



**KERICHO COUNTY ASSEMBLY**

**SECOND ASSEMBLY**

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**COMMITTEE ON GOVERNANCE, LABOUR AND SOCIAL WELFARE**

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**REPORT ON THE KERICHO COUNTY ORGANIZATIONAL STRUCTURE AND  
STAFF ESTABLISHMENT, 2018**

**Submitted pursuant to standing order 194**

**JANUARY, 2019**

**CLERK'S CHAMBERS**

**KERICHO COUNTY ASSEMBLY BUILDING**

**KERICHO**

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## 1.0 Preface

The organizational structure is a tool that guides in the organization and coordination of functions in an institution. It is a planning tool for posterity in governance.

### 1.1 Mandate of Committee

The mandate of the Governance Labour and Social welfare is stipulated in the Kericho County Assembly Standing Order 194 ; concerns all matters relating to labour, trade union relations, manpower or human resource planning, gender, culture and social welfare, county heritage, betting, lotteries, sports and County public Service and ensuring and coordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

### 1.2 Committee Membership

The committee membership is as follows:

- |       |                             |                |
|-------|-----------------------------|----------------|
| i.    | Hon. Antony Rutto           | - MCA Chairman |
| ii.   | Hon. William Soi            | -MCA Member    |
| iii.  | Hon. Cheruiyot Bett         | -MCA Member    |
| iv.   | Hon. Cheruiyot Alfred       | - MCA Member   |
| v.    | Hon. Grace Koech            | - MCA Member   |
| vi.   | Hon. Caroline Soi           | -MCA Member    |
| vii.  | Hon. Njuguna Milka Wangare  | - MCA Member   |
| viii. | Hon. Langat Winny Chepkoech | - MCA Member   |
| ix.   | Hon. Ann Koskey             | -MCA Member    |

### **1.3 Committal to the Committee on Governance, Labour and Social Welfare**

The County Assembly received a proposed Kericho County organizational structure and staff establishment 2018 and committed to the committee on Governance Labour and Social Welfare of the county assembly for scrutiny and consideration.

### **1.4. Committee Meetings**

The Committee held meetings on various dates scrutinizing and deliberating on the contents of the proposed Kericho organizational structure and staff establishments, 2018. Other stakeholders involved included the County Public service Board, County Executive Committee Members in charge of Public Service Management and ICT e-Government, Youth Affairs and Sports.

### **1.5 Legal Framework**

The committee was guided by the following legislations and regulations:

- i. Constitution of Kenya, 2010;
- ii. County Government Act, 2012;
- iii. Public Finance Management Act, 2012;
- iv. The Kericho County Wages and Benefits for Public officers Regulations, 2015; and
- v. Consultations with the County Executive and County Public Service Board.

### **2.0 Kericho County Proposed Organizational structure, 2018**

The Committee conducted meetings to deliberate on the proposed organizational structure and staff establishment for Kericho County. However, the committee identified a number of challenges facing Kericho County that have a direct impact on the proposed Kericho County organizational structure and staff establishment as follows;



### **a) Youth unemployment in Kericho County**

Youth unemployment is a global challenge that many countries struggle to address. According to reports of Economic survey 2018, the global unemployment rate stood at 5.6% in 2017. On the outlook, Kericho County is not an exception in this challenge. Finding work to do has been difficult for the youths. Despite the fact that both levels of governments have established funds aimed at encouraging youth to venture into the informal sector or entrepreneurship as an alternative to creation of employment, no success has been realized in this regard and that youths continue to remain in abject poverty.

The existence of various legislations such as Public Procurement and Asset Disposal Act, 2015, Kericho County Enterprise Fund Act, 2015, Kericho County Youths Empowerment Bill, 2018 (proposed bill) and funds such as Kericho County Youth Enterprise Fund and Youth Fund from national government has not addressed the issue of youth unemployment in Kenya and particularly in Kericho County.

In an attempt to solve youth unemployment in Kericho, the county government embarked on training 781 youths as Kericho County Youth Service on a youth empowerment programme. The said youths successfully undertook a rigorous paramilitary training. The youth service programme was aimed at imparting and sharpening technical skills for service delivery in Kericho County and in the private sector and beyond.

### **b) Increased personnel emoluments**

The reports from the Controller of budgets for Kericho County 2018 reveals that the personnel emoluments for Kericho County stands as 48.8% of the total recurrent expenditure (*Annual County Governments Budget implementation Review Report For FY 2017/18*) against acceptable rate of 35% of the total recurrent expenditure as set out in the Kericho County Wages and benefits for public officers regulations, 2015. The

Kericho County Organizational Structure 2018 comes at a time when the personnel emoluments are at unacceptable rates.

The approval of the Organizational structure does not in any way imply that the Kericho County through the respective departments and the County Public Service Board fill the vacant positions.

**c) Perception/Justification for establishment of offices**

The Committee of Governance Labour and Social welfare held consultative meetings with various stakeholders on the Kericho County organizational structure, 2018 that was aimed at demystifying the perceptions on the lack of consideration for employment of the Youths in Kericho County as well as filling up of positions that does not relate to the youths of Kericho County.

From the various stakeholder meetings, it was agreed that employment opportunities henceforth be given to the youths of Kericho County as a matter of priority. This includes the positions for replacements in various departments as a result of resignation of employees or natural attrition or any other cause.

From the committee meetings and interaction with various stakeholders, it was also recommended that the Kericho County Organizational Structure be approved since it is a policy document that will be used for planning.

**3.0 Powers of the County Public Service Board to establish or abolish office**

Section 62 of the County Government Act, 2012 gives exclusive powers to the County Public service board to establish or abolish any office in the county public service. This is done through submission of a proposal to the county assembly for approval through the county executive committee member responsible for the county public service.

Before the establishment of an office in the public service, the County Public Service Board shall give the County Chief Officer of the concerned department an opportunity

to make representation in respect of any action to be taken in the establishment or abolishment of an office before a final decision is made on the same.

#### **4.0 Committee observation**

The committee on Governance Labour and Social Welfare observed as follows :-

- i. That the County Government of Kericho needs an organizational structure as a legal requirement which shall guide in the establishment and staffing of offices for improved service delivery;
- ii. That the Kericho County proposed organizational structure and staff establishment revealed that an ideal establishment for the County stands at 9,968, in-post of 3,129 with a variance of 6,529 employees in various cadres against provisions of recurrent expenditure and personnel emoluments which are capped by law;
- iii. That the organizational structure and staff establishment if not checked can be abused by the departments in total disregard of the law;
- iv. Majority of the positions in the proposed organizational structure are senior positions and have been bloated as compared to lower cadre positions or those of entry level. This may occasion duplication of duties and responsibilities;
- v. That the proposed Kericho county organizational structure and staff establishment is a progressive planning tool for the County that works for posterity which can be amended and reviewed;
- vi. That filling up of the positions has to be backed up by budgetary provisions;
- vii. That the County Assembly, the County Public Service Board, and the cities/towns and municipal boards are independent entities as per Article 176 and 177 of the Constitution of Kenya, Section 57 of the County Government Act, 2012 and Section 13 of the Urban Areas and Cities Act, 2011 respectively;



- viii. That the Municipality boards and town management committees needs an independent organizational structure and staff establishment for it to perform its duties and responsibilities;
- ix. The proposed Kericho County organizational structure and staff establishment, 2018 still needs to be reviewed for instance in the education sector, there is need to consider quality assurance and standards officers across the county for supervisory and Management of ECDE centers.

### **5.0 Committee recommendation**

The committee on Governance, Labour and Social Welfare recommends as follows:-

- i. That the various departments of the County Government ensures that provisions of Section 62(4) of the County Government Act 2012 is not violated which states that:-  
*"62(4) If the County Public Service Board establishes an office and the concerned department fails to fill the vacancy for a period of twelve months after its establishment, the office shall stand abolished and the County Public Service Board shall not be required to make a decision to abolish that office"*
- ii. That provision of Section 60(1) (g) of the County Governments Act, 2012 is adhered to regarding funding that needs to be duly provided for the offices to be established. Additionally, all positions to be filled, before being advertised, must be supported by budgetary provisions as a mandatory requirement;
- iii. That Section 60(2) of the County Government Act is adhered to in personnel emoluments and that it must not adversely affect other budgetary provisions in the recurrent budget;



- iv. That all offices shall be filled competitively and that the County Assembly shall approve all the positions that will be filled and those to be confirmed substantively;
- v. That training policies, schemes of service, human resource manuals and other relevant legislations shall be adhered to in promotions and filling of all vacant positions in the proposed Kericho county organizational structure and staff establishment;
- vi. That the cities/town/municipal boards should be treated as an independent entity as the County Public Service Board for it to execute its mandate as set out in the Urban Areas and Cities Act, 2011. Therefore, the direct reporting of the Town Management Committee & Municipal Boards to the CECM Lands, Housing and Physical Planning in page 72 is expunged and page (vi) should have an indirect relationship with the County Executive Committee and the County Assembly;
- vii. That the provisions of Section 60(3) of the County Government, 2012 should be adhered to and that the recruitment is done progressively through departmental request to the CPSB before forwarding to the County Assembly for approval. Increased employment will lead to high wage bill which will hamper development;
- viii. That the County Public Service Board forward through the CECM Public Service Management a proposed organizational structure and staff establishment for town management committees and cities/towns/municipal boards to the County Assembly for consideration and approval;
- ix. That the relevant departments adopt and customize their respective organizational structures and staff establishment as approved by the County Assembly.

## Conclusion

The committee on Governance, Labour and Social Welfare recommends the APPROVAL of the proposed Kericho County organizational structure and staff establishment 2018 with the recommendations contained in this report.

## 6.0 Acknowledgement

**Mr. Speaker Sir,** allow me to take this opportunity to thank all members of the committee on Governance Labour and Social Welfare for their valuable input and contribution in consideration of the proposed Kericho County Organizational structure and staff establishment, 2018. I sincerely take this opportunity to thank the offices of the Speaker and the Clerk for the support accorded to this Committee in the execution of its mandate.

Additionally, the committee also wishes to thank the County Public Service Board, the County Executive Committee Members for Public Service Management and ICT e-Government, Youth Affairs and Sports.

**Mr. Speaker Sir,**

On behalf of the Committee on Governance Labour and Social Welfare and pursuant to Standing Order No.194, it is my pleasant duty to present to this House the Committee's report of the organizational structure and staff establishment for Kericho County for consideration and approval by this Honorable House.

Thank You,



**Hon. Anthony Ruto**

Chairman, Governance Labour and Social Welfare

Date.....22/01/2019