

REPUBLIC OF KENYA



THE COUNTY GOVERNMENT OF BUSIA

COUNTY PUBLIC SERVICE BOARD

DISCIPLINE MANUAL FOR THE PUBLIC SERVICE

2019

FOREWARD

Disciplinary control in the public service is one of the County Public Service Board' s (CPSB) functions as stipulated under Section 59 (1)(c) of the County Government Act, 2012. Public officers are expected to maintain integrity and uphold the dignity of the office to which they are appointed. It is therefore imperative that every Public Officer in the County Government of Busia adheres to the code of conduct and ethics as laid out in the law. While exercising the powers of disciplinary control, the Board is aware of the fundamental principles and requirements of natural justice.

Discipline in the service should be viewed not only from the aspect of imposing a punishment against the officer or deterring other officers from committing similar misconducts but also, as a way of encouraging, moulding and developing a positive attitude in the officer. The ultimate objective of discipline is to create a motivated, dedicated and productive officer who upholds proper work ethics for optimal service delivery. The easiest way to uphold discipline is to emphasize on self-discipline that is the conscious deliberate decision to comply with what is expected.

It is my hope, that this manual will play a vital role in exercising disciplinary control in the County Public Service.

Ms. Assumpta N. Obore
CHAIRPERSON
COUNTY PUBLIC SERVICE BOARD

PREFACE

The Board has developed this manual in conformity with the Constitution of Kenya 2010, County Government Act, 2012 and other regulations that govern disciplinary control in an effort to enhance consistency in handling discipline cases in County departments.

The Manual provides general guidelines and procedures to be followed in handling and finalizing of discipline cases. I am convinced that this manual will greatly improve delivery of the discipline control function in the County Public Service.

Martin Sikolia
AG SECRETARY/CEO
COUNTY PUBLIC SERVICE BOARD.

Definition Of Terms

Appellant	-	An individual/organization appealing against a decision or process that is thought to be incorrect or unfair.
Appeal		Apply for the re-examination of a decision or process.
Applicant	-	Individual requesting the Board to review its decision
Application for Review	-	A request that a decision be considered due to new facts, evidence or a mistake that has been noted.
Authority	-	Institutionalized and legal power inherent in a particular job, function, or position that is meant to enable its holder to successfully carry out his or her responsibility.
Authorized Officer	-	Any officer, body or authority to whom the County Public Service Board has delegated any of its functions.
Board		The County Public Service Board of Busia
Constitution	-	Constitution of Kenya, 2010
Conviction	-	Being found guilty as charged.
County Government	-	County Government as provided for under Article 176 (1) of the Constitution.
Criminal Offence	-	Misconduct that breaches governing laws or rules.
Disallow	-	Reject an appeal or application`
Delegated Powers	-	Those functions for which the County Public Service Board is responsible for but have been assigned to Authorized Officers.

- Discipline** - Conforming to service rules and regulations which prescribe expected conduct and behaviour of individual officers
- Disciplinary Control** - Due process of justice and any lawful punishment
- Interdiction** - Barring an accused officer from performing official duties to give room for further investigation of the case
- Minor Offence** - Any crime which upon conviction the imprisonment is six months or below.
- Major Offence** - Serious crime which upon conviction the imprisonment is over six (6) months
- Penalty** - Punishment imposed for a violation of law or rule.
- Public Office** - An Office in the public service
- Public Officer** - Any person holding or acting in any public office
- Show Cause Letter** - A letter requiring an officer to explain why disciplinary action should not be taken against him or her on account of misconduct.
- Suspension** - Barring an accused officer from performing the functions of a public office on account of gross misconduct or conviction of a serious criminal offence pending finalization of a case.

ABBREVIATIONS

CHRMAC	County Human Resource Management Advisory Committee
DHRMAC	Departmental Human Resource Management Advisory Committee
CPSB	County Public Service Board

PART ONE

BACKGROUND

1.1 Introduction

The Board is legally mandated to exercise disciplinary control over persons appointed to hold offices in the County Public Service. To effectively deliver this function, the Board has developed this Discipline Manual to guide the process of handling disciplinary cases in the County Public Service.

The County Governments Act, 2012 under Section 59 (1)(c) vests in the County Public Service Board the power to exercise disciplinary control over public officers. Disciplinary control is an integral part of human resource management in the public service. It is intended to help and encourage public officers to achieve and maintain standards of conduct, contribute to improved performance and productivity.

Consequent to the promulgation of the Constitution of Kenya, 2010 and enactment of the County Governments Act, 2012, there was need to develop disciplinary Manual that is aligned to the requirements and procedures of the Constitution and related legislation

The Manual does not substitute other service regulations made by the Public Service Commission or any law made by Parliament as the case may be, but it is meant to guide the user. The user is therefore required to read the Manual alongside the following documents:

- a) Constitution of Kenya, 2010
- b) County Governments Act, 2012
- c) Urban Areas And Cities Act 2012
- d) Public Service commission Act, 2012
- e) Employment Act, 2007
- f) Labour Institutions Act, 2007
- g) Labour Relations Act, 2007
- h) The Work Injury Benefits Act, 2007
- i) The Occupational Safety and Health Act, 2007
- j) Public Officer Ethics Act (2013)
- k) Anti-Corruption and Economic Crimes Act, 2012
- l) Pensions Act (Cap 189)
- m) Code of Regulations 2006
- n) Penal Code

- o) General circulars issued by the County and National Governments from time to time.
- p) Any other law governing public service and employment

1.2 Scope

This Manual provides general guidelines and instruments to be used by the Board and the County Departments in handling discipline cases.

1.3 Objectives of the Manual

- a) Define discipline and understand its meaning in the context of the existing public service regulations.
- b) Define standard procedures for uniformity in handling discipline cases.
- c) Outline the steps in disciplinary procedures and processes.
- d) Create understanding on the roles and responsibilities of the Board and Authorized Officers in handling of the disciplinary cases.

The manual further provides guidelines on the following:

- i. Proper framing of charges
- ii. Investigation of cases
- iii. Analysis and evaluation of cases
- iv. Making comprehensive comments and recommendations on cases
- v. Application of other forms of punishment other than dismissal
- vi. Prompt handling of cases including implementation of decisions
- vii. Appeals to the Public Service Commission.

PART TWO
GUIDING PRINCIPLES

2.1 Guiding Principles

The disciplinary control in the County public service is governed by the following principles:

- a. The rules of natural justice:
 - i. Procedural fairness, where an officer must be allowed adequate opportunity to prepare and present his/her case
 - ii. The deciding authority must be unbiased when hearing and making decisions
 - iii. Decisions must be based upon logical proof or evidential material.
- b. Proper framing of charges with full particulars of the case including the applicable provision of the Constitution, legislation or code of conduct alleged to have been breached. The officer should be notified in writing, be given the particulars of the misconduct as preferred and reasonable opportunity to respond to the allegations.
- c. Thorough investigation of an alleged offence shall be undertaken before any disciplinary action is taken.
- d. Application of other interventions in resolving discipline cases such as counseling and dispute resolution mechanisms.
- e. Prompt handling of cases including implementation of decisions
- f. Right of appeal and application for review of disciplinary related decisions

2.1 Alternative Interventions in the Discipline Process

Alternative interventions are efforts undertaken by an employer, to address employee misconduct using a method other than traditional discipline action. This may, under the right circumstances, be a more efficient and more effective approach than traditional

discipline. While alternative interventions require more thoughtful decision-making and thus pose a greater challenge for supervisors than traditional discipline, the results can be worth the time and effort. Alternative intervention may be used early on in the discipline process for less serious offences but may not be effective in more serious issues or habitual offences. The appropriateness of the particular approach will vary based upon the nature of the offence and personality of the individual whose conduct needs correcting.

Alternative discipline interventions in the public service can take many forms such as counseling, guidance, training or dispute resolution.

a) Counselling

A counseling intervention is not a discipline action, as its purpose is not to create a negative experience, but rather to communicate helpful information and provide necessary support in management of psychological challenges. The Departments shall refer officers to the County Public Service Guidance and Counseling Unit. The Unit will provide appropriate services in accordance with the Public Service Guidance and Counselling Policy.

b) Guidance and Training

Traditional discipline action is not appropriate for situations in which an officer is trying hard to do well, but performs poorly despite his/her best efforts. Guidance and training is an intervention which can be used by supervisors to address poor performance of an officer when there is no 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 officer' s shortcomings which can be addressed through training and recommend appropriate interventions including: role play, coaching, mentoring, induction and job rotation.

c) Dispute Resolution mechanism

Dispute Resolution mechanisms 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 in the County Public Service.

When applying alternative interventions the following should be observed:

- i. The specific offences that need to be addressed.
- ii. Officer' s admission of wrong doing and willingness to participate in the appropriate intervention.
- iii. The specific form of alternative intervention that will be used and its duration;
and
- iv. Notification of the possible penalty for a subsequent offense.

PART THREE

DELEGATION OF POWERS AND INSTITUTIONAL FRAMEWORK

3.1 Delegation of Powers to Authorized Officers

The Board is empowered to undertake the following disciplinary measures;

- i. Suspend any public officer
- ii. Reprimand any officer
- iii. Stop any public officer' s pay or salary
- iv. Recovery of the cost or part of the cost of any loss or any breakage caused by default or negligence, provided no such cost has been recovered by surcharge action under the appropriate financial instructions or regulations
- v. Withholding, deferment and stoppage of salary increment
- vi. Reduction in rank or seniority
- vii. Dismissal of all officers in the County Public Service

A person who is dissatisfied with a decision made by the Board has a right of appeal to the Public Service Commission within a period of forty two (42) calendar days.

3.2 Institutional Framework

The Institutional framework for handling disciplinary cases is as follows:

- a) In respect of officers in departments

Head of Departments: Reports the misconduct to the Authorized Officer at the Department.

- b) Director, HRM&D:

- i. He/she is the secretary to the CHRMAC and provides technical advice
- ii. Analyzes the misconduct and commences the disciplinary action by issuing a show cause letter.
- iii. Summarizes the cases upon receipt of the officer' s representations, if any, and submits the case to the CHRMAC.
- iv. Implements the decisions of the Public Service Board and the Authorized Officer.

c) CHRMAC:

Deliberates on the case and makes recommendations to the CPSB on the next course of action.

d) County Public Service Board:

- i. Considers recommendations of the CHRMAC and make decisions
- ii. Submits appeals and communicates to Public Service Commission
- iii. Communicates decisions to Authorized Officers for implementation.

e) Authorized officer:

- i. Implements the decision of the Board
- ii. Communicates decisions to affected Officers.

PART FOUR

DISCIPLINARY PROCEDURE

4.1 General Provisions

The following shall be observed while processing discipline cases:

- a. Disciplinary cases dealt with under delegated powers shall be processed through the respective DHRMAC.
- b. If criminal proceedings are instituted against an officer or where an officer has been acquitted of a criminal charge in a court of law, the Authorized Officer shall not be prevented from dismissing him or otherwise punishing him on any other charge arising out of his conduct in the matter.
- c. Where an officer has been charged with desertion of duty, the letter shall be addressed to his/her last known address by registered mail.
- d. Disciplinary cases shall be dealt with promptly and finalized within a period of three (3) months. Where it is found impracticable to do so the Authorized Officer shall report individual cases to the Board outlining the reason for the delay.

4.2 Specific Provisions

(a) Procedure to be followed in initial disciplinary action

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

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

Where an officer fails to reform despite being issued with verbal and written warnings, or where he or she commits serious offences as those referred to in Section 4.6 of this Manual, the following procedure shall apply:

(b) The Procedure to be followed by the Authorized Officers in respect of officers in the County Public service:

- i. Carry out a preliminary investigation and consultation as to the circumstances surrounding the act of misconduct. Or Review the persistent offences of which the officer has been warned severally but failed to reform.
- ii. Issue the officer with a ' show cause 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 ' show cause letter' , whether or not the officer has responded, the case shall be presented to the County Human Resource Advisory Committee (CHRMAC) for deliberation and recommendation.

- v. In the event the investigation reveals further offence(s) against the officer, a new show cause letter shall be issued to him or her and the steps in (iii) to (iv) above shall apply.
- vi. Thereafter, the CHRMAC' s recommendation, material evidence, records and other requirements shall be forwarded to the Board.
- vii. However, if the Board is of the opinion that further investigation is necessary before a decision is made, it will direct the CHRMAC.

4.3. Interdiction

The interdiction process entails the following:

- a) If the case relates to a criminal charge, the officer is served with an interdiction letter, a sample of which is provided in *Appendix I*.
- b) If the misconduct is one which can lead to dismissal but is not of criminal nature the officer shall be served with a ' Show Cause Letter' which is provided in *Appendix II*.
- c) A public officer on interdiction shall be entitled to half of his basic salary, full house allowance, and medical allowance or medical insurance premium remitted whichever is the case.
- d) A public officer who is on interdiction shall not leave the duty station without the permission of the Authorized Officer or any other public officer who is empowered to give such permission.
- e) A public officer whose interdiction has been lifted shall promptly be served with a decision letter, a sample of which is provided in *Appendix III*. Any withheld salary, allowances and benefits will be restored with effect from the date it was withheld.
- f) An officer may be interdicted where gross misconduct which is likely to lead to dismissal is reported and requires investigation or a report that an officer has been charged in criminal proceedings is received.

4.4 Suspension

Suspension process shall be as follows:

- a) If a public officer has been convicted of a serious criminal offence or is found culpable of a gross misconduct which can lead to dismissal, he or she shall be served with a suspension letter, a sample of which is provided in *Appendix IV*.

- b) A public officer who is on suspension shall not be entitled to any salary but shall be paid full house allowance, and medical allowance or medical insurance premium remitted whichever is the case.
- c) A Public officer whose suspension has been lifted shall promptly be served with a decision letter, a sample of which is provided in *Appendix V*. Any withheld salary, allowances and benefits shall be restored with effect from the date it was withheld.
- d) Interdiction and suspension shall be lifted by the Authorized Officer on recommendation from the Board.

4.5 Absence from Duty without Leave

Where an officer is absent from duty without leave, reasonable or lawful cause, the following steps shall apply:

- a) Establish the exact dates the officer was absent from duty. If not traced through personal contacts and next of kin within a period of ten (10) days from the commencement of such absence, the salary and other remunerative allowances shall be stopped with effect from the date of absence and a report of the missing officer be made to the nearest police station and the Board for appropriate action.
- b) The officer shall be addressed a registered 'show cause letter' through his/her last known address, giving a reasonable period within which to respond but not less than ten (21) days. The nature of the offence and the contemplated action shall be stated clearly in the letter. A scanned copy of the show cause letter may be sent to the officer through electronic mail. (Sample letter is provided as *Appendix VI*.)
- c) If the officer does not respond, the case shall be submitted to the Departmental Human Resource Management Advisory Committee which shall make a recommendation to the County Human Resource Management Advisory Committee for a decision and forward the recommendation to the Board
- d) If the officer has responded, the representations shall be analyzed by the Departmental Human Resource Management Advisory Committee and the findings submitted to the County Human Resource Management Advisory Committee for a decision and forward the recommendation to the Board
- e) The Decision of the Board and the right of appeal or application for review shall promptly be communicated to the officer.
- f) Such decisions will all be communicated to the relevant professional body, where applicable.

4.6 Retirement in the Public Interest

Retirement in the public interest may be allowed instead of the prescribed punishments if the Board considers upon proof of the misconduct that:

- a) the public officer has nevertheless raised a mitigating factor which renders imposition of a punishment too harsh in view of the circumstances of the case;
- b) the Length of service, benefits accrued and previous good record of the public officer justifies the retirement;
- c) imposing a punishment against the public officer is likely to adversely affect the reputation of the public body concerned or the public service generally:

In retiring a public officer in the public interest, the following process shall apply:

- a) The Authorized Officer shall address a letter, a sample of which is provided in Appendix VII, requiring an officer to show-cause why he or she should not be retired on grounds of public interest and stating a reasonable period within which he/she must respond.
- b) The public officer' s representations shall be submitted to the relevant DHRMAC for deliberation and forward the recommendations to the CHRMAC.
- c) The CHRMAC recommendations shall be submitted to the Board for a decision
- d) Where the Board is of the opinion that an alternative punishment be applied, the case shall be returned to the Authorized Officer with instructions that a fresh show cause letter be issued in line with the contemplated disciplinary action.
- e) Where the Board concurs with the recommendations, the Authorized officer shall convey the Board' s decision to the officer, informing him/her of the benefits, if any and the right of application for review within the time provided for in the regulations as per the sample letter provided in Appendix VIII.

4.7 Offences under Gross Misconduct

The offences that amount to gross misconduct which may lead to summary dismissal are, but not limited to the following:

- a) Negligence of duty
- b) Intoxication during working hours
- c) Using abusive or insulting language or behaving in a manner likely to cause a breach of the peace
- d) Insubordination
- e) Criminal conviction
- f) Incarceration for more than fourteen (14) days following arrest for cognizable offence
- g) Willful destruction of government property
- h) Theft by public servants
- i) Unauthorized use or disclosure of confidential information
- j) Falsification or references on appointment
- k) Acceptance of any bribe, secret profit or unauthorized commission

4.8 Punishments

Punishments inflicted on a public officer shall be within the law including but not limited to the following;

- a) Recovery of cost or part of the cost of any loss or breakage caused by default or negligence provided that no such cost has been recovered by surcharge under the appropriate financial instructions or regulations.
- b) Reprimand including severe reprimand
- c) Deferment of increment
- d) Withholding of increment
- e) Stoppage of increment
- f) Reduction in rank or seniority
- g) Dismissal

4.9 Requirements for Carrying Out Investigations

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

While carrying out the investigations the following shall be observed:

- a) Investigating committee shall comprise of officers senior to the accused officer and shall not have dealt with the case before.

- b) The team shall comprise of not less than three (3) officers (where the team is more than three members, the team shall consist of an odd number).
- c) The officer under investigation must be interviewed by the investigating committee.
- d) The investigating committee shall record details of any matters which may aggravate or mitigate the case.
- e) After listening to all witnesses and studying all the documents, the committee shall sum up the case and record its findings as evaluated against the evidence.
- f) The investigation report submitted to the relevant HRMAC shall not contain any recommendations on the form of punishment to be inflicted on the accused officer but should contain:
 - i. A statement on whether the charges against the officer have been proved
 - ii. Evidence collected by the team, including any statements by witness
 - iii. Analysis of the evidence and statements
 - iv. Details on any matter that may affect the gravity of the case if any.
- g) Where further investigations are required as provided for in the regulations, such investigations shall be conducted in accordance with the process in (a) to (f) above.

4.10 Checklist for Submission of Cases to The Board

The County Human Resource Advisory Committee shall present cases to the Board in the format prescribed, a sample of which is provided in Appendix IX. When submitting cases to the Board the following must be provided:

- a) The officer' s personal files.
- b) Authorized Officer' s comments on each and every issue raised by the accused officer and recommendations.
- c) Investigation report and material evidence where applicable
- d) Signed CHRMAC/DHRMAC minutes.
- e) All correspondence related to the matter.
- f) Details of any matter which may aggravate or alleviate the gravity of the case.

PART FIVE
APPEALS AND REVIEWS

5.1 Right of Appeal and Application for Review

Any officer dissatisfied with the decision of the Board may apply to the Public Service Commission (the “ Commission”) for review of the decision. A right of appeal or review shall be communicated to the concerned officer in the letter containing a decision which may be appealed against or reviewed as the case may be.

5.2 Lodging an Appeal or Application for Review

The process of lodging an appeal or application for review is as follows:

- a) All appeals and applications for review shall be in writing and made within a period of forty two (42) calendar days and one (1) year respectively, for the date of the letter conveying the decision.
- b) All appeals and reviews shall be addressed to the Secretary, Public Service Commission who shall give comments and a recommendation on issues raised in the form provided for in *Appendix IX*. While forwarding his/her appeal or application for review, an officer may submit an advance copy to the commission.
- c) An appeal shall be accompanied by copies of all material evidence or documents that the appellant wishes to rely on.
- d) All appeals and applications for review shall be forwarded to the Commission even where they are made out of time.
- e) Decisions on appeals shall be promptly conveyed and the officer informed of the right of application for review.

PART SIX
COURT CASES

6.1 HANDLING COURT CASES

In the event that the County Government is taken to court in matters relating to the Board' s disciplinary powers, including where the powers have been delegated, the following shall apply:

- a) Departments shall promptly bring to the attention of the Board the filing of such court cases and forward all the relevant information as well as documents relating to the case.
- b) Departments shall ensure that they cooperate with the Board in availing evidence and witnesses as may be required for successful handling of court cases.
- c) Court decisions shall be complied with in consultation with the Board unless a notice of appeal has been filed.

PART SEVEN - APPENDICES

Appendix I	INTERDICTION FOLLOWING A CRIMINAL CHARGE
Appendix II	INTERDICTION FOLLOWING GROSS MISCONDUCT LEADING TO DISMISSAL
Appendix III	LETTER LIFTING INTERDICTION
Appendix IV	SUSPENSION LETTER
Appendix V	LETTER LIFTING SUSPENSION
Appendix VI	SHOW CAUSE LETTER ABSENCE FROM DUTY WITHOUT REASONABLE CAUSE
Appendix VII	NOTICE OF INTENTION TO RETIRE ON GROUNDS OF PUBLIC INTEREST
Appendix VIII	DECISION LETTER ON RETIREMENT IN PUBLIC INTEREST
Appendix IX	FORMAT FOR PRESENTING DISCIPLINARY CASES, APPEALS AND REVIEWS

APPENDIX 1 – INTERDICTION FOLLOWING A CRIMINAL CHARGE

(Letter head)

REF:

DATE:

To

.....

(Registered mail to last known address)

Dear Sir/Madam,

RE: INTERDICTION UPON CRIMINAL CHARGE

It has been reported to this office that you were arrested and charged in a court of law with the offence of *(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 finalizing of your case.

While on interdiction, you will be paid half salary and you should not leave your duty station without the express permission from your immediate supervisor.

(Signed)

Authorized Officer

Copy to: The County Secretary

The Secretary/CEO CPSB

Supervisor

APPENDIX II: INTERDICTION FOLLOWING GROSS MISCONDUCT LEADING TO DISMISSAL

(Letter head)

REF:

DATE:

To

.....

thro'

.....

(Supervisor)

Dear Sir/Madam,

RE: INTERDICTION

It has been reported to this office that you *(set out the particulars of the Misconduct together with dates)*

To facilitate investigations on the alleged misconduct, it has been decided that you be and are hereby interdicted from exercising the duties of your office from the date of this letter pending finalization of your case.

While on interdiction, you will be paid half salary, full house allowance, medical allowance or where applicable medical insurance premium remitted. Further, you should not leave your duty station without the express permission of your immediate supervisor.

Yours faithfully

(Signed)
Authorized Officer

Copy to: The County Secretary

The Secretary/CEO CPSB

Supervisor

APPENDIX III: LETTER LIFTING INTERDICTION

(Letter head)

REF:

DATE:

To

.....

Thro'

.....

(Supervisor)

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 effect from *(The date of the interdiction)*.

Your salary withheld during the interdiction shall be released.

You are kindly requested to acknowledge within one month from the date of this letter that you have read and understood the contents herein.

Yours faithfully,

(Signed)
Authorized Officer

- Copy to: The County Executive Committee Member
- The County Secretary
- Chief Officer – Public Service Management
- The Secretary CPSB

APPENDIX IV: SUSPENSION LETTER

(Letter head)

REF:

DATE:

To

.....

Thro'

.....

(Supervisor)

Dear Sir/Madam.

RE: SUSPENSION

It has been reported to this office that you were convicted of a serious criminal offence namely *(set out particulars)*.

or

Having considered your representations and investigation report on
(state alleged offence), your general conduct and work performance has been found wanting and warrants dismissal on account of gross misconduct.

Consequently, it has been decided that you be and are hereby suspended from exercising the duties of your office from the date of this letter pending finalization of your case. While on suspension, you will not be entitled to any salary but you will be paid full house allowance, medical allowance or where applicable medical insurance premium will be remitted.

Yours faithfully,

(Signed)
Authorized Officer

- Copy to: The County Secretary
- The Secretary/CEO CPSB
- Supervisor

APPENDIX V: LETTER LIFTING SUSPENSION

(Letter head)

REF:

DATE:

To

.....

Thro'

.....

(Supervisor)

Dear Sir/Madam,

RE: LIFTING OF SUSPENSION

Further to our letter Ref. no. dated (The suspension letter) and after due consideration of your case it has been decided that, the suspension imposed on you be and is hereby lifted with effect from the date of the suspension.

However, you are hereby warned that a repeat of the same or similar misconduct in future may lead to commencement of proceedings for your dismissal from the service.

You should acknowledge within one month from the date of this letter that you have read and understood the contents herein.

Yours faithfully,

(Signed)

Authorized Officer

Copy to: The County Secretary
 The Secretary/CEO CPSB
 Supervisor

APPENDIX VI: ABSENCE FROM DUTY WITHOUT REASONABLE CAUSE

(Letter head)

REF:

DATE:

To

.....

Thro'

.....

(Supervisor)

Dear Sir/Madam.

RE: ABSENCE FROM DUTY WITHOUT REASONABLE CAUSE

It has been reported that you absented yourself from duty on *(state the particulars of the absence including number of days and specific dates)*

In view of the above, your dismissal from the service on account of absence from duty without reasonable cause is contemplated, but before this is done, you are hereby called upon to show cause why the intended action should not be taken.

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

Yours faithfully,

(Signed)
Authorized Officer

Copy to: The CECM - Public Service Management

The County Secretary

The Secretary/CEO CPSB

APPENDIX VII: NOTICE OF INTENTION TO RETIRE ON GROUNDS OF PUBLIC INTEREST

(Letter head)

REF:

DATE:

To

.....

Thro'

.....

(Supervisor)

Dear Sir/Madam,

RE: NOTIFICATION OF RETIREMENT IN THE PUBLIC INTEREST

It has been established that you committed the following offence(s) which affect the public interest. (State the full particulars of the complaint/offence that warrant his retirement)

Consequently, it is contemplated to retire you on the ground of public interest in accordance with public service regulations. However, before a decision to retire you is made, you are hereby asked to make a written representation as to why you should not be retired in the public interest.

Your representations if any, should reach this office within twenty one (21) days from the date of this letter failure to which, you shall be retired on the ground of public interest without further reference to you.

Yours faithfully,

(Signed)
Authorized Officer

Copy to: The CECM – Public Service Management
The County Secretary
The Secretary/CEO CPSB

APPENDIX VIII: DECISION LETTER ON RETIREMENT IN PUBLIC INTEREST

(Letter head)

REF:

DATE:

To

.....

Thro'

.....

(Supervisor)

Dear Sir/Madam.

RE: RETIREMENT IN THE PUBLIC INTEREST

This is to inform you of the County Public Service Board' s decision to retire you on the grounds of public interest with effect from(date)

In view of this decision, you are required to report to this office within thirty days with a view to submitting a handover report and to conclude arrangements for processing your pensions and other terminal benefits. Consequently, you are requested to complete the following documents and return them to this office duly signed for further action:

- 1) Pension Communication Form
- 2) Official Secrets (Declaration) Act for officers leaving the service.
- 3) Final Wealth Declaration Form.
- 4) Clearance Form

Please note that you have a right of application for review of the decision to the Board within six months from the date of this letter.

Yours faithfully,

(Signed)
Authorized Officer

Copy to: The CECM – Public Service Management

The County Secretary

The Secretary/CEO CPSB

**APPENDIX IX: FORMAT FOR PRESENTING DISCIPLINARY CASES, APPEALS
AND REVIEWS BY THE AUTHORIZED OFFICER TO
THE BOARD**

- i. Name
-
- ii. Date of First Appointment
-
- iii. Personal Number
-
- iv. Current Designation
-
- v. Job Group/Salary Scale
-
- vi. Terms of Service
-
- vii. Date of Birth
-

B. Nature of Charge, Offence or Misconduct against officer

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(Set out the particulars in full)

C. Discipline case/Appeal/Reviews

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(Specify)

D. Previous charge or offences or misconduct and punishment (if any)

Charge	Decision	Date
1.		
2.		
3.		
4.		

E. CRIMINAL CONVICTIONS

(if any)

Criminal Charge/offence	Date	Judgment/Ruling/Order by court

F. Analysis of the case on issues raised by the officer and the authorized Officer' s comments

Officer' s representations	Authorized Officer' s comments

G. Recommendations by the relevant HRMAC in the case (if any)

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H. Authorized Officer' s comments on the committee' s recommendation which aggravate or mitigate gravity of the case (if any)

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J. List of Appendices

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(list all documents attached to this form e.g. show cause letter, minutes of the relevant Committees, Investigation report, Court rulings/judgments e.t.c)

**(Signed)
County Chief Officer**

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