

COUNTY ASSEMBLY OF BUNGOMA
CLERK
1.7 APR 2023
BUNGOMA
P. O. Box 1886-50200

COUNTY GOVERNMENT OF BUNGOMA



COUNTY ASSEMBLY OF BUNGOMA

THIRD ASSEMBLY, SECOND SESSION

**REPORT OF THE JOINT SELECT COMMITTEE ON JUSTICE ,
COHESION, LEGAL AFFAIRS, HEALTH AND SANITATION
ON**

**THE PETITION BY KENYA NATIONAL UNION OF
NURSES(KNUN), KENYA NATIONAL UNION OF MEDICAL
LABORATORY OFFICERS(KNUMLO) AND KENYA UNION OF
CLINICAL OFFICERS(KUCO)**

**Clerk's Chambers
County Assembly Buildings
PO BOX 1886,
BUNGOMA, KENYA**

APRIL, 2023

CONTENTS

| | |
|--|----|
| THE EXECUTIVE SUMMARY | 4 |
| CHAPTER ONE | 5 |
| 1.0. INTRODUCTION | 5 |
| 1.1. BACKGROUND | 5 |
| 1.2. COMMITTEE MEMBERSHIP | 5 |
| 1.3. THE MANDATE OF THE COMMITTEE | 6 |
| 1.4 ACKNOWLEDGMENT | 7 |
| CHAPTER TWO | 8 |
| 2.0. LEGAL FRAMEWORK | 8 |
| CHAPTER THREE | 10 |
| 3.0. PETITIONS BY KNUN, KNUMLO AND KUCO | 10 |
| 3.1. KENYA NATIONAL UNION OF NURSES | 10 |
| 3.2. KENYA NATIONAL UNION OF MEDICAL LABORATORY OFFICERS | 17 |
| 3.3. KENYA UNION OF CLINICAL OFFICERS (KUCO) | 22 |
| 4.0 GENERAL OBSERVATIONS AND RECOMMENDATIONS | 28 |
| 4.1 GENERAL OBSERVATIONS | 28 |
| 3.2 GENERAL RECOMMENDATIONS | 29 |
| ADOPTION SCHEDULE | 30 |
| ANNEXURES | 32 |

THE EXECUTIVE SUMMARY

Mr. Speaker Sir,

The Petitions by Kenya National Union of Nurses (KNUN), Kenya National Union of Medical Laboratory Officers (KNUMLO) and Kenya Union of Clinical Officers (KUCO) was tabled on the floor of the House on 28th February 2023 and committed to joint Select Committee on Justice and Health for processing pursuant to the provisions of the Bungoma County Assembly Standing Order Number 206(1) as read together with Standing order number 213(a). The petitioners were invited and appeared before the Committees on 17th March 2023 presenting both oral and documentary evidence of their cases. The respondents to the Petitions were invited and appeared before the joint Select Committee on 30th March, 2023 namely; The County Executive Committee Member (CECM) Health and Sanitation, Chief Officer Health and the County Secretary Bungoma County. The respondents presented both oral and documentary evidence before the joint Committee; additional documents were required to aid in processing the matter which evidence was partly availed to the joint Committee. In processing the matter, the joint select committee considered evidence from both parties in order to make an informed verdict through its observations and recommendations to this honorable house.

Consequently, the joint select committee has made its observations and recommendations which appears at the tail end of this report.

CHAPTER ONE

1.0. INTRODUCTION

1.1. BACKGROUND

Mr. Speaker Sir,

On behalf of the members of the joint select committee on Health, Sanitation, Justice, Cohesion and Legal Affairs and pursuant to the Standing Order No. 206 of the County Assembly of Bungoma Standing Orders, I hereby present to this House; the report of the joint Committee on the petition by Kenya National Union of Nurses(KNUN), Kenya National Union of Medical Laboratory Officers(KNUMLO) and Kenya Union of Clinical Officers(KUCO) which was tabled on 28th February, 2023 and committed to joint committee for processing.

1.2. COMMITTEE MEMBERSHIP

Mr. Speaker Sir, the joint committee on Health, Sanitation, Justice, Cohesion and Legal Affairs as currently constituted comprises the following Members;

| S/No | Name | Designation |
|-------------|------------------------|--------------------|
| 1. | Hon. George Makari | Co-chairperson |
| 2. | Hon. Metrine Wilson | Co-chairperson |
| 3. | Hon. Everlyne Anyango | Member |
| 4. | Hon. Jerusa Aleu | Member |
| 5. | Hon. Francis Chemion | Member |
| 6. | Hon. Joan Kirong' | Member |
| 7. | Hon. Vitalis Wangila | Member |
| 8. | Hon. Miliyah Masungu | Member |
| 9. | Hon. Anthony Lusenaka | Member |
| 10. | Hon. Meshack Simiyu | Member |
| 11. | Hon. Vitalis Wangila | Member |
| 12. | Hon. Jack Wambulwa | Member |
| 13. | Hon. Everlyne Mutiembu | Member |
| 14. | Hon. Grace Sundukwa | Member |
| 15. | Hon. Tonny Barasa | Member |
| 16. | Hon. Benjamin Otsiula | Member |
| 17. | Hon. Sheila Sifuma | Member |
| 18. | Hon. Timothy Chikati | Member |

| | | |
|-----|----------------------|--------|
| 19. | Hon. Idd Owongo | Member |
| 20. | Hon. Jeremiah Kuloba | Member |
| 21. | Hon. Ndasaba Dorcas | Member |
| 22. | Hon. Mourine Wafula | Member |
| 23. | Hon. Jacob Psero | Member |
| 24. | Hon. Orize Kundu | Member |
| 25. | Hon. Job Mukoyandali | Member |
| 26. | Hon. Edwin Opwora | Member |

1.3. THE MANDATE OF THE COMMITTEE

Mr. Speaker Sir, the joint select committee on Health, Sanitation, Justice, Cohesion and Legal Affairs is established under Standing Order No. 206(1) of the County Assembly of Bungoma and is mandated to:

Carry out matters of Constitutional affairs, administration of Law and Justice, including ethics, integrity, elections and human rights; and all petitions save for Petitions under Standing Order 78(5).


Mr. Speaker Sir, pursuant to the provisions of Standing Order No. 206, the joint committee on Health, Sanitation and Justice, Cohesion and Legal Affairs discussed and examined the petitions and hereby presents the report with the recommendations to this House for deliberation and approval.

1.4 ACKNOWLEDGMENT

Mr. Speaker Sir, may I take this opportunity to thank the office of the Speaker and Clerk of the County Assembly for their logistical support that made this exercise a success.

I also appreciate the Honorable Members and the secretariat of the joint select Committee for their commitment and for dedicating their time to process the petition on the organizational structure by the Department of Health and Sanitation.

Mr. Speaker Sir, it is therefore my privilege, on behalf of the joint select Committee on Health, Sanitation, Justice, Cohesion and Legal Affairs to present the report to the County Assembly for debate and adoption.

Signed:  Date: 17/09/23

HON. GEORGE MAKARI, MCA: MUSIKOMA WARD.

CHAIRPERSON, HEALTH AND SANITATION COMMITTEE

Signed:  Date: 17/04/23

HON. METRINE WILSON, MCA

CHAIRPERSON; JUSTICE, COHESION AND LEGAL AFFAIRS COMMITTEE.

CHAPTER TWO

2.0. LEGAL FRAMEWORK

Hon. Speaker Sir, the joint select committee on Health, Sanitation, Justice, Cohesion and Legal Affairs is guided by the Standing Order No. 206 of the County Assembly Standing Orders which states thus;

“Two Committees of the Assembly considering similar matters may, with the approval of the Speaker, hold joint sittings”.

Further, the joint select Committee was given legal backing drawn from different legal considerations on matters relevant to this petition as follows:

On Economic and social rights; Article 43(1)(a,b) of the constitution provides that;

(1) Every person has the right—

(a) to the highest attainable standard of health, which includes the right to health care services, including reproductive health care;

(b) to accessible and adequate housing, and to reasonable standards of sanitation;

On fair administrative action; Article 47(1)(2) of the constitution provides that;

(1) Every person has the right to administrative action that is expeditious, efficient, lawful, reasonable and procedurally fair.

(2) If a right or fundamental freedom of a person has been or is likely to be adversely affected by administrative action, the person has the right to be given written reasons for the action.

On discrimination; the Joint committee was guided by Article 27(4) and (5) of the Constitution which read as follows:

(4)The State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth.

(5)A person shall not discriminate directly or indirectly against another person on any of the grounds specified or contemplated in clause (4).

Section 19(1),(2),and (3) of the Health Act. 2017 read together with Section 5 of the Bungoma County Health Services Act,2019 provides for the County Health System and the office of the County Director of health as follows:

19. (1)There shall be established with respect to every county, a county executive department responsible for health, which shall be in line with the health policy guidelines for setting up county health system and shall in all matters be answerable to the Governor and the County Assembly subject to the provisions of the Constitution and of any applicable written law.

(2)There shall be established the office of the County Director of health who shall be a technical advisor on all matters of health in the County.

(3)The County Director of health shall be recruited through a competitive process in conformity with the rules and regulations set from time to time by the County Public Service Board.

On Public participation; and as in the case of *NUBIAN RIGHTS FORUM & 2 OTHERS V ATTORNEY GENERAL & 6 OTHERS; CHILD WELFARE SOCIETY & 9 OTHERS (INTERESTED PARTIES) [2020]* eKLR, it is sufficient for the legislature to facilitate the participation of the public in its legislative affairs.

It is upon these legal provisions that the joint select committee will draw its conclusions and recommendations regarding this petition.

CHAPTER THREE

3.0. PETITIONS BY KNUN, KNUMLO AND KUCO

3.1. KENYA NATIONAL UNION OF NURSES

Submitted Petition

Kenya National Union of Nurses (KNUN) was established in 2011 and registered as a trade union on April 2013 under the provisions of the Labour Relations Act No. 14 of 2007 of the Laws of Kenya. It represents all cadres of nurses drawn from practice settings, education and Research Institutions. We have our members working diligently across the County to improve the Health of the citizens in the county.

In view of the above and in accordance with Article 22(d) of the Constitution of Kenya, we would like to bring to the attention of your office the following concerns from our members:

1. The department of Health formulated a new organogram which excluded the directorate of Nursing services as spelt out in Section 18(a) of Health Act No 21 of 2017 and that the due process of involving stake holders and public participation as set out in section A. 4(1)(a)(b) and (c),(2)(c)(d)(e)(f) and (g) of the County Human Resource Manual 2013 and Part viii, Section 87(a)(b)(c)(d) and (e) of County Government Act, 2012 was not followed.
2. That section 5 subsection 4(a) and the Third schedule of the Bungoma County Health Service Act 2019 are void because they deny , violate, infringe and threaten the fundamental freedoms set out in the Bill of Rights and are justified under Articles 10(2)(a)(i) of the Constitution of Kenya 2010.
3. That section 5 section 4(a) and the Third schedule of the Bungoma Health Act 2019 was copy of section 19(4) (a) and the First schedule of the Health Act 2017 which were ruled as discriminatory of the nurses and thus unconstitutional according to the judgment on 22nd day of September 2021 by judge W. Korir; in the case No. 85 of 2018 in the High Court of Kenya at Nairobi Constitutional and Human rights division.

reigning officer is the director e.g. the Director of Medical Services, Director of Clinical Services, Director of Nursing etc. These levels are important only for progression of officers in their respective cadre up to the career ladder.

In the health sector governance structure, the Health Act, 2017, Health Sector Policy Guidelines for Leadership and Governance, 2018, Bungoma County Health Services Act, 2019 provides for one Director of Health. Therefore, it's unreasonable to insinuate that all directors of the various cadres should be given Directorates in health services management.

Committee findings with regard to the KNUN Prayers

Prayer 1: That, this matter be treated as urgent

Mr. Speaker Sir.

The joint select committee is guided by the provisions of the Bungoma County Standing Order 225(2) which stipulates that "Whenever a Petition is committed to Justice, Cohesion and Legal Affairs Committee, it shall in not more than sixty calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners". The joint select committee noted that the timelines provided in the Standing Orders are adequate to provide responses as required by the petitioners.

Prayer 2: That, the Office of the County Director of Nursing Services to be reinstated as per section 18 of Health Act 2017 and in line with the revised scheme of Service for Nursing Personnel 2014

The joint committee notes that the County Department of Health is guided by the Bungoma County Health Services Act, 2019 which under section 32 established only one office of the County Director of Health, who is the technical advisor on all matters of Health. The position of the Office of the County Director of Nursing Services is a creation of the National Government Health Act 2017 and therefore does not apply to the County setting.

The prayer is therefore not sustained.

Prayer 3: That, the director nursing services be a member of County Health Management Team taking in consideration the roles and responsibilities of the Office in relation to those of CHMT.

Given that the position is not in the county establishment as explained above, the prayer was not sustained.

Prayer 4: That, the procedure used to select the person to hold the office of director of Nursing be done by the County Public Service Board as spelt out in section B.3(iii) of County HR manual 2013 and meeting the regulations of section B.7(1)(a)(b)(c)(d)(e)(f)(g) and (2),19 and 20 section D .3 and 14(1)(i) and (ii) of the County HR manual 2013 and the scheme of service for Nursing personnel 2014 .

The joint committee restates that since the office is not within the establishment of the County Department of Health, it cannot be filled competitively as per requirements in the prayer.

The prayer is therefore not sustained.

Prayer 5: That a conservatory order be issued to stop the implementation of the new organogram to give way to further consultations

The joint committee notes that issuance of conservatory orders is a reserve of the courts. The County Assembly has only powers same as the High Court, pursuant to Article 195(1&2) and the County Assemblies Powers and Privileges Act ,2017 Section 18, with regard to witnesses and production of information.

The prayer for conservatory orders is therefore not sustained.

Prayer 6: That the formation of the new organogram be in tandem with section A.4(1)(a)(b) and (c), (2)(d) and (f) of the County Human Resource Manual 2013.

The joint committee makes reference to the Public Service Guidelines on the formulation of Organizational Structures. The process of formulation of an organogram involves; preparatory stage, situational analysis, determination of the need for development or review, determination of the new structure, engagement of stakeholders; and approval for implementation. During the interrogation, the CECM did not submit evidence to prove that due process including engagement of stakeholders and public participation was followed during the formulation of the organogram. The new organogram provided by the department had no evidence to show that it had been adopted by the County Executive Committee (Cabinet).

The joint committee therefore, is in agreement with the petitioner's prayer that stakeholders in this case, the health personnel, should be engaged in the formulation of key documents such as the organogram.

Prayer 7: That part II 5 (4)(a) and Third schedule of Bungoma Health Act be revised since they were ruled by Judge W. Korir of the High Court as being discriminatory of the Nurses and that the notes therein are unconstitutional only to the extent that they exclude the Nurses with the necessary qualifications from being in charge of the six levels of Healthcare Delivery hierarchy specified therein.

The joint select committee makes reference to the petition No.85 of 2018 filed in the High Court by Pharmaceutical Society of Kenya and Kenya National Union of Nurses on the basis that Section 16, 17, 33 and the First Schedule of the Health Services Act 2017 were unconstitutional as they discriminated against certain healthcare professionals by barring them from holding administrative posts.

In the ruling, Judge W. Korir issued a declaration that sections 16(3)(a), 19(4)(a), 33(2)(a) and the notes in the First Schedule of the Health Act 2017 were discriminatory to the members of the petitioners and were thus unconstitutional, null and void.

The joint select committee noted that Sections 5, (4)(a) and the Third Schedule of the Bungoma County Health Services Act, 2019 which are a replica of Section 19(4) (a) and First Schedule of the Health Services Act 2017 are therefore unconstitutional and null and void as ruled by the Judge.

The joint select committee also established that when the department was developing the new organogram in early 2023, it based its organizational structure for the headquarters on the Bungoma County Health Services Act, 2019, the Act whose Sections 5, (4)(a) and the Third Schedule had been declared unconstitutional and null and void on 22nd day of September, 2021 by the Judge.

The prayer number seven (7) is therefore, sustained on the basis of the court ruling. There is need for an amendment of the cited provisions of the Act to comply with the Constitution as per the High Court ruling.

3.2. KENYA NATIONAL UNION OF MEDICAL LABORATORY OFFICERS Submitted Petition

Kenya National Union of Medical Laboratory Officers (KNUMLO) Bungoma branch officials and the entire medical laboratory fraternity, while appreciating the passage of Bungoma County Health Act 2019 as being one of their unique policy document of legal framework and guidance on County health operations; drew their attention and that of the committee to the recent composition of the CHMT. Their attention was that the divisions of diagnostic, forensic and blood transfusion services had been left out. They contended that these are the key pillars of the health system contributing to over 70% of patient management and over 80% of department's revenue.

Their submission and observations were as follows:

1. Bungoma County Health Services Act, 2019 section 32 subsection 2 states that the composition of the CHMT but the manner with which the divisions were formed, excluding medical laboratory department is discriminatory given the fact that Ministry of Health (MOH) organogram has the Division of Diagnostics. Therefore, medical laboratory department by nature of its uniqueness as a diagnostic entity needs to be represented in the CHMT.

2. We propose to have a division of diagnostics and blood transfusion services with the following units; clinical laboratory, blood and blood products services, bio safety and bio security, medical appliances, laboratory entomology, Infection Prevention and control, Quality assurance, disease surveillance and Epidemics, sample referral systems, laboratory information systems and statistics, laboratory commodity and equipment.

Oral Presentations by the Petitioner

The Kenya National Union of Medical Laboratory Officers (KNUMLO) is registered trade union which is legally mandated to advocate and champion for the rights of all medical laboratory professionals in Kenya, Bungoma County being a registered KNUMLO Branch is mandated to do said functions in Bungoma County. Medical Laboratory unit is an important requisite module of today's multiplex health care system which aims at providing users with crucial information for prevention, diagnosis, treatment and management of health and diseases. Worthy to note is that medical laboratory services department contributes 70% of patient management services and 80% of revenue collection thus making the department an integral part of health services provider.

It is therefore critical to note that conducive laboratory environment is assured through direct representation at the apex of decision making table owing to the fact that the Laboratory is wide and dynamic only well understood by the previous CHMT (THE DECISION MAKING ORGAN). Implementation of Bungoma County Health services Act,2019 has excluded this noble department from the decision making organ, a move that has jeopardized the status and process of accreditation as mentioned above, besides denying the deserving Bungoma community the desired quality health diagnostics services. It is with this in mind that the union registered their dissatisfaction with the current composition of the CHMT with the following questions;

1. What informed the creation of the divisions in the present organogram?
2. The current health Act doesn't limit the number of divisions, why was the division of medical laboratory services/medical diagnostics services not considered?
3. Which criterion was employed in the selection of the heads of divisions?

The Kenya National Union of Medical Laboratory Officers (KNUMLO), and respect to the Standing Orders No. 220(f) of the Bungoma County Assembly Standing Orders stated that they communicated to the department through mobile phone messages (SMS) to have the matter addressed but they never received any response to that effect.

To whether the issues in respect of which the petition is made are pending before any court of law or other constitutional or legal body, according to Standing Order No. 220(g) of the County Assembly Standing Orders, the petitioner indicated that the issues raised in the petition were not pending before any court of law or other constitutional or legal body.

Departmental Responses

Mr. Speaker, in response, the department stated thus:

Exclusion of Medical Laboratory department in the county Health Management Team

In the current dispensation, the County Government Act, 2012, provides that it is the County Executive Committee which determines the departments and their function.

Health Sector Policy Guidelines for Leadership and Governance, 2018 and Bungoma County Health services Act, 2019 guides that there should be divisions which shall provide strategic management resource mobilization and management and priority setting among other functions.

According to the Health sector policy guidelines for leadership and governance, the organizational structure should be aligned to the County Government Act, 2012, the Kenya Health Policy 2014-2030, overall health sector strategic directions and the national health commitments. It further recommends that it should be based on the

county department of health roles, outcomes, outputs, and functions and not influenced by cadres or other parameters. More so, it should be lean, integrated, flat and with no more than five levels.

The department established to handle health and related matters is the Department of Health and Sanitation. Other structures which should be in place are divisions, sections units etc.

Considering the above guidelines, the medical laboratory technologists are well taken care of in the divisions of curative services on the basis of roles and not cadre, outcomes, outputs and functions. Thus, the allegations of exclusion are misleading and not true.

Section 32 of the Bungoma County Health Services Act, 2019 establishes the county health management team which consists of;

- a) The county director of health who shall be the chairperson;
- b) One deputy director;
- c) Heads of divisions; and
- d) The administrative officer of the department who shall be the secretary

In consideration of the above precincts, the department created the organogram herein attached.

Committee Observation and recommendation on the prayers

Prayer 1: Bungoma County Health Services Act, 2019 section 32 subsection 2 states the composition of the CHMT; but the manner with which the divisions were formed, excluding medical laboratory department is discriminatory given the fact that MOH organogram has the division of Diagnostics. Therefore medical laboratory department by nature of its uniqueness as a diagnostic entity needs to be represented in the CHMT.

The joint select committee refers to the organogram submitted as evidence, purportedly approved on 4th January 2023. During the interrogation, it emerged that the organogram was prepared by the Department of Health and approved by the Chief Officer as a move to implement the Bungoma County Health Services Act, 2019. It was noted that the document was yet to be approved by the County Cabinet and could therefore, not be an authentic document for circulation.

Additionally, the committee noted that the Bungoma County Health Services Act, 2019 established new offices in the name of heads of divisions. Pursuant to Section 59 of the County Governments Act, 2012, it is the mandate of the County Public Service Board to create or abolish offices within the county public service. Therefore, in the creation of the divisions in the Department of Health, the Board needed to be consulted.

It was further submitted that the names of the appointees as heads of divisions had not been done in consultation with the County Public Service Board. The CECM submitted that he had done so purposefully for continuity in the administration of the department. However, the department submitted deployment letters of the CHMT team which indicated that they had been appointed substantively as heads of divisions in their respective areas of service.

The joint select committee was in agreement with the petitioners that key cadres which play vital roles and programs in the health sector should be aligned in specific divisions and not lumped together as proposed in the new organogram.

Prayer 2: We propose to have a division of diagnostics and blood transfusion services with the following units; clinical laboratory, blood and blood products services, bio safety and bio security, medical appliances, laboratory entomology, Infection Prevention and control, Quality assurance, disease surveillance and Epidemics, sample referral systems, laboratory information systems and statistics, laboratory commodity and equipment.

As at the time of the interrogation, the positions for Heads of Division had been filled within the establishment and officers had been deployed in the same capacity. The department did provide evidence of the officers being deployed in their capacity as heads of divisions but had not been ratified by the County Public Service Board.

The joint committee therefore, restates the need to involve the County Public Service Board as it is its core mandate pursuant to the provisions of the County Governments Act 2012, Section 59(1)(b) to create or abolish offices in an establishment in consultation with the relevant Chief Officers.

3.3. KENYA UNION OF CLINICAL OFFICERS (KUCO)

Submitted petition

The Kenya Union of Clinical Officers is a duly registered trade union under the Labour Relations Act No. 14 of 2007 Laws of Kenya with a Constitutional and Legal mandate to championing the Labour interest of all Clinical Officers employed by both levels of Government.

The union declared that the County Government of Bungoma has un-procedurally and maliciously developed the Health Organogram and stated as follows:

1. There exists an act known as “Bungoma County Health Services Act No. 5 of 2019” whose is to provide for the Implementation of section 2 of part 2 of the Fourth Schedule to the Constitution and to provide for legal framework for-
 - (a) Promoting access to Health services
 - (b) Facilitating realization of a clean environment and consumer health rights in accordance with articles 42 and 46 of the Constitution the preamble of the Act states: An Act of County Assembly of Bungoma to provide for Implementation of Section 2 of part 2 of the Fourth Schedule to the Constitution on County Health Services and for connected purposes.
2. That Section 32 of the Act establishes the County Health Management Team (CHMT), the composition as well as stipulates the responsibilities therein among the membership of this Committee under Sec 32(2)(c) is the ‘Heads of Divisions’
3. The existing organogram has since created new public offices necessitating the appointment of 8 heads of divisions hence contravenes Sec. 59(1)a, 60(1),(3) & (4) of the County Government Act as read together with sec 61(1)a,b,c,d & e. these constitutional guidelines provide with clarity the manner in which public offices should be created, and the process of arriving at the officers assuming the offices.
4. That in terms of appointments to person holding public offices; A competitive process is highly recommended where meritocracy is rewarded other than appointments that reward mediocrity and associated with bias and malice.

5. That section B5 of the PSC HR Policies and manual for public service May 2016 provides that recruitment will be undertaken on the basis of fair competition and merit; representation of Kenya's diverse communities to all gender, youth, members of all ethnic groups, persons with disabilities and minorities. This was not considered
6. The health sector constitutes of around 20 carders of Health workers, namely Clinical officers, Medical laboratory officers, Pharmaceutical Technologist, Medical Officers, Pharmacist, Public Health Officers, Radiographers, Dental Technologist, Nutritional Officers, Medical Engineering Officers, Medical social workers, Health Administrators and Mortuary attendants. This document doesn't consider their representation within the top leadership of the health department; this is a fertile ground for unfair administrative practice to thrive which breaches article 47 of the Constitution of Kenya in its original intent.
7. The formulated organogram portrays one cadre domineering situation where health management will be dominated by one cadre resulting in bias and discrimination on other cadres against article 27 of the Kenyan Constitution which provides for Equality and freedom from discrimination to the citizens of this Country; healthcare workers of Bungoma County included. This situation will not only disrupt team work but also affects healthcare service delivery as their will be a pandemic of demotivated health care workers whose effects will never want to be imagined.
8. That, it is our belief and conviction that there should be cohesion, mutual cooperation and public participation and respect to the rule of law and Constitution prior to the establishment of any organizational policy in the public service to recognize and appreciate Article 10(2) (a) of the Constitution on the National values and principles of governance such as patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people.
9. It is our contention that any organizational policy must have a symbiotic relationship with the existing laws of the Land so as to actualize its core intention; to which the established organogram fails to observe.

The petition is premised on:

1. Lack of public participation of stake holders within the Health sector;
2. The organogram abolishes the Office of the County clinical officer so is the decision of the clinical services;
3. The appointees assuming the offices were not competitively sourced; and
4. The organogram projects a one cadre domineering within the Health sector.

The petitioner prays:

- 1) To have the division of clinical services retained in the organogram;
- 2) To have public participation on the subject matter health organogram;
- 3) That the heads of the divisions be competitively sourced through the County Public Service Board; and
- 4) That the process of implementation of this document be halted allowing the previous structure to continue for the mean time.

Oral presentation by the petitioner

Under Standing Orders No. 220(f) of the County Assembly Standing Orders, the petitioners indicated that efforts had been made to have the matter addressed by a relevant body or whether the response has been unsatisfactory. They provided evidence herein attached.

The petitioner also according to Standing Order No. 220(g) indicated that the issues in respect of which the petition is made were not pending before any court of law or other constitutional or legal body.

Departmental Responses

New public offices were created in the organogram

No new office was created in the established organogram rather, staffs from existing staff establishment were assigned new roles which is in line with the Human Resource policies and procedure manual for public service of May 2016.

Issue of unfair appointment for CHMT members

In deploying officers as heads of divisions, consideration was given to merit, experience, and competency among others.

Unfair representation of cadres

The department of Health domiciles more than 26 cadres of health workers and as such not all cadres can be represented in the CHMT. The CHMT members are supervised directly by the County Director of Health and Sanitation and therefore it should be lean to ensure efficiency.

However, all cadres are represented in the organogram either at the division or subdivision levels. Therefore, the assertion that one cadre is domineering is mere innuendo meant to cast aspersions and whip emotions among staffs.

No public participation was done

In the creation of the Acts aforementioned there was public participation before approval by the Assembly. However, the department also collected views from staffs within itself and thus there is belief that the responses received were informed enough to help in the crafting of the new structure.

Committees' observations and recommendations

Creating of new offices and acting appointments.

The joint select committee takes cognizance of Section 59(1)(b) of the County Governments Act, 2012 which mandates the County Public Service Board to appoint persons to hold or act in offices of the County Public Service and to confirm appointments. From the submission of the department, no new offices were created but staffs from the existing establishment were assigned (deployed) to new roles in line with Human Resource Policies and Procedure Manual for Public Service of May 2016. The process of deploying the existing staff was alleged to be based on merit, experience and competency but there was no evidence of involvement of the County Public Service Board.

The joint select committee therefore, restates the need to follow the laid down procedures in creation of offices and appointment of officers be it substantively or temporarily.

Division of clinical services to be retained in the organogram

The joint select committee noted that in the formulation of the proposed organogram, various cadres were classified depending on the nature of the services provided and programs undertaken. Scrutiny of the proposed organogram revealed that the clinical services cadre was represented under the division of curative and rehabilitative services as a program.

Arising from the departmental oral submissions during the interrogation, it was noted that previously, all the twenty six(26) cadres were represented in the County Health Management Team(CHMT) which in a way derailed decision making leading to inefficiency. The move to have a lean and integrated CHMT was based on the need for efficiency in administration of the Health Department.

This prayer was therefore not sustained.

Public participation on the subject matter health organogram

The joint select committee takes cognizance of the constitutional right to information and public involvement as envisioned in Articles 10, 27, 209, 210 and 234 of the Constitution. During the interrogation, the CECM health made verbal submissions that stakeholder engagement was undertaken; however, in the absence of any documentary evidence to support the allegations, the joint select committee could not ascertain this claim. The new organogram creates new offices –eight (8) divisions and abolishes the other 26 departmental heads without clear regulations outlining the roles and the pecking order of officers in the new divisions given the fact that the new divisions cut across different cadres in the department.

The petitioners prayer on public participation is therefore, sustained.

The heads of the divisions be competitively sourced through the County Public Service Board

As at the time of the interrogation, the position for Heads of Division had been filled within the establishment and officers had been deployed. The department provided copies of letters of deployment of nine officers; eight as heads of divisions one as the deputy director health. This was contrary to the oral presentation by the County Executive Committee Member who stated that the officers had been appointed in acting capacity and the position the of County Secretary who denied knowledge of that the new organogram and appointment of heads of divisions.

The joint select committee therefore, restates the need to involve the County Public Service Board as it is its core mandate pursuant to the provisions of the County Governments Act 2012, Section 59(1)(b) to create, abolish or deploy officers in an establishment in consultation with the relevant Chief Officers.

The prayer on competitive sourcing of the through the Public Service Board was therefore sustained.

That the process of Implementation of this document be halted allowing the previous structure to continue in the mean time

The joint select committee noted that the previous organizational structure referred to by the petitioners could not be relied on as authentic evidence since it was neither signed nor approved by any authorized officer nor was the new organizational structure. Additionally, the department under oath denied existence of such a document.

Arising from the interrogations, the joint select committee while noting with concern that due procedure was not followed in the formulation of the the new organizational structures, took cognizance of the provisions of Article 191(2),(3) of the constitution of Kenya which gives prevalence to application of the National legislation in the absence of the County laws. The committee also takes into consideration the fact that officers had been deployment as heads of department at the time of coming up with the new organizational structure in the department of Health.

Hence the petitioner's prayer to have the implementation of the proposed new organogram halted to allow the previous structure to continue could not suffice.

4.0 GENERAL OBSERVATIONS AND RECOMMENDATIONS

4.1 GENERAL OBSERVATIONS

Mr. Speaker Sir, the joint select committee observed as follows:

1. All the three (3) petitions sought to address same issue-non-involvement in the formulation of the organogram and representation in the CHMT.
2. The Department has not formulated Regulations pursuant to Section 48 of the Bungoma County Health Services Act as read together with the Second Schedule to the Act, to operationalize the Act in terms of establishment of divisions and formulation of the organogram.
3. The purported old organogram submitted by the petitioners was not signed or approved by Chief Officer/Cabinet hence could not be relied upon as authentic evidence. Additionally, the proposed new organogram had not been approved by the County Executive Committee (Cabinet) thus it was not a formal document for circulation.
4. The Department failed to prove that stakeholder involvement and public participation was undertaken during the formulation of the new organogram contrary to Article 47 of the Constitution and Section 87(b) of the County Government Act, 2012.
5. In view of the ruling by Judge Korir in the petition No. 85 of 2018 in the High Court, the joint select committee observes that Sections 5, (4)(a) and the Third Schedule of the Bungoma County Health Services Act, 2019 which are a replica of Section 19(4) (a) and First Schedule of the Health Services Act 2017 are unconstitutional since they discriminate against other cadres within the Health Sector.
6. The joint select committee noted that pursuant to the Standing Order 220(f) efforts by the petitioners to have the matter addressed via internal mechanisms bore no fruit. This was attributed to the fact that the petitioners gave demands to be implemented and the respondent (Department of Health and Sanitation) was not necessarily willing to listen to the petitioner.
7. The Bungoma Health Services Act, 2019 section 32(1) establishes the County Health Management Team, and section 32(2) establishes the composition of the Health management team as being; the County director of Health who shall be the chair person, one deputy director, Heads of divisions and the administrative officer of the department who shall be the secretary, there is no restriction on the number of divisions to be created.

3.2 GENERAL RECOMMENDATIONS

Mr. Speaker Sir, the joint select committee makes the following recommendations:

1. **THAT** the implementation of the new organizational structure should be halted and due process be followed in the formulation of a compliant organogram. In the meantime, the joint select committee recommends that the status quo obtaining prior to the formulation of the new organogram be maintained.
2. **THAT** the County Department of Health and Sanitation within thirty(30) days of adoption of this report, to initiate and submit to the County Assembly, amendments of Sections 5, (4)(a) and the Third Schedule of the Bungoma County Health Services Act,2019 to comply with the High Court ruling in **PHARMACEUTICAL SOCIETY OF KENYA & ANOTHER V ATTORNEY GENERAL & 3 OTHERS (PETITION 85 OF 2018) [2021] KEHC 85 (KLR)..**
3. **THAT** the Department should expedite the formulation of Regulations to operationalize the Bungoma County Health Services Act, 2019 pursuant to section 48 thereof as read together with paragraph 10 of the second schedule to the Act and submit the same to the County Assembly within sixty (60) days from the adoption of this report.
4. **THAT** henceforth, the Department **MUST** ensure stakeholder engagement and public participation in the formulation of the organogram, departmental policies and guidelines, pursuant to the provisions of article 10 (2) a) of the Constitution, sections 87, 88, 89, 91, 94, 95 and 96 of the County Governments Act, 2012 and other relevant legislation.
5. **THAT** henceforth, the Department of Health and Health Sector Unions should embrace dialogue and make use of internal dispute resolution mechanisms to resolve any emerging issues.
6. **THAT** since the Divisions created are new offices, the department after adoption of the Regulations, must follow the right procedure in creation and abolishing of offices. Consultations should be done with the Board to have the offices created before being filled competitively pursuant to provisions of section 59(1) and 60 of the County Government, 2012.

7. **THAT** the recruitment in the offices of heads of divisions, the Sub-County Health management teams and the County Health Management **MUST** be done in compliance with provisions of Article 27 of the constitution specifically non-discrimination on the basis of race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth and **MUST** portray the face of Bungoma County.

ADOPTION SCHEDULE

We the undersigned members of the joint select committee on Health, Sanitation, Justice, Cohesion and Legal Affairs do append our signatures adopting this report with the contents therein.

| S/No | NAME | DESIGNATION | SIGNATURE |
|-------------|------------------------|--------------------|------------------|
| 1) | Hon. George Makari | Chairperson | |
| 2) | Hon. Metrine Wilson | Co-chairperson | |
| 3) | Hon. Everlyne Anyango | Vice- Chairperson | |
| 4) | Hon. Jerusa Aleu | Vice- Chairperson | |
| 5) | Hon. Francis Chemion | Member | |
| 6) | Hon. Joan Kirong | Member | |
| 7) | Hon. Vitalis Wangila | Member | |
| 8) | Hon. Miliar Masungo | Member | |
| 9) | Hon. Anthony Lusenaka | Member | |
| 10) | Hon. Meshack Simiyu | Member | |
| 11) | Hon. Vitalis Wangila | Member | |
| 12) | Hon. Jack Wambulwa | Member | |
| 13) | Hon. Everlyne Mutiembu | Member | |
| 14) | Hon. Grace Sundukwa | Member | |
| 15) | Hon. Tonny Barasa | Member | |
| 16) | Hon. Benjamin Otsiula | Member | |
| 17) | Hon. Sheila Sifuma | Member | |
| 18) | Hon. Timothy Chikati | Member | |
| 19) | Hon. Idd Owongo | Member | |
| 20) | Hon. Jeremiah Kuloba | Member | |
| 21) | Hon. Ndasaba Dorcas | Members | |
| 22) | Hon. Mourine Wafula | Member | |
| 23) | Hon. Jacob Psero | Member | |
| 24) | Hon. Orize Kundu | Member | |
| 25) | Hon. Job Mukoyandali | Member | |
| 26) | Hon. Edwin Opwora | Member | |

ANNEXURES

3.2 GENERAL RECOMMENDATIONS

Mr. Speaker Sir, the joint select committee makes the following recommendations:



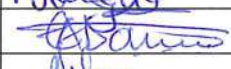
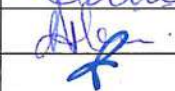

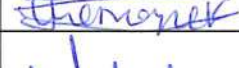
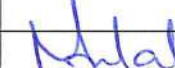
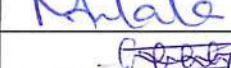




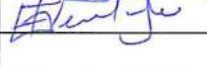


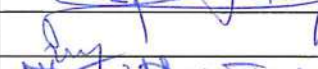

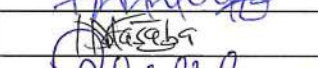
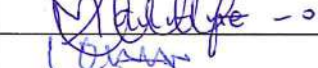
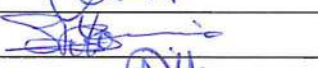





1. **THAT** the implementation of the new organizational structure should be halted and due process be followed in the formulation of a compliant organogram. In the meantime, the joint select committee recommends that the status quo obtaining prior to the formulation of the new organogram be maintained.
2. **THAT** the County Department of Health and Sanitation within thirty(30) days of adoption of this report, to initiate and submit to the County Assembly, amendments of Sections 5, (4)(a) and the Third Schedule of the Bungoma County Health Services Act,2019 to comply with the High Court ruling in **PHARMACEUTICAL SOCIETY OF KENYA & ANOTHER V ATTORNEY GENERAL & 3 OTHERS (PETITION 85 OF 2018) [2021] KEHC 85 (KLR)..**
3. **THAT** the Department should expedite the formulation of Regulations to operationalize the Bungoma County Health Services Act, 2019 pursuant to section 48 thereof as read together with paragraph 10 of the second schedule to the Act and submit the same to the County Assembly within sixty (60) days from the adoption of this report.
4. **THAT** henceforth, the Department **MUST** ensure stakeholder engagement and public participation in the formulation of the organogram, departmental policies and guidelines, pursuant to the provisions of article 10 (2) a) of the Constitution, sections 87, 88, 89, 91, 94, 95 and 96 of the County Governments Act, 2012 and other relevant legislation.
5. **THAT** henceforth, the Department of Health and Health Sector Unions should embrace dialogue and make use of internal dispute resolution mechanisms to resolve any emerging issues.
6. **THAT** since the Divisions created are new offices, the department after adoption of the Regulations, must follow the right procedure in creation and abolishing of offices. Consultations should be done with the Board to have the offices created before being filled competitively pursuant to provisions of section 59(1) and 60 of the County Government, 2012.

7. **THAT** the recruitment in the offices of heads of divisions, the Sub-County Health management teams and the County Health Management **MUST** be done in compliance with provisions of Article 27 of the constitution specifically non-discrimination on the basis of race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth and **MUST** portray the face of Bungoma County.

ADOPTION SCHEDULE

ADOPTION SCHEDULE

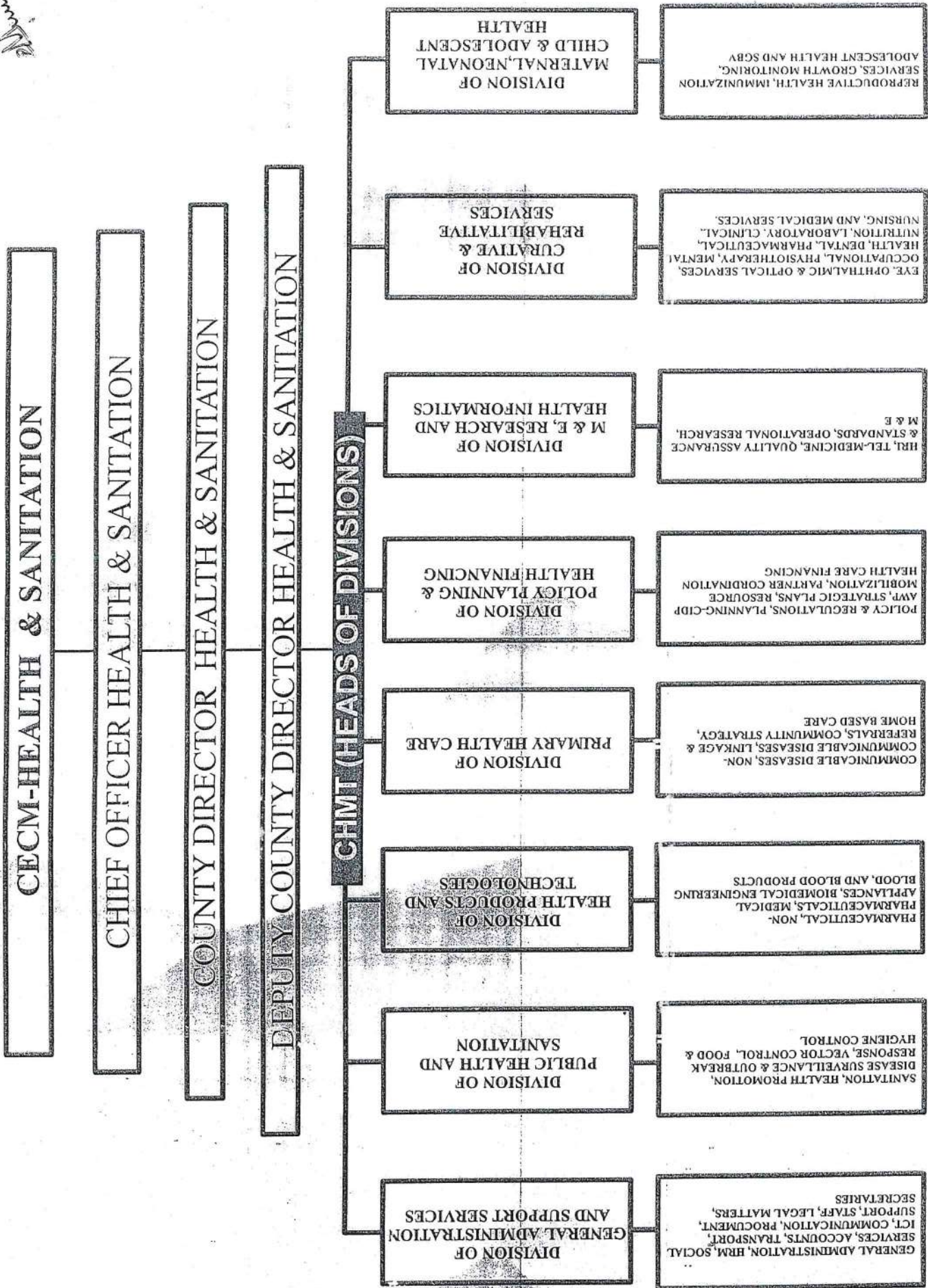
We the undersigned members of the joint select committee on Health, Sanitation, Justice, Cohesion and Legal Affairs do append our signatures adopting this report with the contents therein.

| S/No | NAME | DESIGNATION | SIGNATURE |
|------|------------------------|-------------------|---|
| 1) | Hon. George Makari | Chairperson |  |
| 2) | Hon. Metrine Wilson | Co-chairperson |  |
| 3) | Hon. Everlyne Anyango | Vice- Chairperson |  |
| 4) | Hon. Jerusa Aleu | Vice- Chairperson |  |
| 5) | Hon. Francis Chemion | Member |  |
| 6) | Hon. Joan Kirong | Member |  |
| 7) | Hon. Vitalis Wangila | Member |  |
| 8) | Hon. Miliar Masungu | Member |  |
| 9) | Hon. Anthony Lusenaka | Member |  |
| 10) | Hon. Meshack Simiyu | Member |  |
| 11) | Hon. Vitalis Wangila | Member |  |
| 12) | Hon. Jack Wambulwa | Member |  |
| 13) | Hon. Everlyne Mutiembu | Member |  |
| 14) | Hon. Grace Sundukwa | Member | |
| 15) | Hon. Tonny Barasa | Member |  |
| 16) | Hon. Benjamin Otsiula | Member |  |
| 17) | Hon. Sheila Sifuma | Member |  |
| 18) | Hon. Timothy Chikati | Member |  |
| 19) | Hon. Idd Owongo | Member |  |
| 20) | Hon. Jeremiah Kuloba | Member |  |
| 21) | Hon. Ndasaba Dorcas | Members |  |
| 22) | Hon. Mourine Wafula | Member |  |
| 23) | Hon. Jacob Psero | Member |  |
| 24) | Hon. Orize Kundu | Member |  |
| 25) | Hon. Job Mukoyandali | Member |  |
| 26) | Hon. Edwin Opwora | Member |  |

DEPARTMENT OF HEALTH & SANITATION

Organizational Structure For The Headquarters

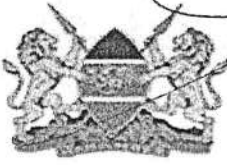
Wm



2

Del 7/4/23
CC
Health note
this communication
11/4/23

COUNTY ASSEMBLY OF BUNGOMA
CLERK
06 APR 2023
RECEIVED



REPUBLIC OF KENYA
COUNTY GOVERNMENT OF BUNGOMA
DEPARTMENT OF HEALTH AND SANITATION
OFFICE OF THE COUNTY CHIEF OFFICER



Note
11/4/23
11/4/23

Cell: 0725 - 393939
E-mail: health.bungoma@go.ke

County Executive Offices
Fifth Floor
P.O. BOX 437 - 50200
BUNGOMA

When replying please quote:

Our Ref: CG/BGM/MOH/CECM/ASSEMBLY VOL.I (30)

Date: 6th April, 2023

The Clerk to The County Assembly
County Government of Bungoma
P. O. Box 1836-50200
BUNGOMA

RE: SUBMISSION OF DOCUMENTS

Reference is made to your letter Ref: BCA/ADM/6VOL.III (67), dated 30th March, 2023

As regards to item no. 9, please find attached copies of deployment letters for the below mentioned officers for your necessary action.

- i. Deputy County Director of Health
- ii. Heads of Divisions and
- iii. Administrative Officer

Thank you.

[Signature]

Soet Moses Sichei
Ag. CHIEF OFFICER

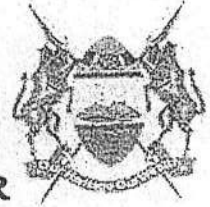
COUNTY CHIEF OFFICER
BUNGOMA COUNTY GOVERNMENT
MINISTRY OF HEALTH
06 APR 2023
Sign:.....
P.O. BOX 437 - 50200, BUNGOMA

CC: CECM – Health and Sanitation

REPUBLIC OF KENYA



COUNTY GOVERNMENT OF BUNGOMA MINISTRY OF HEALTH AND SANITATION OFFICE OF THE COUNTY CHIEF OFFICER



Cell: 0725-393939
Email: health.bungoma@go.ke

County Executive Offices
5th Floor
P.O. BOX 437 – 50200
BUNGOMA

When replying please quote
Our Ref: 2009046003

Date: 4th January, 2023

DR. NYABOKE EMMA ONG'ERA
DEPUTY CHIEF PHARMACIST
P/NO. 2009046003

RE: DEPLOYMENT

It has been decided that you be deployed as a **Deputy County Director Health and Sanitation and County Health Management Team Member** with immediate effect but not later than **16th January, 2023**. In addition, you will chair monthly meetings with the Medical Superintendents and Medical Officers of Health (MOHs) to collect their views for onward discussion in the County Health Management Team (CHMT) and Departmental Human Resource Advisory Committee (DHRAC)

Report to the Director of Health for allocation of duties.

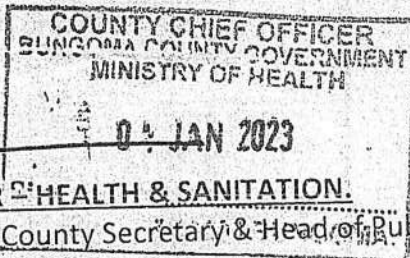
By copy of this letter, The Medical Superintendent Bumula Sub-County to release you after a comprehensive handing over and the Director Health to inform this office on the exact date you report for duty assignment.

I take this opportunity to wish you all the best in your new Station.

Thank you.

Isaac Aruput Juma

AG. CHIEF OFFICER HEALTH & SANITATION



- Cc. - County Secretary & Head of Public Service
- CECM – Health & Sanitation.
- County Director-Health
- County Director-HRM
- Medical Superintendent/MOH – Bumula Sub-County

DR. WANIKINA DAVID MUKI
MEDICAL SPECIALIST(I), MEDICAL SUPERINTENDENT (BCRH)
P/NO: 2009046663

RE: DEPLOYMENT

It has been decided that you be deployed as a County Health Management Team Member (CHMT Member) as Head of Division; Curative & Rehabilitative Service with immediate effect but not later than 16th January, 2023.

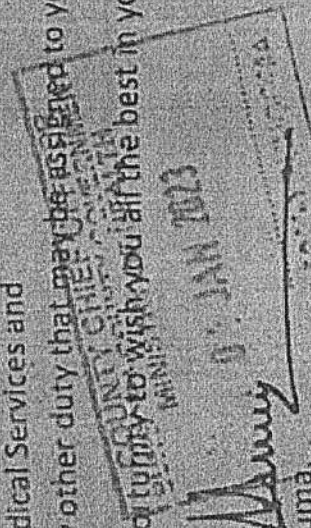
Your duties and Responsibilities includes;

1. Management of Bungoma County Referral Hospital as Medical Superintendent
2. Coordinate at the County level the following sub-divisions:
 - i. Eye Unit
 - ii. Ophthalmic & Optical Services,
 - iii. Occupational Therapy Services
 - iv. Physiotherapy Services
 - v. Mental Health Services
 - vi. Dental Services
 - vii. Pharmaceutical Services
 - viii. Nutrition Services,
 - ix. Laboratory Services
 - x. Clinical Services
 - xi. Nursing Services
 - xii. Medical Services and
 - xiii. Any other duty that may be assigned to you.

I take this opportunity to wish you all the best in your new position.

Thank you


Isaac Aruput Juma
AG. CHIEF OFFICER - HEALTH & SANITATION.



CC: - County Secretary & Head of Public Service
- CECM - Health & Sanitation.
- County Director-Health

REPUBLIC OF KENYA



COUNTY GOVERNMENT OF BUNGOMA MINISTRY OF HEALTH AND SANITATION OFFICE OF THE COUNTY CHIEF OFFICER



Cell: 0725-393939
Email: health.bungoma@go.ke

County Executive Offices
5th Floor
P.O. BOX 437 - 50200
BUNGOMA

When replying please quote
Our Ref: 1997006102

Date: 4th January, 2023

KIPLAI MILSANE CHEMTAI
CHIEF NURSING OFFICER
P/NO: 1997006102

RE: DEPLOYMENT

It has been decided that you be deployed as a County Health Management Team Member (CHMT Member) as Head of Division; Maternal, Neonatal, Child & Adolescent Health with immediate effect but not later than 16th January, 2023

Your duties and Responsibilities includes;

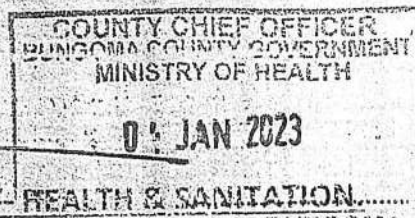
- i) Management of Reproductive Health,
- ii) Immunization Services,
- iii) Growth Monitoring in the new born
- iv) Adolescent Health,
- v) Sexual and Gender Based Violence and
- vi) Any other duty that may be assigned to you.

I take this opportunity to wish you all the best in your new position.

Thank you.


Isaac Arupur Juma

AG. CHIEF OFFICER - HEALTH & SANITATION.....



- Cc. - County Secretary & Head of Public Service
- CECM - Health & Sanitation.
- County Director-Health
- County Director-HRM

Received
25/1/2023

REPUBLIC OF KENYA



COUNTY GOVERNMENT OF BUNGOMA MINISTRY OF HEALTH AND SANITATION OFFICE OF THE COUNTY CHIEF OFFICER



Cell: 0725-393939
Email: health.bungoma@go.ke

County Executive Offices
5th Floor
P.O. BOX 437 – 50200
BUNGOMA

When replying please quote
Our Ref: 1994059033

Date: 4th January, 2023

VERONICAH NALIKA WANYONYI
PRINCIPAL REGISTERED NURSE
P/NO. 1994059033

RE: TRANSFER

It has been decided that you be transferred to the Head Quarters from Webuye County Hospital with immediate effect but not later than **16TH January, 2023** as a County Nursing Officer under the Division of Curative and Rehabilitative Services.

Report to the Head of Division of Curative and Rehabilitative Services for allocation of duties.

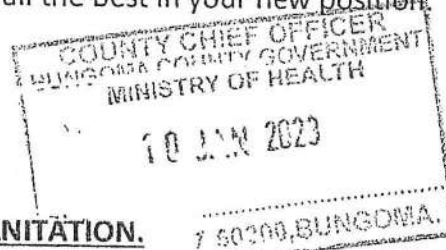
By copy of this letter, the Medical Superintendent in charge Webuye County Hospital is requested to release you after a comprehensive handing over and the Director of Health and Sanitation to inform this office on the exact date you assume duties of your new station.

I take this opportunity to wish you all the best in your new position.

Thank you.

Isaac Aruput Juma.

AG. CHIEF OFFICER – HEALTH & SANITATION.



- Cc. - County Secretary & Head of Public Service
- CECM – Health & Sanitation.
- County Director-Health
- County Director-HRM
- Medical Superintendent – Webuye County Hospital

REPUBLIC OF KENYA



COUNTY GOVERNMENT OF BUNGOMA
MINISTRY OF HEALTH AND SANITATION
OFFICE OF THE COUNTY CHIEF OFFICER



Cell:0725-393939
Email: health.bungoma@go.ke

County Executive Offices
5th Floor
P.O. BOX 437 – 50200
BUNGOMA

When replying please quote
Our Ref: 2009102095

Date: 4th January, 2023

DOREEN KINANGA MORAA
SENIOR REGISTERED CLINICAL OFFICER
P/NO. 2009102095

RE: DEPLOYMENT

It has been decided that you be deployed as a County Health-Management Team Member (CHMT Member) as Head of Division; Primary Health Care, with immediate effect but not later than 16th January, 2023.

By copy of this letter, The Medical Officer of Health Kanduyi Sub-County to release you after a comprehensive handing over.

Your duties and Responsibilities includes;

- i) Management of Communicable Diseases,
- ii) Non-Communicable Diseases,
- iii) Linkage & Referrals,
- iv) Community Strategy,
- v) Home Based Care and
- vi) Any other duty that may be assigned to you.

I take this opportunity to wish you all the best in your new position.

Thank you.

Isaac Aruput Juma.

AG. CHIEF OFFICER – HEALTH & SANITATION.

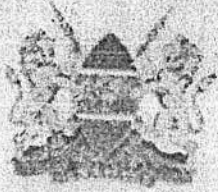
COUNTY CHIEF OFFICER
BUNGOMA COUNTY GOVERNMENT
MINISTRY OF HEALTH

04 JAN 2023

- Cc. - County Secretary
- CECM - Health & Sanitation.
- County Director-Health
- County Director-HRM
- MOH - Kanduyi Sub-County

Received
20/1/2023

REPUBLIC OF KENYA



COUNTY GOVERNMENT OF BUNGOMA MINISTRY OF HEALTH AND SANITATION OFFICE OF THE COUNTY CHIEF OFFICER



Cell: 0725-393939
Email: health.bungoma@go.ke

County Executive Offices
5th Floor
P.O. BOX 437 - 50200
BUNGOMA

When replying please quote
Our Ref: 1994050592

Date: 4th January, 2023

ALFRED EURE NYONGESA
PRINCIPAL PUBLIC HEALTH OFFICER
P/NO. 1994050592

RE: DEPLOYMENT

It has been decided that you be deployed as a County Health Management Team Member (CHMT Member) as Head of Division, Public Health and Sanitation with immediate effect but not later than 16th January, 2023.

By copy of this letter, The Medical Superintendent Webuye County Hospital to release you after a comprehensive handing over.

Your duties and Responsibilities includes;

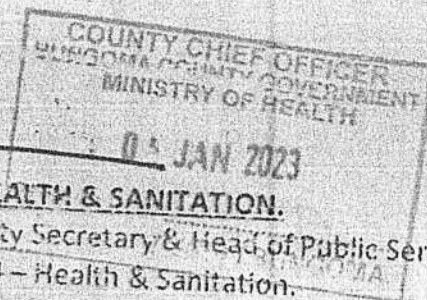
- i) Management of Sanitation,
- ii) Health Promotion,
- iii) Disease Surveillance & Out Break Response,
- iv) Vector Control,
- v) Food & Hygiene Control and
- vi) Any other duty that may be assigned to you.

I take this opportunity to wish you all the best in your new position

Thank you.

Isaac Aruput Juma.

AG. CHIEF OFFICER - HEALTH & SANITATION.



- Cc. - County Secretary & Head of Public Service
- CECM - Health & Sanitation
- County Director-Health
- County Director-HR/MI
- Medical Superintendent - Webuye County-Hospital

REPUBLIC OF KENYA



COUNTY GOVERNMENT OF BUNGOMA MINISTRY OF HEALTH AND SANITATION OFFICE OF THE COUNTY CHIEF OFFICER



Cell: 0725-393939
Email: health.bungoma@go.ke

Executive Offices
5th Floor
P.O. BOX 437 – 50200
BUNGOMA

When replying please quote
Our Ref: 2005061726

Date: 4th January, 2023

DR. NYASORO DINAH ATIENO
DEPUTY CHIEF PHARMACIST
P/NO. 2005061726

RE: DEPLOYMENT

It has been decided that you be deployed as a County Health Management Team Member (**CHMT Member**) as Head of Division; **Health Products and Technologies** with immediate effect but not later than **16th January, 2023**.

By copy of this letter, The Medical Superintendent/MOH Sirisia Sub-County Hospital to release you after a comprehensive handing over.

Your duties and Responsibilities includes;

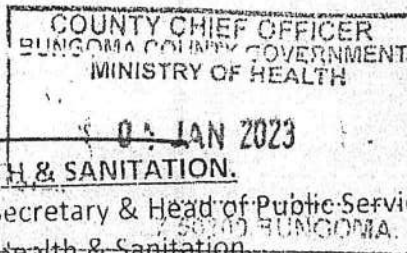
- i) Management of Pharmaceuticals,
- ii) Non-Pharmaceuticals,
- iii) Medical Appliances,
- iv) Biomedical Engineering,
- v) Blood and Blood Products and
- vi) Any other duty that may be assigned to you.

I take this opportunity to wish you all the best in your new position.

Thank you.

Isaac Aruput Juma.

AG. CHIEF OFFICER – HEALTH & SANITATION.



- Cc. - County Secretary & Head of Public Service
- CECM – Health & Sanitation
- County Director-Health
- County Director-HRM
- Medical Superintendent/MOH - Sirisia Sub-County Hospital

REPUBLIC OF KENYA



COUNTY GOVERNMENT OF BUNGOMA MINISTRY OF HEALTH AND SANITATION OFFICE OF THE COUNTY CHIEF OFFICER



Cell: 0725-393939
Email: health.bungoma@go.ke

County Executive Offices
5th Floor
P.O. BOX 437 - 50200
BUNGOMA

When replying please quote
Our Ref: 1990098718

Date: 4th January, 2023

RICHARD WANYONYI
SENIOR HEALTH RECORDS & INFORMATION MGT. OFFICER
P/NO. 1990098718

RE: DEPLOYMENT

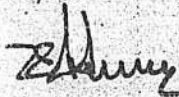
It has been decided that you be deployed as a County Health Management Team Member (**CHMT Member**) as Head of Division; M & E, Research and Health Informatics with immediate effect but not later than **16th January, 2023**.

By copy of this letter, The Medical Superintendent & Medical Officer of Health Tongareni Sub-County to release you after a comprehensive handing over.

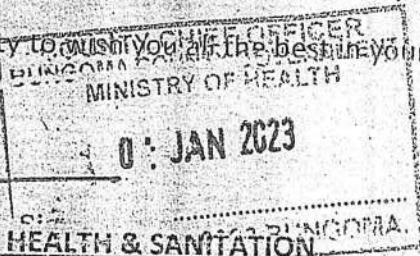
Your duties and Responsibilities includes;

- i) Management of Health Records and Information,
- ii) Tele-Medicine,
- iii) Quality Assurance & Standards,
- iv) Operational Research,
- v) Monitoring & Evaluation and
- vi) Any other duty that may be assigned to you.

I take this opportunity to wish you all the best in your new position.
Thank you.

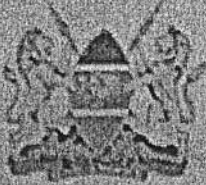

Isaac Aruput Juma.

AG. CHIEF OFFICER - HEALTH & SANITATION



- Cc. - County Secretary & Head of Public Service
- CECM - Health & Sanitation.
- County Director-Health
- County Director-HRM
- Medical Superintendent/MOH - Tongareni Sub-County

REPUBLIC OF KENYA



COUNTY GOVERNMENT OF BUNGOMA MINISTRY OF HEALTH AND SANITATION OFFICE OF THE COUNTY CHIEF OFFICER



Cell: 0725-393939
Email: health.bungoma@go.ke

County Executive Offices
5th Floor
P.O. BOX 437 - 50200
BUNGOMA

When replying please quote
Our Ref: 2014015762

Date: 4th January, 2023

DR. AKOTO ANTHONY LUGONJA
SENIOR MEDICAL OFFICER
P/NO. 2014015762

RE: DEPLOYMENT

It has been decided that you be deployed as a County Health Management Team Member (CHMT Member) as Head of Division: Policy, Planning & Health Financing with immediate effect but not later than 16th January, 2023.

By copy of this letter, The Medical Superintendent Webuye County Hospital to release you after a comprehensive handing over.

Your duties and Responsibilities includes;

- i) Creation of Policy & Regulations,
- ii) Planning - CIDP, AWP, Strategic Plans,
- iii) Resource Mobilization,
- iv) Partner Coordination,
- v) Health Care Financing and
- vi) Any other duty that may be assigned to you.

I take this opportunity to wish you all the best in your new position.

Thank you.

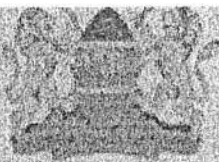
Isaac Aruput Juma.

AG. CHIEF OFFICER - HEALTH & SANITATION

- CC: - County Secretary & Head of Public Service
- CECM - Health & Sanitation.
- County Director-Health
- County Director-HRM
- Medical Superintendent - Webuye County Hospital

COUNTY CHIEF OFFICER
BUNGOMA COUNTY GOVERNMENT
MINISTRY OF HEALTH

04 JAN 2023



**COUNTY GOVERNMENT OF BUNGOMA
MINISTRY OF HEALTH AND SANITATION
OFFICE OF THE COUNTY CHIEF OFFICER**



Cell: 0725-393939
Email: health.bungoma@go.ke

County Executive Offices
5th Floor
P.O. BOX 437 - 50200
BUNGOMA

When replying please quote
Our Ref: 2007133252

Date: 4th January, 2023

**ROBERT MOSE
CHIEF HEALTH ADMINISTRATIVE OFFICER
P/NO. 2007133252**

RE: DEPLOYMENT

It has been decided that you be deployed as a County Health Management Team Member (CHMT Member) as Head of Division; General Administration and Support Services with immediate effect but not later than 16th January, 2023.

Your duties and Responsibilities includes;

- i) Management of General Administration,
- ii) Human Resource Management Services,
- iii) Medical Social Services,
- iv) Accounts Services,
- v) Transport,
- vi) Information Communication Technology (ICT),
- vii) Communication,
- viii) Procurement,
- ix) Support Staff,
- x) Legal Matters,
- xi) Secretarial Services and
- xii) Any other duty that may be assigned to you.

I take this opportunity to wish you all the best in your new position.

Thank you.

Isaac Aruput Juma.

COUNTY CHIEF OFFICER
BUNGOMA COUNTY GOVERNMENT
MINISTRY OF HEALTH

04 JAN 2023

AG. CHIEF OFFICER - HEALTH & SANITATION.

- Cc. - County Secretary & Head of Public Service
- CECM - Health & Sanitation.
- County Director-Health
- County Director-HRM

8



REPUBLIC OF KENYA

COUNTY GOVERNMENT OF BUNGOMA DEPARTMENT OF HEALTH ORGANOGRAM



CFCM HEALTH

CHIEF OFFICER HEALTH

BOUNDED DIRECTOR HEALTH

(Head Of Departments)



(Sub-County MOH)



BUNGOMA COUNTY NURSES

BUNGOMA COUNTY GOVERNMENT
MINISTRY OF HEALTH

11 JAN 2023

COUNTY ASSEMBLY OF BUNGOMA
CLERK
11 JAN 2023
REC'D

REC'D
P.O. BOX 14-50200 BUNGOMA
KHUN/KFNA/HNAK/MAK

BUNGOMA BRANCH
BUNGOMA COUNTY GOVERNMENT
P.O. BOX 14-50200, BUNGOMA

BUNGOMA 11 JAN 2023

11/01/2023
REC'D
P.O. BOX 14-50200 BUNGOMA

REF: BGM/KHUN/KFNA/HNAK/MAK/YOUL01/001/23

THE CHIEF OFFICER HEALTH,
BUNGOMA COUNTY,
P.O. BOX 437-50200,
BUNGOMA

MINISTRY OF HEALTH
11 JAN 2023
RECEIVED
COUNTY ASSEMBLY DEPT BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA
CLERK
RECEIVED

Dear Sir,

RE: OBJECTION TO THE NEW ORGANOGRAM

The above matter refers to the document circulating to the public concerning the proposed health organogram to the Bungoma county




According to the document, the directorate of nursing services has been eliminated. This is against the health Act no 21 of 2017 and the revised scheme of service for nursing personnel 2014

In view of the above, the nursing fraternity of Bungoma demands that the proposed document be revised to include the directorate of nursing services with specified duties and responsibilities to be in tandem with the scheme of service for nurses and to be a member of CHMT. We also demand to have an emergency meeting with your office, CECM health and the director of health services within 72 hours. Attached are copies of the proposed health organogram, revised scheme of service for nursing personnel, registered Kenya nursing organogram and health act no. 21 of 2017.

Attached are copies of Health Act No. 21 of 2017, Kenya Nursing Organogram and Proposed Organogram.

Looking forward to your immediate response

Yours faithfully,

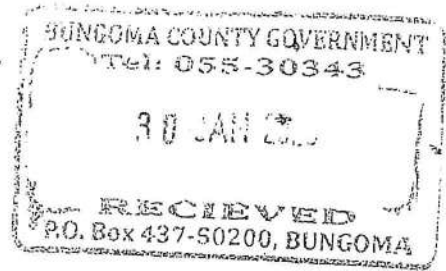
ENUN  ESTHER ALEMA 0724 915 561
KFNA  MORTU MURUNGU 0784 23 116
HNAK  HILLIE, LEONARDUS KARETA 0722 573 357
MAK

REC'D
11/01/2023

MINISTRY OF HEALTH
BUNGOMA COUNTY ASSEMBLY

COPIED;
OFFICE OF THE GOVERNOR,
CECM,
DIRECTOR OF HEALTH,
BUNGOMA COUNTY ASSEMBLY

KENYA NATIONAL UNION OF NURSES
11 JAN 2023
BUNGOMA BRANCH
P.O. Box 14, 50200, BUNGOMA



**KENYA NATIONAL UNION OF NURSES.
BUNGOMA BRANCH.
P.O BOX 140.BUNGOMA
TEL; 0718336710/ 0712402264**

OUR REF:

YOUR REF;

DATE: 30/01/2023

HIS EXCELLENCY THE GOVERNOR
BUNGOMA COUNTY GOVERNMENT.
P.O BOX 437-50200
BUNGOMA.

Dear Sir.

RE: APPOINTMENT TO MEET YOU ON ISSUES PARTAINING NURSES OF BUNGOMA BY KNUN OFFICIALS.


The Kenya National Union of Nurses (KNUN) was established in 2011 and registered as a trade union in Kenya on 19th April 2013 under the provisions of the labor relations act no 14 of 2007 laws of Kenya. It represents all cadres of nurses in Kenya drawn from practice setting, education and research institution. We have our members and the entire nursing fraternity working diligently in Bungoma County to improve the health of the population. As you are aware health county is a working County which thus translates to a better economy.

We as a union officials we request a meeting with you on 9/2/2023 or the day you feel is appropriate for the following issues.

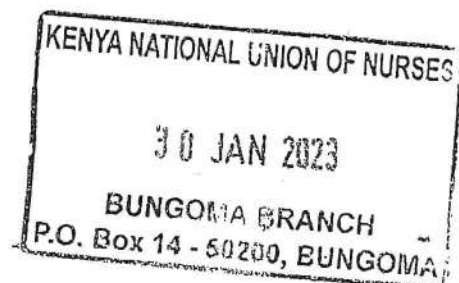
1. Introduction- of KNUN officials of Bungoma branch.
2. Issues affecting nurses on organogram.
3. Health decision making to include KNUN officials.
4. Sponsoring of Bungoma County Nurses general meeting. In May.

Thank you for your continued support.

Yours faithfully,


DAVID WAMALWA branch secretary

0718336710



KENYA NATIONAL UNION OF NURSES,
BUGOMA BRANCH,
P.O.BOX 14-50200,
BUNGOMA.

DATE:20TH JANUARY 2023

TO
THE COUNTY ATTONY,
BUNGOMA COUNTY GOVERNMENT,
P.O.BOX
BUNGOMA.

Dear sir,

REF: REQUEST FOR A MEETING.

We, the Kenya National Union of Nurses Bungoma branch officials humbly request to have a meeting with you on 25th Wednesday 2023 or any time that will be convenient to you.

Looking forward for your feedback

Thank you in advance.

Yours faithfully,



DAVID JUMA WAMALWA-KNUN BRANCH SECRETARY.

PHONE NO: 0718336710

