



**COUNTY GOVERNMENT  
OF BUNGOMA**

# **COUNTY ASSEMBLY OF BUNGOMA**

## **CASUAL AND CONTRACT POLICY MANUAL**

**December, 2023**

**COUNTY ASSEMBLY SERVICE BOARD**

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## FOREWORD



The County Assembly of Bungoma has been hiring casual and contract employees to undertake temporary work in the departments. It has been established that though the County Assembly is in need of the services offered by this category of staff, there are no policy guidelines to manage recruitment and supervision of the same.

The County Assembly Service Board saw the need of putting in place these guidelines that will streamline the County Assembly's engagement of casuals and contract employees in its establishment.

This policy and procedure manual has been formulated to give guidance on the management of casual and contract employees who will be engaged on a contract of service.

Over time, there have been court cases over casual and contract employment that have yielded enormous financial implications on institutions and government agencies for lack of following due process. These guidelines come in handy as they incorporate legal provisions on how casual and contract employees should be engaged and therefore will help to curb legal battles over the same.

The implementation of the Policy and procedure manual by the County Assembly Management and Leadership and will go a long way in streamlining management of casual and contract employees in the County Assembly service.

A handwritten signature in blue ink, reading "Emmanuel M. Situma". The signature is stylized and written in a cursive-like font.

**Hon. Emmanuel M. Situma**  
**Chairperson, County Assembly Service Board**



## **PREFACE**

Despite recruitment of employees on permanent and pensionable terms in the County Assembly of Bungoma, there is always a staffing need to recruit employees on casual and contract basis.

The Casual and Contract Policy and Procedure manual aims to regulate the engagement of casual employees (temporary staff) and staff on contract. This policy and procedure Manual applies to the engagement and use of all casual employees and employees on contract terms in the County Assembly of Bungoma.

The Policy and Procedure manual aims at streamlining the recruitment, selection and engagement of casuals and contract staff; regulating supervision of casuals and staff on contract; providing clear termination procedures of casuals and contract staff; enhancing transparency, inclusivity and regional balance in engagement of casuals and contract staff and improving performance of the casuals and contract staff.

The County Assembly shall adhere to the laid down regulations while engaging causal and contract staff. They shall be recruited in a free and fair manner and in adherence with the law and cases of termination shall be done in accordance with the law.

The County Assembly of Bungoma commits to give equal opportunity to all by ensuring transparency, accountability and proficiency in all its recruitment process.

A handwritten signature in blue ink, consisting of a large, stylized 'C' followed by 'Wafula' in a cursive script.

**Charles W. Wafula**

**Secretary, County Assembly Service Board**

## **Definition of Terms**

"casual employee" means a person the terms of whose engagement provide for his/her payment at the end of each day and who is not engaged for a longer period than twenty-four(24) hours at a time;

"casual service" refers to employment of a person on terms of engagement where payment is at the end of each day and the person is engaged for a period not exceeding twenty-four hours.

"contract of service" means an agreement, whether oral or in writing, and whether expressed or implied, to employ or to serve as an employee for a period of time.

"Short –term contracts of Service" carry the meaning in Public Service Regulations 2020 remuneration" means the total value of all payments in money or in kind, made or owing to an employee arising from the employment of that employee;

"term contract" means a contract in which is established for a specific period of time

"Accounting Officer" An officer appointed to take full responsibility of finances, assets and liabilities of the organization.

"Authorized Officer" An officer to whom the Board has delegated the exercise of the human resource management function.

"Clerk" means the Chief Executive Officer of the county assembly service.

"Board" means the County Assembly Service Board.

## **ABBREVIATIONS**

CASB	County Assembly Service Board
ICT	Information and Communication Technology
KRA	Kenya Revenue Authority
MCA	Member of County Assembly
NHIF	National Hospital Insurance Fund
NSSF	National Social Security Fund
PIN	Personal Identification Number
SRC	Salaries and Remuneration Commission

# **CHAPTER ONE**

## **INTRODUCTION**

### **1.1. Rationale**

The County Assembly of Bungoma has been hiring casual and contract employees to undertake temporary work in the departments. It has been established that though the County Assembly is in need of the services offered by this category of staff, there are no policy guidelines to manage recruitment and supervision of the same.

These guidelines have been formulated to give guidance on the management of casual and contract employees who will be engaged on a contract of service. It is hereby emphasized that where the staffing need is recurrent or in excess of three months period, employees will be recruited on contract or the service will be outsourced.

### **1.2. Purpose/justification of the guidelines**

These guidelines are meant to provide information to all stakeholders (CASB, MCAs, Management and Staff) in the management of casual employees/contract staff and to provide clarity of roles for different players. The main objectives of the guidelines are;

- a) To streamline the recruitment, selection and engagement of casuals and contract staff;
- b) To regulate supervision of casuals and staff on contract;
- c) To provide for clear termination procedures of casuals and contract staff;
- d) To enhance transparency, inclusivity and regional balance in engagement of casuals and contract staff;
- e) To improve performance of the casuals and contract staff.

### **1.3. Scope**

This policy and procedure Manual applies to the engagement and use of all casual employees and employees on contract terms in the County Assembly of Bungoma.

### **1.4. Objectives**

The manual aims to regulate the engagement of casuals (temporary staff) and staff on contract.

A casual employee is an employee who:

- a) Is engaged to work only on an “as and when” required basis;
- b) Is under no obligation to accept work offered;

- c) Is employed for a discrete casual work engagement(s);
- d) has no expectation of ongoing or further casual work engagements being offered; and
- e) Is paid in full at the end of each completed casual work engagement.

### **1.5. Legal Context**

This policy should be read and implemented alongside the following legislations:

1. Constitution of Kenya ,2010;
2. Employment Act 2007;
3. Labor Institution Act,2007;
4. Public Service Regulations,2020;
5. Regulation of Wages and Conditions of Employment Act (Cap 229);
6. Regulation of Wages (general)(Amendment Order, 2022);
7. County Assembly Human Resource Policies and Procedure Manual, 2022; and
8. Framework for short-term employment in the Public Service, 2019



## **CHAPTER TWO**

### **RECRUITMENT PROCEDURES**

#### **2.1. Engagement of Casuals**

##### **2.1.1. Short-term appointment (casual)**

These are short-term engagements made on only urgent tasks with the approval of the County Assembly Service Board.

Casual workers shall be engaged only on short-term tasks of not more than three (3) months, as stipulated in the Employment Act, 2007 and Public Service Regulations 2020, section 44 as stipulated:

- i. Where a service is required for more than twenty-four hours but not exceeding twenty-one days, the authorized officer shall engage the person on a contract not exceeding twenty-one days.
- ii. Where there is need for temporary services, not envisaged in this paragraph the concerned authorized officer shall procure services of independent service providers in accordance with the procurement laws and regulations.
- iii. The authorized officer shall identify persons to be engaged from the database of prequalified registered professionals and verify the authenticity of their qualifications.
- iv. Where a service is required for not more than twenty-four hours, the authorized officer may engage a qualified person on a casual service basis.

##### **2.1.1. Circumstances warranting hiring of casuals**

The following circumstances may warrant engagement of casuals:

- a) Where there is need in any of the departments or sections of the Assembly and there is no definite basis for measurement of work in terms of hours;
- b) Where the work is temporary and limited to a period of up to three(3 )months;
- c) Where there is budgetary provision for such hiring.

##### **2.1.2. Request for hiring of casual employees**

The department requiring the services of casuals shall fill in a Request to Hire Casual Employee Form (Appendix 1) and forward such form to the authorized officer at least thirty (30) days before the expected date of such hiring.

**2.1.3. Approval to hire casuals**

- a) The authorized officer shall consider the circumstances and grant or not grant approval for hiring of casual employees. Hiring of casual workers will be undertaken by the authorized officer based on requests in consultation and written authorization from the CASB.
- b) Where approval is granted, the authorized officer shall present the hiring to the Board for regularization.
- c) Employment and engagement of casuals shall be regulated by the County Assembly Service Board in accordance with Section 74 of the County Governments Act, 2012.
- d) Casual Workers shall be paid in accordance with section 17 of the Employment Act, 2007, and the minimum wage guidelines issued by the National Government through Regulation of Wages order from time to time.
- e) Due care should be taken to avoid hiring the same casual workers repeatedly to avoid breaching existing Labour Laws on the same.
- f) Casual appointments will be done within the budgetary limits as approved for the financial year.

**2.1.4. Procedure for Hiring Casuals**

- a) The Human Resource Department shall provide the relevant job descriptions and job specifications in respect of the specific positions and, source of the funds.
- b) The terms and conditions of employment shall be as determined from time to time as guided by the Salaries and Remuneration Commission (SRC).
- c) Persons appointed on short term employment contract shall sign a Contract of Employment as appended.

Hiring of casuals will be undertaken using the following laid down procedure:

***a) Local Job Advertisements***

Engagement of casuals for jobs not lasting more than thirty days need not be advertised however, other regulations shall apply.

For jobs lasting more than a month, the advertisement shall be placed on the Ward Offices notice boards and the County Assembly Website and shall outline the following key attributes:

- i. Employer

- ii. Approximate number of hours/week to be worked
- iii. Location
- iv. Pay rate
- v. The duties of the job
- vi. Job specifications

### **b) *Interview and Selection***

Depending on the nature of the casual engagement, applicants may be interviewed as part of the hiring procedure.

Interviews and selection will be carried out in collaboration with the user department.

Interview questions shall be standardized for all applicants of the same job.

Questions shall be based on the nature of work applied for, and previous experience shall be noted in the posting.

#### **2.1.5. Hire of Casuals**

Successful candidates will be notified in writing and will be required to sign an acceptance thereupon. (Appendix 1)

The short term employment contract shall have the following particulars:

- i. the name, age, permanent address and sex of the employee;
- ii. the name of the employer;
- iii. the job description of the employment;
- iv. the date of commencement of the employment;
- v. the form and duration of the contract;
- vi. the place of work;
- vii. the hours of work;
- viii. the remuneration;
- ix. the intervals at which remuneration is paid; and
- x. Termination Clause.

The Board will limit the employment of casuals to jobs that are temporary in nature.

#### **2.1.6. Record Keeping**

The Human Resource Department shall maintain an official file for casuals and contract employees.

A copy of engagement letter shall be submitted to the Board for record.

The files will contain;

- i. Job application and resume
- ii. Interview notes
- iii. New Hire request form
- iv. Offer of engagement
- v. Notes on any performance issues
- vi. Statutory Requirements e.g. NHIF, NSSF, KRA PIN and any other
- vii. Police clearance certificate ( for casuals engaged for more than one month)
- viii. Master roll
- ix. Notice of Termination of Employment

All casual workers shall not be entitled to any credit facilities from the County Assembly.

#### **2.1.7. Appropriate Dress Code**

The appropriate dress code is:

- i. Sufficiently modest for a work set-up
- ii. Appropriate for the task/work assigned

#### **2.1.8. Induction**

The Human Resource Department in consultation with the Board shall induct the casual upon engagement.

#### **2.1.9. Placement**

Placement shall be done according to the departmental request.

#### **2.1.10. Rights/Benefits**

Casual employees are entitled to wages

### **2.2. Engagement of Staff on Contract**

#### **2.2.1. Contract of Service**

The County Assembly shall engage staff on contract of service based on Section 29 of the County Assembly Services Act, 2017 and the provisions of the sections 9 and 35 of the Employment Act, 2007.

A contract of service for a period or a number of working days which amount in the aggregate to the equivalent, of three months or more; or which provides for the performance of any specified work which could not reasonably be expected to be completed within a period or a number of working days amounting in the aggregate to the equivalent of three months, shall be in writing.

The County Assembly shall be responsible for causing a written contract to be drawn up stating particulars of employment and that the contract is consented to by the employee in accordance with provisions of the Act.

### ***2.2.2. Employment Particulars***

A written contract of service shall state particulars of employment which may be given in installments and shall be given not later than two months after the beginning of the employment.

A written contract of service shall state:

- a) the name, age, permanent address and sex of the employee;
- b) the name of the employer;
- c) the job description of the employment;
- d) the date of commencement of the employment;
- e) the form and duration of the contract;
- f) the place of work;
- g) the hours of work;
- h) the remuneration, scale or rate of remuneration, the method of calculating that remuneration and details of any other benefits;
- i) the intervals at which remuneration is paid;
- j) the date on which the employee's period of continuous employment began, taking into account any employment with a previous employer which counts towards that period;  
and
- k) any other prescribed matter.

### ***2.2.3. Medium Term Contract***

The County Assembly shall engage staff on medium term contract based on the provision of the County Assembly Human Resource Manual Sections 37, 38, 39, 40 and 41.

- a) These are appointments with defined contract periods where vacancies cannot be filled on permanent and pensionable terms because of unavailability of suitably qualified persons.
- b) Where vacancies also exist in the non-pensionable establishment (such as in development projects), candidates may be recruited to fill such vacancies on medium-term contract appointment.
- c) The period of contract shall not exceed five (5) years but may be renewed for a further one five-year term subject to the quality of performance, and where there is continued

need for the services.

- d) An officer serving on medium-term contract, and whose services are still required, shall be informed in writing of the renewal of such contract at least three (3) months before the expiry of the contract.
- e) Appointment on contract terms may further be made under the following circumstances:
  - i. Where vacancies cannot be filled on permanent and pensionable terms because they are not on the Assembly's approved establishment;
  - ii. Where persons to be appointed may not qualify for pension under the requirements of the Pension Scheme;
  - iii. Where officers are appointed to serve on fixed term projects;
  - iv. Where specific skills required are lacking in the County Assembly Service;
  - v. Where there is need for Personal Staff for specified state officers, (Speaker, MCAs) and such staff shall serve only during the tenure of such state officers.

#### **2.2.4. Renewal of contract (Section 42)**

- a) The Clerk shall report to the Board all cases of appointment on contract terms which require renewal at least three (3) months before expiry of such contracts.
- b) An officer serving on contract, and whose services are still required shall be informed in writing at least three (3) months before expiry of the contract.
- c) On acceptance of the offer, the case shall be referred to the Board for approval.

#### **2.3. Conversion of casual employment to term contract**

Section 37 of the Employment Act 2007 provides that where a casual employee:

- a) works for a period or a number of continuous working days which amount in the aggregate to the equivalent of not less than one month;
- b) performs work which cannot reasonably be expected to be completed within a period, or a number of working days amounting in the aggregate to the equivalent of three (3) months or more, the contract of service of the casual employee shall be deemed to be one where wages are paid monthly and section 35(1) (c) of the Employment Act 2007 shall apply to that contract of service.
- c) In calculating wages and the continuous working days a casual employee shall be deemed to be entitled to one paid rest day after a continuous six days working period and such rest day or any public holiday which falls during the period under consideration shall be counted as part of continuous working days.

d) An employee whose contract of service has been converted in accordance with subsection (1), and who works continuously for two months or more from the date of employment as a casual employee shall be entitled to such terms and conditions of service as he would have been entitled to under the Act had he not initially been employed as a casual employee.

**2.4. Rights and Benefits**

During the contract period, the employee is entitled to all rights and benefits of employment and where agreed on, may be paid gratuity at the end of his /her contract.

Statutory deductions (PAYE, NSSF and NHIF) shall be made and remitted.

## **CHAPTER THREE**

### **TERMINATION OF CASUAL/CONTRACT EMPLOYMENT**

The Employment Act section 8 and 9 provides for employment on contractual basis. Section 10 specifies particulars of an employment contract, while section 35 gives provisions on how a contract can be terminated. Further, Section 45 of the act provides that no employer shall terminate the employment of an employee unfairly.

Termination of casual employment may arise in the following circumstances:

- a) Casual/contract staff terminates the engagement in writing.
- b) Employer terminates the engagement in writing on grounds of misconduct.
- c) Where work is no longer available.
- d) Notice period for (a) and (b) above shall be guided by section 35 of the Employment Act, 2007

#### **Termination Notice (Employment Act)**

- a) Where the contract is to pay wages daily, a contract terminable by either party at the close of any day without notice;
- b) Where the contract is to pay wages periodically at intervals of less than one month, a contract terminable by either party at the end of the period next following the giving of notice in writing;
- c) Where the contract is to pay wages or salary periodically at intervals of or exceeding one month, a contract terminable by either party at the end of the period of twenty-eight days next following the giving of notice in writing
- d) An employee whose contract of service has been terminated shall be entitled to service pay for every year worked, the terms of which shall be fixed.

#### **REVIEW**

This manual shall be reviewed from time to time.



**Annex 1: Requisition for Engagement of Casual Form**



**COUNTY ASSEMBLY OF BUNGOMA**

**P. O. Box 1886**

**Bungoma**

**REQUISITION FOR ENGAGEMENT OF CASUAL FORM**  
***(To be completed by requisitioning Head of Department)***

**To the Authorized Officer**

1. Department in need of casual .....
2. Section where casual will be deployed .....
3. Task for which casual is needed .....
4. Location where the task will be executed .....
5. Date from which casual will be required .....
6. Anticipated length of engagement (..... days or ..... Months)
7. Was this request budgeted for?: Yes ..... No .....
8. Is there no staff existing elsewhere who can be transferred to the department to handle the task?: Yes ..... No .....

Name of Head of Department .....

Signature of Head of Department .....

Date of requisition .....

**Comments by Authorized Officer**

.....  
.....

Signature of Authorized Officer ..... Date .....

**Annex 2: Sample Casual Engagement Letter**



**COUNTY ASSEMBLY OF BUNGOMA**

**RE: CONTRACT OF SERVICE**

This casual engagement contract is entered into between .....(specify)  
AND;.....

Name: ID Number:.....

Address: .....Tel No:.....

Station: .....Date:.....

Age/DOB: .....Gender:.....

1. This is an offer of (specify period) casual engagement/contract which begins on .....(specify) and ends on or before ..... (Specify).

2. You will be engaged under this contract as a ..... (specify).

Your duties and responsibilities will be:

- .....
- .....
- .....
- .....

3. You will work under the supervision of ..... (specify supervising officer)

4. You will be expected to work (Specify hours) a day or as instructed by your supervisor.

5. In return of satisfactory performance of the duties assigned, you shall be paid Kshs. ....per hour/day/month as applicable within the contractual period.

6. This contract may be terminated by either party at any time as guided by section 35 of the Employment Act, 2007

- 7. You shall not be entitled to any leave within the contractual period.
- 8. You shall not be entitled to any pension and/or gratuity under this contract.
- 9. Unless otherwise expressly provided for under this contract, you shall not be entitled to any other entitlements under this contract.
- 10. I acknowledge that this offer represents the entire agreement between me and ..... (state employer) and that no verbal or written agreements, promises or representations that are not specifically stated in this contract letter, are or will be binding upon ..... (state employer)

Yours faithfully,

(Signed)

AUTHORISED OFFICER

ACCEPTANCE

I am in agreement with the above contract terms and conditions,

Name.....Sign.....Date.....

Witness Name.....Sign.....Date.....



**COUNTY GOVERNMENT OF  
BUNGOMA**

**CONTACTS**

**P.O. BOX 1886 – 50200 Bungoma**



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