



Kenya National Trading Corporation Ltd.

HUMAN RESOURCE POLICY AND PROCEDURES MANUAL

JULY, 2023

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FOREWORD

The Kenya National Trading Corporation Ltd. (KNTC) is committed to fulfilling its core mandate to act as a procurement agent for government and participate in the promotion of wholesale and retail trade in order to strengthen the supply chain of essential products within the Country and advise the Government in matters related thereto.

In this regard, the Corporation has developed a benchmarked Human Resource Policies and Procedures Manual, which is a crucial instrument in an organization. The Human Resource Policies and Procedures Manual gives information on human resource issues, and as such helps in resolving human resource issues and finding solutions which are fair and objective. Indeed, the Corporation recognizes that prudent management of its human resource is key to achieving its mission as it provides the foundation for recruiting and retaining competent staff.

To provide a framework for enhanced service delivery the Corporation developed this Human Resource Policies and Procedures Manual to provide guidance on the management of its key resource, the human resource. The manual is intended to inform, guide, and provide an objective way of handling issues between the employer and employee. It provides details of processes that lead to attraction, motivation, retention or exit of staff from the Corporation. It is expected that with the manual in place, many routine decisions and transactions will proceed with minimal encumbrance.

The Human Resource Policies and Procedures Manual incorporates provisions of the Constitution, Labour Laws and other Legislation that govern various aspects of industrial relations in the Public Service, as well as circulars issued from time to time.

Board Chairperson

KENYA NATIONAL TRADING CORPORATION LTD.

PREFACE

The Kenya National Trading Corporation Ltd. has developed this policy document as a necessary intervention to address the human resource challenges that may face the Corporation from time to time, as well as the emerging labour issues in human resource management at large.

Human resource management at the Corporation has been guided by existing Human Resource Policy Manual, human resource circulars issued from time to time, administrative circulars issued internally and from the Public Service from time to time, management resolutions passed and adopted from time to time, the Employment Act Cap (2007), Companies Act Cap 486, State Corporations Act, 2012, and other Acts that guide human resource issues at the workplace. This Human Resource Policies and Procedures Manual attempts to consolidate provisions of the various documents and at the same time address emerging issues in human resource management and development at KNTC.

The formulation and implementation of this manual is geared towards reaffirming the Corporation's commitment to improving efficiency and effectiveness in the delivery of service.

The implementation of the various strategies outlined in this Human Resource Policies and Procedures Manual will go a long way in ensuring the Corporation achieves its mandate to act as a procurement agent for government and participate in the promotion of wholesale and retail trade in order to strengthen the supply chain of essential products within the Country among other functions.

Chief Executive Officer/MD

KENYA NATIONAL TRADING CORPORATION LTD.

ACRONYMS AND ABBREVIATIONS

AA	: Automobile Association of Kenya
AG	: Attorney General
AIDS	: Acquired Immuno-Deficiency Syndrome
MD	: Managing Director
CEO	: Chief Executive Officer
COC	: Code of Conduct
CPC	: Corruption Prevention Committee
DOSH	: Directorate of Occupational Safety and Health
EACC	: Ethics and Anti-Corruption Commission
GOK	: Government of Kenya
GPA	: Group Personal Accident
HELB	: Higher Education Loans Board
HIV	: Human Immuno-Deficiency Virus
HOD	: Head of Department
HOFA	: Head of Functional Area (e.g. Departments that directly reports to MD)
HR	: Human Resource
KNTC	: Kenya National Trading Corporation Ltd.
KRA	: Kenya Revenue Authority
NHIF	: National Hospital Insurance Fund
NSSF	: National Social Security Fund
OSHA	: Occupational Safety and Health Act
PAYE	: Pay As You Earn
PIN	: Personal Identification Number
PSC	: Public Service Commission
RBA	: Retirement Benefits Authority
SACCO	: Savings and Credit Cooperative Society
SCAC	: State Corporations Advisory Committee
SRC	: Salaries and Remuneration Commission
VCT	: Voluntary Counseling and Testing
WIBA	: Work Injury Benefit Act

DEFINITION OF TERMS

The terms in subsequent sub-paragraphs will have meanings specifically assigned to them as follows:

Term	Definition
Act	Companies Act. Cap 486
Basic Salary	Pay of an employee exclusive of allowances.
Board	Is the organ responsible for governance of the Corporation.
Corporation	The Kenya National Trading Corporation Ltd. (KNTC) as established in the Act as a body corporate
Cabinet Secretary	The Cabinet Secretary for the time being responsible for matters relating to Kenya National Trading Corporation Ltd.
Calendar year	The period from 1 st January to 31 st December both days inclusive
Dependent Child	The biological off-springs or legally adopted children under the age of twenty-five (25) years, who are unmarried and wholly dependent on the employee. For the purpose of records, the names of the children must be declared at the time of joining or birth or adoption if it occurs during employment in the Corporation.
Disability	This means a physical, sensory, mental or other impairment, including any visual, hearing, learning or physical incapability, which impacts adversely on a person's social and economic participation
Employee	A person employed by the Corporation for wages or a salary.
Family	Includes the employee's spouse and up to four (4) Children biological off-springs or legally adopted children under the age of twenty-five (25) years.
Financial year	The period from 1 st July to 30 th June of the following year.
Gross salary	Pay of an employee including all allowances.
Head of Functional Area	Any person for the time being heading any of the designated Departments/Division.
Immediate family	Includes the employee's spouse, children, parents, brothers and sisters.
Leave year	The period from 1 st June to 30 th July.
Senior Management	Denotes the Managing Director and Heads of Departments
Nuclear family	Includes the employee's spouse and children.
Daily Substance Allowance	When performing duties outside the duty station, an Employee is entitled to daily substance allowance (night out allowance) dependent on the duration of a particular assignment. The rate of daily substance allowance will be determined by the Government from time to time.

Term	Definition
Pro-rata	Means computation of benefits for the period served in relation to the full-term entitlement.
Spouse	A legally recognized marriage partner of an employee as specified under the relevant law.

Note: 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.



SECTION 1: GENERAL PROVISIONS

1.1 Introduction

- 1.1.1 The Human Resource Policy & Procedures Manual has been developed to support service delivery, commitments and obligations of the Kenya National Trading Corporation Ltd. (KNTC) to the targeted beneficiaries.
- 1.1.2 Unless otherwise expressly provided, employees of KNTC shall be required to observe the provisions of the policies and procedures provided in this Manual.
- 1.1.3 The Manual shall be read in conjunction with the Constitution of Kenya, relevant Laws guiding management of employees and Government policy guidelines released from time to time.
- 1.1.4 This Manual will act as a reference document for the Corporation. It therefore forms the basis upon which working culture and environment will develop.
- 1.1.5 The Manual sets the guidelines on recruitment, selection, management and development of human resource in the Corporation. It is also the official means for the Corporation to communicate its policies on human resource management related matters.
- 1.1.6 Since the manual is not exhaustive, any new written provisions, guideline, directive, circular or memo from government shall be deemed as an update.
- 1.1.7 This Manual will be used in conjunction with other approved policies and procedures manuals relating to specific administrative functions of the Corporation. It therefore forms an integral part of the management processes of the Corporation.
- 1.1.8 All copies of this Manual are the property of the Corporation and it is the responsibility of all employees to make sure that they have access to the Manual.
- 1.1.9 All employees of KNTC will also be subject to relevant provisions of other regulations, government circulars, rules and instructions as may be issued by other authorities who may be authorized to do so from time to time.
- 1.1.10 This manual will be reviewed as and when necessary but at least every three (3) years so as to be in harmony with legislation and organizational and technological changes.

1.2 Objectives

- 1.2.1 The general objective of this Manual is to summarize Human Resource Management policies, procedures, regulations and other administrative processes to facilitate those responsible for managing the Corporation to use one common reference document on all human resource related matters.
- 1.2.2 The specific objectives of this Manual are to ensure: -
- a) Adherence to the Constitution and other government guidelines.
 - b) Support from employees, stakeholders, the Government, the public and the development partners.
 - c) That employee policy, organization structure and individual roles operate in an integrated manner so that KNTC objectives are met in a timely and cost-effective manner.
 - d) Adherence to various professional etiquettes and public expectation of a work environment of zero tolerance to corruption.
 - e) A common understanding by KNTC employees of stipulated standards and procedures in monitoring their performance for continued improvement.

1.3 Responsibility

The Head of Human Resource shall make the Manual available to all employees. Thereafter, it will be the responsibility of all employees to read and understand the Manual and any other subsequent amendments therein.

1.4 Interpretation

In case of any doubt as to the interpretation of any provision in the Manual, the same shall be referred to the Managing Director. The Managing Director will seek guidance from the Board or any relevant Government department or authority on any matter that may not be covered by these policies and procedures.

1.5 Amendments /Review

- 1.5.1 The Manual may be amended from time to time as and when necessary. Such changes will require authorization of the Board and will be communicated to employees in writing through separate communication.
- 1.5.2 The Board reserves the right to consider and approve a revision, revocation or addition to the general policies contained in this Manual.

1.6 Organization of KNTC

The current organizational structure of the Corporation can be broadly categorized into two tiers which comprises Governance and the Management.

1.6.1 Governance Structure

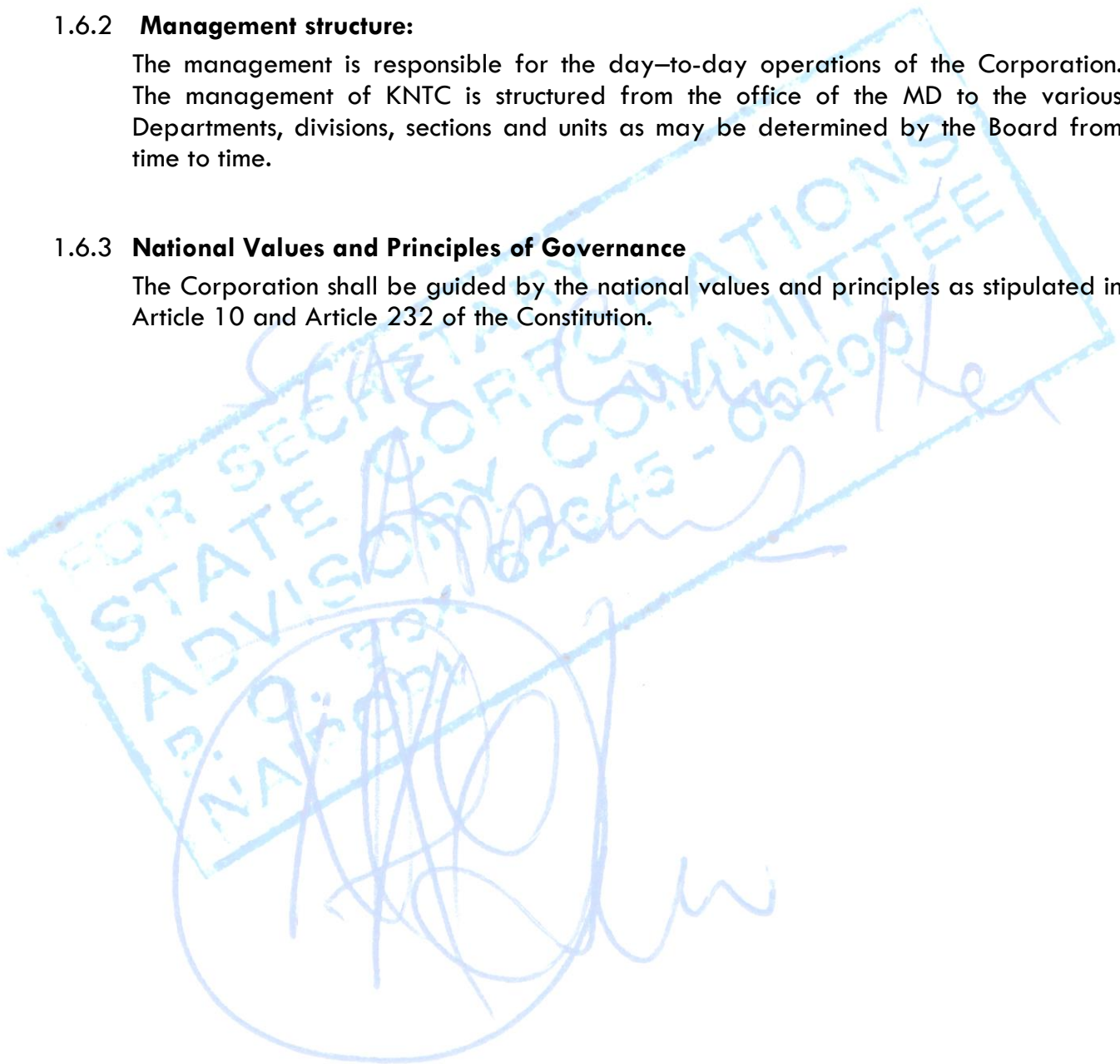
The Management of the Corporation is vested in the Board.

1.6.2 Management structure:

The management is responsible for the day-to-day operations of the Corporation. The management of KNTC is structured from the office of the MD to the various Departments, divisions, sections and units as may be determined by the Board from time to time.

1.6.3 National Values and Principles of Governance

The Corporation shall be guided by the national values and principles as stipulated in Article 10 and Article 232 of the Constitution.



SECTION 2: TERMS AND CONDITIONS OF EMPLOYMENT

2.1. Introduction

- 2.1.1. The Corporation is committed to attracting and retaining competent employees required for efficient and effective service delivery.
- 2.1.2. The Corporation is an equal opportunity employer and shall not in its recruitment and selection process, discriminate on the basis of gender, race, religion, ethnicity or any other form of discrimination. The constitutional requirement on mainstreaming of gender and persons with disabilities as stipulated in Article 54 to 57 of the Constitution will be observed alongside any other policies issued by the National Cohesion and Integration Commission.
- 2.1.3. The Corporation's efficiency and effectiveness depends on the quality and competencies of employees it engages. The Corporation shall therefore endeavor to recruit suitably qualified and experienced employees with the right skills and experience required to achieve its goals and objectives.
- 2.1.4. When making a decision on selection on first appointment, information concerning a candidate's general background and/or previous employment shall be verified. No appointment shall be offered to any employee prior to such verification.
- 2.1.5. All appointments shall be made with the approval of the Board or as delegated and shall be within the approved establishment.
- 2.1.6. Appointments in all cases shall be aligned to clear job descriptions and specifications for various cadres of employees in their respective fields of employment.

2.2. Career Guidelines

- 2.2.1. The grading structure, qualifications and other requirements for recruitment into the Corporation are laid down in KNTC Career Guidelines. The Career Guidelines must be followed in processing appointments and promotions of employees in their respective fields of employment.

2.3. Terms of Employment

- 2.3.1. Appointment at the Corporation shall be based on either of the following terms of service:

- a) Permanent
- b) Contract
- c) Casual

2.3.2 Any instance that may require translation of terms of service of a serving employee should be undertaken by the Board on mutual agreement with the employee. Where the terms of service of any Grade are variant from the terms of service of an employee and the employee is not willing to have the existing terms translated, the Board may opt to declare the post as restructured and redundancy occasioned. The redundancy process would be undertaken under the Government Tripartite Committee framework.

2.4. Permanent Terms

2.4.1. Appointment on permanent terms shall apply to employees who on successful completion of the probationary period shall be eligible for confirmation in appointment.

2.5. Contract Terms

2.5.1. The Corporation may engage staff at any Grade on contract terms as may be stipulated in this policy or other Government guidelines.

2.5.2. The MD shall be appointed on a contract of up to three (3) years (subject to legal or policy review) or as otherwise provided under any other written law, renewable once subject to performance evaluated by the Board and retirement age.

2.5.3. Officers at Grade KNTC 2 shall be engaged on contracts of up to five (5) years renewable once subject to performance and retirement age while officers at Grade KNTC 3 shall be engaged on contracts of up to five (5) years renewable subject to performance and retirement age.

2.5.4. Officers serving on contract terms are subject to the retirement age for Public Servants and shall be eligible for payment of service gratuity based on prevailing Government guidelines.

2.5.5. Where the employment under contract is terminated, gratuity will be paid on pro-rata basis for the period completed.

2.6. Renewal of Contract

- 2.6.1. An employee serving under contract terms and wishing to be considered for a further term is required to notify the MD in writing six (6) months before the expiry of the contract. In case of the MD, he/she will be required to notify the Board.
- 2.6.2. If such a notification is not made, the employee will be deemed to have completed his term on the date specified in the contract and the contract shall not be renewed or extended.
- 2.6.3. The MD shall consider any notification from an employee wishing to be considered for a further term. Upon consideration, the employee will be advised of the Corporation's decision to renew, not to renew, or to extend the employee's contract in writing three (3) months before the expiry of the contract.
- 2.6.4. If dissatisfied with the decision, an employee may appeal to the Board for reconsideration within fourteen (14) days of receipt of the decision.

2.7. Casual Employment

- 2.7.1. A casual employee is a person whose term of engagement provide for his payment at the end of each day and who is not engaged for a period longer than twenty-four (24) hours at a time.
- 2.7.2. Casual employees shall be engaged as per the prevailing Labour Laws in Kenya.

2.8. Internship and Industrial Attachments

- 2.8.1. The Corporation shall engage students/graduates from time to time on internship/attachments for a continuous period of not more than twelve (12) months and or any other period as may be stipulated from time to time by Government guidelines.

2.9. Industrial Attachment

- 2.9.1. The Corporation will support industrial attachment by providing opportunities to students in tertiary and higher education institutions.
- 2.9.2. Attachment will be undertaken during the course and the duration will be for a maximum period of three (3) months.
- 2.9.3. The attachment shall be in line with the values and principles of public service and the existing labour laws.

2.10. Internship

- 2.10.1. Trainees graduating from training institutions join the labour market with academic and theoretical approaches to work and hence require practical exposure in a real work environment.
- 2.10.2. The Corporation shall avail opportunities for internship as part of on the job training for the purpose of molding interns to become responsible citizens who will contribute effectively to the socio-economic development of the country.

- 2.10.3. Internship programs shall be undertaken under the Corporation's internship policy and guideline and comply with the relevant provisions of the Constitution and relevant professional bodies.
- 2.10.4. Internship programs shall not exceed twelve (12) months.
- 2.10.5. In the course of this duration, Interns shall be expected to abide to the code of conduct of the Corporation.
- 2.10.6. The Corporation shall offer trainees on internship a stipend/allowance during the period of internship as per the prevailing Government guidelines and the Corporation's policy.

2.11. Outsourcing

- 2.11.1. The Corporation may from time to time outsource labour services from firms that specialize in certain kind of jobs provided always that such outsourcing shall not derogate from the requirements of procurement laws and policies. Such jobs shall include, but not limited to, cleaning and security.

2.12. Powers to Make Appointments

- 2.12.1. The power to appoint employees is vested in the Board. However, the Board may delegate some of these powers for a specific cadre of employees to the MD. The MD shall report such appointments not later than the next Board meeting for noting.

2.13. Appointments by the Board

- 2.13.1. The MD shall be appointed by the Board through an open, competitive, fair and merit-based process. While making the appointment, the Board shall adhere to national values and principles of Governance and the values and principles of Public Service as set out in the Constitution.
- 2.13.2. The MD shall be appointed on contract terms in accordance with section 2.5.2 of this Manual.
- 2.13.3. Appointments to positions in Job Grade KNTC 1 to KNTC 3 shall be made by the Board. The power to appoint from positions Job Grade KNTC 4 to KNTC 10 is delegated to the MD. All appointments shall be in accordance with the approved procedures.
- 2.13.4. The Corporation may enlist the services of a relevant independent professional body to conduct the recruitment exercise, if considered necessary.

2.14. Human Resource Management Advisory Committee

- 2.14.1. The MD shall constitute a Human Resource Management Advisory Committee (HRMAC). The committee shall be responsible for advising the MD on all human resource management issues as may be delegated by the Board. The committee's advisory services shall include but are not limited to:

- a) Maintenance of the Corporation's establishment
- b) Management of the recruitment process
- c) Constituting the interview panel
- d) The induction and confirmation of new employees
- e) Appointment of their representatives to the interview panel
- f) Compiling reports in accordance with statutory requirements.
- g) Performance management;
- h) Promotions;
- i) Confirmation in appointment;
- j) Training and Development;
- k) Management of skills inventory;
- l) Transfers and deployments;
- m) Promotion of values and Principles of Public Service;
- n) Secondments and unpaid leave;
- o) Issues of retirement;
- p) Re-designation;
- q) Renewal of contract; and
- r) Discipline.

2.14.2. The committee shall comprise of at least five (5) but not more than seven (7) members who shall not be below Grade KNTC 3. The MD shall appoint one of the members as the chair of the committee.

2.14.3. The quorum of the committee shall be two thirds (2/3) of the appointed members.

2.14.4. The Chairman shall be a non-voting member of the committee but shall cast a vote in case of a tie. The Head of HR will not be a member of the Committee but shall be the Secretary to the committee.

2.15. Recruitment Procedure

2.15.1. The MD shall ensure the development of a Human Resource plan based on comprehensive job analysis and which shall be reviewed every year to address emerging issues and needs.

2.15.2. The MD shall declare to the Board in accordance with the procedures set out in this Manual, all vacant posts within the establishment, which are to be filled substantively, or in an acting capacity. Such declaration should originate from the various HODs and must be supported by good justification for the recruitment and confirmation that the positions are not only within the approved establishment but also fully funded within the budget.

2.15.3. Consideration should always be given to promote candidates from within the Corporation for Job Grade KNTC 4 to Job Grade KNTC 10, so as to meet the

- employee career growth expectations. Senior posts, Job Grade KNTC 1 to KNTC 3 will be advertised externally in an open, competitive, fair and merit-based process.
- 2.15.4. Before external recruitment is considered for Job Grade KNTC 4 to Job Grade KNTC 10, the following steps of filling up the post internally shall first be exhausted:
- a) Promotion of the qualified candidates in the department or qualified candidates from another department who have the requisite qualifications and competence to do the job.
 - b) Internal advertisement to attract applications from any staff members within the Corporation.
- 2.15.5. Where the internal recruitment process is exhausted and no suitable internal candidate exists, applicants will be sourced through open advertisements. The Corporation shall opt to go to the open labor market to recruit. Where there will be need for specialized services, the Corporation may use employment agencies or search firms to hire suitable candidates.
- 2.15.6. Once applications are received, the short-listing panel (s) shall be constituted by the Board or the MD as per the delegated powers.
- 2.15.7. The principles of affirmative action, gender and persons living with disability and national values will apply. The Corporation shall observe gender mainstreaming, balance on appointment, promotion and ensure that a minimum of a third (1/3) are of either gender.
- 2.15.8. Internal and external advertisements will contain the following: -
- a) A brief description of the Corporation's mandate;
 - b) Job title;
 - c) Main purpose of the job;
 - d) A brief description of the key responsibilities of the job;
 - e) Education, experience, skills and competencies required for the job;
 - f) Salary and benefits (optional);
 - g) Location of the job (where necessary);
 - h) Clear instructions on how to apply and information to be submitted in the application; and
 - i) Closing date for receipt of applications.

2.16. Short Listing

- 2.16.1. The Head of HR shall prepare and maintain summary of all applications.
- 2.16.2. Short listing criteria shall include minimum constitutional and statutory requirements and shall be on merit (meeting minimum requirements as advertised). The

requirement for Gender, Disability and Diversity mainstreaming may be considered.

- 2.16.3. No panelist at either the short listing or interviewing stage will participate in cases where there is an applicant who is related to him in any way to avoid conflict of interest.
- 2.16.4. The Corporation shall not bear any cost incurred by the candidates coming to attend interviews.
- 2.16.5. Where possible, during short listing, a ratio of three (3) candidates per position as a minimum will be adopted.
- 2.16.6. All application letters including those of candidates not short-listed shall be retained for six (6) months after the appointment has been made before archiving.

2.17. Interviews and Selection

- 2.17.1. Candidates should be informed of their interview date, time and venue at least one week in advance.
- 2.17.2. Anyone who is involved in a selection process (short listing or interviewing) and is aware that a family member, a closely related person, or indeed any other person that they know personally, has applied, should declare this to the other members of the short listing/interview panel at the earliest opportunity. Unless otherwise approved in writing by the Board or the MD they should then be withdrawn from the selection process and replaced by a suitable colleague.
- 2.17.3. The Corporation shall conduct background checks for candidates to be recruited.
- 2.17.4. The interview panel shall prepare a summary report of the interview and selection process.
- 2.17.5. The panel members shall sign the report and the secretary of the committee shall submit the report to the MD within twenty-one (21) working days from the last date of the interview.
- 2.17.6. The report shall include and not be limited to the following information:
 - a) Membership of the panel;
 - b) Interview scores for each candidate in order of performance;
 - c) Brief summary of recommended candidates; and
 - d) Candidate's salary expectations.

2.18. Offer of acceptance

- 2.18.1. The offer letter shall be issued to successful candidate(s) subject to consideration of Article 232 of the constitution.
- 2.18.2. The offer letter issued to successful candidate(s) shall contain the specific period within which the candidate should indicate acceptance/decline of the offer.

2.19. Acceptance of offer

- 2.19.1. Acceptance of an offer of appointment shall be made by signing on the duplicate offer of appointment letter. The period of acceptance shall not be more than twenty-one (21) days from the date of the notification.
- 2.19.2. A candidate who has not accepted the offer within twenty-one (21) days, from the date of notification shall be deemed to have declined the offer.
- 2.19.3. In the event that the first (1st) candidate declines the offer, the Corporation may consider extending the same offer to the second (2nd) and third (3rd) best candidate in that order provided that this candidate had reached the cut off marks during interviews. Should the third candidate also decline, the Corporation shall re-advertise the position.

2.20. Record of Previous Employment and Qualifications

- 2.20.1. Candidates will before engagements provide the Corporation with information on all previous employment, which must be supported by satisfactory documentary evidence.
- 2.20.2. It is the duty of the MD when recommending appointments to ensure that a candidate's record of previous employment is satisfactory in all aspects. The MD may call for a confidential report of a candidate from previous employers, contents of which may determine whether or not to appoint the candidate.
- 2.20.3. Where appointment is based on specific educational, professional or other qualifications, the original copies of the relevant certificates will be obtained from the candidate and authenticated before engagement or during the period of probation. All relevant examining bodies shall be consulted in case of doubt regarding the authenticity of the certificates produced by a candidate. Certified copies of all relevant documents should be retained in the personal file of the candidate for the record.

2.21. Medical Examination

2.21.1. All candidates on new appointment shall be required to undergo a medical examination by a Medical Officer who must complete the prescribed form. The purpose of the medical examination shall be to guide deployment and job assignment of the employees and not to exclude them from employment.

2.22. Letter of Appointment

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

- a) The Grade and designation;
- b) Date of appointment;
- c) Salary scale and salary entry point to which the candidate is appointed;
- d) Terms of appointment;
- e) Details of housing and other allowances payable;
- f) Medical benefits and other benefits payable for the position;
- g) Station of deployment; and
- h) Terminal benefits.

2.22.2. The employee will be required to acknowledge the letter of appointment and append his signature before or on the date of engagement. A copy of the letter shall be placed in his personal file.

2.22.3. A candidate shall be required to take up the post within a period of thirty (30) days from the date of acceptance, otherwise the offer shall be deemed withdrawn.

2.23. Date of Appointment

2.23.1. The date of appointment will be the date the employee assumes duty.

2.24. Personal Records

2.24.1. An employee on first appointment shall provide the following documents/information which shall be maintained in each employee's personal file:

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- a) Copy of original academic and professional certificates;
- b) Copy of National Identity Card/Passport;
- c) Two coloured passport size photographs;
- d) Certified copy of birth certificate;
- e) Copy of KRA Pin number, NSSF and NHIF details;

- f) The Bank Account details;
- g) Certificate of Good Conduct from the Directorate of Criminal Investigations;
- h) EACC clearance;
- i) HELB Clearance certificate, and
- j) Tax Compliance Certificate.

2.24.2. The following documents shall also be maintained in each employee's personal file:

- a) Personal data form
- b) Application for employment and updated curriculum vitae;
- c) Letter of appointment;
- d) Letter of confirmation in appointment;
- e) Completed performance appraisal forms;
- f) Birth certificates of dependent children (where applicable);
- g) Certified copy of marriage certificate or an affidavit (where applicable);
and
- h) Any other document that may be required.

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

2.24.4. Where an employee is or becomes a relative of another employee while both are employed by the Corporation, the Employee shall make a declaration of the same and such employee shall not be administratively or managerially subordinate to the other.

2.25. Probationary Period

2.25.1. Unless otherwise specified, all newly appointed employees on permanent terms will be required to undergo a probationary period of six (6) months.

2.25.2. During the period, the HOFA will submit detailed progress reports and recommendations indicating the employee's performance. Based on the recommendations, the Manager responsible for Human Resource will advise the MD whether, or not, the employee should be confirmed, probationary period extended, or the appointment terminated altogether.

2.25.3. If the probationary period will be extended, the employee's performance shall be reviewed again after three (3) months.

2.25.4. An employee, who has completed the normal or extended period of probation satisfactorily, shall be confirmed in the post. If the probationary service is unsatisfactory, the appointment shall be terminated.

2.25.5. Members of staff employed on contract terms will not be subject to probationary period, however quarterly appraisals shall be done of their performance in the first year of the contract.

2.26. Next of Kin

2.26.1. New employees will be issued with a Personal Data Sheet in which they will enter specified data including nomination of their Next of Kin.

2.26.2. An employee will notify the Corporation of any change in name and address of the Next of Kin for updating of the records.

2.27. Official Secrets Act Declaration

2.27.1. Each employee shall be required to sign a Declaration of Secrecy Form under the Official Secrets Act, Cap. 187, on appointment and on termination of the service. The Head of Human Resources shall bring to the attention of all employees the provisions of the Official Secrets Act on annual basis.

2.28. Employment Card

2.28.1. Each employee will be issued with an official employment card.

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

2.28.3. The Employment Card should be displayed at all times within the premises of the Corporation, and during site visits.

2.28.4. On termination of employment, an employee shall be required to surrender his employment card to the Corporation.

2.29. Induction

2.29.1. The Corporation shall for this purpose, develop an Induction Manual.

2.30. Duties

2.30.1. All employees shall be given a job description and assigned duties accordingly.

2.30.2. An employee may be transferred to work in any station provided that he possesses the core-competencies required for effective performance.

2.31. Re-Designation

- 2.31.1. The Corporation may, from time to time review and reorganize the staff establishment of the institution. This may necessitate the re-designation of titles and job descriptions. Re-designation of an employee may require redeployment.
- 2.31.2. In selecting employees for re-designation, the criteria for appointment shall apply. If an employee is re-designated, the employee shall not in any way suffer reduction in remuneration.

2.32. Position re-grading

- 2.32.1. Re-grading of positions may be done to correct staffing imbalances and other critical needs arising from succession management, review of Career Guideline policy, or restructuring.

2.33. Promotion

- 2.33.1. It is desirable to achieve a healthy mix between promotions from within and external recruitment. Serving candidates who meet job requirements with satisfactory performance and have potential for development will be given priority when filling higher vacant positions.
- 2.33.2. The Corporation will strive to expeditiously fill all vacancies by promotion of suitable employees. Consideration of promotion shall be in accordance with the provisions of the Career Guidelines developed for each cadre. Employees who have relevant experience, qualifications and proven merit will be given first priority.
- 2.33.3. The process of filling vacancies by promotion will be through advertisement.

2.34. Posting/ Transfers

- 2.34.1. The Corporation recognizes that in order to meet its operational requirements, it may be necessary to transfer/post staff member from one department to another or region within the Corporation. This policy has therefore been developed in support of the provisions for staff to allow for an employee to be posted to any duty station.
- 2.34.2. It is therefore the policy of the Corporation to provide fair and equitable guidelines in transferring or rotating an employee; whether voluntarily involuntarily in order to meet its operational and performance objectives.

- 2.34.3. As a general policy, employees will be required to serve in one Department, Division or Region for three (3) years after which they may be eligible for consideration for job rotation.
- 2.34.4. However, for certain positions either because of seniority or nature of responsibilities, it will not be possible to undertake job rotation. In such cases the Corporation shall endeavor to enhance other competence development mechanisms available.
- 2.34.5. There are three (3) types of transfers; lateral transfers, voluntary transfers and involuntary transfers.
- 2.34.6. Lateral Transfer/rotation occurs when an employee is transferred to another area or department with the same title, or the same salary grade, if the title is different. In this case, there will be no change in salary.
- 2.34.7. Voluntary Transfer/rotation refers to a situation where an employee voluntarily elects to apply for transfer on family or personal grounds.
- 2.34.8. Involuntary Transfer/rotation occurs where an employee's current position is eliminated due to a restructuring or reclassification and is transferred to a re-designated position on the same salary grade.
- 2.34.9. A transfer/rotation at the direction of the Corporation may occur as part of a change management process; as part of a developmental strategy to afford the employee wide exposure of the entire functions of the institution and different aspects of specific functions, such as engineering as part of professional requirements; in order to avoid the need for notification of redundancy; because work in a particular department/region is declining or increasing; or due to staff member's capacity to perform some or all of the duties of her/his position.

2.35. Procedure for Management Initiated Transfers/Rotations

- 2.35.1. On a regular basis, the HRM shall initiate the rotation programme for members of staff who have served in one Department or Unit for a period of three years.
- 2.35.2. The Head of Functional Area or Region may propose to an employee that she/he consider job rotation, as part of her/his individual Performance Review and succession planning process.

- 2.35.3. When an operational requirement for an employee to be transferred to another position is identified, the MD and current HOD and Head HRM will normally consult about the proposed transfer.
- 2.35.4. A list of proposed transfers will be submitted to the Head HRM or MD for approval depending on schedule of delegated powers.
- 2.35.5. The approved list will be passed to HOD, HRM to prepare the notification letters.
- 2.35.6. An employee wishing to propose her/his participation in job rotation/transfer should do so by undertaking the following steps: -
- a) A written request to participate in job rotation must be submitted by the staff member to the Head of Functional Area (HOFA). The request should outline the proposed location/role(s) for job rotation, the expected outcomes of the program, the time frame, and new location(s).
 - b) If the Head of Functional Area supports the request, he/she should then hold discussions with the potential receiving Department including clarifying the skills and expertise to be acquired by the employee, the timeframes involved, and the budgetary and supervisory arrangements.
 - c) Following an agreement being reached with the potential receiving Department, the current HOD will make a recommendation to the Human Resource Management who will forward to the MD to consider the request on the basis of its benefits to the employee and the Corporation.
- 2.35.7. Approval of job rotation/transfers arrangements must be in accordance with the Corporation's Schedule of Delegated Powers for Appointment of Staff.
- 2.35.8. The HOD, Human Resource Management will confirm in writing to the employee the outcome of her/his request) through Head of Functional Area.
- 2.35.9. In all instances, a twenty-one (21) days' notice of transfer must be given to avoid the risk of disrupting the workflow in the employee's current area.

2.36. Posting/ Transfers

- 2.36.1. A new performance review and planning process and associated goals and key performance objectives should normally be developed within three months of the employee's transfer into the position.

2.37. Transfer of Service

- 2.37.1. Transfers of service between the Corporation and other Public Organizations or Institutions shall be approved by the Board.
- 2.37.2. An employee will be considered for transfer of service having regard to the provisions of applicable pension schemes.
- 2.37.3. An employee seeking appointment in any other Public organizations or Institutions should submit his application through the MD.
- 2.37.4. If the Board does not approve the request the employee will have the option to resign.
- 2.37.5. An employee, who wishes to take up appointment in any other Public organizations or Institutions other than in accordance with the procedures set out in this manual, shall be required to resign from his position in the Corporation.

2.38. Secondment of employees

- 2.38.1. Secondment of officers from the Civil Service to the Corporation or from the Corporation to other Public Service Departments or Agencies is applicable to pensionable officers, for a period not exceeding three (3) years and may be renewable once.
- 2.38.2. Approval for secondment for officers moving from the Civil Service to the Corporation shall be the responsibility of the Ministry responsible for Public Service.
- 2.38.3. The Board approval shall also be sought before secondment of employees from Civil Service or from the Corporation is done.
- 2.38.4. To maintain pensionable status of an employee on secondment to the Corporation will be required to make pensionable contribution at a prevailing rate.
- 2.38.5. The Corporation can recruit staff from Civil Service on secondment for a period of three (3) years within the provisions of section 27 of the State Corporations Act
- 2.38.6. The Corporation shall pay salaries and other allowances to all employees on secondment from the civil service.

2.39. Handing-Over Report

- 2.39.1. On re-deployment or on exit from the Corporation, an employee will prepare a comprehensive handing-over report under the supervision of the immediate

Supervisor and/or the relevant functional heads. A copy of the report will be submitted to the MD for record purposes.

2.40. Testimonials and Letters of Commendation

2.40.1. Testimonials and commendation letters may be given to employees by supervisors as a way of recognizing exemplary service from their members of staff.



SECTION 3: SALARIES AND ADVANCES

3.1. Introduction

- 3.1.1. The Corporation will remunerate the employees in a manner that motivates them and which supports and develops a high-performance workforce required to provide quality service efficiently and effectively.
- 3.1.2. The remuneration policy is based on the following guiding principles: -
- a) Provision for adequate pay differentials to recognize responsibility, levels, skills, competencies, attitudes, experience and performance in relation to the goals and objectives of the Corporation;
 - b) Achievement of equity, transparency and competitiveness in the remuneration packages based on Job Evaluation;
 - c) Adoption and implementation of best human resource management practices in regard to compensation;
 - d) Maintenance of a salary structure that will enable the Corporation to attract, retain and motivate qualified employees;
 - e) Focus on the value of total compensation, which includes basic salary, allowances and other benefits; and
 - f) Adherence to salary and remuneration guidelines issued by the Government from time to time.

3.2. Salary Grades

- 3.2.1. There shall be such salary grades as the Corporation may, from time to time, determine.
- 3.2.2. The MD may conduct periodic salary surveys to determine changes in cost of living and terms of employment being offered by comparable institutions. Such surveys shall form the basis of consultation by the Corporation with the relevant Government authority for salary reviews.
- 3.2.3. The current salary structure consists of ten (10) salary grades.

3.3. Advice on Salary and Benefits

- 3.3.1. The salary for each employee will be specified in the appointment letter.
- 3.3.2. Basic salary and benefits will be communicated to the employee in writing on appointment, at which time; the employee will also be informed of their grades and designation. Any subsequent change in basic salary, grade or designation shall be communicated to the employee(s) in writing.
- 3.3.3. Any change in benefits, which affect all or any category of employees, will be communicated through a circular letter.

3.4. Payment of Salary

- 3.4.1. An employee on first appointment will be paid salary with effect from the date of reporting for duty.
- 3.4.2. Each employee will have a stated monthly basic salary quoted before any statutory deductions.
- 3.4.3. Salary will be paid monthly in arrears and will be denominated and paid in Kenya shillings (Kshs).
- 3.4.4. The salary of an employee will be net of statutory deductions and other deductions that may be agreed upon or imposed by the employee or the Corporation respectively. A statement/payslip indicating the gross salary, deductions made and the resultant net salary will be made available to every employee each month.
- 3.4.5. Salary will be paid through the Corporation and all employees will be required to open the individual Accounts and submit the details to the HOFA responsible for HRM.
- 3.4.6. Employees of the Corporation shall not over-commit their salaries beyond two thirds (2/3) of their basic salaries and the HOFA responsible for Human Resource Management should ensure compliance.
- 3.4.7. Statutory deductions such as PAYE, NSSF, NHIF, HELB and other legal taxes, as well as deductions arising from court orders/attachments, will be made from an employee's salary without his authorization.
- 3.4.8. Voluntary deductions such as remittances to co-operatives, insurance firms, among others, will be effected provided the employee gives written authorization.

3.4.9. On termination of employment, the final benefits will be made on confirmation that the employee has been cleared and issued with a Clearance Certificate.

3.5. Salary Increments

3.5.1. The first date of the month shall be an incremental date. An officer's annual incremental date shall be the first date of the month one is appointed.

3.5.2. If an employee is granted unpaid leave which is not increment earning, his incremental date will be re-computed based on the month he resumes duty.

3.6. Determination of Salary on First Appointment

3.6.1. On first appointment, an officer shall enter the salary structure at the minimum point of the respective salary scale. However, an officer may be granted incremental credit for previous remuneration and relevant experience. This shall be at the rate of one increment for each complete year of approved experience provided the maximum salary of the grade assigned to the post is not exceeded. The grant of increments for relevant experience shall be subject to the following conditions:

- a) Incremental credit shall only be granted in respect of approved experience gained after acquiring the requisite minimum qualifications for the grade.
- b) In granting incremental credit, previously earned remuneration shall be considered;
- c) Incremental credit shall be granted only for previous approved experience in the type of work upon which an officer will be employed on his appointment to the particular grade;
- d) Incremental credit may not be granted on appointment to promotional posts, i.e. posts to which an officer would not normally be appointed if he had joined the Corporation immediately after completing his education; and
- e) Incremental credit may be granted for the number of years of aggregate approved experience in line with the Corporation's Career Guidelines, periods in excess of full years being ignored.

3.7. Determination of Salary on Promotion

3.7.1. Where an employee is promoted from one 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 grade and where that employee was earning an annual increment, he shall

receive the minimum of the salary scale attached to his new grade on the effective date of his promotion and his incremental date will be retained.

3.7.2. 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 Grade and where that employee was earning an annual increment, he will receive the minimum of the salary scale attached to his new Grade on the effective date of his promotion and retain the incremental date.

3.7.3. 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 Grade to which he is promoted, his salary on promotion will be determined in accordance with the rules set out below: -

a) Where on the day preceding the effective date of his promotion he had attained the maximum point of the salary scale attached to his previous Grade and his service at that salary amounts to less than one (1) year, he will enter the salary scale attached to his new Grade from the effective date of his promotion at the next point above his salary and will retain his incremental date

b) Where on the day preceding the effective date of his promotion he had attained the maximum point of the salary scale attached to his previous Grade and his service at that salary amount to less than three (3) years, he will enter the salary scale attached to his new Grade from the effective date of his promotion at the next point above his salary and thereafter be awarded one increment and retain his incremental date.

c) Where on the day preceding the effective date of his promotion he had attained the maximum point of the salary scale attached to his previous Grade and his service at that salary amounts to three (3) years or more, he will enter the salary scale attached to his new Grade from the effective date of his promotion at one point higher than his salary and thereafter be awarded three increments and retain his incremental date.

d) 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 previous Grade but was earning an annual increment in that salary scale, he will enter the salary scale attached to his new Grade from the effective date of his promotion at the next point above his salary and retain his incremental date.

- 3.7.4. The above rules will not apply to employees employed on contract.
- 3.7.5. Determination of salary for an employee transferred from Public Service shall be by application of the provisions contained in this manual.

3.8. *Retroactivity of payments*

- 3.8.1 An employee who has not been receiving an allowance, grant or other payment to which he is entitled shall not receive retroactively such allowance, grant or payment unless he has made a written claim within six months of eligibility.

3.9. *Salary Advance*

- 3.9.1. An advance of not more than one (1) month's salary may be granted by the MD to an employee, when the employee owing to circumstances beyond his control, is placed in a difficult financial position requiring assistance.
- 3.9.2. The MD may, in very exceptional and special circumstances, grant an advance of not more than two (2) months' salary.
- 3.9.3. In applying for the advance an employee should explain the circumstances leading to the situation which he could not have foreseen and therefore planned for.
- 3.9.4. An advance under this regulation may be granted only when an employee has no other outstanding salary advance i.e. where he/she has completed paying for the one previously taken.
- 3.9.5. Advance of salary will only be made to an employee who has served for more than one (1) year.
- 3.9.6. After repayment of the salary advance, the employee can only qualify for another one after six (6) months except in exceptional situations where that employee is in an unforeseen and absolutely difficult situation to warrant another advance.

3.10. *Recovery of salary advance*

- 3.10.1. Recovery of salary advance will be made in reasonable installments for a maximum period of twelve (12) months or a shorter period if the employee contract ends in less than twelve (12) months.

3.11. *Salary in Advance*

- 3.11.1. Salary in advance may also be considered by the MD or HOFA HRM under special circumstances.

3.11.2. An employee proceeding on annual leave may, when he avails himself of 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 commencement of the leave.

3.12. Car Loans and Mortgage

3.12.1. The Corporation shall establish a Car Loan and Mortgage Scheme(s) based on prevailing Government guidelines or join an established existing government schemes.

3.13. Deductions from Salaries

The MD shall authorize the following deductions from the salaries of employees:

- a) Any amount the deduction of which is authorized by any written law (Statutory Deductions).
- b) Any amount due as a contribution to a provident fund, pension fund or superannuation scheme or any other scheme approved by the Corporation.
- c) Any amount for damage done to, misuse or loss of the property of the Corporation which may be occasioned by willful default of an employee or any amount due for indebtedness to the Corporation.
- d) Any other deduction resulting from court orders subject to the deductions not exceeding one half of an employee's monthly salary and/or having the net effect of one's salary falling below a third of his basic salary. Where an employee is liable to refund any amount to the Corporation, any such amount shall be deducted from the salary or any sums due to the employee in a manner as the MD may deem fit subject to labour laws provisions.

3.14. Deductions of Income Tax

3.14.1. In addition to the income tax under PAYE arrangements, the MD having been appointed an agent for the collection of income tax under the Income Tax Management Act may collect such tax by deduction from the employee's salary or any other sum due from the employee.

SECTION 4: ALLOWANCES

4.1. Introduction

- 4.1.1. The Corporation is committed to remunerate the employees in a manner that motivates them and which supports and develops a high-performance workforce required to provide quality service.
- 4.1.2. While it may be considered that the salary attached to a position represents appropriate remuneration of its holder for proper and efficient performance of day-to-day duties, there are circumstances in which additional payments are warranted. Such additional payments are made in form of allowances, either to reimburse an employee for expenses incurred directly or indirectly in the execution of his duties, or to compensate him for services rendered over and above the normal job requirements.

4.2. Accommodation Allowance (Local Subsistence)

- 4.2.1. Where an employee travelling on duty, is required to stay overnight away from his permanent station, he shall be paid accommodation allowance at rates determined by Government from time to time.
- 4.2.2. The rates of subsistence allowance are designed to meet the cost of accommodation at good but not luxury class hotels, meals, including service charges, local travelling (such as taxi, bus or train fare), incidental expenses including any taxes and an element in respect of essential entertainment.
- 4.2.3. Accommodation allowance will be paid for a maximum continuous period of thirty (30) days. However, an employee 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 ($\frac{1}{2}$) rate up to a maximum period of five (5) months. Beyond this period, if the employee continues to work in the same station, this will be treated as a posting and accommodation allowance will cease to be applicable.
- 4.2.4. 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 Daily Subsistence Allowance, the employee may claim the difference from the Corporation.
- 4.2.5. Travelling expenses incurred from the airport, rail or bus terminus to a hotel or other residential place and vice versa, will be refunded where taxi services procured by the Corporation are not available.

- 4.2.6. On transfer from one station to another, an employee may claim accommodation allowance for self and spouse and up to a maximum of four unmarried children, who are living with and are dependent on him should they be compelled to spend one or more nights on the journey. The rate of allowance for the spouse and children aged eighteen (18) years and above will be the same as that for the employee, and the rate for the children below eighteen (18) years will be one-half of the rates payable to the employee.
- 4.2.7. When a non-Kenyan is recruited to work in the country, he will on arrival, be eligible for payment of accommodation allowance at the rates applicable to his Job Grade, for himself, spouse and children for a period not exceeding thirty (30) days, subject to the approval of the Board. The spouse will be eligible for payment at the employee's full rate while four (4) unmarried children who are eighteen (18) years and below will be eligible for payment at half rate.
- 4.2.8. At the end of tour, the employee may draw accommodation allowance for a period not exceeding thirty (30) days when it is necessary for him to vacate his rented accommodation in advance of leaving the country.

4.3. Telephone Airtime Allowance

- 4.3.1. Eligible members of staff of the Corporation shall be provided with telephone airtime at rates determined by Government guidelines from time to time.

4.4. International/Overseas Subsistence Allowance

- 4.4.1. An employee who is required to travel on duty outside Kenya will be granted Daily Subsistence Allowance at the rates as guided by Government circulars and policies from time to time.
- 4.4.2. The rates of Daily Subsistence Allowance which are payable for each complete period of 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 travelling (such as taxi, bus or train fare), incidental expenses including any taxes and an element in respect of essential entertainment. In addition, travelling 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.
- 4.4.3. Where an employee's travelling, boarding and lodging expenses are paid in full directly to the hosting institution/hotel by the Corporation or any other Institution, a

residual daily allowance of up to one-quarter (1/4) of the standard rate of Daily Subsistence Allowance may be paid to him to cover incidental expenses. 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 Corporation.

- 4.4.4. An employee travelling on duty abroad is normally expected to regularize his expenses within the standard rate of Daily Subsistence Allowance. Nevertheless, in very exceptional circumstances, for example, when hotels are heavily booked during an international meeting and the employee has no choice of accommodation or when the standard rate of subsistence allowance is insufficient for any other justifiable reasons, consideration will be given by the MD for a refund of the additional expenses on production of receipted bills in respect of actual expenditure incurred.
- 4.4.5. However, the prevailing rates are reviewed regularly to approximate rates and are expected to be sufficient to afford an employee reasonable accommodation.

4.5. Acting Allowance

- 4.5.1. **Acting** appointment applies whenever a vacancy arises, either permanently or temporarily, and an Officer who is fully qualified to substantively fill the vacancy is appointed to perform the duties of the office.
- 4.5.2. When an employee is appointed to Act in a higher position, acting allowance shall be paid at the rate of twenty percent (20%) of the officer's substantive basic salary.
- 4.5.3. Acting Allowance shall be paid to an employee when he acts in a higher post for a continuous period of thirty (30) days or more; inclusive of weekends and public holidays.
- 4.5.4. When an employee having ceased to act in the higher post is required after an interval of not more than fifteen (15) days to act again in the same or another post and had not qualified for acting allowance on the first occasion, the number of days he acted on the first instance shall count towards the qualifying period of thirty (30) days on the second occasion.
- 4.5.5. An employee on acting appointment shall be eligible for all privileges and allowances attached to the higher post but not House allowance. Absence of less than thirty (30) consecutive days due to an employee being on urgent or annual leave or sick leave, shall not be regarded as a break in an acting appointment

provided the employee is required to act again on the same post immediately he resumes duty.

- 4.5.6. Appointment on acting basis is a temporary measure pending the substantive filling of the vacant post by either recruitment or resumption of duty by the substantive holder of the post. The appointment shall normally be limited to a continuous period of 6 months or until the vacant post is filled whichever is the earlier, but may be extended by the Corporation if the post remains vacant.
- 4.5.7. Acting appointments shall not be approved to take effect from a date earlier than one (1) month prior to the date on which the recommendation is submitted to the MD, as the case may be.
- 4.5.8. The payment of acting allowance shall be subject to recommendation by the HRMAC and approval in accordance with the Board's schedule of delegated powers.
- 4.5.9. When a post falls temporarily vacant due to the absence of the substantive holder, an acting appointment shall not be made unless the period of such absence exceeds thirty (30) days.
- 4.5.10. A recommendation for an acting appointment for a period of thirty (30) days or less will be considered for those cases where the law or regulations require that, in the absence of the substantive holder, the function of that public office can be exercised only if another employee is appointed in an acting capacity.
- 4.5.11. Acting Allowance shall not be paid against any post falling within the common establishment.
- 4.5.12. In all cases, an employee must be appointed to act in writing by the Managing Director or such other employee to whom the responsibility is delegated.
- 4.5.13. Employees on probationary terms of appointment are not eligible for acting appointment.

4.6. Special Duty Allowance

- 4.6.1. Appointment to perform **Special Duty** applies whenever a vacancy arises, either permanently or temporarily, and an Officer who is not fully qualified to substantively fill the vacancy is appointed to perform the duties of the office.
- 4.6.2. Special Duty Allowance is payable to an employee who has been appointed to assume, in addition to his duties, other duties of a higher salary post, or at the substantive level, duties of a separate and distinct nature, where additional duties

constitute more responsibilities than his own for a continuous period of thirty (30) days or more.

- 4.6.3. Special Duty Allowance shall be payable at the rate of 15% of the employee's basic salary or as may be determined by Government from time to time.
- 4.6.4. The maximum period for payment of Special Duty Allowance is six (6) consecutive months or until the position is filled, whichever is the earlier. During that period, arrangements should be made to fill the higher post in substantive capacity. Where the position is not filled within this period, the Corporation or MD may extend the payment period for a further period not exceeding six (6) months or until the position is substantively filled, whichever is earlier.
- 4.6.5. Employee shall not be called upon to perform duties of a post that is more than two (2) grades higher than the employee's substantive grade.
- 4.6.6. Special Duty Allowance shall not be paid when an employee who has been appointed to perform duties in a higher post is absent from duty for a period of more than thirty (30) days.
- 4.6.7. An employee performing the duties of a higher post shall be eligible for subsistence and travel allowance payable to an office of that post. However, the employee shall not qualify for house allowance and other remunerative allowances assigned to the higher post.

4.7. Transfer Allowance

- 4.7.1. When an employee is transferred from one station to another, he will be eligible for payment of transfer allowance amounting to one (1) month's basic salary immediately he is released to the new station provided the new station is not less than forty (40) Km from the old station.
- 4.7.2. Transfer allowance will not be paid to: -
 - a) Field employees such as Project Staff when moving from one camp to another;
 - b) Employees who are posted on temporary basis (i.e. on relief duty) for a period not exceeding five (5) months; and
 - c) Employees who are transferred on their own request to suit their own convenience.

4.8. Meal Allowance

- 4.8.1. Meal allowance will only be paid to employees travelling on duty within the country but who are not required to spend a night away from the permanent duty station.
- 4.8.2. Meal allowance will not be paid alongside Daily Subsistence Allowance.
- 4.8.3. 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.
- 4.8.4. Meal allowance shall not be paid as a compensation for employees who are required to work beyond the official working hours.

4.9. Hardship Allowance

- 4.9.1. An employee stationed in designated hardship areas from time to time, shall be granted hardship allowance based on guidelines from the Government from time to time.

4.10. Extraneous Allowances

- 4.10.1. Extraneous allowance is payable to employees designated by Government guidelines at prescribed rates.

4.11. Leave Allowance

- 4.11.1. All employees will be eligible for leave allowance once a year. For ease of administration, the allowance will be paid through the payroll.
- 4.11.2. Leave allowance shall be paid at the rate of either KShs. Fifty thousand (50,000) or one third of an employee's basic salary, whichever is the less.
- 4.11.3. An employee stationed in any designated hardship area and who proceeds on leave twice a year and takes not less than half ($\frac{1}{2}$) of his entitlement shall be eligible for full payment of leave allowance twice per year.

4.12. Commuter/Transport Allowance

- 4.12.1. All employees will be eligible for commuter/transport allowance provided they are not facilitated with the Corporation transport.
- 4.12.2. The rates of the allowances will be as per the prevailing Government guidelines.

4.12.3. It will be an offence for an employee in receipt of commuter allowance or mileage allowance to use the Corporation vehicle to and from the office.

4.13. Risk Allowance

4.13.1. Employees such as accountants and drivers carrying large sums of cash to or from the Corporation or employees who carry out enforcement duties may be paid risk allowance as determined by the Government from time to time.

4.14. Non-Practicing Allowance

4.14.1. The allowance shall be payable to eligible cadres as determined by Government at the prevailing Government rates.

4.15. Entertainment Allowance

4.15.1. Officers in eligible grades shall earn a non-accountable monthly entertainment allowance as stipulated in Government guidelines.

4.16. Club Membership

4.16.1. The Corporation will cater for club membership and annual subscription fee restricted to only one club for employees in Grades KNTC 1, 2 and 3.

4.17. House Allowance

4.17.1. All permanent and contracted employees shall be eligible to house allowances applicable to their grades based on Government circulars from time to time.

4.18. Special Task Force Allowance

4.18.1. Employees appointed by the MD to engage in a special task so declared, such officers shall be paid special task force allowance as per the prevailing Government rates.

4.18.2. Whenever there is a Board meeting, the same shall be deemed to be a special task and the officers assigned to the task by the MD shall be eligible to draw task force allowance for a period of not more than five (5) days

4.19. Retreat Allowance

4.19.1. Employees carrying out specific duties, outside their duty station, shall be paid an allowance as provided for in the prevailing Government guidelines.

4.19.2. Workshops which are meant to review develop and produce reports should be treated as retreats and should be for a maximum duration of ten (10) days.

4.19.3. No employee should be involved in more than one role in a workshop at a given time.

4.20. Mortgage loans

4.20.1. The Corporation runs a mortgage scheme for its employees to encourage employees to own residential houses. Employees will be eligible to apply for these loans provided that a third (1/3) of their basic salary are maintained after the loan deductions.

4.20.2. The interest rates charged on these loans will be determined by the Board in line with Government guidelines issued from time to time.

4.20.3. Loan entitlement for each grade and repayment schedule shall be guided by Government mortgage regulations.

4.20.4. The scheme shall be managed in accordance with the regulations developed by the Board.

4.21. Transitional Provisions on prevailing Allowances

In instances where there are any allowances being paid to serving staff and which have either been eliminated or varied detrimentally, then such allowances shall:

- a) Continue to apply only to the current serving staff on a personal-to-holder basis
- b) Remain applicable to any serving staff even when they get promoted to higher grades for as long as such personal allowance remains higher than the approved prevailing rate for the substantive service grade
- c) Not apply to any new staff joining the Corporation

SECTION 5: MEDICAL BENEFIT

5.1 Introduction

- 5.1.1 The Corporation will make adequate provision for medical benefits to be accorded to all employees except those on casual terms, internship or attachments.
- 5.1.2 The Head, HRM will manage and monitor the medical expenditure on behalf of the MD to ensure that costs are reasonable.

5.2 Management of the Medical Scheme

- 5.2.1 The Corporation shall procure an in-patient and outpatient medical insurance scheme for the employee, one (1) spouse and up to a maximum of four (4) children aged twenty-five (25) years and below or beyond twenty-five (25) years subject to proof that the disability has occasioned full dependency on the employee.
- 5.2.2 Members of staff will continue to be members of the Medical Scheme provided by NHIF.

5.3 Accidents on Duty

- 5.3.1 An accident on duty is an accident where the employee suffers personal injury: In the actual discharge of his duty; without his own default and/or on account of circumstances specially attributed to the nature of his duty.
- 5.3.2 In the event that the employee is unable to make the report of the injury or if fatally injured the Supervising Employee should make the report in writing to the HOFA of HR department as soon as he learns of the same injury.
- 5.3.3 Upon receiving the report of the injury in respect to the employee, the Corporation shall lodge a claim with the Corporation's appointed insurance broker or underwriter, as the case may be, with a view of seeking compensation for the said employee.
- 5.3.4 Any claim for benefits should be submitted/reported to the Insurance Company immediately or as per the terms of the policy.
- 5.3.5 If an employee sustains an injury in the execution of his duty and the injury is not due to his negligence or misconduct, the Corporation may, at its discretion, authorize that the cost of any special treatment, medical comforts and appliances be borne by the

Corporation. Application for financial assistance under this regulation should be forwarded to the Human Resources Management and Development Department.

5.3.6 If the request is approved, the Corporation shall bear the whole cost of such treatment and will in turn claim the maximum amount allowed under the Group Personal Accident cover (GPA) from the Insurance Underwriters.

5.4 Insurance Policies

5.4.1 The Corporation shall undertake to provide, inter alia, the following insurance covers for its employees:

- a) Group Life Assurance, to include WIBA.
- b) Group Personal Accident; and
- c) Travel insurance.
- d) Benevolent/Last Expense

5.4.2 The Corporation will procure an insurance scheme to cover all employees against accidents which may occur anytime, anywhere whether on duty or not.

5.4.3 These insurances shall not in any way affect any personal insurance policy that an individual employee may have taken out for himself.

5.5 Medical Ex Gratia Assistance

5.5.1 An employee whose medical cover or that of a beneficiary has been exhausted may apply to the Corporation for medical ex gratia assistance.

5.5.2 The Board may provide medical ex gratia assistance to staff who find themselves in extraordinarily difficult financial stress yet having exhausted their in-patient medical cover.

5.5.2 All cases for ex gratia assistance shall be recommended to the Board by the MD on the advice of HRMAC.

5.5.3 The Corporation may use its discretion to approve medical ex-gratia assistance but ceilings for the same shall be pegged at not more than 50% of in-patient medical insurance cover entitlement.

SECTION 6: LEAVE

6.1 Introduction

- 6.1.1 Annual leave is granted in conformity with provisions of the Labour laws and the timing of the leave is subject to the exigencies of duty.
- 6.1.2 Heads of Departments will circulate leave schedules for their employees in January to provide anticipated leave dates in order to allow proper planning and alignment with the respective work plans. The leave schedules shall be submitted to the HOFA of the HR department in the first month of the fiscal year.
- 6.1.3 Annual leave will not be commuted for cash. However, in special circumstances, if it has been determined that an employee cannot proceed on annual leave due to exigencies of service, the MD may approve leave commutation. In the case of separation from employment the MD will have the discretion to approve depending on the circumstances which made it impossible for the employee to utilize the leave days.

6.2 Categories of Leave

6.2.1 The following are the categories of leave that shall be applicable to employees:

- a) Annual leave
- b) Maternity leave
- c) Child Adoption Leave
- d) Paternity leave
- e) Sick leave/Convalescent
- f) Unpaid leave
- g) Compassionate leave
- h) Leave for special purposes
- i) Study leave/Examination
- j) Leave for Sportsmen/women
- k) Leave pending retirement

6.3 Annual Leave

- 6.3.1 An employee will be eligible for annual leave at the commencement of a “leave year” except in the case of a newly appointed employee who will be required to complete a minimum of three (3) months service before being entitled to annual leave. For this purpose, a “leave year” shall commence on the 1st of July and end on

the 30th of June of the following year. "Annual Leave" year is linked to the Government Financial Year.

- 6.3.2 Annual leave for a newly appointed employee will be calculated on a pro-rata basis for the year of his appointment.
- 6.3.3 All employees, irrespective of their grades, will be entitled to thirty (30) working days annual leave. The annual leave computation will exclude Saturdays, Sundays and Public Holidays.
- 6.3.4 Annual leave is not cumulative. Hence, leave earned shall be taken within the leave year it falls due during the year or be forfeited. However, an employee may, if he so wishes, carries forward from one (1) leave year to another not more than half of his annual leave entitlement.
- 6.3.5 Deferment of annual leave from one (1) leave year to another shall be permitted subject to the provisions of the Employment Act.
- 6.3.6 An employee who has not utilized the annual leave due for the year in which his employment ceases will be entitled to annual leave on pro-rata basis. In addition, an employee may be granted the annual leave carried forward from the previous leave year.
- 6.3.7 An employee stationed in a designated hardship area may avail himself of his annual leave in two (2) portions. Each portion should be taken once every period of six (6) months, i.e. from 1st June to 30th December and from 1st January to 30th June.
- 6.3.8 An employee stationed in a hardship area who takes not less than half of his annual leave entitlement once every period of six months, will be granted in addition to his leave travelling time of five (5) days each way and normal travelling privileges in terms of this manual.

6.4 Maternity Leave

- 6.4.1 Female employees will be eligible for maternity leave with full pay for a maximum period of ninety (90) calendar days exclusive of annual leave due for the year.
- 6.4.2 No female employee shall forfeit her annual leave entitlement on account of having taken maternity leave.

6.4.3 On expiry of maternity leave, the employee will have the right to return to the job which she held immediately prior to her maternity leave or to a reasonably suitable job on terms and conditions not less favorable than those which would have applied had she not been on maternity leave.

6.4.4 In the event of a still birth, a female employee shall be entitled to maternity leave of thirty (30) days.

6.5 Child Adoption Leave

6.5.1 An employee, who has been granted adoption rights under the Children's Act and wishes to take leave for purposes of bonding and integrating the child into the family, will be entitled to Child Adoption Leave.

6.5.2 An officer/staff is entitled to adoption leave with full pay upon production of supporting legal documents. The leave shall be granted as follows:

a) Not more than three (3) years of age, an employee shall be entitled to three (3) months' adoptive leave with full pay.

b) Above three (3) years of age but below twelve (12) years of age, the employee shall be entitled to two (2) months' adoptive leave with full pay.

c) Above twelve (12) years of age, the employee shall be entitled to one month's adoptive leave with full pay.

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

6.5.4 The Child adoption leave will commence once the employee produces an adoption order.

6.5.5 An employee on adoption leave shall not forfeit his /her annual leave.

6.5.6 A spouse of an employee is entitled to leave of up to a maximum of two (2) calendar weeks whenever he/she and/or his/her spouse adopt a child.

6.6 Paternity Leave

6.6.1 Male employees will be eligible for paternity leave for a maximum period of two (2) calendar weeks during the period of the spouse's maternity leave or child adoption leave.

6.6.2 In this regard, it is clarified that in the case of a male employee with more than one wife, he will be entitled to paternity leave only in respect of one wife registered in the National Hospital Insurance Fund (NHIF) contributor's Card and such leave shall be taken not more than once per year. Further, to enjoy such leave an employee will be required to present a Medical Certificate confirming the maternity status of his wife.

6.7 Sick Leave

6.7.1 Sick leave is granted to cover illness, which prevents an employee from attending work. An employee may be granted sick leave subject to the maximum period indicated herein provided it is certified that there is reasonable prospects of eventual recovery and fitness for duty:

- a) Any absence from duty due to ill health must be supported by a sick sheet duly signed by a qualified Medical Practitioner certifying the employee's inability to work due to ill health. In the absence of a sick sheet, the employee's absence will be treated as unauthorized.
- b) An employee on sick leave as a result of an accident or occupational disease will be entitled to full pay as per the Work Injury Benefits Act. The employee will however, be subject to assessment by the Medical Board to determine his fitness for further service.
- c) If the employee is unable to resume duty within the six (6) months of sick leave, the MD will refer the case to the MD of Medical Services to convene a Medical Board with a view to determining whether or not there are reasonable prospects of eventual recovery and fitness for duty.
- d) On the expiry of six (6) months, the employee shall not be reinstated in the payroll until his case is determined as provided in paragraph (c) above
- e) Where an employee is found to be unfit for service by the Medical Board, the case shall be referred to the Board for retirement on medical grounds.
- f) Sick leave may be authorized by registered medical practitioners for up to a maximum of twenty-one (21) days. Should it be necessary to allow absence from duty in excess of this period, the medical practitioner shall provide reasons.
- g) In the case of sick leave rendered necessary by an employee's own neglect or misconduct, his full salary may be forfeited for the whole period of absence from duty.

- h) Employees will be granted up to three months (3) sick leave with full pay followed by three months on half pay in a leave year when the circumstances so demand.
- i) Sick leave in excess of three months will require confirmation of the MD of Medical Services who will decide if the employee should be examined by a Medical Board with the view to determining whether or not there is reasonable prospect or eventual recovery and fitness for duty.
- j) An employee on sick leave will submit a Sick Sheet/Medical Report to their HOFA with copy to HR department immediately on resumption of duty.

6.7.2 Employees may be granted time off after a period of sickness upon recommendation of a qualified Medical Officer for recuperating purposes.

6.7.3 Sick leave will not be carried forward from one fiscal year to another.

6.8 Compassionate Leave

6.8.1 An employee who has exhausted his annual leave entitlement may be granted compassionate leave up to ten (10) working days in a leave year on compassionate grounds (such grounds include death or major sickness in the family).

6.8.2 The ten (10) days will not be recovered from the employee's annual leave.

6.9 Unpaid Leave

6.9.1 An employee may be granted unpaid leave on the grounds of: -

- a) Urgent private business or proven cases of exceptional hardships for a period not exceeding sixty (60) calendar days
- b) employees whose spouses are posted to foreign missions during the tour of service;
- c) 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;
- d) Spouses of employee appointed under (b) above, will be granted unpaid leave for a maximum non-renewable period of three (3) years.
- e) On medical grounds

6.9.2 For an employee to qualify for unpaid leave, he will be required to have served for at least one (1) year.

- 6.9.3 Unpaid leave will not be considered for incremental earning.
- 6.9.4 An employee on unpaid leave shall continue to discharge his liabilities to the Corporation in respect of any financial advances during the period of absence through his own arrangements.
- 6.9.5 Unpaid leave in excess of three (3) months shall be referred to the Board.

6.10 Study/Exam Leave

- 6.10.1 An employee may be granted a study leave in a leave year to prepare for/write examinations for either a self-sponsored course or the Corporation's sponsored courses as long as the course had previously been approved by the HRMAC.
- 6.10.2 The Corporation may also grant a study leave for up to two (2) years to an employee who has been sponsored for full time course of training. Such a course must have been approved by the HRMAC in advance.

6.11 Special Leave for Sportsmen/Women

- 6.11.1 The MD 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.
- 6.11.2 An employee who is selected to represent Kenya in National, Regional or International fixtures will be granted special leave with full salary for the necessary period of his training and subsequent participation in sports.

6.12 Leave for Special Purposes

- 6.12.1 Leave of absence on occasions of religious festivals may be granted without loss of pay for not more than two (2) days in a leave year, subject to the exigencies of service. An application for leave on such an occasion should be addressed to the HOD and reported to Head HRM in advance of the date on which any particular religious festival is celebrated.
- 6.12.2 The special leave will not be counted against annual leave entitlement and will be authorized by the Head HRM.

6.13 Terminal Leave Pending Retirement

6.13.1 Terminal Leave pending retirement will be taken by an employee pending his retirement. It will be the last official leave to be taken by an employee during his period of service with the Corporation.

6.13.2 An employee who is due for retirement is entitled in addition to his annual leave, thirty (30) calendar days' terminal leave pending retirement. This leave must be taken thirty (30) calendar days preceding retirement and will however, neither be commuted for cash nor will the employee qualify for additional leave allowance.

6.14 Public Holidays

6.14.1 The following days will be observed as public holidays in accordance with Public Holidays Act (Cap 110):

S. No	Event	Date
1	New Year	1 st of January
2	Good Friday	*
3	Easter Monday	*
4	Labour day	1 st May
5	Madaraka day	1 st June
6	Mashujaa Day	20 th October
7	Jamhuri Day	12 th December
8	Christmas Day	25 th December
9	Boxing Day	26 th December
10	Eid-UI-Fitr	*

6.14.2 The Corporation will also recognize any other public holiday that may be gazetted from time to time under the Public Holidays Act, Cap. 110 of the Laws of Kenya.

6.15 Application for Leave

6.15.1 Application for leave should be submitted in the prescribed form to the respective Heads of Department/Section/Unit.

6.15.2 The Head of Functional Area will be required to forward leave recommendations as per the annual leave plan to the HOFA, HR for approval on behalf of the MD. Subsequently the HOFA, HRM shall communicate the leave approval to the employee indicating the balance of leave days. However, leave for HOFA's shall be approved by the MD.

SECTION 7: TRANSPORT

7.1 *Transport*

- 7.1.1 Transport in the Corporation is regulated through the Corporation's Transport Policy. This section addresses various aspects of the Transport Policy and includes the transport of employees while on duty and use of the Corporation's vehicles. It includes travelling privileges to members of the employee's family in certain circumstances and transportation of personal effects.
- 7.1.2 Free transport means transport at the Corporation's expense by rail, road, and sea or by air.
- 7.1.3 Free transport shall also be provided for employees only whilst traveling on duty.
- 7.1.4 The Corporation shall provide free transport to an employee, spouse and up to four (4) unmarried children under twenty-five (25) years and below or beyond twenty-five (25) years subject to proof that the disability has occasioned full dependency on the employee on occasions when traveling on transfer, approved medical treatment/convalescent leave or on retirement.
- 7.1.5 However, no transport will be provided on resignation, summary dismissal or termination/expiry of contract terms before the employee attains sixty (60) years.

7.2 *Traveling by Public Transport*

- 7.2.1 Where no vehicle will be available to an employee travelling on duty outside the duty station, the employee will be eligible to claim appropriate reimbursement of the amount of fare paid on production of receipted bills.

7.3 *Traveling in Own Car on Official Duty*

- 7.3.1 The Corporation will, where possible, provide its employees with transport when traveling on official duty. In the absence of a more cost-effective means, an employee may use a private vehicle for official duty with prior approval of the MD.
- 7.3.2 Where such permission is granted, the employee will claim reimbursement based on the prevailing Automobile Association of Kenya (AA) rates. The vehicle capacity will be limited to 2000 c.c. as per the prevailing Government's guidelines.

7.4 Traveling in Official Vehicles

- 7.4.1 The MD will be entitled to one official car which will be used for official work only.
- 7.4.2 All the other employees will use pool transport for official work. An employee traveling on duty will be granted permission to use official vehicle by the MD or an employee authorized by him.
- 7.4.3 Official vehicles are intended for official purposes only and should not be used for private purposes. An employee who makes improper use of a vehicle shall render himself liable to disciplinary action.
- 7.4.4 Whenever a vehicle is used, the details of the journey must be indicated in the work ticket. Any driver 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 Check Unit is empowered to stop and check any vehicle and prefer charges, where appropriate, against the driver.

7.5 Management of Vehicles

- 7.5.1 The MD shall ensure that a register for all vehicles shall be opened and maintained up to date. The register shall contain the following particulars in respect of each vehicle: -
- a) Description of vehicle
 - b) Chassis number
 - c) Engine number
 - d) Registration mark and number
 - e) Log Book number
 - f) Date vehicle purchased
 - g) Vehicle Insurance particulars and copy of Insurance Disc
- 7.5.2 Each vehicle shall have a file in which all relevant documents and correspondence shall be filed, including, as far as possible, related expenditure records.
- 7.5.3 It shall be the responsibility of the MD to ensure that vehicles are used properly. He shall put in place mechanisms for ensuring centralized overnight garaging and parking of the vehicles and arrange for proper custody of ignition keys.
- 7.5.4 All Drivers shall have a valid driver's license appropriate for the class of vehicle. Any employee authorizing improper use of the vehicle shall be held personally

responsible, making him liable to disciplinary action which would include making good for pecuniary loss and may be liable to dismissal from the service.

7.5.5 Drivers shall at all times set the highest standards of road conduct.

7.6 Reporting of Accidents

7.6.1 Drivers and all employees using official vehicles shall acquaint themselves with the provisions of the Traffic Act (Cap 403), which requires a driver of a vehicle involved in an accident to stop and give his name and address, the particulars of the vehicle, vehicle insurance particulars and address of its owner to any authorized person or to the Police as soon as possible, and in any case within twenty (24) hours of the occurrence of the accident. This procedure shall be followed at all times in the event of an accident.

7.6.2 In addition to providing a report to the Police, if the driver shall not be incapacitated by the accident, he shall submit a preliminary accident report to the MD within twenty-four (24) hours of the occurrence of the accident.

7.7 Traveling by Air

7.7.1 When required to travel by air, all members of staff shall be governed by the prevailing Government policy in terms of class of travel.

7.7.2 An employee travelling on duty by air shall not be granted any baggage allowance in addition to the free allowance on the air ticket, unless in special circumstances in which excess baggage shall be considered by the MD.

7.8 Travelling by Taxi

7.8.1 An employee may be compelled to travel by taxi on duly authorized official duty; while attending/returning from a course, conference, seminar, workshop or meeting.

7.8.2 In the circumstances above and where the Corporation's taxi services are not available, an employee may be reimbursed the cost of taxi fares at the standard rates.

7.8.3 Claims for motor vehicle allowance or the reimbursement of taxi fares should be certified by the employee in charge of Transport (HOD) to the effect that, no Corporation vehicle was available.

7.8.4 When need arises to supplement official transport with hired transport, these services may be obtained from reputable firms' subject to prior written approval by the MD and compliance to procurement regulations.

7.9 Travelling for Interview

7.9.1 An employee who is invited for an interview/meeting by the Corporation will be regarded as travelling on duty and will be reimbursed the cost of travelling expenses.

7.10 Transportation of Baggage

7.10.1 Where transport is not provided to an employee when traveling on transfer, termination of appointment or retirement, and the employee shall be permitted to carry personal baggage by rail or road at the expense of the Corporation. The employee shall be reimbursed the cost of transport at the prevailing rates of baggage allowance as shall be determined by the Corporation in consultation with Government from time to time.

7.10.2 In addition, in case of a deceased employee, the legal representative shall be eligible for the re-imburement.

7.11 Transportation for Burial

7.11.1 On the death of an employee, spouse or child the Corporation will provide a hearse to ferry the deceased. The Corporation shall also facilitate provision of reasonable means of transportation for the family of the deceased from residence to place of burial/last rights.

7.11.2 Employees authorized to travel for burial of deceased employee, parent, spouse or child may be availed transport as per approved policy.

SECTION 8: PERFORMANCE MANAGEMENT

8.1 Introduction

- 8.1.1 This Section provides guidelines for Performance Management in the Corporation for enhancement of efficiency and effectiveness in service delivery.
- 8.1.2 The overall goal of the Corporation's Performance Management System (PMS) is to measure employee performance and ultimately the achievement of intended results for the institution. The Corporation will therefore take into account individual performance and reward employees for their contribution in a fair and equitable manner. The Performance Management System has therefore been designed to achieve this objective, among others.

8.2 Strategic Planning

- 8.2.1 Strategic planning for the achievement of overall long-term goals of the Corporation will be undertaken by the Board.
- 8.2.2 The strategic plans will be the basis for setting performance targets for the Corporation which shall be cascaded to the individual level.

8.3 Performance Contracting

- 8.3.1 Performance contract shall be anchored on national development goals with clear linkage to the Corporation's strategic plan. It shall be cascaded to all Departments/ Divisions, levels and cadres of employees.
- 8.3.2 It will be the responsibility of management to link the Performance Contracts with the Performance Appraisal System (PAS) and the Performance Rewards and Sanctions Framework.

8.4 Staff Performance Appraisal System

- 8.4.1 Staff Performance Appraisal system (SPAS) is predicated upon the principle of work planning, setting of agreed performance targets, feedback and reporting. It is linked to other human resource systems and processes including employee development, career guidelines, placement, rewards and sanctions.
- 8.4.2 The Performance Management System will support the Corporation to attain the following, among others:

- a) Attract qualified employees;
- b) Retain qualified employees;
- c) Motivate employees by rewarding good performance;
- d) Sanction poor performance; and
- e) Support management in the realization of the objectives of the Corporation.

8.4.3 The system provides for setting of performance targets, work planning and evaluation of performance.

8.5 Objectives of Performance Appraisal

8.5.1 Staff Performance Appraisal is a critical component of the human resource management function. The overall objective of the appraisal system is to manage and improve performance by enabling a higher level of members of staff participation and involvement in planning, delivery and evaluation of work performance.

8.5.2 The specific objectives are to: -

- a) Link individual performance with institution's strategic objectives and work plans;
- b) Enable Supervisor and Appraisee to continuously assess work progress;
- c) Assess the learning and development needs of employee on timely basis;
- d) Promote accountability in the Corporation;
- e) Promote communication and encourage continuous feedback between Appraisee and supervisor;
- f) Set the basis on which an employee's performance is monitored and evaluated as stipulated in the individual work plan;
- g) Improve the quality of work through better planning, ongoing discussions and fair participatory appraisal; and
- h) Provide information for decision-making on administrative and human resource issues such as renewal of contracts, promotions, delegation of duties, training, deployment, reward and sanctions.

8.6 Performance Management Process

8.6.1 Performance Management is based on the following underlying principles, and the need:

- a) To identify individual/ team objectives and performance measures linked to the Vision, Mission, Core Values and Strategic Objectives of the Corporation.

- b) To promote employee career development by creating learning environment and ensuring quality improvement through training, coaching, counseling and mentoring.
- c) To provide open and honest periodic evaluation of an employee's performance.
- d) To link the annual salary increment to the employee's performance rating.

8.6.2 Each employee will have a job description, outlining basic responsibilities. Job descriptions will be written in a simple language that clearly defines the scope and limitations of the job ensuring that:

- a) Upon employment, an employee will be given a job description for appointed position;
- b) An employee will be required to confirm receipt and attest to having read and understood the job description by signing a copy, which will be placed in his personal file; and
- c) All job descriptions will be approved by the immediate supervisor and the respective Heads of the various Departments.

8.6.3 Job description will contain the following basic information:

- a) Job title
- b) Location of job
- c) Reporting relationships
- d) Major responsibilities
- e) Limits of an employee's authority.

8.6.4 The job descriptions are not static and are subject to change from time to time in response to the Corporation's needs and individual employee competencies.

8.7 Work Planning and Setting of Performance Targets

8.7.1 Prior to the beginning of the performance period, Departments will prepare work plans based on their strategic plan. The Departmental Work Plans should include the Departmental priority objectives from which individual performance targets will be derived. Departmental Heads will meet with employees under their direct supervision to discuss and ensure that the objectives and performance targets of the department are understood.

8.7.2 The individual work plans will be derived from the Departmental Work plans and employee's job description. The work plan will briefly describe the performance

targets or expected results on specific assignments and activities for which the employee is responsible during the performance year.

8.7.3 The Appraiser will hold discussions with the immediate Supervisor to agree on the work plan. The performance targets shall thereafter be set as agreed in the discussions not later than one month after the start of performance period. For each performance target to be assessed there will be performance indicators.

8.7.4 As part of the Staff Training and Development Plan, every employee will indicate at least one training goal to be achieved in the reporting period as agreed with the supervisor. This may include special assignments, continuing education, on the job training, seminars, conferences or study tours.

8.8 Appraisal Period

8.8.1 The appraisal period will cover one (1) year with effect from 1st July to 30th June of the year. The Performance Appraisal reflects the summation of the year's performance including quarterly and mid-year reviews.

8.9 Continuous Performance Appraisal

8.9.1 Performance appraisal is an on-going process throughout the performance period. Milestones over the review period should be documented and maintained in the Appraiser's personal file.

8.9.2 Employees serving on contract terms will be appraised every Quarter (1/4) during the first year of the contract. If the performance is unsatisfactory, the contract will be terminated in accordance with the contract document.

8.10 Mid-Year Performance Review

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

8.10.2 The review which should be in the form of discussions, should be 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 changes, additions or removal of performance targets should however only be made in the event that there have been significant changes in the nature of functions

carried out by the Appraisee and which may necessitate revision of performance targets.

8.10.3 The Supervisor should, after discussions with the Appraisee at the Mid-Year Performance Review comment on the Appraisee's performance. In the event that the Supervisor leaves the Department/the Corporation, he will be required to appraise the performance of the Appraisee on pro-rata basis.

8.11 End of Year Appraisal Process

8.11.1 The End of Year Appraisal will take place at the end of the reporting period.

- a) The Supervisor and Appraisee are required to meet at the end of the year to discuss the overall performance for the whole appraisal period;
- b) Prior to the meeting, the Appraisee should prepare a preliminary report on the extent to which set targets were achieved as agreed at the beginning of the Performance Year with clear performance indicators.
- c) After the meeting, an evaluation form will be signed and dated by both the appraisee and appraiser and forwarded to respective Head of Functional Area and to the MD for endorsement.

8.11.2 In cases where the employee's performance is below acceptable standards, management will put in place a programme to help the employee improve.

8.11.3 The responsibility to have the evaluations completed in time lies with both the appraiser and appraisee.

8.12 Performance Rating Levels

The Corporation shall develop performance rating guidelines from time to time which shall be the guiding tool for rewards and sanctions.

8.13 Appeals

8.13.1 If an employee disagrees with an evaluation and cannot resolve the disagreement with the supervisor, the employee may appeal to the MD through the HOFA responsible for Human Resource for another review of his performance.

8.13.2 The appeal must be made in writing and submitted to the HOFA responsible for Human Resource within ten (10) days of the initial performance appraisal meeting. The MD will appoint a sub-committee to review the appraisal.

8.14 Rewards and Sanctions

- 8.14.1 The Corporation shall have an incentive scheme aimed at rewarding members of staff based on the value they are adding to the Corporation in relation to their performance, approved experience and professional skills/competence. This framework therefore establishes a basis for rewarding exemplary performance and administering sanctions for poor performance, motivating employees to have positive attitude to work and to enhance productivity in the Corporation.
- 8.14.2 The MD will be responsible for the administration of the rewards and sanctions policy through the advice of HRMAC.
- 8.14.3 HRMAC will also handle cases of appeals after employees have exhausted all review mechanisms.
- 8.14.4 Testimonials and letters of commendation may be awarded to employees by supervisors as a motivation for exemplary service.
- 8.14.5 The rewards and sanctions shall be as set out in the Rewards and Sanctions Framework for the Corporation and will be composed of the following;
- a) Compensation
 - b) Annual Bonus
 - c) Incentives
 - d) Awards
 - e) Sanctions

8.15 Appeals on employee Performance Appraisal process

- 8.15.1 Appeals on performance assessment shall be submitted to the HRMAC for consideration.

8.16 Rules of Conduct for the HRMAC

- 8.16.1 Members of the HRMAC shall be expected to perform their duties with diligence, integrity, impartiality and confidentiality.
- 8.16.2 In the event that there is disagreement between the supervisor and an appraisee on assessment of performance, the Committee will moderate the scores based on verifiable performance indicators and make recommendation to the MD.
- 8.16.3 Members of HRMAC will not discuss or make recommendations in respect of their own performance reports. The MD shall complete the Performance Appraisal reports

for the members of the Committee and make appropriate recommendations to the Board.

8.16.4 Members of the HRMAC 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.

8.16.5 The MD shall be appraised by the Board.

8.17 HRMAC Recommendations

8.17.1 The MD shall, on the recommendation of the HRMAC and approval of the Board reward excellent performance and apply the appropriate intervention in accordance with the Rewards and Sanction Framework.

8.17.2 The Supervisor may however, recommend other specific interventions depending on the insight gained during the appraisal.

8.17.3 The performance appraisal report shall form the basis for placement, promotion, separation and mobility of employee within the Corporation.

8.18 Committee Assessment

8.18.1 To ensure the accuracy and objectivity of the final assessment, the performance appraisal ratings will be approved or moderated by the HRMAC. The Committee will also assess an officer's probable performance on higher duties.

8.19 Appraisal Program

8.19.1 KNTC's appraisal exercise will be conducted in accordance with a programme approved by the Management for each financial year.

8.20 Performance Improvement Plan

8.20.1 The performance improvement plan defines areas of concern, gaps and expectations in work performance and provide for an opportunity to demonstrate improvement and commitment.

8.20.2 Procedure of placing officer on a Performance Improvement Plan at the beginning of the year the procedure in section 8.4.1 of this manual will be followed.

8.20.3 Concerns/Gaps identified during the mid-year review will be discussed with the officer.

8.20.4 If no improvement is noted during the end year evaluation, the officer will be placed on a performance improvement plan.

8.21 Timeline for Improvement, Consequences & Expectations:

8.21.1 The PIP period will be six (6) months

- a) During the time of PIP, an officer will be expected to make regular progress on the plan.
- b) Failure to adhere to the plan will result in a disciplinary action,
- c) If significant improvement is noted within two (2) months after placement on PIP, the PIP programme will be terminated for the officer.
- d) Failure to maintain performance expectations after the completion of the PIP may result in additional disciplinary action up to and including termination.
- e) The contents of this PIP are to remain confidential. Should you have questions or concerns regarding the content, you will be expected to follow up directly with the supervisor.
- f) The PIP does not alter the employment terms and conditions of service.

SECTION 9: TRAINING AND DEVELOPMENT

9.1 Policy Statement

- 9.1.1 Whilst the Corporation will recruit competent personnel, it shall endeavor to continuously upgrade employee's core competencies, knowledge, skills and attitudes of its employees to ensure that their performance meets and/or exceeds the minimum expectations and benchmarks best practices.
- 9.1.2 The Corporation therefore recognizes the need for training and development of all employees in order to ensure effective delivery of its broad mandate. It shall therefore offer training opportunities to all its employees in order to improve their work performance and personal development.
- 9.1.3 The policy on training is to ensure continuous upgrading of core competencies, knowledge, skills and attitudes of employees including their ability to assimilate technology to enable them create and seize opportunities for career growth, social advancement, economic growth and development.
- 9.1.4 Training and development of employees will be directed towards the achievement of the following objectives:
- a) Enhancement of the institutional performance by helping all employees to improve on their efficiency and effectiveness;
 - b) Assisting each employee to gain competences and skills in preparation for more responsible positions and to help each employee prepare for changes as the Corporation develops to meet changing and emerging needs; and
 - c) Ensure availability of sufficient trained human resource-base to meet the Corporation's future requirements by identifying those requirements and providing appropriate training and development opportunities for targeted employees.
 - d) Inculcating the desired work ethics, values and corporate culture.
- 9.1.5 All training must be based on identified training needs. Funds allowing, all members of staff should have at least five (5) days training in a year while newly recruited or transferred employees must be inducted within two (2) weeks of the transfer date or joining the Corporation.

- 9.1.6 An employee who has been on training will be eligible for his normal annual leave only for the year he resumes duty in addition to the leave days officially carried forward before proceeding on training.
- 9.1.7 The Corporation shall not sponsor employees for undergraduate degree courses or other courses that are mandatory for their current jobs qualifications.
- 9.1.8 Supervisors will assess the impact of the training by employees during annual appraisal.

9.2 Training Strategy

- 9.2.1 Any training provided by the Corporation will be based on systematic analysis of its contribution to the effectiveness of the Corporation's Training needs will therefore be assessed at three levels:
- a) at the Corporation level;
 - b) at the relevant Departmental/Divisional/Sectional functional level;
 - c) at the Individual level;
- 9.2.2 To this end, the Corporation will draw up and maintain an Annual Training Plan that will address these levels. The following factors will be taken into account when planning training programs:
- a) Objectives of the training;
 - b) Content of training;
 - c) Costs involved (vis-à-vis the cost of not training);
 - d) Likely benefits and how they can be evaluated;
 - e) Training methods available and their appropriateness;
 - f) The location and timing of any training program; and
 - g) Who will provide the training.
- 9.2.3 The Corporation's training strategy will ensure competent manpower for long range career development and succession planning within the Corporation.

9.3 Training Needs Assessment

- 9.3.1 Training in the Corporation shall be based on Training Needs Assessment (TNA) which shall be conducted every year.
- 9.3.2 All Heads of Departments shall prepare training projections based on Training Needs Assessment to guide the HRMAC in nominating employees for training.

9.4 Course Approval

9.4.1 The MD will grant course approval to employees proceeding on authorized training in accordance with service regulations. Employees will be required to obtain course approvals before commencement of training.

9.5 Progress Reports

9.5.1 All members of staff shall be expected to provide official performance reports to the head of HR by the end of each school term or by the end of the course whichever is earlier. The Corporation shall not release the next installment(s) unless such a report is satisfactory.

9.5.2 A Training Evaluation Report shall be carried out at the end of the training.

9.6 In-House Training Programmes

9.6.1 The Human Resource Department will design specific in-house training programmes as a method of developing training interventions which address identified training needs. In addition, training can be provided under institutional training both locally and abroad.

9.6.2 In designing training programmes, the Head of Human Resources should ascertain the availability of: -

- a) Professional, qualified and experienced trainers;
- b) Training programmes that are cost-effective;
- c) An effective evaluation and feedback system to assess the impact of training on performance; and
- d) Selection of trainees for all training programmes will be based on identified needs with emphasis on training for performance improvement that addresses national, institutional and individual goals.

9.7 Criteria for Training Funds Allocation

9.7.1 The HRMAC shall consider the following while allocating training funds:

- a) The number of staff in each department weighted against the Training Budget.
- b) The Corporation's training priority areas as identified by the TNA.

- c) Merit: Those employees who clearly deserve training shall be given first priority. There shall be no discrimination in the allocation.
- d) Value adding: The training must add value to the employee's job by improving his/her performance. It must also be linked to the job the member of staff is doing or anticipated promotion or job position that the employee is expected to hold in the future. It may also be linked to management development or succession plans of the institution.
- e) Results of the training needs assessment: Training that does not match with the training needs assessment especially the supervisors' recommendations shall not be considered.
- f) Professional courses: Core business staff who apply for professional courses shall be given first priority.
- g) Managerial courses: Managers who apply for managerial courses shall be given priority.
- h) Time between two courses: Members of staff shall be expected to utilize the skills learnt after training before they are considered for training. The skills utilization period after a short course shall be one year and two years after a long course. Courses offered in modules or parts may however be exempted from this section.

9.8 Sponsorship for Education and Professional Training

- 9.8.1 Subject to availability of funds, the Corporation will endeavor to assist its employees acquire additional qualifications relevant to their jobs through sponsorship for various courses and programmes.
- 9.8.2 The Corporation shall undertake Training Needs Assessment and prepare annual training plans for all its employees. Availability of funds and prioritization of the courses will be a key consideration. The Training Needs Assessment will be aligned to the Performance Management System.

9.9 Conditions for Sponsorship

- 9.9.1 Only permanent employees and those on contracts of more than two years shall qualify for training sponsorship of more than six months by the Corporation.
- 9.9.2 The Corporation will sponsor members of staff for courses approved by the HRMAC.

9.9.3 Members of staff on probation shall be expected to wait for confirmation before they can benefit from the Corporation's training funds. They may, however, attend seminars and conferences as approved by the MD and also benefit from training geared towards staff induction.

9.10 Under Graduate Training

9.10.1 The Corporation shall not sponsor serving employees for undergraduate programmes. Where there is need for skills at this level, the Corporation will procure the same from the labour market. However, employees who wish to sponsor their training shall be granted approval.

9.10.2 Notwithstanding 9.10.1 above and in a bid to ensure the marginalized and minority groups and persons with disabilities are represented at all levels of the Corporation, the Corporation may prioritize sponsorship of employees for relevant undergraduate degree programmes, based on identified training needs in line with affirmative action programmes.

9.10.3 Any recommendations made in 9.10.2 above shall be forwarded to the Board for approval.

9.10.4 The affirmative action for under-graduate degree programmes shall remain in force until such time that a representation in the Corporation is achieved.

9.11 Masters Programmes

9.11.1 The Corporation will continue to support and approve training at Masters Level for employees requiring the skills at this level for performance and career growth as prescribed in the respective Career Guidelines.

9.11.2 The Corporation shall not support employees for second Masters programmes.

9.11.3 KNTC will prioritize masters' programmes which the Corporation requires and may give incentives to employees willing to take the specified courses.

9.11.4 For an employee to be eligible for sponsorship, they must have served a minimum of three (3) years' continuous service in the Corporation.

9.12 PHD Programmes

9.12.1 The Corporation shall not sponsor serving employees for PhD programmes. However, employees wishing to pursue the PhD under the self-sponsorship arrangement will be approved on condition that the area of study is relevant to

their duties, has completed two (2) years' service since the last long course and the approval shall not provide for reimbursement of training expenses.

9.13 General Provisions on Training

9.13.1 Members of staff sponsored by the Corporation may be required to share the cost of the course to be undertaken at such a ration as may be determined by the HRMAC and the Board.

9.13.2 Sponsorship of an employee for training, where approved, shall not exceed two (2) years duration.

9.14 Expenses to be met by the employee

9.14.1 An employee will be responsible for meeting all expenditure in connection with the course on the following items from the allowance payable to him:

- a) 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;
- b) Fares for daily journey between his lodging and place of study;
- c) The purchase of all outfit and clothing required for the course;
- d) Subsistence when travelling; and
- e) All other personal commitments including subscriptions (voluntary or compulsory), laundry, reaction, entertainment, etc.

9.15 Expenses to be met by the Corporation

9.15.1 In addition to the payment of salary and allowances, the following items of expenditure will be met by the Corporation:

- a) Pre-departure medical examination, passport, visa, vacation and inoculation fees;
- b) All course fees (other than residence fee or other charges for boarding and lodging) including registration, admission, tuition, examination, project/dissertation, thesis, laboratory and similar fees – if the same are not met by the sponsor;
- c) All transport and travelling necessary in connection with an employee's training (other than the daily commuting between lodgings and an employee's normal place or places of study) at second-class rates;
- d) Local transport and traveling to and from the airport of departure and arrival in Kenya at the rates already set;

- e) Economy class passage to and from the county in which the course is held; and
- f) Medical insurance contribution, where applicable.

9.16 Mentorship Programme

9.16.1 Whenever possible, new employees will be assigned mentors who will provide them with guidance and ensure that they are properly integrated into the service.

9.17 Training Levy

9.17.1 An employee selected to attend a local or external course lasting more than four (4) weeks will be deducted 10% for local and 20% for external courses respectively from his basic salary for the full duration of the course. The amount recovered will be treated as the employee's contribution towards the cost of training.

9.17.2 The training levy will be paid to the Corporation regardless of whether the course is sponsored by the Government of Kenya or by Development Partners through bi-lateral arrangements.

9.18 Management and Co-ordination of Training

9.18.1 The Human Resource Advisory Committee will manage and coordinate employee training. This Committee shall be responsible for the following as regards training;

- a) Consideration and recommendation of the Corporation's training plans and staff development strategies.
- b) Consideration of training projections and analysis of training needs as well as setting up a hierarchy or priorities within the overall training projections.
- c) Assessment of availability of training resources and their optimum utilization.
- d) Identification and selection of suitable employees for various training programs.
- e) Apportionment of the training funds.

9.18.2 The HRMAC shall hold their meetings on quarterly basis and at least four times in a year or when deemed necessary. The main meeting shall be in the first quarter of the financial year which shall be the planning meeting. It is at this meeting that the annual training allocations shall be done.

9.19 Conditions Applicable to Employees on Training

9.19.1 Salary and Allowances

- a) An employee attending a course will be deemed to be on duty and all regulations pertaining to his employment will be applicable.
- b) Provided that his study reports and conduct are satisfactory, an employee will be considered for promotion as and when suitable vacancies occur subject to competition and/or the provisions of the respective Career Guidelines.
- c) An employee traveling to attend a course will be deemed to be on duty and will be reimbursed any traveling and subsistence expenses incurred.
- d) An allowance to purchase books, training instruments and apparatus, warm clothing, shall be provided to an employee on the basis of the recommendation from the Head of the Institution where the course will be held.
- e) An employee will be eligible for house allowance and medical cover during period of the course.

9.20 Provision for Annual Leave

9.20.1 Attendance of a course which has no provision for vacations will count as if an employee will be on duty for the purpose of his eligibility for leave.

9.20.2 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 he is entitled to a minimum of one (1) months' vacation in a year. Such an employee will not be eligible for any additional leave in respect of the period of the course. He will however, be eligible for any days carried forward before proceeding on training.

9.20.3 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.

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

9.21 Training Reports

9.21.1 All employees sponsored for training will be required to prepare a report on the training attended. Special attention should be given as to how the skills acquired can be shared with other employees in order to maximize the impact of the training.

9.22 Self-Sponsored Courses

9.21.2 Employees undertaking part-time self-sponsored courses will be exempted from paying 10% training levy.

9.21.3 In cases where an employee had proceeded on a self-sponsored course approved by the MD and while attending the course the employee manages to secure funding from the Corporation, he will be required to pay 10% training levy for the specific duration of the sponsorship. However, sponsorship will not cover any outstanding fees prior to the scholarship.

9.21.4 An employee attending an approved course which has an examinable component may be granted days off to sit for main examination. Such a request shall be accompanied by an official time table issued by the examining body or institution.

9.23 Reimbursement of Training and Examination Fees

9.23.1 An employee who on his own initiative and at his own time undertakes and passes a professional course relevant for his career growth and which is administered by a recognized training institution, will be eligible for reimbursement of 50% of the amount spent on tuition and examinations provided: -

- a) The course is relevant to his career growth;
- b) The course is recommended by the Human Resource Advisory Committee and approved by the MD;
- c) The course is not an undergraduate degree;
- d) The employee has not been sponsored for the same course before; and
- e) The employee avails the original certificate for the course and a training report.

9.24 Refund of Training Expenses

9.24.1 An employee on training may be called upon to refund any sum of money expended on him in case of the following: -

- a) If through own acts of omission or commission, unacceptable conduct and general indiscipline, the employee displays unsatisfactory progress and is consequently discontinued from the course.
- b) If he fails to resume duty at the expiry of the course without reasonable excuse.

9.25 Conference and Seminars

9.25.1 Employees attending conferences, seminars, workshops and study tours, whether locally or abroad, usually of up to four (4) weeks duration, shall be regarded as traveling on duty and shall receive appropriate allowances in accordance with prevailing Government guidelines.

9.26 Security Bond

9.26.1 An employee, who attends a training lasting more than six (6) months, will be required to enter into a formal agreement binding him to serve the Corporation.

9.26.2 The period of the bond will be determined by the duration of the course as follows:

Course Duration	Bond Period
6 months - 1 year	1 year
Above 1 - 2 years	2 years
Above 2 - 3 years	3 years
Above 3 years	As per the duration of the course but should not exceed 5 years

9.26.3 The amount of bond for employees sponsored for full-time courses will be the total cost of the training plus the gross salary for the period, less 10% and 20% recovered as training levy for those attending courses locally and abroad respectively.

9.26.4 The employee will be required to redeem the bond amount in full incase of default.

9.27 Monitoring and Evaluation

9.27.1 The Corporation will carry out a cost benefit analysis to determine benefits accruing from its investments of time and money in the training and development of its employees. This is in order to assess achievement and improve future effectiveness. Information on training and development activity will be reviewed annually. The review will include consideration of: -

- a) Average training and development investment per employee;
- b) Cash investment in training and development as a percentage of employee cost; and
- c) Training and development hours per person per annum.

9.28 Training Projection

9.28.1 It will be the responsibility of the HOFA responsible for Human Resource to prepare the annual training projections and budget. The annual training budget will be prepared in consultation with all the Heads of Departments.

9.29 Skills Inventory

9.29.1 The Corporation will develop, update and maintain a skills inventory for all employees for purposes of identifying the available competencies and the required skills in order to plan for training or recruitment to address the identified gaps and for succession management.

9.30 Subscription to Professional Bodies

9.30.1 The Corporation will support employees to become members of relevant and approved professional associations.

9.30.2 The employee will meet the cost of registration and the initial subscription. Thereafter, the Corporation will meet the subsequent subscriptions, practising certificate and cost of continuing professional development training.

SECTION 10: CODE OF CONDUCT AND ETHICS

10.1 Introduction

- 10.1.1 This Section contains general rules of conduct to be observed by officers so as to maintain integrity and uphold the dignity of the public office to which he has been appointed. Every officer occupies a special position in the Corporation and should ensure that his conduct both in public and in private life does not bring the Corporation into disrepute.
- 10.1.2 Regulations governing discipline in the Corporation and the procedure to be followed in cases of breach of discipline are contained in this manual.
- 10.1.3 In addition, an officer is required to comply with the provisions of Chapter Six of the Constitution 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.
- 10.1.4 Officers are required to adhere to their respective professional codes of conduct. It is imperative that an officer adheres to these rules of conduct, and such other rules which may be introduced from time to time.
- 10.1.5 All employees shall be required to sign the code of conduct upon employment and they will be bound by any amendments to the code of conduct and ethics.

10.2 Policy Statement

- 10.2.1 The collective personal conduct of KNTC employees portrays the corporate image of the Corporation. Therefore, KNTC maintains this code of conduct to guide its employees with respect to standards of conduct expected in areas where improper activities could damage the Corporation's reputation and otherwise result in serious adverse consequences to the Corporation and to employees involved.
- 10.2.2 An employee's actions under this Policy are significant indications of the individual's judgment and competence. Accordingly, those actions constitute an important element in the evaluation of the employee for position assignments and promotion. Correspondingly, insensitivity to or disregard of the principles of this Policy will be grounds for appropriate management disciplinary action.

10.3 Policy Purpose

10.3.1 The purpose of this Code is to affirm, in a comprehensive statement, required standards of conduct and practices with respect to delivering the Corporation's services with integrity, professionalism, economic use of resources, accountability, and objectivity at all times.

10.4 Objectives

10.4.1 The Corporation's objective in establishing this Code of Conduct and Ethics is to provide a clear framework within which employees of the Corporation are expected to conduct themselves. This Code specifically seeks to: -

- a) Increase employee satisfaction, trust and self-identification with the Corporation.
- b) Increase the institutional resilience, and improve the functionality, efficiency and performance of employee through preventing ambiguity and creating clear behavioral codes.
- c) Increase accountability, transparency and good governance in service delivery thus continually contributing to the Corporation's image, boosting public confidence and protect the integrity of the Corporation.
- d) Establish a moral foundation of values that raise the level of awareness of ethical standards required of all employees to improve their decision making process and also to reflect in personal behavior and standards of conduct.
- e) Ensure discipline, commitment, honesty, objectivity and impartiality in decision making and in the execution of the Corporation's duties.
- f) Provide mechanisms for consensus building on ethical issues, registration and management of gifts and conflicts of interest, decision making, and ethical dialogue.
- g) Provide a framework and mechanisms for reporting of misconduct, whistle blowing, and investigation procedures, processing of disciplinary matters arising from breach of this code and enforcement and sanctions for breach of the code or other Policies of the Corporation.

10.5 Scope

10.5.1 The Code of Conduct and Ethics applies to the Corporation employees, under all terms of service and in all duty stations of the Corporation.

10.5.2 In the event of any inconsistency between the provisions of this Code, the general code in the Public Officer Ethics Act, Cap. 183 and the general code in the Leadership and Integrity Act, 2012, the latter shall prevail.

10.6 Office Hours

10.6.1 The normal working hours of the Corporation shall consist of 40 hours of work spread over 5 days of the week as follows: -

a) Nairobi and all other Regions

Monday to Friday: 8.00 a.m. to 1.00 p.m.
2.00 p.m. to 5.00 p.m.

b) Mombasa, Upper Eastern and Northern Kenya

Monday to Friday: 7.30 a.m. to 12.30 p.m.
2.30 p.m. to 5.30 p.m.

10.6.2 Though the general office hours will be as stated herein, HOFAs will not be restricted to utilize employees outside these hours, when there is any cause requiring their services either earlier or later, as long as the employees put up a maximum of 40 hours per week.

10.6.3 For the effective running of the Corporation, the employees should observe punctuality and regular work attendance. In case an employee is not in a position to report to work in the morning or is delayed, the head of the respective department should be notified before, as close to the regular starting time as possible. This should not be later than 12.00 pm after which the employee will be considered absent.

10.7 Official Office Attire

10.7.1 The employees of the Corporation are expected to dress decently while on duty during working hours.

10.7.2 **Dress-down policy:** staff members are free to dress down on Fridays. It should, however, be noted that the free manner of dressing should also be acceptable and decent.

10.7.3 Employees may put on branded corporate attires on the Corporation specified days and also on specific functions of the Corporation.

10.7.4 Employees offering common services such as Receptionists, Drivers and Support Employee are required to wear uniforms and will be issued with at least three (3) pairs of appropriate uniform on deployment.

10.7.5 All employees who are provided with uniform will be required to maintain them in a clean and decent condition and to wear them at all times while on duty.

10.7.6 Issues of uniforms and dates of their issue must be recorded in the Stores Ledger.

10.7.7 Disciplinary action will be taken against an employee who fails to observe this Regulation

10.8 Core Values, Guiding Values, Principles and Requirements

10.8.1 The employees of the Corporation shall be guided by the National Values and Principles of Governance in Article 10 and 232 of the Constitution; provisions of Chapter 6 of the Constitution on Leadership and Integrity; Part II of the Leadership and Integrity Act, 2012 as well as the Public officers Ethics Act, 2003 revised in 2009.

10.8.2 The employees of the Corporation shall aspire to uphold the national values and principles of governance being;

- a) Patriotism, national unity, the rule of law, democracy and participation of the people;
- b) Human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized;
- c) Good governance, integrity, transparency and accountability; and
- d) Sustainable development.

10.9 Rule of Law

10.9.1 All employees shall carry out their duties in accordance with the law. In carrying out his duties, the Corporation employee shall not violate the rights and freedoms of any person under Part V of the Constitution.

10.10 Conflict of Interest

10.10.1 An employee shall declare to the MD his personal interest (including the interest of a spouse, relative or business associate); where such interests are likely to interfere with official duties or affect personal judgment on official matters. According to the provisions of the Public Officer Ethics Act, 2003, an officer shall:

- a) Use his best efforts to avoid being in a position in which his personal interests' conflict with his official duties

- b) Not hold shares; corporate, partnership or of another body or through another person that would result to conflict of interest
- c) Declare personal interests to the MD and comply with any directions to avoid the conflict and also refrain from participating in any deliberations where such interest would conflict official duties
- d) Not award a contract or influence the award of such a contract to himself, spouse, close relative, business associate, or a Corporation, partnership or other body in which the employee has an interest.
- e) Not use his office to improperly enrich himself or another person
- f) Not use or allow use of information acquired through his public office that is not public, for his own or other peoples' benefit.

10.10.2 Any employee whose personal interests are potentially or actually in conflict with those of his duties shall declare the personal interests to his superior or the MD in writing.

10.10.3 Other situations which constitute a conflict of interest; -

- a) Soliciting for any help, funds, favors, gifts and sponsorship from persons or institutions associated with the Corporation or using the name of the Corporation without the knowledge and approval of the Board.

10.11 Improper Enrichment or Receiving of Gifts

10.11.1 The Corporation employees shall not accept gifts, benefits or favors from a client where these may influence or may be seen to influence his decisions. Gifts exceeding a threshold of Kshs. 20,000.00 should not be accepted. Gifts in cash should not be accepted under any circumstance.

10.11.2 The Corporation employee(s) shall not use their office to improperly enrich themselves or others. In this regard, the Corporation employees shall not accept or request gifts or favors from a person who; -

- a) has an interest that may be affected by the carrying out, or not carrying out, of the public officer's duties;
- b) Carries on regulated activities with respect to which the Corporation has a role; or has a contractual or similar relationship with the Corporation;
- c) Improperly uses their office to acquire properties for themselves or another person, whether or not the properties are paid for; or
- d) For their personal benefit or another, use or allow the use of information that is acquired in connection with the public employee's duties and that is not public.

- 10.11.3 Employees are prohibited from receiving valuable presents (other than gifts from personal friends and relatives) and/or other benefits and from giving such presents. This applies for example to Christmas presents or such kind of gifts.
- 10.11.4 This section applies not only to the employee himself, but also to his family. It is not intended to apply to cases of remuneration for special services rendered and paid for with the consent of the Corporation.
- 10.11.5 Presents from public personages which cannot be refused without being offensive will be handed over to the Corporation unless prior permission has been obtained from the MD for the employee to retain the present.
- 10.11.6 When presents are exchanged between employees acting on behalf of the MD in ceremonial occasions with other institutions or their representatives, the presents received will be handed over to the Corporation and any present in return will be given at the Corporation's expense.

10.12 Harambees

- 10.12.1 The Corporation employee shall not preside over a Harambee, play a central role in its organization or play the role of "guest of honour"; nor participate in a Harambee in such a way as to reflect adversely on their integrity or impartiality or to interfere with the performance of their official duties.

10.13 Declaration of Income, Assets and Liabilities

- 10.13.1 Every employee shall on first appointment and after every two years thereafter submit a declaration of income, assets and liabilities of himself, spouse(s) and dependent children less than eighteen (18) years to the Public Service Commission in accordance with the Public Officer Ethics Act, 2003. The appropriate form will be supplied annually as required.

10.14 Undue influence

- 10.14.1 Employees are warned that the practice of seeking the influence of Politicians or other persons in order to be considered for promotion or other favours is viewed with disapproval. Any such attempt to obtain such favours is considered irregular and will not be of advantage to the employee and on the other hand, may actually be detrimental to the employee's interests.

10.15 Professionalism and Integrity

10.15.1 All employees shall: -

- a) Carry out their duties in a manner that treats the public and the fellow employees with courtesy and respect;
- b) Seek to improve the standards of performance and level of professionalism in the Corporation;
- c) Observe the ethical and professional requirements of a professional body of which they are members;
- d) Maintain an appropriate standard of dress and personal hygiene; and
- e) Avoid practices that could lead an individual vulnerable to financial embarrassment.

10.16 Confidentiality and the Official Secrets Act, Cap 187

10.16.1 Disclosure of Information: An employee must not disclose any information concerning the affairs of the Corporation or its employees, or show or release any official document to any person not connected with the Corporation, or even insiders, unless he is required to do so in the course of his duties, or such disclosure as is authorized by the MD. Individual invitations to give technical advice or present papers should be channeled through the MD.

10.16.2 Official Documents and Legal Proceedings: An employee must not without permission make use of any official document which comes into his possession by virtue of his employment the subject of legal proceedings.

10.17 Respect and Courtesy

10.17.1 All employees will be expected to portray utmost respect for one another, irrespective of seniority or personal status.

10.18 Discrimination

10.18.1 The Corporation is opposed to all forms of discrimination. Discrimination of any sort will be reported to the MD so that the matter can be investigated and appropriate action taken. Any reported incidences of alleged discrimination will be treated in utmost confidence.

10.19 Confidentiality and Trust

- 10.19.1 While in the course of their duties, employees will be exposed to confidential information. In such cases, they will be expected to uphold strict standards in regard to confidentiality of information.
- 10.19.2 Disciplinary action will be taken against any employee proven to have divulged confidential information without the permission of the Board.

10.20 Care of Assets

- 10.20.1 Employees are expected to ensure that assets entrusted to them are adequately protected and not misused or misappropriated.

10.21 Media Interviews and Interactions with the Media

- 10.21.1 An employee shall not, under any circumstances, communicate with the media either in writing or otherwise, or make statements on matters affecting the Corporation's programs or policies without specific authority from the MD.
- 10.21.2 An employee, whether on duty or on leave, shall not do the following without the permission of the MD; -
- a) Act as the editor of any newspaper or take part directly or indirectly in the management thereof;
 - b) Publish in any manner anything which may be reasonably regarded as of a political or administrative nature, whether under his own name, under a pseudonym or anonymously.
 - c) Allow himself to be interviewed on questions of public policy or on matters affecting the Corporation without the permission of the MD.
- 10.21.3 While it is not desired to interfere with the liberty of free speech, any lack of discretion on the part of an employee in expressing an opinion that may embarrass the Corporation, may result in disciplinary action being taken against him
- 10.21.4 An employee may however, publish matters relating to other subjects.

10.22 Private Agencies

- 10.22.1 No employee may undertake any private commission in any matter connected with the exercise of his public duties. No employee shall in any manner that may be

detrimental to the security interests of the Corporation and Kenya at large, be an agent for or further the interests of a foreign Government, organization or individual.

10.23 Political Views

10.23.1 Though an employee as a Kenyan is entitled to his own political views on political matters, he shall ensure that his utterances do not implicate or compromise the Corporation and the Government at large.

10.23.2 An employee shall not, in connection with the performance of his duties, do the following:

- i. Act as an agent for a political party or so as to further the interest of the party; or
- ii. Indicate support for or opposition to any political party or candidate in an election; or
- iii. Engage in political activity that may compromise or be seen to compromise the political neutrality of his office; or
- iv. Use his political stand to intimidate others perceived to be of a different view.

10.24 Trading

10.24.1 Trading on official premises is strictly forbidden except where official permission has been received.

10.24.2 Away from official premises no employee may act as an agent for the sale of any articles or merchandise whilst on duty or in uniform.

10.25 Borrowing and Lending Money

10.25.1 An employee is strictly forbidden:

- i. To become an agent for a moneylender.
- ii. To borrow money from the Corporation's stakeholders or members of staff of any organization doing business with the Corporation, with whom his official duties bring him into contact.
- iii. To accept premiums from other staff of the Corporation as consideration for instructing them on how to perform their duties.

10.26 Harassment

- 10.26.1 Harassment is generalized as insulting and degrading behavior or statements, which could be verbal, physical, deliberate, unsolicited and unwelcome.
- 10.26.2 Harassment in any form is prohibited. Examples of harassment include but not limited to: -
- i. Verbal harassment in the form of derogatory comments or slurs.
 - ii. Unwelcome sexual advances, requests for sexual favours and other verbal or physical conduct of a sexual nature.
 - iii. Physical harassment in the form of assault, impeding or blocking movement, any physical interference with normal work or movement.
 - iv. Visual harassment through derogatory posters or drawings.
- 10.26.3 If an employee encounters such behaviour from anyone, including supervisors, fellow employees or other external parties, he should report the incident immediately to the supervisor or to the HOFA Human Resource Management.
- 10.26.4 If the harassment is from the MD, an employee will be at liberty to report the incident directly to a member of the Board or to the Chairperson.

10.27 Nepotism

- 10.27.1 An officer shall not practice undue favoritism to their relations and close relatives at the expense of the service.

10.28 Acting through others

- 10.28.1 An officer contravenes the code if he causes anything to be done through another person that would constitute a contravention of the code if done by the officer, or allows or directs a person under their supervision or control to do anything that is in contravention of Code of conduct and ethics.
- 10.28.2 Contravention shall not apply where anything is done without the officer's knowledge or consent or if the officer has taken reasonable steps to prevent it.
- 10.28.3 An officer who acts under unlawful direction shall be responsible for his action.

10.29 Absence from Duty

- 10.29.1 An employee shall not absent himself from duty during working hours, leave his appointed place of work or proceed to a place other than which he is usually employed, without due permission of his immediate supervisor.

- 10.29.2 An employee who absents himself from duty due to ill health shall be required to produce within forty-eight (48) hours a medical certificate signed by a certified Medical Officer. If such a certificate is not forthcoming, the employee will be regarded as having been absent from duty without leave and may be liable to disciplinary action, which may include summary dismissal.
- 10.29.3 Where an officer is absent from duty without leave or reasonable or lawful cause for a period exceeding forty-eight (48) hours, and is not traced within a period of seven (7) days from the commencement of such absence, the officer's salary shall be stopped and action to dismiss the officer initiated.
- 10.29.4 An employee who, without leave or reasonable cause, absents himself from duty for more than seven (7) days shall be regarded as having vacated his office and is liable to summary dismissal.

10.30 Newspapers and Publications

- 10.30.1 An employee must not, except with the express written permission of the Corporation, 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.
- 10.30.2 An employee may, however, publish in his own name, matters relating to subjects of professional or general interests not involving public matters, politics, the Corporation or Government affairs.
- 10.30.3 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 MD and a draft of the proposed article or speech submitted for approval.

10.31 Pecuniary Embarrassment

- 10.31.1 Pecuniary embarrassment from whatever cause will be regarded as impairing the efficiency of the employee and may render him liable to disciplinary action.
- 10.31.2 Employees who may be in financial difficulty will be given assistance to extricate themselves from their problems. However, there is a limit beyond which an employee may be assisted and it may be necessary to terminate the services of

anyone who is persistently in financial difficulties to the extent that he either becomes a risk to the Corporation or is unable to carry out his duties effectively.

10.32 Security Measures

- 10.32.1 Employees shall be required to safeguard sensitive documents from unauthorized persons by ensuring that documents are not carelessly left on their tables in their absence. Such records shall at all times be kept under lock and key.
- 10.32.2 The Corporation's employee in charge of security shall have the authority to regulate entry of all visitors into the offices.
- 10.32.3 Articles brought in and out of the Corporation's premises shall be limited and the employee in charge of security shall be obliged to check on such articles or luggage as he may deem appropriate.

10.33 Whistle Blowing

- 10.33.1 Any employee or stakeholder having well founded suspicion of proven fraud, corruption, misuse of funds and assets, or any irregularities under the Code of conduct and ethics or governing laws of the Corporation is encouraged to report such irregularities.
- 10.33.2 Any person who makes a report will be afforded the protections under the Witness Protection (Amendment) Act, 2010, the Corporation's Whistle-blower Policy and this Code of conduct and ethics.

10.34 Former Employees Acting in the Corporation's Matter

- 10.34.1 A former employee shall not be engaged by or act for a person or the Corporation, in a matter in which the officer was originally engaged in as an officer of the Corporation.
- 10.34.2 Such engagement may only be considered at least two (2) years after leaving KNTC's service.

10.35 Defense of Officers in Criminal and Civil Suits

- 10.35.1 When criminal or civil proceedings are instituted against an officer as a result of an act of omission by him in the course of his official duties, he may apply to the MD for assistance in his defense. If the latter is satisfied that the officer acted in good faith in the execution of his official duties and that it is in the public interest that the officer should be defended, the MD shall immediately report the matter to the Board who will decide whether or not the officer will be defended.

10.35.2 Unless the proper procedure is followed, the Corporation may decline to provide support to the officer. It is further emphasized that speed is of essence in reporting such cases to the Corporation.

10.36 Civil Proceedings by Officers for Defamation

10.36.1 Where an officer has been defamed in respect of matters arising out of his official position, e.g. in the press or at a political meeting, it may be that the Government is also defamed by implication, and may, therefore, agree to give legal aid to the officer. Where such a case occurs, the officer may apply for legal aid through the MD to the Board. Legal aid will not be granted unless:

- a) the Corporation has a substantial interest in seeing that the defamatory statement is repudiated;
- b) There is, in the opinion of the Board, a good prospect of success in the action; and
- c) The consent of the Corporation shall be obtained before proceedings are commenced.

10.37 Lodging of Complaints and Investigations

10.37.1 A person, who alleges that an employee has committed a breach of the Code of conduct and ethics, may lodge a complaint with the MD and he/she shall register and inquire into the complaint.

10.37.2 The MD may assign any of his or her officers or a competent authority to inquire into a complaint on his or her behalf and determine whether an employee has contravened the Code of conduct and ethics

10.37.3 The MD may initiate an investigation pursuant to a complaint by any person.

10.37.4 An employee being investigated under this section shall be informed by the investigating authority, of the complaint made against him or her and shall be given a reasonable opportunity to make a representation relating to the issue, before the investigation is concluded.

10.37.5 A person who has lodged a complaint against an employee shall be entitled to be informed of any action taken or to be taken in respect of the complaint and shall be afforded a hearing.

10.37.6 Where an investigation under this section is initiated while an employee is in office, it may be continued even after the employee under investigation has ceased to be a public officer.

10.37.7 Subject to the Constitution and any laws and regulations for the enforcement of code of conduct and ethics an employee may be suspended from office pending the investigation and determination of allegations made against the employee where such suspension is considered necessary.

10.38 Investigations

10.38.1 Principles to be observed

The following principles will be observed when carrying out investigations:

- a) The Corporation will investigate all allegations made in good faith to determine if any complaint made against an employee of the Corporation is valid.
- b) The Corporation reserves the right to refer the investigation to any authority, committee or body it deems fit.
- c) Investigations may be carried out even though the subject of the investigation has ceased to be an employee of the Corporation.

10.39 Further Action on Investigations

10.39.1 If after investigations the reported officer is found to be liable of any action that may be subject to criminal or civil proceedings, the Corporation shall refer the matter to: -

- a) The Ethics and Anti-Corruption Commission on corruption allegations
- b) The Attorney-General, with respect to civil matters;
- c) The MD of Public prosecutions, with respect to criminal matters;
- d) The police or any other appropriate authority.

10.40 Promotion of Compliance.

The Corporation shall promote compliance with the provisions of this code by regularly sensitizing employees on the standards and principles prescribed in the Code and after every two years thereafter, require the employees to complete the Code of Conduct and Ethics Commitment Form.

SECTION 11: EMPLOYEE DISCIPLINE

11.1 Introduction

- 11.1.1 Disciplinary procedures shall be used as a corrective measure to foster improvement of individual conduct. It is expected that no punishment shall be inflicted on an officer if it would be contrary to any provision of the law.
- 11.1.2 In this manual “discipline” means conforming to Service rules and regulations which prescribe expected conduct and behaviour of individual officers. It is intended to contribute to performance improvement and productivity.
- 11.1.3 The purpose of rules and regulations is to ensure compliance and discipline in the Corporation and to correct any conduct that may not conform to such rules. The Corporation is obligated to impartially administer discipline and the employee has the right to be granted a fair hearing.

11.2 Policy Statement

- 11.2.1 The principles and values expressed by KNTC in the Code of Conduct and Ethics describe the standards of behaviour expected of those working for the Corporation. The Corporation expects its employees to display high standards of conduct, accountability and ethical behavior. The Disciplinary Policy is therefore an integral part of setting the expected standards and providing a structured framework for dealing with any circumstances where actions and conduct may fall short of these expectations.

11.3 Scope

- 11.3.1 This Manual provides general guidelines and instruments to be used by the Corporation in handling discipline cases and shall apply to all types of employment categories in the Corporation.

11.4 Objectives of the Manual

- 11.4.1 The Corporation is empowered to make regulations for better carrying out of its functions. The Corporation has therefore developed regulations including these that govern disciplinary control in an effort to enhance the processing and presentation of discipline cases.
- 11.4.2 The objectives of the Manual are to: -
 - a) Define discipline and understand its meaning in the context of the existing Public Service regulations.
 - b) Define standard procedures for uniformity in handling disciplinary cases.

- c) Outline the steps in disciplinary procedures and processes.
- d) Create understanding on the roles and responsibilities of the Board and MD in handling of the disciplinary cases.

11.4.3 Further, the manual provides guidelines on the following; —

- a) Proper framing of charges;
- b) Investigation of cases;
- c) Analysis and evaluation of cases;
- d) Making comprehensive comments and recommendations on cases;
- e) Application of other forms of punishment other than dismissal;
- f) Prompt handling of cases including implementation of decisions.

11.5 Disciplinary Powers and Appeal

11.5.1 The MD will handle and determine disciplinary matters of members of staff in Grades KNTC 4 to KNTC 10.

11.5.2 The discipline of members of staff in Grades KNTC 1 and KNTC 3 shall fall under the purview of the Board.

11.5.3 Any appeal by an aggrieved staff shall be to the Board in writing within six (6) weeks from the date of receipt of the letter conveying the disciplinary decision.

11.6 Disciplinary Procedure

11.6.1 The disciplinary procedure provides a framework for dealing with instances where employees are alleged not to have met the required standards of conduct. The aim is to ensure prompt, consistent and fair treatment for all staff.

11.7 Guiding Principles

11.7.1 The Corporation shall be guided by the following principles in handling disciplinary matters:

- a) The rules of natural justice:
- b) Procedural fairness, where an officer must be allowed adequate opportunity to prepare and present his/her case;

- c) The deciding authority must be unbiased when hearing and making decisions;
- d) Decisions must be based upon logical proof or evidential material.
- e) Fair administrative action which is expeditious, efficient, lawful, reasonable and procedurally fair.
- f) Every officer to whom disciplinary action is taken has a right to:
 - (i) Written reasons for any disciplinary action that is taken against him;
 - (ii) Prior and adequate notice of the nature and reasons for the intended disciplinary action;
- g) An opportunity to be heard and to make representations in that regard in line with the Employment Act;
- h) An opportunity to attend the proceedings in person, cross examine persons who give adverse evidence against him and request for adjournment of proceedings where necessary;
- i) Notice of a right to an appeal or review against a disciplinary decision;
- j) Information, materials and evidence to be relied upon in making a decision or taking a disciplinary action.

11.8 Institutional Framework for handling disciplinary cases

- 11.8.1 The Head of Functional Areas shall be responsible for the maintenance of the discipline of his/her immediate employee and, ensure that they observe rules and reasonable instructions.
- 11.8.2 The Head of Functional Areas must be strict about unsatisfactory behavior and unacceptable standards of work, but must at the same time ensure that any disciplinary action is justified and fairly administered.
- 11.8.3 The Head of Functional Areas shall report the misconduct to the Head of HRM and MD.
- 11.8.4 The Head of HRM's shall be responsible for providing advice on the employee's previous history, where known, to give guidance on precedent and to ensure, as far as possible, that disciplinary measures are applied consistently and fairly throughout the Corporation. Other responsibilities include: -

- a) He/she is the secretary to the HRMAC and provides technical advice;
- b) Summarizes the cases upon receipt of the employee' representations, if any, and submits the case to the HRMAC.
- c) Implements the decisions of the Board /HRMAC.

11.8.5 The HRMAC shall deliberate and advise the MD to impose a warning, suspension, ban on, or take appropriate action against errant employees. Specifically, it shall:

-

- a) Hear charges brought against any employee;
- b) Summon and hear any witnesses or consider any documents produced as evidence;
- c) The employee charged to attend before it, to give his/her defence in relation to the charges made against him/ herself.
- d) Consider and determine, after conclusion of the hearing, whether or not each charge has been proved;
- e) Recommend any penalties;
- f) Hear and consider pleas in mitigation;
- g) Review appeals from disciplinary measures taken against an employee

11.8.6 The MD shall consider recommendations of the HRMAC and make decisions. He/she will forward cases with comments and recommendations to the Board for decision where applicable and communicates decisions to affected employees.

11.8.7 The Board shall consider the recommendations of the MD and make decisions related to powers which are not delegated. The Board shall hear and determine appeals and applications for review and communicate decisions to MD for implementation.

11.9 General Provisions regarding disciplinary proceedings

11.9.1 The following shall be observed while processing discipline cases:

- a) Disciplinary cases shall be processed through the Corporation's HRMAC.
- 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 MD 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) There should be 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.
- e) The officer should be notified in writing, be given the particulars of the misconduct as preferred and reasonable opportunity to respond to the allegations.
- f) Thorough investigation of an alleged offence shall be undertaken before any disciplinary action is taken.
- g) Application of other interventions in resolving discipline cases such as counseling and dispute resolution mechanisms.
- h) Disciplinary cases shall be dealt with promptly and finalized within a period of six (6) months.

11.10 Alternative Interventions in the Discipline Process

- 11.10.1 Alternative interventions are an effort, undertaken by an employer, to address employee misconduct using a method other than traditional disciplinary action.
- 11.10.2 Alternative discipline interventions in the Corporation can take many forms such as counseling, guidance, training or dispute resolution.
- 11.10.3 The first step in a disciplinary procedure for all minor offences should be counseling. The supervisor should discuss the matter with the employee and advise the employee to reform.

11.11 Disciplinary Offences

- 11.11.1 There are three types of offences; minor, major and gross misconduct.

I. Minor Offences:

Any of the following, among others, shall amount to a minor offense: -

- (i) Continued lateness to work;
- (ii) Idling and loitering during working hours;
- (iii) Misuse of telephone and other Resources;
- (iv) Causing unnecessary commotion in the Corporation's premises or in public places;
- (v) Giving false information; and
- (vi) Hawking goods and wares in offices.

II. Major Offenses:

Any of the following, among others, shall amount to a major offense: -

- (i) Absence from work for a period of more than two days without permission or acceptable excuse;
- (ii) Repetition of minor offences;
- (iii) Dressing provocatively or inappropriately;
- (iv) Contravention of traffic laws while using the Corporation's vehicles;
- (v) Deliberate negligence, go-slow or obstructive work;
- (vi) Dishonesty reflecting adversely on the honesty and moral integrity of an employee's duties;
- (vii) Deliberate mis-posting of payments;
- (viii) Inefficiency in work performance;
- (ix) Misuse of the Corporation's vehicles and.
- (x) Any other conduct in breach of policies, procedures and set regulations;

III. Gross Misconduct Offences:

Any of the following, among others, shall amount to gross misconduct: -

- (i) Negligence of duty;
- (ii) Being under the influence of alcohol or harmful drugs during working hours;
- (iii) Use of abusive language or behavior deemed inappropriate to both the Corporation and the public;
- (iv) Insubordination;
- (v) Criminal conviction;
- (vi) Making a false statement or declaration in any matter on which he is required to respond to by the Corporation's;
- (vii) Unauthorized use or disclosure of confidential information;
- (viii) Sexual harassment;
- (ix) Willful misuse or damage of the Corporation's property;
- (x) Soliciting, giving or accepting bribes or funds;
- (xi) Misappropriation and theft of the Corporation's property;
- (xii) Fraud and obtaining money by false pretense;
- (xiii) Writing or publishing any official information which has not been cleared for publication by the Managing Director;
- (xiv) Acceptance of any bribe, secret profit or gifts unauthorized by the Corporation
- (xv) Colluding with accused persons to defeat the cause of justice;
- (xvi) Tampering with files and other official documents;
- (xvii) Tampering with and destroying evidence;
- (xviii) Irregular awarding of tenders;
- (xix) Tampering with tender documents;
- (xx) Irregular payments;

- (xxi) Financial embezzlement; and
- (xxii) Fraud
- (xxiii) Infractions of the COC and Code of Ethics

11.12 Forms of Punishment

11.12.1 The following forms of punishment may be meted out by the Corporation against an employee who commits an offence:

- a) Verbal warning
- b) Written warning
- c) Reduction in rank or seniority
- d) Surcharge/Recovery of cost of any loss or breakage
- e) Stoppage/Withhold/Deferment of annual increment
- f) Termination of employment/Summary dismissal

11.13 Formal Procedure

11.13.1 In the event an officer commits a minor offence, a first warning letter should be given to the officer by his or her immediate supervisor. The employee will be required to signify in writing that he has read and understood the contents of the letter.

11.13.2 A warning letter shall be in force for six (6) months.

11.13.3 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 within a specified time limit.

11.13.4 A copy of the written warning, signed by the officer upon receipt, should be placed in the officer's personal file.

11.13.5 A second written warning shall be given to an employee who having committed a minor offence earlier, shall repeat a similar offence during the period when a first warning shall still be in force.

11.13.6 A third written and final warning shall be issued when the employee commits the same or another offence of similar severity, during the period when a second warning shall still be in force.

11.13.7 The warning will be deemed invalid after six (6) months from the date of the third and final warning and following satisfactory improvement in performance or behaviour, but will not be removed from the employee's file.

- 11.13.8 Where an officer fails to reform despite or where he or she commits an offence of similar severity even after receiving the third and final warning letter the supervisor shall report in writing to HOFA who shall then forward the report to the Head of HR. The report shall state the nature of the offence, the date and time of occurrence, place and persons involved.
- 11.13.9 In event of major vent or gross misconduct, the misconduct might be serious enough to justify dismissal without any warning. In such a case, the HRMAC may direct that the culprit be required to show cause why a severe disciplinary action should not be meted against him.
- 11.13.10 The Head of HR shall issue the officer with a show cause letter stating the particulars of the alleged misconduct and invite him/her to respond in writing to the allegations and the grounds, if any, on which he/she relies to exonerate himself/herself;
- 11.13.11 Where an employee deserts duty or his whereabouts are unknown, the show cause letter will be addressed to the employee's last known contact address by registered mail and he will be given at least seven days to respond.
- 11.13.12 An officer shall be given reasonable opportunity to respond to the charges against him/her and the period within which to respond shall be specified in the statement;
- 11.13.13 On expiry of the period specified above, whether or not the officer has responded, the case shall be presented to the Corporation's HRMAC to deliberate, conduct disciplinary hearing and make recommendations.
- 11.13.14 If in the opinion of HRMAC there is need for investigation prior to the hearing, the MD will constitute a committee to investigate the matter.
- 11.13.15 While constituting a team the MD shall observe the following conditions: -
- a) Constitute a team of not less than three (3) officers to investigate the matter (where the team is more than three members, the team shall consist of an odd number).
 - b) The officers conducting the investigation shall be senior to the accused officer and should not have dealt with the case before.
- 11.13.16 The disciplinary hearing shall be conducted expeditiously, efficiently, lawfully, reasonably and in a procedurally fair manner in accordance with Article 47 of the constitution and the Fair Administrative Action Act No 4 of 2015.

11.13.17 The HRMAC after hearing the matter shall prepare a report consisting of the following:

- a) Background information leading to the relevant incident;
- b) Input from the witness or witnesses;
- c) The employee's response to the allegation(s);
- d) An analysis of the facts;
- e) A statement that all the entitlement of employee facing the disciplinary action have been observed and
- f) Recommendations

11.14 Conduct of investigations

11.14.1 In investigating an alleged misconduct, the investigation team shall:

- a) Establish and record the issues for investigation;
- b) Give every party involved especially the affected officer a chance to produce relevant documents, call and examine witnesses, and, peruse documents produced against him;
- c) Record all relevant material oral and documentary evidence;
- d) Record details of any matter which may aggravate or mitigate the case;
- e) Sum up the case and record their comments so as to clearly show their findings and opinion on the issues under investigation in view of the evidence on record.
- f) The report of the investigation shall be submitted to the HRMAC 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 officer have been proved; and
 - iv. Details on any matter that may affect the gravity of the case, if any.
- g) The report shall not contain any recommendation on the form of punishment to be inflicted on the accused officer.

11.15 Informal procedure

11.15.1 HOFA's shall bring to the attention of staff the standard required and the consequences for failure to meet those standards.

- 11.15.2 Cases of minor misconduct shall be dealt with by an employee's immediate supervisor informally without delay. The supervisor may speak to the employee in private and encourage their conduct in accordance with the required standards.
- 11.15.3 The purpose of the discussion is to ensure the employee understands the nature of the concerns, and expectations of improvement in his/her conduct.
- 11.15.4 The supervisor shall confirm the outcomes of any discussions to the staff in writing and retain any note of this informal discussions or meetings.
- 11.15.5 Following satisfactory outcome, the matter shall be deemed resolved. However, in case of unsatisfactory outcome where the problem persists; required improvement in conduct has not been achieved; and further information becomes available during discussions which make the matter sufficiently serious, the formal procedure shall be invoked.

11.16 Interdiction

- 11.16.1 An officer may be interdicted to allow investigations to be conducted in a case where proceedings may lead to dismissal.
- 11.16.2 An officer who is interdicted shall be eligible for half ($\frac{1}{2}$) of his/her basic salary with full allowances and medical benefits.
- 11.16.3 An officer on interdiction should report to his supervisor at agreed intervals.
- 11.16.4 Where disciplinary or criminal proceedings have been taken or instituted against an officer under interdiction and such an officer is neither dismissed nor otherwise punished under these regulations, any salary withheld shall be restored to him upon the termination of such proceedings with effect from the date the salary was stopped.
- 11.16.5 Where an employee has been charged with corruption or economic crime, such officer shall stand suspended from exercise of his duties pending determination of the case. Such an officer shall be entitled to payments as stipulated in the Anti-corruption and Economic Crimes Act.

11.17 Suspension

- 11.17.1 An officer may be suspended from duty under the following circumstances:

- a) When disciplinary proceedings have been instituted against the officer as a result of which, the MD through the advice of HRMAC considers that the officer ought to be dismissed; or
- b) When he has been convicted of a serious criminal offence.

11.17.2 Where an officer is suspended from the exercise of the functions of his public office, he shall be entitled to only allowances and medical benefits but not basic salary.

11.17.3 An officer on suspension will be required to report to his supervisor weekly.

11.17.4 Where disciplinary or criminal proceedings have been taken or instituted against an officer under suspension and such an officer is neither dismissed nor otherwise punished under these provisions, the whole or any salary withheld shall be restored to him upon the termination of such proceedings with effect from the date the salary was stopped.

11.17.5 Where an employee has been charged with corruption or economic crime, such officer shall stand suspended from exercise of his duties pending determination of the case. Such an officer shall be entitled to payments as stipulated in the Anti-corruption and Economic Crimes Act.

11.18 Criminal Proceedings

11.18.1 Where an employee has been charged with a criminal offence related to his employment; Disciplinary action, including summary dismissal may be taken against an employee who has been charged with a criminal offence and has not been released on bail or bond or lawfully set at liberty, without having to wait for the outcome of the criminal case in court. In all cases the correct procedures must be followed.

11.18.2 Care must, however be taken to ensure that procedures, including the framing of charges, are not interpreted to be in contempt of the court process. In all such cases, the advice of the Head of Legal will be sought.

11.18.3 In the event that criminal proceedings are preferred against an employee for offences which do not directly relate to the Corporation, the MD or his authorized officer may interdict the employee, pending internal investigations whether the Corporation's rules and procedures have been breached and appropriate action taken.

11.19 Requirements for Carrying Out Investigations

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

11.19.2 While carrying out the investigations the following shall be observed:

- a) Investigating committee should comprise employee's senior to the accused employee and should not have dealt with the case before.
- b) The team should comprise of not less than three (3) employees (where the team is more than three members, the team shall consist of an odd number).
- c) The employee 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 HR Committee of the Corporation/HRMAC and shall not contain any recommendation on the form of punishment to be inflicted on the accused officer but should contain:
 - (i) A statement on whether the charges against the employee have been proved.
 - (ii) evidence collected by the team, including any statements by witnesses;
 - (iii) analysis of the evidence and statements; and
 - (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.

11.20 Surcharge

11.20.1 The Corporation may resolve to surcharge an employee on account of misappropriation of money, loss of property, malicious damage or misuse of the same.

- 11.20.2 The HRMAC may resolve to surcharge the employee in full or an amount proportionate to the offence.
- 11.20.3 In all surcharge cases, a show cause letter must be issued and the employee allowed to submit his defense.
- 11.20.4 Surcharge cases should be implemented as follows;
- a) In monthly installments that shall not exceed one third of employee's monthly basic salary;
 - b) At termination or expiry of contract, any outstanding amount of surcharge will be settled from the employee's terminal dues; and
 - c) The employee will sign an undertaking to the effect that on termination or expiry of the contract period, any outstanding amount will be recovered from his terminal dues. The undertaking will remain in force after the separation of the employee from the Corporation, until the full amount of surcharge is paid.

11.21 Dismissal

- 11.21.1 In the event of failure to heed a final written warning, an employee will be advised that he may face summary dismissal.
- 11.21.2 Summary dismissal shall be considered in the event that an employee displays gross misconduct as defined under the Constitution 2010, Employment Act 2007, Public Officers Ethics Act 2003 and Leadership and Integrity Act 2012 or as may be amended.
- 11.21.3 A letter narrating the facts of the case and giving reasons why dismissal is recommended will be sent to the employee and a copy of the letter placed in his or her personal file. The employee will be provided with an opportunity to respond within twenty-one (21) days of receipt of the dismissal letter.
- 11.21.4 In conveying the decision of the dismissal, the employee shall be informed of his right of appeal within six (6) weeks from the date of the letter signifying dismissal.
- 11.21.5 An employee whose termination is through summary dismissal will be entitled to payment of any terminal benefits in accordance with the provisions of the pension scheme and prevailing laws.

11.22 Checklist for Submission of Cases to the Board

11.22.1 The Head of HR shall present cases to the Board in the format prescribed.

11.22.2 When submitting cases to the Board the following must be provided:

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

11.23 Lodging an Appeal or Application for Review

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

11.23.1 All appeals and applications for review shall be in writing and made within a period of twenty-one (21) calendar days from the date of receipt of the letter.

11.23.2 The Board or the MD may entertain an appeal or application for review out of time if, in the opinion of the Board or MD, the circumstances warrant it.

11.23.3 All appeals and reviews shall be addressed to the Board, through the MD who shall give comments and a recommendation on issues raised.

11.23.4 While forwarding his/her appeal or application for review, an employee may submit an advance copy to the Board.

11.23.5 An appeal shall be accompanied by copies of all material evidence or documents that the appellant wishes to rely on.

11.23.6 All appeals and applications for review shall be forwarded to the Board even where they are made out of time.

11.23.7 Decisions on appeals shall be promptly conveyed and the employee informed of the right of application for review.

SECTION 12: HANDLING OF GRIEVANCES

12.1 Introduction

12.1.1 The Corporation is committed to ensuring fair treatment of all employees when dealing with grievances with a view to addressing concerns in the best manner possible. The grievances may include but not limited to; management deficiency, recruitment, promotion, conditions of service, unfair treatment of staff, sexual harassment and concerns about possible improprieties in financial reporting in internal control.

12.1.2 In handling grievances, the Corporation shall be guided by the following principles:

- a) Fairness in regard to treatment and hearing
- b) Right of appeal
- c) Right to channel grievances
- d) Confidentiality
- e) Prompt action
- f) Involvement of all parties

12.2 Grievance procedure

12.2.1 Where an employee has an individual problem or grievance not being a matter of discipline, he should in the first instance approach his immediate supervisor with a view to solving it.

12.2.2 The immediate supervisor shall carefully consider any submission made to him and Endeavour to settle the matter or refer the case to the Head of Functional Area for appropriate action.

12.2.3 If the employee is not satisfied with the proposed decision, he may appeal to the MD through the Head of HR.

12.2.4 It is stressed that employees should desist from presenting their individual problems or grievances to colleagues, other members of staff or members of the public not in a position to solve them.

12.2.5 In handling Appeals arising from grievances or the grievances dropped in a suggestion box, the officer responsible for the suggestion box shall record the details of the grievances in a grievance recording form and forward to the MD.

- a) the Corporation, after considering the nature of the grievance, shall at his/her discretion directly deal with the matter; or

b) Channel to the HRMAC to conduct further investigations on the complaint and submit a report within a specified period.

12.2.6 Upon receipt of the investigation report, the MD shall prepare a written response to the aggrieved employee giving the reason for the decision.

12.2.7 Where an offence has been found to have occurred, the necessary disciplinary procedure shall be instituted against the concerned party.

12.2.8 Where the aggrieved party is dissatisfied with the decision made, he/she shall be accorded the right to appeal to the Board

12.3 *Negotiation, Conciliation, Mediation and Arbitration*

12.3.1 The Corporation may on its own initiative or on request made by any person undertake or facilitate negotiation, conciliation, mediation and arbitration of any issue relating to its statutory functions and encourage the parties to arrive at an amicable decision that may be just in the circumstances of the case.

12.3.2 The Corporation in carrying out negotiation, conciliation, mediation and arbitration under this paragraph shall accord every party involved an opportunity to make a representation of their case.

12.4 *Complaints and Grievances*

12.4.1 The Corporation may on its own initiative or on complaint made by any person investigate any issue relating to its statutory functions and powers and, make such decision as it considers just in the circumstances of the case.

12.4.2 The Corporation in carrying out investigation under this paragraph shall accord every party involved an opportunity to make a representation of their case.

SECTION 13: EMPLOYEE SEPARATION

13.1 Introduction

- 13.1.1 The Corporation recognizes that from time to time, and for various reasons, employees will leave its employment and that it is important to provide for a smooth and fair separation process.
- 13.1.2 This policy is to provide a process for discharging employees who leave the Corporation by:
- a) Ensuring equitable and consistent application of the policy to all employees.
 - b) Ensuring balance between support for individual in transition and interests of the Corporation.
 - c) Ensuring compliance with applicable laws.
 - d) Ensure benefits due are discharged within the required timelines.
- 13.1.3 Except in the case of death, only formal written communication from either employee or the Corporation will constitute intention to separate.
- 13.1.4 All employees leaving the services of the Corporation will be required to complete a clearance form, an exit interview form and the prescribed declaration of wealth form, the official secret acts form and KRA clearance and submit the same to the Head of Human Resource Management.
- 13.1.5 Prior to the last day of service, the employee will be expected to clear and handover to the immediate supervisor.
- 13.1.6 The Head of HR in liaison with Head ICT will ensure that all applicable information communication and technology system authorizations, access control are deactivated, internal and external financial authorizations, demobilized access to the Corporation safes is withdrawn (where applicable) with effect from the last working day.
- 13.1.7 Upon termination of an employee's services from the Corporation, the immediate supervisor will ensure that the employee has surrendered the following among others: -
- a) Medical card, employee identity card and any other official card(s) in their possession.
 - b) Office and desk keys or other keys in their possession.
 - c) Tools, equipment, user manuals, including CD's, DVDs and external storage devices if any.

- d) Laptops, mobile phones, modems, and any other portable communication devices
- e) Safe codes and transaction codes if any.
- f) Settle any outstanding Corporation's debts.

13.1.8 The Corporation will issue a certificate of service to all employees leaving the services of the Corporation upon complete clearance.

13.1.9 Benefits including pension contributions under the Retirement Benefits Scheme will be paid in accordance with this manual, the Trust Deed and Rules and provisions of Retirement Benefits Act.

13.1.10 In all cases of separation (except death), the MD shall always ensure that exit interviews are conducted.

13.2 Forms of Exit

13.2.1 There are various forms of exiting from the employment. These could be occasioned by any of the following: -

- a) Retirement
- b) Resignation
- c) Termination of employment
- d) Expiry of contract
- e) Dismissal
- f) Death
- g) Redundancy/abolition of office

13.3 Retirement

13.3.1 An employee can retire on the following grounds: -

- a) On attainment of mandatory- 60 years or statutory- 50 Year rule.
- b) Under 50 Years on the following grounds; Medical grounds, Re-organization and abolition of office and Public Interest

13.3.2 In all cases of separation (except death), it shall be required that exit interviews are conducted.

13.4 Resignation

13.4.1 Employees may resign voluntarily from service by giving at least one (1) month notice or paying equivalent one-month gross salary in lieu of notice. Any employee wishing to resign should submit his intention to resign in writing indicating the effective date of resignation to the MD. Resignation is subject to acceptance.

Employees whose resignation has been accepted as explained above will be entitled to benefits, accrued leave, and pension/gratuity as may be applicable.

13.4.2 The Corporation shall not accept a resignation if the resignation is aimed at avoiding anticipated or ongoing disciplinary case.

13.4.3 Where an officer resigns from the Corporation the officer shall be entitled to benefits in accordance with the: -

- a) Terms and conditions applicable or contained in the contract of service;
- b) Provisions of the relevant law or regulations governing payment of terminal benefits;
- c) The MD will accept or decline resignation in writing for all other employees while the Board will accept/decline resignation in respect of the MD.

13.5 Death

13.5.1 The termination of a deceased employee's employment will be effective from the date of death. Accrued benefits will be paid to the deceased estate administrator.

13.6 Early Retirement

13.6.1 The early retirement age shall be fifty (50) years. Employees at this age can opt to retire with full benefits without assigning any reason.

13.7 Mandatory Retirement Age

13.7.1 The mandatory retirement age shall be sixty (60) years, however, persons living with disabilities will retire on attainment of sixty-five (65) years. The mandatory retirement age shall be guided by prevailing Government guidelines as may be issued from time to time.

13.8 Retirement on Medical Grounds

- a) Where it has been brought to the MD's attention that an officer is unfit for continued service due to ill-health, the officer may be considered for retirement on medical grounds in terms of clause (b) below.
- b) Where it is necessary to convene a Medical Board to determine an officer's fitness for further service or otherwise, the MD shall refer the case to the MD of Medical Services.
- c) The MD of Medical Services shall forward a report to the Corporation within a period of one (1) month after appearance of the Officer before the medical board.
- d) Retirement on medical grounds will be ratified by the Board.

13.9 Retirement on Abolition/Re-organization of Office

13.9.1 An employee may be retired either on the abolition of the office he holds or upon the re-organization of the office for efficiency in service delivery. Such action shall be approved by the Board.

13.10 Notification of Retirements

13.10.1 In cases where the retiring employee is eligible for retirement benefits under the RBA Act, a claim for such benefits should be submitted to the Corporation's Pensions scheme administrator, nine (9) months before the date of retirement.

13.10.2 The HOFA, HRM will ensure that notices of retirement have been duly authorized by the Corporation and the relevant service records submitted, to facilitate the submission of an acceptable retirement benefits claim, to the Pensions Administrator, within the time limit specified in the sub-section (1) of this regulation.

13.11 Death in Services

13.11.1 Upon the death of an employee, Administrator of the Estate of the deceased will be paid death benefits.

13.12 Clearance Certificate

13.12.1 Prior to the payment of final dues all employees will be required to obtain a clearance certificate confirming that they have returned all assets to the Corporation and cleared all outstanding liabilities.

13.13 Certificate of Service

13.13.1 At the request of an employee exiting service, a Certificate of Service shall be issued.

13.14 Indemnity Certificate

13.14.1 On processing of terminal benefits, the employee leaving the employment will be required to sign an Indemnity Certificate confirming that he has received his final dues and that there are no outstanding obligations on the part of the Corporation.

13.15 Exit Interviews

13.15.1 Where an employee resigns from the Corporation voluntarily, a panel of at least three (3) senior employees shall conduct an exit interview. The employee may request a senior staff member to attend or replace a member of the appointed to

undertake the interview. An exit questionnaire will be issued to all staff leaving the employment of the Corporation.

13.15.2 The purpose of the exit interview is to seek information from the employee as to their experience of employment with the Corporation and to identify areas for improvement.

13.15.3 The results of the interview shall be documented and kept in the Staff Exit Interviews file for reference by the Corporation.



SECTION 14: HEALTH, SAFETY AND ENVIRONMENT

14.1 Introduction

14.1.1 The Corporation will recognize and commit itself to the achievement of the highest standards of health and safety in the workplace, and the elimination or minimization of health and safety hazards and risks that may affect its employees. In this regard, it will implement policies and programmes that assure their protection from such hazards and disasters. The policies and programmes will be implemented in compliance with the provisions of Occupational Safety and Health Act, 2007 and other Labour Laws.

14.2 Guidelines to General Safety

14.2.1 The Corporation shall obtain work place certificate from the Director of Occupational safety and health (DOSH)

14.2.2 The Corporation will maintain healthy and safe working conditions to ensure there is no personal injury caused by accidents.

14.2.3 Employees will always consider safety to themselves and others when performing their duties. They will not compromise on quality, cause injury, ill health, loss or environmental damage at all times.

14.3 Emergency Preparedness

14.3.1 The Corporation will put in place adequate plans for foreseeable incidents such as accidents, explosions, fires, floods and bomb threats, prepare and outline procedures to be followed in such events.

14.3.2 Heads of functional areas will have a responsibility of ensuring that all employees and visitors are informed of and are fully conversant with the emergency procedures.

14.4 Fire Precautions

14.4.1 The Corporation will ensure that adequate fire detection alarm and fighting facilities are provided in the various stations and are maintained as advised by Fire marshals and Occupational Safety and Health committee members.

14.4.2 The Corporation will enforce all necessary fire precaution measures.

14.4.3 Precautionary notices shall be displayed in relevant areas and necessary training provided to staff.

14.5 Fire Prevention

- 14.5.1 No hazardous or highly inflammable materials should be stored in stations without the approval of the MD.
- 14.5.2 Positions of firefighting equipment must not be interfered with nor should firefighting equipment such as hose reels and extinguishers be used for purposes other than firefighting.
- 14.5.3 The Corporation will ensure that: -
- a) Health and Safety Committees are formed in all premises used by employees;
 - b) The Committee members and all employees are trained;
 - c) Firefighting drills are conducted in all premises used by employees in accordance with the requirement of the Occupational Safety and Health Act. 2007; and
 - d) The Fire Precaution signs and the Health and Safety Policy will be conspicuously displayed in all offices.

14.6 Notification of Fires

- 14.6.1 All fires, however small, must be reported to the HR or other Government agencies such as Police or any Administrative employee within a period of twenty-four (24) hours. The premises so affected by fire must be guarded and no evidence should be interfered with until investigations are over.
- 14.6.2 It is the responsibility of whoever detects a fire to initiate alarm, inform the Police and fire brigade and try to control the fire during its initial stages.
- 14.6.3 All Stations must be fitted with adequate fire detection, alarms, water storage tanks and pumps dedicated to firefighting only and separate from the normal water supply.

14.7 Compensation to Employees in case of Injury or Death

- 14.7.1 The Corporation will procure a Group Personal Accident Insurance for all the employees.
- 14.7.2 Only accidents arising out of and in the course of an employee's employment resulting to injury or diseases arising from occupational hazards or death are compensable.

14.8 Reporting of Accident and Occupational Diseases

14.8.1 Immediately the supervisor is informed of an accident or an occupational disease resulting in death or injury to an employee under whom he is directly deployed, he should make a claim for compensation in accordance with the procedure set out below: -

- a) In case of an accident resulting in the injury or death of an employee, Part I of the Occupational Safety and Health Services, Accident Notification form (Form DOSH 1) should be completed in triplicate.
- b) The forms should then be dispatched to the Occupational Safety and Health employee of the region in which the accident occurred and for non-fatal accident to the Medical Practitioner who is attending to the injured employee.
- c) The detailed procedures are contained in the relevant forms which are obtainable from the Director of Occupational Safety and Health Services in the State Department responsible for Labour.

14.8.2 Where the Director of Occupational Safety and Health Services finds anomalies or that the percentage given in the medical report is not in conformity with the provisions of the Work Injury Benefits Act, 2007 (WIBA), he will decline to process the compensation. The Director will inform the MD of that decision giving reasons as to why he has taken the decision and if the employee qualifies for compensation, he will advise on the action that should be taken to enable the employee's compensation to be processed.

14.8.3 The MD may either request the Director of Medical Services to convene a Medical Board for reassessment of the Corporation's liability to pay compensation or may request the Director of Occupational Safety and Health Services to appoint a medical panel for reassessment on the employee's diagnosis or injury.

14.9 Approval and Distribution of Compensation

14.9.1 If it is considered by the Director of Occupational Safety and Health Services that the Corporation is liable to pay compensation, he will send a demand note to the MD indicating the amount of money to be paid to the injured or sick employee, or the dependent(s) of a deceased employee.

14.9.2 The payment of the money due for compensation to the injured or deceased employee shall be made within ninety (90) days of lodging of the claim.

14.9.3 The injured employee or the dependent(s) of deceased employee will sign a certificate of acknowledgement of payment and complete agreement form in triplicate.

14.9.4 Copies of such certificate and of the appropriate agreement form should then be distributed as follows: -

- a) One copy to be handed to the employee or, in case of fatal accident, to the dependent(s);
- b) One copy to be returned to the MD; and
- c) The other copy to be retained by the Director of Occupational Safety and Health Services.

14.10 Recourse to Court

14.10.1 Where the employee or the MD is not satisfied with the amount of compensation computed by the Director of Occupational Safety and Health Services they may raise an objection to the said Director.

14.10.2 In case the employee or the MD is not satisfied with the decision of the Director of Occupational Safety and Health Services in response to the objection raised, the aggrieved party may appeal to the Industrial court.

14.11 Compensation Payable during Sick Leave under WIBA

14.11.1 An employee on sick leave as a result of an accident or occupational disease will be entitled to full pay.

14.12 Source of Funds

14.12.1 The MD will also budget for funds to pay Work Injury Benefits to the injured employees in compliance with Section 26(4) of the Work Injury Benefits Act, 2007.

14.13 Risk Assessment

14.13.1 There shall be formed a Safety Committee with representatives from all Departments, Divisions, Sections and Units under the Chairmanship of a person appointed by the MD. This Committee will periodically carry out risk assessment of all Stations with the purpose of identifying hazards, analyzing the risk attached to them and initiate preventive action.

14.15 Security

- 14.15.1 The Corporation will always put in place measures to ensure adequate security for all employees and equipment.
- 14.15.2 Employees leaving the office should ensure that all the windows are locked; the office equipment and lights are off before leaving.
- 14.15.3 Keys to filing cabinets, safes and offices containing classified materials shall be kept safely. Any loss or misplacement of keys must be reported to the employee responsible for security.
- 14.15.4 Employees will be issued with identification cards to facilitate their entry into their work station.
- 14.15.5 The Corporation will not be responsible for loss of money or valuables left unattended while in its premises.
- 14.15.6 Employees have a responsibility to ensure a safe and secure environment at all times.

SECTION 15: EMPLOYEES WELFARE

15.1 Introduction

- 15.1.1 The Corporation recognizes that, in addition to offering pay benefits, and a healthy working environment to employees, their emotional and social needs should also be catered for as they discharge their duties.
- 15.1.2 The Corporation will undertake social responsibility to promote welfare amongst its employees.
- 15.1.3 The Corporation will pursue a policy that addresses the various social and health challenges confronting employees in the workplace.

15.2 Emerging pandemics and psychosocial challenges

- 15.2.1 The Corporation recognizes the impact of emerging pandemics e.g. HIV/AIDS, Covid-19 etc. their impact in the workplace and its far-reaching effects on productivity. The Corporation is therefore committed to developing a programme to mitigate the effects of the pandemic. It shall develop a workplace policy on HIV and AIDS. The main objective of the policy will be to provide a framework to address HIV and AIDS issues in the Corporation.
- 15.2.2 No employee will be discriminated and/or stigmatized on the basis of real or perceived infection with any of the diseases associated with such pandemics.
- 15.2.3 The Corporation will provide a safe working environment to all employees. All Heads of functional areas have a responsibility to minimize the risk of sickness transmission by taking the appropriate first Aid and universal infection control precautions at the workplace. These include: -
 - a) Where fitness to work is impaired by illness, alternative deployment for such employees shall be arranged where possible.
 - b) Heads of functional areas will be required to demonstrate leadership in addressing emerging pandemics in the workplace through participation in awareness programmes and counseling for all employees. They will also be expected to be sufficiently informed about the pandemic in order to guide other employees in matters concerning any scourge.
 - c) The Department responsible for Human Resource will include management of emerging pandemics and related issues in the annual strategic and budget plans.

- d) Employees have a responsibility to check their infection status through voluntary counseling and testing, taking appropriate precautions to protect themselves against infection and infecting others and to seek information and education on the pandemics and ways to combat it.
- e) Infection relating to any pandemic will not be a cause for termination of employment and infected employees will be allowed to work as long as they are fit and available for work

15.2.4 The Corporation will initiate a peer education programme to inform and educate its employees on prevention of emerging pandemics, related care and support.

15.2.5 Employees who are infected from any pandemic will be provided with counseling services to encourage them to cope with the status.

15.2.6 Management will allow employees infected from any pandemic or any of its related conditions to work as long as they are medically able to perform and do not pose a danger to their own health and safety and the health and safety of others.

15.2.7 Employees who have reservations working with a colleague who has a health condition may contact their supervisors or the Head of Human Resource who will cause appropriate counselling

15.3 Drug and Substance Abuse

15.3.2 Addiction to drugs or substance will be treated like any other disease. An employee who is determined to deal with drug and substance abuse problem by engaging in rehabilitation services will be referred to a Medical employee for evaluation.

15.3.3 The Corporation will provide both inpatient and outpatient rehabilitation services within the limits that will be provided in the medical insurance scheme.

15.3.4 All matters regarding to Alcohol and substance abuse will be guided by the Alcohol and Substance abuse policy in the Corporation

15.4 Working Environment

15.4.2 Management will ensure maintenance of a clean and smoke-free working environment. Accordingly, no person shall be permitted to smoke any tobacco or tobacco products while on the Corporation's premises except in the designated smoking area if any.

15.4.3 Each employee is duty-bound to maintain a clean and healthy working environment.

15.5 Funeral Expenses

15.5.1 The Corporation shall procure a comprehensive medical cover for members of staff which shall include last expense cover of not less than Kshs. 100,000.00 for the employee, one spouse and up to four (4) dependent children.

15.5.2 Upon the death of an employee the Corporation shall provide coffin up to a maximum of Kshs. 50,000; pay for mortuary expenses up to a maximum of two (2) weeks; prepare an obituary in two (2) national dailies.

15.6 Gender Mainstreaming

All issues related to gender will be guided by the policy on Gender Mainstreaming policy in the Corporation



SECTION 16: OFFICIAL COMMUNICATION

16.1 Introduction

16.1.1 The Corporation is committed to open and timely communication, establishment and maintenance of clear and appropriate channels of communication across the whole range of its activities. This Communication Policy is intended to establish sound principles of communication within the Corporation and to ensure that members of staff and stakeholders understand the importance of the communication modes, format and channels.

16.2 General Guidance on Correspondences

16.2.1 Both sides of the paper should be used and a reasonable margin should be left blank on the left-hand side.

16.2.2 Enclosures, unless of exceptional importance, should be avoided whenever practicable, and copies, not originals, be sent.

16.2.3 Enclosures in foreign languages should be accompanied by a translation.

16.2.4 Documents received in foreign languages should be referred to the Ministry responsible for-Foreign Affairs.

16.2.5 Great importance is attached to the expeditious treatment of all communication received by the Corporation. Every communication requiring a response but which cannot be answered at once should be acknowledged promptly on receipt. The necessary consultations should then be finalized and appropriate reply dispatched in not more than 7 days unless it can genuinely be established that such consultations require a longer period.

16.2.6 When decisions of the Corporation have to be conveyed to the non-Governmental bodies or to members of the public, they should be communicated as the decisions of the Corporation, and not as those of an individual employee.

16.2.7 All communication touching on matters of the Corporation shall be through the Registry.

16.2.8 An employee is not allowed to take extracts or make copies of minutes and correspondence for his own purpose, unless such correspondence is expressly addressed to the employee personally.

16.2.9 The use of courier services is encouraged, where available.

16.2.10 All external communication to the Corporation should be addressed to: -

The Managing Director
Kenya National Trading Corporation Ltd.
P.O. Box 30587 - 00100
NAIROBI, KENYA
Land line: 020 - 2430824/61

Mobile: 0714 563911

E-mail: kntcl@kntcl.com
Website: www.kntcl.com

- 16.2.11 All communication should have reference numbers for identification and control purposes.
- 16.2.12 Communication should be consistent, through the right channels and by the authorized persons.
- 16.2.13 The accepted modes of communication at the Corporation include: - email, telephone, letters, circulars, memoranda (memos), publications, short message service (sms), social media (on general public awareness issues) and deliberations at meetings.
- 16.2.14 Indulgence by members of staff in communication sites and modes that are of no benefit to the Corporation during working hours should be avoided.
- 16.2.15 Heads of functional areas shall ensure the policy is implemented within their jurisdictions. They shall also ensure dissemination of relevant information to their members of staff and relevant stakeholders.

16.3 Classified correspondence

- 16.3.1 The Corporation shall adopt the Government of Kenya Security Manual which contains instructions regarding classified correspondence.
- 16.3.2 The appropriate classification shall be clearly marked at the top and bottom of every page of all classified documents.
- 16.3.3 The MD will be held responsible for ensuring that the most careful attention is paid to security matters in all offices under his control.

16.4 Internal Communication

- 16.4.1 The Corporation shall use the following channels when communicating with members of staff: -
 - a) Internal memos/circulars/letters;

- b) Social media platforms e.g. Facebook, Instagram, WhatsApp, Short Messaging Service (SMS);
- c) Emails
- d) Telephone calls;
- e) Notice boards;
- f) E-bulletins;
- g) Regular staff meetings;
- h) Internal newsletters/publications;
- i) Internet; and
- j) Website.

16.5 Memos and Circulars

16.5.1 With regards to memos and circulars, the following shall apply: -

- a) All memos/letters/circulars shall be done using relevant subject file and folioed accordingly;
- b) Internal memos shall be used for communication within;
- c) Circulars shall be used for communication with external stakeholders to inform on policies and new developments;
- d) Members of staff shall be briefed on the contents of such memos/circulars through regular staff meetings, visible notice boards, internet, bulletins and internal publications;
- e) Any memo/letter/circular should be initialed by the person drafting it to allow ownership and traceability;
- f) Circulars will be issued only by the MD;
- g) The action and receiving employees shall sign off the relevant files in use to allow for traceability; and
- h) All correspondences to the MD shall be channeled through the immediate supervisors.

16.6 External Communication

16.6.1 Communication with the large public shall include the use of: -

- a) Print media-newspapers, periodicals, journals, magazines, circulars, letters, pamphlets, brochures, fliers and posters;
- b) Electronic Media-Radio, TV, Internet, emails, and Website;
- c) Social Media- including social networks and group Short Message Service (SMS);
- d) Spoken word comprising of formal presentations in meetings, seminars, conventions, workshops and speeches;
- e) Bill boards and publicity posts; and

- f) Other communication channels including exhibitions, displays and sponsorships.

16.7 Economy in use of Stationery

- 16.7.1 Utmost economy shall be exercised in the ordering and use of official stationery. Official stationery must not be used for private correspondence.
- 16.7.2 Printing should be reduced to a minimum. Comparative cost of using duplicating/photocopying machines and printing should be considered before any orders are given to print.
- 16.7.3 All stocks of official stationery should be kept under lock and key and issued by a responsible employee only when required.

16.8 Official Seal

- 16.8.1 The use of the official seal must be confined strictly to official requirements. Applications by private persons for impressions of official seals shall not be allowed.

16.9 Corporate Identity/Image

- 16.9.1 With regards to corporate identity/image, the following shall apply: -
 - a) The Corporation shall maintain a recognizable and consistence corporate identity throughout the offices, assets, publications and presentations;
 - b) Corporate identity is enhanced by the logo, letter head and the corporate colors;
 - c) The Corporation shall use its seal on Contracts and all other documents as required by the law; and
 - d) The use of the corporate logo for private purposes is strictly prohibited.

16.10 Media Relations

- 16.10.1 With regards to media relations, the following shall apply: -
 - a) The Corporation shall cultivate a positive relationship with the media to promote public awareness and understanding of its mandate, initiatives, service and activities; and

- b) All communication with the media shall be approved by the MD, to ensure uniformity, accuracy and accountability.

16.11 Spokesperson

- 16.11.1 The MD shall be the principal spokesperson of the Corporation on operational matters.

16.12 Complaints Management

- 16.12.1 The Corporation shall handle public complaints through the MD's office. Clients/Customers are advised to address complaints or suggestions to the MD through the Corporation's physical address, post, telephone or e-mail address.
- 16.12.2 The Corporation shall establish suggestion boxes within the Corporation's offices and prescribe regulations for the handling of complaints.

16.13 Inventions and Innovations

- 16.13.1 Where an invention or innovation is in all respect alien to the employment of an employee, he shall normally be granted the full rights in such invention in accordance with Intellectual Properties Act.
- 16.13.2 Where an invention or innovation is connected with facilities arising out of the employment of an employee, the question of his rights and those of the Government shall be referred to the relevant Government body/bodies.

16.14 Telephone Facilities/Benefit

- 16.14.1 It is the Corporation's policy to maintain an appropriate telephone strategy/technology that will facilitate operational excellence. Members of staff shall use telephone facilities in a prudent and wise manner and limit such usage to official purposes only.
- 16.14.2 This policy advocates for wise use of the telephone and therefore vests responsibility/accountability in members of staff but with mechanisms to check on excesses.

SECTION 17: MISCELLANEOUS

17.1 Communication of the Corporation's Decision

17.1.1 Operational decisions of the Corporation shall be communicated by the MD.

17.1.2 Any decision of the Corporation affecting an individual employee shall be communicated to the employee through the relevant Head of Functional Areas provided that the affected employee or the employee's representative shall be entitled to receive information about the decision or the reasons for the decision from the Corporation, if a request is made by the employee or such representative.

17.1.3 Notwithstanding the provisions of this paragraph, any decision of the Corporation may be communicated by the Chairperson if circumstances warrant it.

17.2 The Corporation may prescribe Forms

17.2.1 The Corporation may prescribe forms for the better carrying out of the provisions of these Regulations.

17.3 Gender and Disability Issues

17.3.1 The Corporation shall establish a Gender and Disability Mainstreaming Committee. All Gender and Disability mainstreaming guidelines shall be as per the Gender and Disability Mainstreaming Policy.