COUNTY GOVERNMENT OF KISUMU

COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

SECOND ASSEMBLY – SIXTH SESSION

Wednesday 08th June, 2022

House met in the Main Chamber at 2:30 p.m.

(The Temporary Speaker (Hon. Caren Muga) in the Chair)

PRAYERS

The Temporary Speaker (Hon. Muga): Good afternoon Honourable Members. I want to request that pursuant to the provisions of County Assembly of Kisumu Standing Orders No. 32 (2) I request that the Serjeant-at-Arms rings the quorum bell for five minutes.

(Quorum bell rung for five minutes)

The Temporary Speaker (Hon. Muga): Hon. Deputy Majority Whip, could you please confirm if we have the quorum.

The Chief Whip (Hon. Misachi): Thank you Madam Speaker. There is quorum.

The Temporary Speaker (Hon. Muga): Mr. Clerk, can you place take us through the Order Paper of today.

The Temporary Speaker (Hon. Muga): Next order!!

MOTION

LABOUR AND SOCIAL WELFARE COMMITTEE ON ITS CONSIDERATION OF THE KISUMU COUNTY PUBLIC SERVICE BOARD'S ANNUAL REPORT FOR THE YEAR ENDING DECEMBER, 2021

BY

HON. RASHID MIRUKA, NORTH NYAKACH.

(CHAIRPERSON, LABOUR AND SOCIAL WELFARE COMMITTEE)

The Temporary Speaker (Hon. Muga): Hon. Rashid Miruka.

Hon. Miruka: Thank you Madam Speaker. Madam Speaker and Hon. Members, the Kisumu County Public Service Board forwarded to the County Assembly of Kisumu their annual report for year ended 2020 on 31st December 2021 and was susbequently committeed to the Committee on Labour and Social Welfare and cause a report on the same. On behalf of the County Assembly of Kisumu, this was tabled in the House as a Paper on 25th January 2022 by the majority leader Hon. Kenneth Onyango.

Madam Speaker and Hon. Members, cconsequently, the Hon. Speaker directed that the report be committed to the Sectoral Committee of Labour and Social Welfare for interrogation and provide a report on the same.

ACKNOWLEDGEMENT

Madam Speaker and Honourable Members, it is my privilege and pleasure on behalf of the Committee to convey my gratitude to all Members of the Committee for their valuable input throughout its proceedings. The Committee equally extends thanks to Members of the Labour and Social Welfare for taking their valuable time out of their busy schedule to participate robustly during the interrogation and scrutiny of this report

The Committee also appreciates the invaluable support from the offices of the Speaker and Clerk of the County Assembly for providing conducive atmosphere to prepare this report. To our Clerk and the technical staff who tirelessly worked through to make this exercise a success, I applaud you.

It is now my humble desire and wish to hereby submit this report to the House for consideration on behalf of the Sectoral committee on Labour and Social Welfare. Thank You.

COMMITTEE ESTABLISHMENT AND MANDATE

Madam Speaker and Honourable Members, the Sectoral Committee on Labour and Social Welfare is established pursuant to the provisions of section 14 (1) (b) of the County Governments Act which provides for establishment of Committees by County Assemblies read together with the

Second Schedule of the Kisumu County Assembly Standing Order No. 193 which mandates the committee as follows;

The Committee shall investigate all matters relating to labour, trade union relations, manpower or human resource planning, gender, social welfare, and National Youth Service.

COMMITTEE SUBJECTS

Madam Speaker and Honourable Members, the second schedule of the Standing Orders No. 193 outlines the subjects of the Committee's mandate as labour and social welfare.

TERMS OF REFERENCES

Madam Speaker and Honourable Members, the Committee's specific mandate with regards to the annual report was as follows:-

a) To ensure that the County Public Service Board complied with the relevant provisions of the County Government Act, Labour laws, Regulatory requirements, corporate governance and best practices of Human Resource Management.
b) To study, analyze and examine the annual report for probity and any material defect.
c) To ensure that the County Public Service Board reports its activities in a transparent and accountable manner.
d) To examine in detail if the County Public Service Board was able to accomplish all the activities scheduled in its strategic and annual plan.
e) Identify any significant details or information in the report that may be of material importance to the House and the County Assembly of Kisumu in general.

LEGAL FRAMEWORK

Madam Speaker and Honourable Members, the committee was guided in its work by the following legal instruments:-

1. Section 59(1) (d) of the County Governments Act No.17 of 2012 which confers the County Public Service Board the duty of submitting regular reports to the County Assembly.
2. Section 59(1)(f) of the County Governments Act No. 17 of 2012 which requires the County Public Service Board to evaluate and report to the County Assembly on the extent to which the values and principles referred under Articles 10 and 232 of the Constitution are complied with by the Kisumu County Public Service Board.
3. Employment Act of 2007.
4. Section C15 (3) of the Human Resource Policies and Procedures Manual for Public Service of 2016 which provides for special duties and suitability interviews.
5. Section H4 (1) of the Human Resource Policies and Procedures Manual for Public Service of 2016 which provides for short and long term training programmes and courses in specific professions that are intended to impart required knowledge, skills and attitudes to enhance staff performance of public service officers.

6. The County Assembly of Kisumu Standing Orders.

Composition of the Committee.

The Kisumu County Assembly Committee on Labour and Social Welfare The Committee as currently constituted comprises the following Honorable Members:

1.	Hon. Rashid Miruka	-	Chairperson
2.	Hon. Consolata Ollows	-	Vice Chairperson
3.	Hon. Benny Pete Oiko	-	Member
4.	Hon. Florence Olang'o	-	Member
5.	Hon. Lynnette C.A. Muga	-	Member
6.	Hon. Inviolete Adhiambo	-	Member
7.	Hon. Julius Genga	-	Member
8.	Hon. Jacktone Ogendo	-	Member
9.	Hon. Vincent Jagongo	-	Member
10.	Hon. Habil Nyasuna	-	Member
11.	Hon. Samson Ameso	-	Member
12.	Hon. Samuel Dede	-	Member
13.	Hon. Priscah Misachi	-	Member
14.	Hon. Jennipher Obonyo	-	Member
15.	Hon. John Atieno Atieno	-	Member

ANALYSIS OF THE REPORT

Introduction

Madam Speaker and Honourable Members, in the pursuit of its mandate, the Committee conducted several sittings to interrogate, study and understand the report laid before it. With the responses and relevant information provided by the Board, the Executive Department and the County Secretary, the Committee conducted its job with all the due consideration to the leadership responsibility they owe to the House and the people of the great County of Kisumu.

FINDINGS

Madam Speaker and Honourable Members, the Committee, through the Office of the Clerk, requested the Public Service Board to submit a detailed response on a few gaps regarding their annual report, and the following key findings were made:

1. THAT the Public Service Board advertised the positions of Assistant ECDE Teachers III and Vocational Training Centre Trainers without budgetary provisions, contrary to the County Public Service recruitment process.
2. THAT the Board issued letters for promotions to various officers in different departments but did not confirm budgetary allocation for the same.
3. THAT the Board gave the position of the Afri-Cities Secretariat a 3 year contract renewal yet the position is very temporary given that the Afri-Cities Summit began on 17th May 2022 and ended on 21st May 2022 in our great County.
4. THAT from the year 2020, the County's success rate in handling various disciplinary and court cases has been very low and is quite worrying (38.9%).
5. THAT during the review of proposed budget estimates, the Finance and Economic Planning Department failed to prioritize the process of confirming the appointment of the Assistant ECDE teachers and Vocational Training Centre Trainers.
6. THAT the Board's report did not fully capture their functions as stipulated in Section 59 of the County Governments Act 2012.
7. THAT the Board's illustrations indicated a very low budget absorptions in its Budget Implementation in the FY 2020/2021.
8. THAT in the FY 2020/2021, the Board's approved budget was Kshs. 76,784,043. However, the supplementary budgeting process reduced the Board's allocation to Kshs 68,784,043.
9. THAT the Executive Department has failed to recognize the powers bestowed to the County Assembly as stipulated in Article 185(3) of the Constitution of Kenya and did not respond to the Committee's inquiries.

RECOMMENDATIONS

Madam Speaker and Honourable Members, Following the Committee's consequent analysis of the Board's report and their responses, hereby recommends as follows:

1. THAT the Kisumu County Public Service Board should always submit a comprehensive and detailed annual report rather than wait for the Assembly to look for various gaps and seek for responses.
2. THAT the Board's report should always comply with its functions as stipulated in Section 59(1) of the County Governments Act 2012 (functions of the County Public Service Board).

3. THAT before advertising for vacant offices in the County Public Service, the Board should have regular consultations with the County Executive to confirm availability of funds on the same.
4. THAT during consideration of the Budget, the Board and Executive Departments should include a budget for the confirmation of appointment of Assistant ECDE teachers, Vocational Training Centre Trainers and the County Public Service staff who are due for promotions.
5. THAT the Board should have regular consultations with the Salaries and Remuneration Commission (SRC) and other relevant statutory bodies regarding the remuneration, pensions and gratuities for County Public Service employees and the employees should receive their retirement benefits on time.
6. THAT the Board should minimize on the number of workshops and capacity building courses to save on funds that will help increase delivery of services, and therefore not affect other important activities such as Human Resource Audits and skills gap surveys, which are very critical evaluation exercises in any work related organization.
7. THAT the Board should consider collaborating with the County Assembly and the Executive Department to ensure efficiency in the management and handling of disciplinary and court cases and also to reduce litigation cases in the future.
8. THAT the Board's budget should be reviewed upwards in order to enable it perform its mandate effectively.
9. THAT there should be timely disbursement of funds to the Board in order to implement planned activities in good time.
10. THAT Sectoral Committees should always be keen on the number of employees in the Departments they (Committees) are aligned/ assigned to/ as may be referred to them by the County Assembly of Kisumu to know if there is understaffing, overstaffing, increased costs or underutilization of resources in the Departments.
11. THAT the Board should consider discovering more potential partnerships with non-governmental organizations (NGOs) and interested stakeholders to supplement county financial and non-financial resources in service delivery.
12. And THAT this Hon. House, pursuant to Section 59(6) of the County Governments' Act of 2012 cause delivery of NOT publishing the Board's report in the County Gazette after it has been delivered and deliberated upon by the County Assembly.

CONCLUSION

Madam Speaker and Honourable Members, it is therefore my honor and privilege, on behalf of the Standing Committee on Labour and Social Welfare to move a motion of the report on its consideration of the Kisumu County Public Service Board's Annual Report for the period ending December 2021 before this Honorable House for rejection. May I call upon Hon. Benny Oiko to second?

The Temporary Speaker (Hon. Muga): Leader of Minority, Hon. Oiko?

Leader of Minority (Hon. Oiko): Thank you Madam Speaker, I rise to second the motion as read by the Chair.

The Temporary Speaker (Hon. Muga): Honourable Members, the Standing Committee of Labour and Social Welfare its consideration of the Kisumu County Public Service Board's Annual Report for the year ended December, 2021 has been moved by the Chairperson and seconded by the Leader of Minority, Hon. Benny Oiko. I there want to open it for debate.

The Temporary Speaker (Hon. Muga): Hon. Erick Agolla.

Hon. Agolla: Thank you Madam Speaker. Allow me to thank the Honourable Chair and the entire House Committee for the work well done.

Madam Speaker, annex 1 attached on this report is a clear indication that the House Committee did a thorough research. I also want appreciate the Public Service Board for respecting this House.

Madam Speaker, I want to say that those who applied for the position of TVET Instructors were called for the interviews and I hope that they will be given the opportunity to serve the people. We are also lacking enough teachers in our ECDE centers. We do not have enough teachers because you may find maybe one teacher at a particular center yet in some school we have two to three streams for the ECD classes. My prayer is that let the County Public Service Board gives chances to the people who are qualified to start attending to these young learners.

Madam Speaker, if you go again to our Vocational Training Centers, for instance in my ward there is one Center that is Sabako Vocational Training Center whereby we have over 300 learners and only two instructors employed by the County Government. Yet these institutions were established to help the poor young Kenyans who could access such kinds of institutions. In case they join those institutions and do not get qualified trainers, they may end up wasting their time and even graduating without proper skills. That will result to total disappointment to both the County Government and the public.

Legally, once an advertisement for a job is done followed by an interview, a particular individual or group of people are considered and be given letters of appointment. If it goes for more than six months, the law requires that a fresh interview to be conducted. Reason being; within that period, one may have more qualifications. For example, if you interview somebody when he or she holds a degree then within those six months that person may acquire Masters Degree. Someone may have been not met the qualification by the time of the interview. If we do not act with speed, then it will cost this county and the taxpayers extra money to do another interview.

Madam Speaker, if you can remember this interview was done online and there were cost implications. So if we do not confirm those who were qualified by giving them letter now this county or we shall have spent another tax payer's money to do the same interview that we had done, it is a matter of saving and cutting cost. This House should consider compelling the County

Public Service Board to act accordingly within time, without much ado I beg to contribute thank you.

The Temporary Speaker (Hon. Muga): Yes Hon. Ogaga

Hon. Ogaga: Thank you Madam Speaker, Madam Speaker you need to protect me while in the House even if I am going home because my term has come to an end, I have to be a nomad every time you give me a chance to talk it is very unfair, I have to move and jump sometimes I jump over men but yes may the mover reply Madam Speaker.

I am compelled to jump over my fellow Honorable Members, I request that this microphone be repaired.

The Temporary Speaker (Hon. Muga): Very enjoyable.

The Temporary Speaker (Hon. Muga): The mover, you have been called upon to reply please do so.

Hon. Miruka: Thank you Madam Speaker and Honourable Members. Please allow me to applause everyone for the active participation. I want to believe that you are with me on this and I want to say that upon receipt of the document, the House Committee looked at it with a lot of scrutiny and what we realized and has been confirmed by the speakers who just supported the findings of the Committee was the County Public Service Board were always willing to help us but some few members of the County Executive could not respond to the gaps that were identified by the Committee. Just as it has been said we cannot employ if we don't have the requisite budgetary allocation for the vacancies. This report should reach relevant personnel so that we don't waste any resource. On that not, I want to thank you and plead with you to adopt this report. Thank you.

The Temporary Speaker (Hon. Muga): Thank you. A report from the Standing Committee of Labour and Social Welfare on the consideration of the Kisumu County Public Service Board Annual Report for the year ending December 2021 has been moved by Hon. Miruka, seconded by the Leader of Minority, Hon. Pete and debated upon by Hon. Members. I therefore want to put a question on the adoption of the same.

Honourable Members, for as many as are of the opinion that this House adopts the Report from the Standing Committee of Labour and Social Welfare on its consideration of the Kisumu County Public Service Board Annual Report for the year ending December 2021?

(Question put and agreed to)

The Temporary Speaker (Hon. Muga): The report from the Standing Committee of Labour and Social Welfare on its consideration of the Kisumu County Public Service Board Annual Report for the year ending December 2021 is hereby adopted today Wednesday, 08th June 2022 at 15:07 hours. I direct that the communication to be conveyed to the relevant department.

The Temporary Speaker (Hon. Muga): Next Order!

ADJOURNMENT

The Temporary Speaker (Hon. Muga): Honourable Members, there being no any other business to transact, the House stands adjourned to Thursday, 09th June 2022 at 2.30 p.m.

(House rose at 3.13 p.m.)

Addendum

The Hansard Team

Zablon Otiende – Senior Hansard Reporter

Edward Odanga – Hansard Reporter

Fanuel Okode – Hansard Reporter

Patrick Okoyo – Hansard Reporter

Jacklyne Otieno – Hansard Reporter

Jesca Otieno – Hansard Reporter

Vallery Achieng' – Hansard Reporter