

COUNTY GOVERNMENT OF BUNGOMA



THE SHORT TERM CONTRACTUAL POLICY FOR BUNGOMA COUNTY PUBLIC SERVICE

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FOREWORD

The County Government of Bungoma acknowledges that short term contractual employment could play an important in filling the gap where specific tasks need to be performed within a short period of time. While the county government is keen at providing an enabling environment for the citizen of Bungoma county to short term employment contracts, the engagement and management of the this category of workers has been hampered by lack of a policy framework. The short term contractual employment Policy therefore establishes mechanisms for managing an effective and efficient program that aims to bridge the gap that exist for short term tasks. This short term contractual employment policy highlights the procedure for engagement the workers, their obligations as well as aspects of monitoring, evaluation, reporting and learning. It is my hope and belief that chief officers, directors and other supervisors will find this policy useful. The policy will be revised from time to time to ensure it remains relevant in a dynamic work environment.

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DEFINITION OF TERM

Authorized Officer	Refers to an Officer who has delegated responsibilities to be in charge of Human Resource as per the prevailing regulations
County Public Service	All individuals other than state officers, performing a function within the county government organs.
Monitoring and Evaluation	Mechanisms put in place to ensure adherence to quality, standards, cost effectiveness and relevance of an internship programme.
Short term contract	Refers to contract of service for a period not exceeding 12(Twelve) months.
Short-term contracted employee	Refers to an employee who does not fall under the definition of a casual worker but whose terms of service do not exceed a period of 12(Twelve) months.

LIST OF ABBREVIATIONS

CHRAC	County Human Resource Advisory Committee
CPSB	County Public Service Board
CECM	County Executive Committee Member
CO	Chief Officer
DHRAC	Departmental Human Resource Advisory Committee
HRM&D	Human Resource Management and Development
M&E	Monitoring and Evaluation
SRC	Salaries and Remuneration Commission
ICT	Information Communication Technology

CHAPTER ONE: INTRODUCTION

1.0 Background information

Bungoma County is one of the forty seven counties created by the constitution of Kenya. The county government of Bungoma is mandated to perform various functions as outlined in schedule four of the constitution. Consequently the county government of Bungoma is obligated to offer quality and efficient services to its citizens. Currently the county government is made of over 6,480 employees who offer services through ten departments. In recent years, the demand for its service has been increasing creating a need for seasonal or short term jobs of skilled and unskilled works.

Short term contractual employment is one way in which the county government could adopt to engage employees to perform tasks for a definite time period ranging from 6 month to 3 years. Short term contractual employment has the same features, such as employer's expectations, remunerations, and salary, as regular employment. However, the short term employment has a fixed start and end dates. The advantage of this form of employment is that it offers the county government some flexibility in its staffing options and it can be extended if the need their services still exist.

There are 806 casual or contracted employee within the county government of Bungoma who have been engaged to perform critical tasks such as cleaning, clerical offers, cooks among other tasks. However, the engagement of these short term contracted employees has been disjointed and unstructured due to the lack of a clear policy framework to guide the process. There are various challenges that are faced by the county government when dealing with issue of short term employment. Some of the challenges include:

- a. lack of standards for recruiting the short term employee, since each county department or agencies engage them on its terms
- b. delayed payments leading to low morale among the short term employees and frequent strikes
- c. Absence of clearly defined terms and conditions of service for the short term contractual workers causing anxiety due uncertainties over their security of tenure.
- d. poor remuneration leading to rampant unethical practices among workers

1.2. Rationale

The main challenge facing the county government of Bungoma is the large number of causal workers who are engaged in various departments and agencies. The process of engaging these workers has been unstructured and uncoordinated leading to several litigations and a heavy financial burden to the county government. In addition lack of standards has led to the engagement of workers without proper planning. The county government of Bungoma is keen at streamlining the process of engaging short term contractual employees so as to enhance their contribution to the development of the county. This policy will therefore provide a mechanism for engaging and managing short term employees in Bungoma County by specifying standards and procedure for engaging short term contractual employees, terms and conditions of service as well as the obligations of the county government and employees.

1.3. Policy Statement

The County Government of Bungoma shall establish a short term contractual employment programme to provide job opportunities for qualified and competent citizens.

1.4. Vision

Efficient term contractual employment programme in Bungoma County.

1.5. Mission

To promote and coordinate a well-structured short term contractual employment programme for enhanced service delivery in Bungoma County

1.6. Goal

The overall objective of this policy is to provide a mechanism for engaging on short term contractual to the citizen of Bungoma County. The specific objectives are to;

- a. Ensure a well-coordinated and structured short contractual employment programme
- b. Develop standards and procedures for engaging workers on short term contractual terms
- c. Provide for efficiency and effectiveness in the management and implementation of the short term contractual employment programmes
- d. Provide a framework for monitoring, evaluation and reporting for improvement and sustainability of the short term contractual programme.

1.7. Guiding principles

The short term contractual employment programme in the Bungoma county public service shall be governed by the following principles.

s/no	Principle	Explanation
1	Equity and Inclusivity	Ensure inclusivity and accessibility of opportunities to all citizens from diverse background through transparent recruitment and selection process
2	Professionalism	Ensure that citizens have the necessary skills and experience required for their engagement
3	Efficiency	Ensure that programmes are cost effective
4	Integrity	Ensure their accountability and transparency in the implementation of the programme
5	Resource mobilization	Capacity of the county department mobilize resources to accommodate the short term contractual employment programme

1.8. Scope

This policy shall apply to the county public service of Bungoma County

CHAPTER TWO: LEGAL AND POLICY ENVIRONMENT

2.0. Introduction

This policy is anchored on the following international, regional and national laws, statutes and conventions

2.1. International labor organization (ILO) conventions

Kenya has ratified the ILO conventions. The conventions cover a wide range of social and labor issues including basic human rights, minimum wages, industrial relation, employment policy and social security among other.

2.2. Constitution of Kenya

Under article 27(4), the constitution states that employees shall not be discriminated against directly or indirectly on grounds of sex, pregnancy, language among others. Article 41 talks about labor relations whereby every person has a right to fair labor relation. Article 232(1) (i) highlights the values and principles of public service.

2.3. County Government Act, 2012:

Provides for the creation of County Public Service Boards. The boards derives their mandates from section 59(1) of the act which states that the board shall establish and abolish offices in the county public service.

2.4. Labor Relations Act 2007

This laws cover a wide range of issues including equal treatment and non-discrimination, right to form trade unions, payment of fair wages, and the provision of safe and healthy working conditions and termination of employment

2.5. The Employment Act, 2007.

The Act provides for non-discrimination in the process of recruitment and appointment/contract of service and protection of workers at the work place.

2.6. Work Injury Benefits Act, 2007

The Act requires persons employed to have insurance and to be compensated when injured during work-related assignments.

2.7. Occupational Safety and Health Act, 2007

The Act provides for security, safety, health and welfare of persons at work.

2.8. The Public Service (Values and Principles) Act, 2015

The Act provides that a public institution or an authorized officer shall ensure that public officers are appointed and promoted on the basis of fair competition and merit.

2.9. Human Resource Development Policies and Procedure manuals for the Public Service 2016

This manual provide guidelines in the management and development of human resource in the public service in Kenya.

CHAPTER THREE: REQUIREMENTS AND PROCEDURES

3.1. Introduction

This chapter discusses the procedures and requirements for management and implementing short term contractual employment programme.

3.2. Duration

A person shall be engaged on short term contract for a maximum period of thirty six (36) month renewable based on satisfactory performance

3.3. Procedure for Recruiting Officers on Short Term Contracts

1. A county department shall through the Departmental Human Resource Advisory Committee (DHRAC) identify and recommend vacancies that need to be filled on short term contract. The number of vacancies identified shall not exceed three percent (3%) of approved staff establishment.
2. The County Human Resource Advisory Committee (CHRAC) shall then consider requests from Departments. Chief Officers shall be required to prove availability of funds on their budget before their requests are considered at this level.
3. Recommendations from CHRAC shall further be presented to the county executive committee for concurrence and approval before being forwarded to the County Public Service Board for implementation.
4. The CPSB shall then initiate the recruitment of officers on short term contract through an open and competitive process. The CPSB may delegate its responsibilities in writing to authorized officers after approval of the request. In such case, the Board shall play a supervisory and oversight role. (*Rules and regulations for employing public officers by CPSB shall apply*)
5. When undertaking the recruitment, the board shall observe the constitutional provisions on one third gender rule and inclusivity.
6. The CPSB shall thereafter forward the names of the recruited employees to the County Secretary for deployment.

3.4. Eligibility

1. A person shall be eligible for employment on short term contract as long he/she meet the requirements of the specified job.

2. Must have at least one year relevant working experience in the area that one seeks to be employed.
3. Short term contractual employment opportunities shall be open to citizens of Bungoma county **ONLY**

3.5. Mode of declaration of vacancies

1. The declaration of vacancies for employment on short term contract terms shall be made by the County Public Service Board.
2. Vacancies for short term employment shall be advertised through media outlets of wide circulation, county websites or public noticeboards.

3.6. Salary, Allowances and Other Benefits

A person employed on short term contractual terms shall be entitled to salaries, allowances and other benefits as per the *Salaries and Remuneration Commission* (SRC) circulars.

An employee engaged under these terms shall be entitled to a service gratuity of thirty one percent (31%) of their basic salary at the end of their contractual engagement period.

3.7. Code of conduct

A person employed on short term contractual basis shall observe the provisions of *County Public Service Human Resource Manual, 2016* and other related documents governing the conduct of public officers in Kenya,

3.8. Transition Arrangement

All Officers engaged on temporary basis before the coming into effect of this policy shall be eligible for consideration under terms of this policy in the first instance.

CHAPTER FOUR

INSTITUTIONAL, MONITORING, EVALUATION, REPORTING & REVIEW FRAMEWORK

4.1. Institutional framework

This policy shall be managed and implemented through the following key players/organization

4.1.1. County Public Service Board

The county public service board will:

- a. Issue policies and guidelines on short term contractual employment
- b. Approve requests from departments
- c. Undertake a competitive recruitment process of short term contractual employees
- d. Facilitate capacity building of officers
- e. Receive reports on the performance of the officers
- f. Prepare certificate of service for exiting short term contractual employees
- g. Monitor and evaluate the implementation of the short term contractual engagements

4.1.2. County departments and agencies

The county department/agencies will:

- a. Prepare short term contractual plans and budgets
- b. Identify the need for short term contractual employees
- c. Deploy and supervise short term contractual employees
- d. Liaise with treasury for funding of short term contractual employees
- e. Undertake induction courses for newly recruited employees
- f. Monitor, evaluate and report on the short term contracted employees within the department

4.1.3. Director of Human Resource Management and Development

The Director of Human Resource Management and Development (HRM&D) will:

- a. Advise CHRAC on matters of short term contractual employment
- b. Process payment of salaries and other benefits due to short term contractual employees
- c. Organize training and inductions for short contractual employees

- d. Align the short term contractual employment programme with HRM&D plans and county strategic plans
- e. Administer performance management systems for officers employed on short term contractual basis

4.2. MONITORING, EVALUATION, LEARNING AND REPORTING

The Department of public service management, administration and ICT will develop a monitoring and evaluation framework. The Monitoring and Evaluation Framework (M&EF) will provide quality performance information for decision making. The framework shall standardize the data collection, analysis, and storage and dissemination process.

4.2.1. Monitoring

The department of public service management, administration and ICT shall conduct quarterly monitoring to ascertain implementation of the policy.

4.2.2. Evaluation

The CECM shall ensure evaluation of this policy is undertaken after every three years. The findings of the evaluation shall inform the review and update of the policy.

4.2.3. Research

In order to promote evidence-based interventions, the department shall put in place structures for conducting thematic and operational research as and when required.

CHAPTER FIVE

6.0.COMPLIANCE WITH THE POLICY AND STANDARDS & POLICY REVIEW

6.1.Compliance

This policy shall be applicable to all stakeholders to ensure effective implementation of this programmes. Compliance in this Policy implies adhering to guidelines, standards, operating procedures and regulations. Standards set out in this Policy document will guide the implementation processes that are applicable across the County Government structures. Compliance requirements and obligations shall therefore include:–

- a)** Reporting obligations according to agreed formats;
- b)** Abiding by the principles of the policy
- c)** Abiding by the agreed quality, quantity, time and standards. (These shall be defined and agreed with stakeholders)

6.2. Non-Compliance

Non-compliance to this Policy shall be managed in accordance with the relevant legal and regulatory provisions.

6.3. Review of Policy

This Policy will be reviewed through a participatory process after every 3 year so as to capture relevant developments and emerging practices and approaches. There shall however be a continuous review process of the Policy.