaration of redundancy, an employee shall be given severance pay at the rate of one (1) month's current salary for each completed year of service.
- e) Where leave is due to the employee being declared redundancy, the Board shall pay off the leave in cash
- f) An employee declared redundant shall be given the first priority of re-engagement should a vacancy for which he or she is qualified become available. If successful, his or her employment shall be treated as a first appointment.

### **13.2.7 Retirement in Public Interest**

13.2.7.1 If the Director, after having considered every report in his possession made with regard to an employee, is of the opinion that it is desirable, in the public interest, that the service of the employee be terminated on grounds which cannot suitably be dealt with under any other provision of these Regulations, he shall notify the employee, in writing, specifying the complaints by reason of which his retirement is contemplated, together with the substance of any report or part thereof that is detrimental to the employee.

13.2.7.2 If, after giving the employee an opportunity to show cause why he should not be retired in the public interest, the Director is satisfied that the employee should be required to retire in the public interest, he shall, in the case of any employee, forward to the Board the report on the case, the reply and his own comments and the Board shall decide whether the employee should be required to retire in the public interest.

### **13.2.8 Retirement due to Ill - Health**

13.2.8.1 Where it appears to the Director that an employee is incapable by reason of any infirmity of mind or body of discharging the functions of his public office, he may (and shall if the employee so requests) call upon the employee before a Medical Board (which shall be appointed by the Director of Medical Services) with a view to it being ascertained whether or not the employee is incapable as aforesaid.

### **13.2.9 Staff Retirement Benefit Scheme**

The Board shall develop and operate Staff Pension Scheme for all members of staff appointed on permanent and pensionable terms. Knls shall contribute 20% and individual employees contribute 10% by way of monthly deductions from their basic salary.

13.2.9.1 Employees appointed on contract terms shall be eligible for service gratuity at the rate of 31% (or the prevailing rate) of their annual basic salary upon the expiry of their contracts. Where an employee on contract terminates his appointment before expiry of the contract, gratuity shall be paid on pro-rata basis.

An employee serving on contract terms and whose service is terminated on redundancy grounds shall receive his/her full gratuity entitlement regardless of the completed months of contract period.

A permanent and pensionable employee who is retired from the service of the Board will be paid all the retirement benefits within the provisions of the Staff Retirement Benefit Scheme rules and the Retirement Benefits Act.

### **13.2.10 Death**

When demise of a serving employee occurs, the deceased employee will be accorded all the benefits as per the knls staff retirement benefit scheme and the Group Life Insurance (GLI) cover.

## **SECTION 14: OTHER KNLS POLICIES**

### **14.1 HIV/AIDS at Workplace**

#### **14.1.1 Policy statement**

The Board recognizes the challenges presented by the HIV/AIDS epidemic in service delivery due to the loss of man-hours, prolonged illness, absenteeism, reduced performance, increased stress, stigma and discrimination. Knls Board shall endeavor to manage HIV/AIDS through preventive, care and support intervention strategies targeting its employees and library users.

#### **14.1.2 Objectives**

The objectives of this policy shall be:

- (i) To provide a framework for effective management for HIV and AIDS in the workplace.
- (ii) To encourage shared confidentiality to ensure employees' and employer's rights and obligations are adhered to.
- (iii) To mainstream library users' needs in relation to HIV and AIDS.
- (iv) To ensure adequate allocation of resources towards HIV and AIDS interventions.
- (v) To guide employees and employer on their rights and obligations regarding HIV and AIDS.

#### **14.1.3 Principles**

This policy shall be applied fairly and equitably, guided by confidentiality, consistent with other existing policies, ensure healthy, safe and adaptable working environment.

#### **14.1.4 The Role & Responsibilities**

Implementation of this policy shall be the responsibility of Human Resource Department in liaison with HODs and the Branch Heads.

The Aids Control Unit in HR Department shall coordinate the HIV/AIDS activities in liaison with HODs and branch head

### **14.2 Gender Mainstreaming at Workplace**

#### **14.2.1 Policy Statement**

The aim of knls Gender Policy is to establish mechanisms to eliminate all gender disparities in access to employment, recruitment and selection, retention, performance evaluation and promotion, training and career development, working arrangements and budget allocation quality and outcomes.

The overall goal of this policy is to establish a clear vision and framework to guide the transformation process of developing policies, procedures and practices which will serve to ensure equal rights and opportunities for men and women in all spheres and

structures of the Board, and equal employment opportunity to contribute to the economic growth and sustainable development in Kenya.

The knls Board is committed to advancing Gender Equity and equality throughout the organization and in its programs. knls Board will improve the ability of men and women to work creatively and effectively in the organization and in communities we serve by increasing awareness of gender inequities and by working with women and men to change the conditions that create and maintain them. We will advance gender equity within the institution through our management of human resources and the organizational culture, and within the communities we serve through our programming and our advocacy. Our commitment to this policy will enable us harness the full potential of all women and men and ultimately improve our organizational effectiveness.

#### **14.2.2 Objectives**

The Gender Policy aims at achieving the following objectives:

- i). Mainstreaming gender at all levels, policies, programmes and activities, planning, implementation and budgeting processes.
- ii). Facilitating the creation of an enabling environment for full development of individual potentials of men and women in the Board by ensuring that organizational work environments are gender responsive, elimination of sexual and gender based violence.
- iii). Providing guidelines that will facilitate equality and equity of opportunities for women and men in terms of accessing knowledge, employment opportunities, services and resources.
- iv). Ensuring equity and equality in treatment of all stakeholders.
- v). To transform organizational values, norms and practices which hinder promotion of gender equality.
- vi). Capacity building on gender issues for employees.
- vii). Establishing and strengthening existing gender networks.
- viii). Facilitation of enhanced budgetary allocation and resource mobilization to implement the policy.

#### **14.2.3 Guiding Principles**

- i). Gender equity and equality will be enforced as a cross- cutting theme in all programs and activities.
- ii). knls Gender Policy has the mandate to address gender inequalities whether this exist in favour of male or female employees.
- iii). The policy affirms the right to equitable employment opportunities, retention and allocation of resources to male and female employees.
- iv). The policy shall pay special attention to employees with special needs and other minorities.
- v). Affirmative Action will be used as a corrective measure for gender imbalances.



- vi). knls will use gender mainstreaming to enhance attainment of gender equity and equality.
- vii). Gender responsiveness and inclusiveness will be upheld ensuring equal participation of male and female employees in governance and management
- viii). Empowerment of male and female employees will be used as the main strategy for the achievement of gender equity and equality in knls.
- ix). Transparency, accountability and good governance will be upheld within the organization.
- x). Partnership and collaboration in the realization of gender equity and equality will be maintained and the process of developing people's awareness, knowledge and skills on gender issues reinforced.

#### **14.2.4 Implementation of knls Gender Policy**

The implementation of knls Gender Policy shall be a collaborative effort by all levels of the knls Structure and coordinated by HR Department.

Effective implementation of the knls Gender Policy and co-ordination of gender mainstreaming programmes will be achieved through two organs, namely HR&SD Committee of the Board and Branch Gender Committee. The Human Resources Service & Delivery Committee will have an overall role of directing the gender mainstreaming initiatives in knls. However, the Gender Mainstreaming Committee shall:

- i). Conduct gender analysis to assess the development impact of men and women and design strategies to mitigate the negative impact of development on the affected gender;
- ii). Ensure that gender needs and concerns are integrated into the implementation plan and evaluate the effectiveness of the policies and programs;
- iii). Coordinate the collection, analysis, and updating of relevant gender disaggregated data within the organization for development of HR Policies on gender based intervention programs;
- iv). Develop Gender sensitive performance indicators to monitor the progress of Gender equality and women empowerment;
- v). Identify gender capacity needs and design appropriate gender specific capacity building programs;
- vi). Establish public/private partnership to support Gender mainstreaming efforts.
- vii). Develop annual work plans for gender mainstreaming in line with KNLS/Government Strategy, policies and programmes; and
- viii). Prepare and implement the budget on gender programs.
- ix). The Gender mainstreaming committee shall carry out annual monitoring and evaluation of programmes with a view to improvement and planning.

## **14.3 Workplace Gender Based Violence**

### **14.3.1 Policy Statement**

This policy is to establish a clear vision and framework to guide procedures and practices that serve to ensure elimination of all forms of Gender Based Violence and Sexual Harassment in knls. The Board is committed to providing a safe and productive work and learning environment and considers any form of discrimination, gender based violence and sexual harassment unacceptable punishable under the disciplinary process.

### **14.3.2 Policy Objectives**

Workplace Gender Based Violence and Sexual Harassment Policy aims at achieving the following objectives:

- (i) To facilitate the creation of an enabling environment for full development of individual potentials of men and women in knls by ensuring non tolerance to all forms of gender based violence and sexual harassment.
- (ii) To provide guidelines that will facilitate redress of GBV & SH in knls in terms of accessing knowledge, employment, services and resources.
- (iii) To facilitate enhanced budgetary allocation and resource mobilization for capacity building and implementation of the policy.

### **14.3.2 Guiding Principles**

Knls Board Shall:

Uphold the principle of non-discrimination towards all its employees and library users.

- (i) Pay special attention to employees with special needs. Ensure that a procedure exists for independent investigation of all allegations of GBV and Sexual Harassment.
- (ii) Empower employees on strategy for elimination of all forms of GBV&SH in knls.
- (iii) Affirms the principle of rights to confidentiality of employees and library users.
- (iv) Empower library users through provision of information education communication materials(IEC) on GBV&SH.
- (v) Maintain partnerships and collaboration in realization of GBV&SH free institution.
- (vi) Ensure all employees and library users of knls are held accountable for GBV&SH offences.

### **14.3.4 GBV& SH Redress Procedures**

The following are the procedures that should be followed when addressing GBV&SH issues;-

- i). Any employee or library user who believes he/she is being harassed should be encouraged to notify the alleged offender that this behavior is unwelcome.
- ii). In case of continued harassment the offended person is encouraged to informally report the matter to any member of the GBV Committee to initiate mediation between the parties involved by providing advice and counseling.
- iii). In the event that the alleged offender continues with the harassment behaviour the offended person is encouraged to report in writing to the GBV Committee.

- iv). The GBV Committee conducts investigations to ascertain that the alleged complaint is genuine.
- v). In the event that the Committee discovers that misconduct was committed the case is formally referred to knls disciplinary process in accordance with the HR Manual.
- vi). In case the alleged offender is a member of staff from HR Department or the GBV Committee the complaint is referred to the next higher authority in the disciplinary hierarchy. The membership of GBV Committee is same as Gender Mainstreaming & Sexual Harassment Committee.

## **14.4: Disability at Workplace**

### **14.4.1 Policy Statement**

The knls Board to provide conducive environment for library users and employees with disabilities to maximize their potential and have equal opportunities in accessing information, recruitment, training and promotion. The Board is committed to promoting positive attitudes towards employees with disabilities.

### **14.4.2 Guiding Principles**

In implementation of this policy the Board shall be guided by the following principles:

- (i) Non-discrimination and equal treatment.
- (ii) Full and effective participation and inclusion as a right.
- (iii) Equalization of opportunities.
- (iv) Accessibility with dignity.
- (v) Integrity and confidentiality.

### **14.4.3 Roles and Responsibilities**

The Director shall:

- (i) Constitute a Disability Mainstreaming Committee.
- (ii) Provide the necessary resources for implementation of this policy.
- (iii) Mainstream issues and concerns of employees with disabilities in the Board.
- (iv) Ensure there is a database on employees with disabilities.

Disability Mainstreaming Committee Shall:

- (i) Create awareness among knls employees and agents on the needs of PWDs and EWDs.
- (ii) Maintain a database on employees with disabilities.
- (iii) Liaise with the Council on all matters concerning disabilities.
- (iv) Review of the knls disability policy.
- (v) Advise the Board on emerging issues and matters concerning employees with disabilities.
- (vi) Advocacy for PWDs and EWDs.
- (vii) Establish and maintain networks with relevant authorities.
- (viii) Identify and coordinate the rehabilitation of employees who acquire disability in the course of duty.
- (ix) Conduct surveys and research on issues concerning PWDs and EWDs
- (x) Hold meetings at least quarterly to deliberate on disability issues and activities
- (xi) Submit biannual reports to the Council.

- (xii) The implementation of this policy shall be monitored and evaluated on a continuous basis. The activities of monitoring and evaluation shall be carried out by the Board through Disability Mainstreaming Committee.

## **14.5 Alcohol, Drugs & Substance Abuse at Workplace**

### **14.5.1 Guiding Principles**

In formulation and implementation of this policy the Board shall be guided by the following principles: non-discrimination and equal treatment; full and effective participation and inclusion; equal opportunities/inclusion of persons with Alcohol, Drugs and Substance problems; accessibility to services dignity and integrity and confidentiality.

### **14.5.2 Measures to Reduce Alcohol, Drugs and Substance Abuse**

knls shall carry out the following measures to reduce alcohol, drugs and substance abuse in the organization: education and awareness creation; employee peer education programs; education and awareness programmes; ban of alcohol, drugs and substance sale, usage and advertisement within the workplace and drugs testing.

### **14.5.3 Responsibility for Implementation**

The following stakeholders **shall be** responsible **for the** implementation of the policy: Knls Board, Management, the ADA Committee and employees.

#### **Knls Board**

Provide resources for implementation of the policy.

#### **(i) The Management & ADA Committee**

- i). Coordination of implementation of prevention, early detection, and support activities.
- ii). Provision of a budget proposal on ADA to the management for approval.
- iii). Sensitization and awareness campaigns on danger of ADA among all employees.
- iv). Coordination design and production of information, education and communication materials.
- v). Advising management on effective approaches in dealing with ADA concerns including discipline.
- vi). Lobbying for the development and periodic review of the ADA policies within the organisation.
- vii). Drawing action plans, monitoring and evaluation in liaison with the heads of departments/branches.
- viii). Dissemination of the Policy.

#### **(ii) Employees**

- (i) Read, understand and adhere to the provisions of the policy.
- (ii) Identify and report of colleagues who need assistance.
- (iii) Participate in review of the policy.

(iv) Use employees support programmes available.

(v) Support colleagues in need of help.

#### **14.5.4 Intervention and Disciplinary Procedures**

Employees who have problems with alcohol, drugs and substance abuse will be treated as persons suffering from a normal health problem. Therefore, in such circumstances, the employer though having the authority to discipline will offer counseling treatment and rehabilitation alternatives before consideration is given to imposition of disciplinary measures.

### **14.6 Safety, Health and Environmental**

#### **14.6.1 Policy Statement**

Knls Board is committed to ensuring healthy and safe working environment for its employees and library users. The Board encourages all members of staff to consider safety and accident prevention as a collective and individual responsibility.

#### **14.6.2 Responsibility of the knls Board**

knls Board is therefore committed to: -

- (a) Put in place measures to prevent and mitigate against accidents, explosions, fire, floods, earthquakes, bomb threats and prepare procedures to be followed in such events as provided for in related policies.
- (b) Undertake risk management activities and adequately manage risks to persons to avoid occupational accidents and related diseases.
- (c) Comply with and safety and health standards.
- (d) Ensure plant, equipment and substances are safely used to avoid safety and health risks.
- (e) Provide, monitor and maintain systems for the safe use, handling, storage and transportation of plant, equipment and substances.
- (f) Provide adequate facilities to provide safety, health and welfare of all employees and library users
- (g) Provide information and supervision for all staff enabling them to work in a safe and healthy environment.
- (h) Provide adequate resources for implementation of occupational safety and health policy and The Occupational safety and health Act 2007 provisions.

#### **14.6.3 Responsibility of Safety & Health Committee**

The Safety and Health Committee shall ensure that issues of safety, health and welfare are implemented in accordance with The Occupational Safety and health Act 2007 or any other government regulation are effectively implemented

The S&H committee membership will include the Director knls, Heads of Departments, Senior Administrative Officer (Health Safety Officer) and Branch Librarians.

The Director of knls shall chair the committee and the Senior Administrative Officer (Health Safety Officer) the secretary.

The Safety and Health Officer (Senior Administrative Officer) shall coordinate the activities of the Safety and Health Committee ensuring that committees at branches are operational in accordance with the policy.

In its functioning represent the employer (knls Board)

#### **14.6.4 Responsibilities of Employees**

Every employee shall, while at the workplace—

- (a) ensure his own safety and health and that of other persons who may be affected by his acts or omissions at the workplace;
- (b) co-operate with his employer or any other person in the discharge of any duty or requirement imposed on the employer or that other person by this Occupational safety and Health Act or any government regulation;
- (c) at all times wear or use any protective equipment or clothing provided by the employer for the purpose of preventing risks to his safety and health;
- (d) comply with the safety and health procedures, requirements and instructions given by a person having authority over him for his own or any other person's safety;
- (e) report to the supervisor, any situation which he has reason to believe would present a hazard and which he cannot correct;
- (f) report to his supervisor any accident or injury that arises in the course of or in connection with his work; and
- (g) with regard to any duty or requirement imposed on his employer or any other person by or under any other relevant statutory provision, co-operate with the employer or other person to enable that duty or requirement to be performed or complied with.

## **SECTION 15 LABOUR RELATIONS**

### **15.0 Introduction**

The Board shall engage Trade Unions representing Board employees in negotiating Collective Bargaining Agreements. The Board and the Unions shall negotiate Collective Bargaining Agreements setting out the terms and conditions of service for the employees. The negotiations will be guided by the provisions of the Constitution, relevant legislations and institutional framework for Collective Bargaining with the Board's Union(s).

### **15.1 Union Membership**

- a) Employees in scale 10-16 may join any registered and recognized union of their choice. However, eligibility for an employee to join will depend on the recognition agreement between the Board and the respective union;
- b) Employees shall not be victimized for being members or participating in trade union activities;
- c) Employees who are appointed as officials of any union may be granted permission to carry out official union duties;
- d) Employees are not allowed to be officials of more than one Trade Union. However, an official of Trade Union may be an official of Federation to which the Trade Union is affiliated;
- e) Union meetings shall be convened to take place during employees' free time.

### **15.2 Recovery of Union dues**

- a) The Board shall deduct trade union dues from the salaries of union members and pay monies so deducted into specified account of the Trade Union;
- b) Deductions from an employee who has resigned his Union membership and notified the employer in writing shall be stopped; and
- c) A copy of an employee's notification shall be forwarded to the Union for information.

### **15.3 Dispute Resolution**

The Board shall endeavor at all times to have good working conditions with the union to maintain industrial harmony. However, should a trade dispute arise concerning any aspect of the employer/employee relationship, the resolution of that dispute will be provided for in the Labour Relations Act.

### **15.4 Employee Participation in strikes.**

An employee may participate in a strike if: -

- a) The Trade dispute that forms the subject of the strike concerns the; terms and conditions of employment or recognition of a Trade Union to which an employee is a member.
- b) The trade dispute is unresolved after conciliation; and
- c) Seven days written notice of strike has been given to the Board, Cabinet Secretary Ministry of sports, culture and the Arts and Cabinet Secretary responsible for Labour by the representative of the Union.

### **15.5 Board's Objectives for Collective Bargaining negotiations**

- a) The Board shall engage in negotiation with Trade Unions whose objectives are to:
  - i. Ensure that the collective bargaining process is compliant with the constitution and the relevant legislations;
  - ii. Identify the parties recognized by law to engage in collective bargaining;
  - iii. Provide consistency and uniformity in the collective bargaining process;
  - iv. Provide a platform for consultations with all stakeholders;
  - v. Promote labour relations and industrial peace.
- b) The Collective Bargaining between the Board and the Trade Unions may include salaries, allowances, benefits and working conditions as shall be agreed upon from time to time.
- c) Labour relations shall be guided by the provisions of the Constitution and the relevant Labour laws.



**APPENDICES**

***Appendix I – Show cause Letter***

(Letter Head)

To .....

.....

Dear Sir/Madam,

**RE: ABSENCE FROM DUTY WITHOUT PERMISSION**

It has been reported to this office that you were absent from duty without permission for .....  
days on.....

You know that absence from duty without permission or lawful cause is a violation of knIs rules and regulation punishable by summary dismissal. However, before disciplinary action/ measure is taken against you show cause why you should not be punished for absence from duty without permission or lawful cause.

Your defense should reach this office within twenty one (21) days from the date of this letter.

Yours faithfully,

.....  
**FOR: DIRECTOR**

**Appendix II – Interdiction Upon Criminal Charge**

(Letter Head)

To .....

.....

(Registered mail to last address)

Dear Sir/Madam,

**RE: INTERDICTION UPON CRIMINAL CHARGE**

It has been reported to this officer that you were arrested and charged in court of law with the offense  
..... (Set out particulars)

In view of the foregoing, you are hereby interdicted from exercising the duties of your office with effect from the date you were charged/date of this letter (whichever is applicable) pending finalization of your case.

While on interdiction you will be paid one half (1/2) of your basic salary and should not leave your duty station without prior written approval of the Director or his/her duly authorized representative.

Yours faithfully,

**DIRECTOR**

Cc: Payroll – to effect half salary payment  
Union – if Unionisable staff

**Appendix III – Interdiction upon proceedings leading to dismissal without a criminal charge**

(Letter Head)

To .....

.....

Through:

.....

Supervisor (HOD/HOB)

.....

Dear Sir/Madam,

**RE: GROSS MISCONDUCT / INTERDICTION**

It has been reported to this office that your general conduct and work performance as ..... (Designation) has been found wanting and the following acts of gross misconduct has been noted against you:

- 1. ....etc
- 2. ....etc
- 3. ....etc

(Set out the particulars of the misconduct together with dates)

In view of the above, it is contemplated to dismiss you from the service of knls on account of gross misconduct, but before this is done, you are hereby called upon to show cause why you should not be dismissed.

Your representation if any, should reach this office within 21 days from the date of this letter failure to which the contemplated action will be taken without further reference to you.

In the meantime, it has been decided that you be and are hereby interdicted from exercising the duties of your office the date of this letter pending finalization of your case. While on interdiction, you will be one half (1/2) of your basic salary and should not leave your duty station without prior written approval of the Director or his duly authorized representative.

Yours faithfully,

**DIRECTOR**

Cc: Payroll – to effect half salary payment  
Union – if Unionisable staff

**Appendix IV – Lifting of Interdiction**

(Letter Head)

To .....

Through:  
.....

(Supervisor/ HOD/HOB)  
.....

Dear Sir/Madam,

**RE: LIFTING OF INTERDICTION**

Further to our letter ref. No..... dated .....( the interdiction letter) and after due consideration of your case, it has been decided that the interdiction imposed on you be and is hereby lifted with immediate effect from the date of the interdiction. Your salary withheld during the interdiction shall be released.

However, you are hereby warned that a repeat of the same or similar misconduct in the future may lead to commencement of proceedings for your dismissal from the service of knls. You should acknowledge from the date of this letter that you have read and understood the contents therein.

Yours faithfully,

**DIRECTOR**

CC: Payroll – Calculate and pay salary and arrears

The Human Resource Manual was approved during the 141<sup>st</sup> Full Board Meeting held on 19<sup>th</sup> January, 2017 at Headquarters Boardroom at Buruburu for immediate implementation.

.....  
**CHAIRMAN, knls BOARD**

.....  
**SIGN**

.....  
**DATE**

.....  
**DIRECTOR/SECRETARY TO THE BOARD**

.....  
**SIGN**

.....  
**DATE**