



**COUNTY GOVERNMENT
OF BUNGOMA**

COUNTY ASSEMBLY OF BUNGOMA

DISCIPLINE MANUAL

December, 2023

COUNTY ASSEMBLY SERVICE BOARD

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FOREWORD



The County Assembly Service Board is charged with the Constitutional responsibility of exercising disciplinary control in the Service. It is expected that officers will maintain integrity and uphold the dignity of the office to which they are appointed. It is therefore imperative that every officer adheres to the rules of conduct and ethics as

laid out in the law. While exercising the powers of disciplinary control, the Board is alert to the fundamental principles of natural justice. The Board is conscious of the fact that the officers' career and livelihood are at stake and therefore it is important that the officers' past work performance and period of service are taken into account before a decision is made.

I consider that discipline in the service should be viewed not only from the aspect of imposing a punishment against the officer or deterring other officers from committing similar misconducts but also, from the aspect of moulding and developing a positive attitude in the officer. The ultimate objective of discipline is to create a motivated and dedicated work force which upholds proper work ethics for optimal service delivery. The easiest way to uphold discipline is to emphasize on self-discipline i.e. the conscious deliberate decision to comply to what is expected of you because you believe it is the right thing to do.

Over the years, the Board has noted inconsistencies in the way discipline has been processed and the occasioned delays. The delays cause anxiety to the affected officer and the productivity is likewise affected. It is expected that this manual will address the inconsistencies in the disposal of discipline cases. The manual, however, is not intended to replace Service regulations or any other relevant laws.

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

Hon. Emmanuel Situma (Speaker)
Chairman, County Assembly Service Board (CASB)

PREFACE



In an effort to enhance expeditious and timely processing of discipline cases the Board found it necessary to develop and issue this manual for use and as a guide in processing discipline cases. It is imperative for the Assembly to have a well-defined and fair disciplinary process in place so as to protect and maintain a safe, secure and productive work environment.

The Manual provides general guidelines and procedures to be followed in handling and disposal of cases. It ensures that all employees are being treated equally and held to the same standards and this reduces the possibility of legal disputes for both the employee and employer. It is important therefore that the procedures as laid out in the manual are followed to the latter.

I wish to commend the officers from the Human Resource and Administration Department, Legal and Research who were involved in the development of this Manual for their efforts and timely completion of the exercise.

I am convinced that the Manual will greatly improve the Service.

A handwritten signature in blue ink, appearing to read 'Charles W. Wafula', with a large, stylized loop at the beginning.

Charles W. Wafula

Secretary, County Assembly Service Board

DEFINITION OF TERMS.

Authorized Officer	means any officer, body or authority to whom the County Assembly Service Board has delegated any of its functions
Allow	Means to accept an appeal or review
Appellant	Means an individual/organization appealing against a decision or process that is thought to be incorrect or unfair.
Appeal	means to apply for the re-examination of a decision or process
Applicant	Means an individual requesting the Board to review its decision
Application for Review	means to request that a decision be reconsidered due to new facts, evidence or a mistake that has been noted.
Authority	Means institutionalized and legal power inherent in a particular job, function or position that is meant to enable its holder to successfully carry out his or her responsibility.
Board'	Means the County Assembly Service Board established under Section 12 (7) (e) CGA
'Constitution'	Means the Constitution of Kenya, 2010.
'Conviction'	Means being found guilty as charged.
'County Assembly	Means the county government provided for under Article 176 (1) of the Constitution
'Criminal offence'	Means a misconduct that breaches governing laws or rules.
'Disallow'	Means to reject an appeal or for review
'Delegated powers'	Means those functions for which the County Assembly Service Board is responsible for but has been assigned to Authorized Officers.
'Discipline'	Means conforming to service rules and regulations which prescribe expected conduct and behavior of individual officers
'Disciplinary Control	Means due process of justice and any lawful punishment. Means barring an accused officer from performing official duties to give room for further investigation of the case.
Interdiction	Barring an accused officer from performing Official duties to give room for further investigations of the case.

‘Minor offence’	Means any crime which upon Conviction the imprisonment is six months or below.
‘Major offence’	Means a serious crime which upon conviction the imprisonment is over six months (6)
‘Penalty’	Means a punishment imposed for a violation of law or rule.
‘Public Office’	Means an office in the public service
‘Public Officer’	Means any person holding or acting in any public office
‘Show cause letter’	Means a letter requiring an officer to explain why disciplinary action should not be taken against him or her on account of misconduct.
‘Suspension’	Means barring an accused officer from performing the functions of a public office on account of gross misconduct or conviction of a serious criminal offence pending finalization of a case.

ABBREVIATIONS

SAC Staff Advisory Committee

MC Management Committee

HRM&D Human Resource Management and Development

CASB County Assembly Service Board

PART ONE—BACKGROUND

1.0 INTRODUCTION

The County Assembly Service Board is constitutionally mandated to exercise disciplinary control over persons appointed to hold offices in the public service. The Discipline Manual does not substitute the service regulations made by the Board or any law made by Parliament as the case may be, but it is meant to guide the user. The user is therefore required to read the Manual alongside the following documents:

- a) Constitution of Kenya
- b) County Assembly Services Act 2017
- c) County Assembly Services Regulations
- d) County Assembly Human Resource Policies and Procedure Manual 2022
- e) Public service Commission Act, 2012
- f) Public Service Manual
- g) Fair Administrative Action Act, 2015
- h) Public Service(Values and Principles) Act, 2015
- i) Employment Act, 2007
- j) Labour Institutions Act, 2007
- k) The Work Injury Benefits Act, 2007
- l) The Occupational Safety And Health Act, 2007
- m) Public Officer Ethics Act (2003)
- n) Ethics and Anti-Corruption Commission Act, 2011
- o) Pensions Act (Cap 189)
- p) Code of Regulations
- q) Penal code
- r) General circulars issued by the Government from time to time.

1.1 SCOPE

This Manual provides general guidelines and instruments to be used by the County Assembly Service Board in handling discipline cases. It will apply to all cadres of employees both Permanent and Pensionable and Contract.

1.2 OBJECTIVES OF THE MANUAL

Under Section 27 of the County Assembly Service Act, 2017, the Board is empowered to make regulations for better carrying out of its functions. The Board has developed regulations including those that govern disciplinary control, powers to issue instructions

and to prescribe instruments on disciplinary action.

The objectives of the Manual are to:-

- a) Define discipline and understand its meaning in the context of the existing assembly service regulations.
- b) Define standard procedures for uniformity in handling disciplinary cases.
- c) Outline the steps in disciplinary procedures and processes.
- d) Create understanding on the roles and responsibilities of the County Assembly Service Board and Authorized Officers in handling of the disciplinary cases.

Further the manual provides guidelines on the following—

- i) Proper framing of charges;
- ii) Investigation of cases;
- iii) Analysis and evaluation of cases;
- iv) Making comprehensive comments and recommendations on cases;
- v) Application of other forms of punishment other than dismissal;
- vi) Prompt handling of cases including implementation of decisions.

PART TWO – GUIDING PRINCIPLES

2.0 INTRODUCTION

The County Assembly Services Act Section 14 (1) (a) , vests in the County Assembly Service Board the power to exercise disciplinary control over public officers. Disciplinary control is an integral part in the management of human resource in the service. It is intended to help and encourage public officers to achieve and maintain standards of conduct, contribute to improved performance and productivity. It is based on principles of fairness as envisaged in the Constitution and other enabling legislations. Where applicable, other alternative intervention mechanisms need to be explored.

2.1 GUIDING PRINCIPLES

The disciplinary control in the assembly service is governed by the following principles:

(a) The rules of natural justice:

- i) Procedural fairness, where an officer must be allowed adequate opportunity to prepare and present his/her case;
- ii) The deciding authority must be unbiased when hearing and making decisions;
- iii) Decisions must be based upon logical proof or evidential material.

(b) Fair administrative action which is expeditious, efficient, lawful, reasonable and procedurally fair. Every officer to whom disciplinary action is taken has a right to:

- i) written reasons for any disciplinary action that is taken against him;
- ii) prior and adequate notice of the nature and reasons for the intended disciplinary action;
- iii) an opportunity to be heard and to make representations in that regard;
- iv) an opportunity to attend proceedings in person or in the company of an expert of his choice, cross examine persons who give adverse evidence against him and request for adjournment of proceedings where necessary;
- v) notice of the right to legal representation, where applicable;
- vi) notice of a right to an appeal or review against a disciplinary decision;
- vii) Information, materials and evidence to be relied upon in making a decision or taking a disciplinary action.
- viii) Notice of the right to confidentiality in the process

2.2. ALTERNATIVE INTERVENTIONS IN THE DISCIPLINE PROCESS

Alternative interventions are an effort, undertaken by an employer, to address employee misconduct using a method other than the traditional disciplinary action. This may, under the right circumstances, be a more efficient and more effective approach than traditional discipline. While alternative intervention requires more thoughtful decision-making and thus has greater challenge for supervisors than traditional discipline, the results can be worth the time and effort. Alternative intervention may result in modified behavior if used early on in the discipline process for less serious offences but may not be effective in more serious issues or habitual offences. The appropriateness of the particular approach will vary based upon the nature of the offence and personality of the individual whose conduct needs correcting.

Alternative discipline interventions in the assembly service can take many forms such as counseling, guidance and training or dispute resolution.

(a) Counselling

A counseling intervention is not a discipline action, as its purpose is not to create a negative experience, but rather to communicate helpful information and provide necessary support in management of psychological challenges. The departments shall refer officers to the Guidance and Counselling Services Unit. The Unit will provide appropriate services in accordance with the Laws governing guiding and counselling activities.

(b) Guidance and Training

Traditional disciplinary action is not appropriate for situations in which an officer is trying hard to do well, but performs poorly despite his/her best efforts. Guidance and training is an intervention which can be used by supervisors to address poor performance of an officer when there is no misconduct contributing to the problem. Supervisors have the responsibility to have regular meetings with employees to explain workplace rules or whenever an employee is unclear about management expectations. Supervisors should also identify individual officer's shortcomings which can be addressed through training and recommend appropriate training. The training intervention may include; role play, coaching, mentoring, induction and job rotation.

(c) Dispute resolution mechanism

Dispute Resolution Mechanisms can be used effectively to resolve, reduce, or even eliminate workplace disputes that might come from a circumstance where disciplinary action is appropriate. Alternative dispute resolution affords an opportunity to create solutions that are uniquely tailored to address issues at hand. The method shall be

applied alongside Mediation, Conciliation and Negotiation in the Service.

When applying alternative interventions the following should be adhered to

- i) The specific offense/shortcoming that needs to be addressed;
- ii) Officer's admission of wrong doing/willingness to participate in the appropriate intervention;
- iii) The specific form of alternative intervention that will be used and its duration;
and
- iv) Notification of the possible penalty for a subsequent offense.

PART THREE

3.0 INSTITUTIONAL FRAMEWORK

The County Assembly Service Board has the following disciplinary powers as per the County Assembly Service Act regulations and instructions issued to the service from time to time—

- i) Interdict any public officer;
- ii) Suspend any public officer;
- iii) Inflict a severe reprimand or a reprimand on any officer;
- iv) Stop any public officer's pay or salary;
- v) Recovery of the cost or part of the cost of any loss or breakage caused by default or negligence, provided no such cost has been recovered by surcharge action under the appropriate financial instructions or regulations;
- vi) Withholding, deferment and stoppage of salary increment;
- vii) Reduction in rank or seniority
- viii) Dismissal from service.

A person who is dissatisfied with a decision made by the Board has a right of appeal to the County Assembly Service Board through the Authorized Officer within 14 (fourteen) calendar days and further to the County Assembly Service Board

The institutional framework for handling disciplinary cases is as follows

In respect of officers in Department

- a)** Head of Department and any other officer or person reports the misconduct to the Authorized Officer.
- b) Head of the department, Human Resource and Administration**
 - i) He/she is the secretary to the SAC and provides technical advice;
 - ii) Analyzes the misconduct, collect the evidence and determine the action to be taken;
 - iii) Reports to the Accounting Officer who issues a show cause letter, and proceed to the Authorized Officer;
 - iv) Summarizes the cases upon receipt of the officers' representations, if any, for submission to the SAC;
 - v) Implements the decisions of the County Assembly Service Board on behalf of the Authorized Officer;

c) Management Committee

- i) Deliberates on the report forwarded by SAC and makes recommendations to the Authorized Officer.

d) Authorized Officer:

- i) Forwards the recommendations to CASB for final decision.

e) County Assembly Service Board:

- i) Considers the recommendations of the Management Committee;
- ii) Hears and determines appeals and applications for review.
- iii) Communicates decisions for implementation by the authorized officer.

PART FOUR

DISCIPLINARY PROCEDURE

4.0 GENERAL PROVISIONS

The following shall be observed while processing discipline cases:

- a) Disciplinary cases dealt under the Staff Advisory Committee.
- b) If criminal proceedings are instituted against an officer or where an officer has been acquitted of a criminal charge in a court of law, the Authorized Officer shall not be prevented from dismissing him or otherwise punishing him on any other charge arising out of his conduct in the matter.
- c) Where an officer has been charged with desertion of duty, the letter shall be addressed to his/her last known address.
- d) There should be proper framing of charges with full particulars of the case including the applicable provision of the Constitution, legislation or code of conduct alleged to have been breached.
- e) The officer should be notified in writing, be given the particulars of the misconduct as preferred and reasonable opportunity to respond to the allegations.
- f) Thorough investigation of an alleged offence shall be undertaken before any disciplinary action is taken.
- g) Application of other interventions in resolving discipline cases such as counseling and dispute resolution mechanisms.
- h) Right of appeal and application for review of disciplinary related decisions.
- i) Disciplinary cases shall be dealt with promptly and finalized within a period of six (6) months. Where it is found impracticable to do so the Authorized Officer shall report individual cases to the County Assembly Service Board explaining the reason for the delay.

4.1 SPECIFIC PROVISIONS

(a) Procedure to be followed in initial disciplinary action

In the event of initial instance(s) of minor offences committed by an officer, his/her supervisor will issue a verbal warning. The verbal warning should be in form of structured discussion which may entail counseling. The officer should be informed of the alleged offence and what is likely to befall him or her in case the alleged offence(s) is repeated in future. A copy of the record for such a warning indicating that there was a meeting between the supervisor and the officer should be kept by the supervisor. In the

event the officer repeatedly commits minor offences irrespective of verbal warning(s), verbal warning shall be issued once.

Thereafter a written warning should be given to the officer by the authorizing officer if the officer does not reform. The warning letter should state the exact nature of offence(s) and indicate future disciplinary action which will be taken against the officer if the offence is repeated.

1st and 2nd warning letter is thereafter issued.

Where an officer fails to reform despite being issued with verbal and written warnings, or where he or she commits serious offence(s), the following procedure shall apply:

(b) The Procedure to be followed by the Authorized Officers.

- i) Carry out a preliminary investigation and consultation as to the circumstances surrounding the act of misconduct Or Review the persistent offences of which the officer has been warned severally but failed to reform.
- ii) Issue the officer with a 'show cause letter' on the alleged offence and the charges framed against him/her and invite him to state in writing the grounds, if any, on which he relies to exculpate himself/herself.
- iii) A 14 day period within which to respond to the charges must be specified in the statement
- iv) On expiry of the 14 day period of response to the 'show cause letter', whether or not the officer has responded, the case shall be presented to the Staff Advisory Committee (SAC)
- v) In the event the investigation reveals further offence(s) against the officer, a new show cause letter shall be issued to him or her and the steps in (iii) to (iv) above shall apply.
- vi) Thereafter, the case shall be forwarded to the Management Committee with the comments, recommendation, material evidence, records and other requirements necessary documents as outlined in Section.
- vii) However, if the Management Committee is of the opinion that further investigation is necessary before a decision is made, it will direct the Authorized Officer to do so through the Staff Advisory Committee.
- viii) Thereafter the recommendations shall be forwarded to the County Assembly Service Board for final decision.

INTERDICTION

The interdiction process entails the following:

- a) An officer may be interdicted where gross misconduct which is likely to lead to

dismissal is reported and requires investigation or a report that an officer has been charged in criminal proceedings is received.

- b) If the case relates to a criminal charge, the officer is served with an interdiction letter, a sample of which is provided in Appendix I.
- c) If the misconduct is one which can lead to dismissal but is not of criminal nature the officer shall be served with a 'show cause letter' which shall also contain a communication on interdiction, a sample of which is provided in Appendix II.
- d) An officer on interdiction shall be entitled to half of his basic salary, full house allowance and medical insurance cover.
- e) An officer who is on interdiction should not leave the duty station without the permission of the Authorized Officer or any other public officer who is empowered to give such permission.
- f) An officer whose interdiction has been lifted shall promptly be served with a decision letter, a sample of which is provided in Appendix III. Any withheld salary, allowances and benefits will be restored with effect from the date it was withheld.

SUSPENSION

Suspension process is as follows:

- a) If an officer has been convicted of a serious criminal offence or is found culpable of a gross misconduct which can lead to dismissal, he or she shall be served with a suspension letter, a sample of which is provided in Appendix IV.
 - b) An officer who is on suspension shall not leave the duty station without the permission of the Authorized Officer or any other public officer who is empowered to give such permission.
 - c) An officer who is on suspension shall not be entitled to any salary but shall be paid full house allowance, and medical allowance or medical insurance premium remitted whichever is the case.
 - d) An officer whose suspension has been lifted shall promptly be served with a decision letter, a sample of which is provided in Appendix V. Any withheld salary, allowances and benefits shall be restored with effect from the date it was withheld.
- b) Interdiction and suspension shall be lifted by the Authorized Officer on recommendation by the Staff Advisory Committee and decision by CASB.

ABSENCE FROM DUTY WITHOUT LEAVE

Where an officer is absent from duty without leave, reasonable or lawful cause, the following steps shall apply:

- i) Establish the exact dates the officer was absent from duty. If not traced through personal contacts and next of kin within a period of seven (7) days from the commencement of such absence, the salary and other remunerative allowances shall be stopped with effect from the date of absence, and a report of the missing officer be made to the nearest police station and the Commission for appropriate action.
- ii) The officer shall be issued with a 'show cause letter' through his/her last known registered address, giving a reasonable period within which to respond but not less than fourteen (14) days. The nature of the offence and the contemplated action shall be stated clearly in the letter. A scanned copy of the show cause letter may be sent to the officer through electronic mail. (Sample letter is provided as Appendix VI.
- iii) If the officer does not respond, the case shall be submitted to the Staff Advisory Committee which shall make a recommendation to the Board for decision.
- iv) If the officer has responded, the representations shall be analyzed alongside the charges and the findings submitted to the relevant committees and CASB decision for action by the Authorized Officer.
- v) The decision of the Board and the right of appeal or application for review shall promptly be communicated to the officer.
- vi) Such decisions will also be communicated to the relevant professional body, where applicable.

RETIREMENT IN THE PUBLIC INTEREST

Retirement in the public interest may be allowed instead of the prescribed punishments if the Board or Authorized Officer considers upon proof of the misconduct that:

- i) the public officer has nevertheless raised a mitigating factor which renders imposition of a punishment too harsh in view of the circumstances of the case;
- ii) the length of service, benefits accrued and previous good record of the public officer justifies the retirement;
- iii) imposing a punishment against the public officer is likely to adversely affect the reputation of the public body concerned or the assembly service generally:

In retiring a public officer in the public interest, the following process shall apply:

- a) The Authorized Officer shall address a letter, a sample of which is provided in Appendix VII, requiring an officer to show cause why he or she should not be retired on grounds of public interest and stating a reasonable period within which he/she must respond.
- b) The public officer's representations shall be submitted to the SAC for deliberation and recommendation on the case.
- c) The details of the case and the SAC recommendations shall be submitted to the Management Committee and finally the Board for decision.
- d) Where the Board is of the opinion that an alternative punishment be applied, the case shall be returned to the Authorized Officer with instructions that a fresh show cause letter be issued in line with the contemplated disciplinary action.
- e) Where the Board concurs with the recommendation, the Authorized officer shall convey the decision to the officer, informing him/her of the benefits, if any and the right of application for review within the time provided for in the regulations as per the sample letter provided in Appendix VIII.

OFFENCES UNDER GROSS MISCONDUCT

The offences that amount to gross misconduct which may lead to summary dismissal are, but not limited to the following:

- a) Negligence of duty; without leave or other lawful cause, an employee absents himself from the place appointed for the performance of work
- b) Intoxication during working hours;
- c) Using abusive or insulting language or behaving in manner likely to cause a breach of the peace;
- d) Insubordination;
- e) Criminal conviction;
- f) Incarceration for more than fourteen (14) days following arrest for cognizable offence;
- g) Fails or refuses, to obey a lawful and proper command within which it was within the scope of is duty to obey, issued by his employer or a person in authority over him by his employer;
- h) Willful destruction of government property;
- i) Theft by public servant;
- j) Unauthorized use or disclosure of confidential information;

- k) Falsification of information or references on appointment; and
- l) Acceptance of any bribe, secret profit or unauthorized commission.

PUNISHMENTS

All punishments inflicted on an officer shall be within the law and the County Assembly Service Act Regulations. The following are the punishments which may be inflicted on officers facing disciplinary action:

- i) Recovery of cost or part of the cost of any loss or breakage caused by default or negligence provided that no such cost has been recovered by surcharge under the appropriate financial instructions or regulations.
- ii) Reprimand (including severe reprimand).
- iii) Deferment of increment.
- iv) Withholding of increment.
- v) Stoppage of increment.
- vi) Reduction in rank or seniority.
- vii) Suspension.
- viii) Interdiction
- ix) Dismissal.

REQUIREMENTS FOR CARRYING OUT INVESTIGATIONS

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

While carrying out the investigations the following shall be observed:

- i) Investigating committee should comprise officers senior to the accused officer and should not have dealt with the case before.
- ii) The team should comprise of not less than three (3) officers (where the team is more than three members, the team shall consist of an odd number).
- iii) The officer under investigation must be interviewed by the investigating committee.
- iv) The investigating committee shall record details of any matters which may aggravate or mitigate the case.
- v) After listening to all witnesses and studying all the documents, the committee shall sum up the case and record its findings as evaluated against the evidence.

vi) The investigation report submitted to the relevant Committee

PART FIVE

APPEALS AND REVIEWS

5.0 RIGHT OF APPEAL AND APPLICATION FOR REVIEW

Any officer dissatisfied by the decision of the CASB may decide to appeal to the County Assembly Service Board. If an officer is dissatisfied with the decision of the Board he/she may apply to the Public Service Commission for review of the decision. A right of appeal or review shall be communicated to the concerned officer in the letter containing a decision which may be appealed against or reviewed as the case may be.

5.1 LODGING AN APPEAL OR APPLICATION FOR REVIEW

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

- a) All appeals and applications for review shall be in writing and made within a period of fourteen (14) calendar days, from the date of the letter conveying the decision. The Board may entertain an appeal or application for review out of time if, in the opinion of the Board, the circumstances warrant it. Appeals to the Public Service Commission shall be with a period of sixty (60) days
- b) All appeals and reviews shall be addressed to the Secretary, of the Board and the Secretary Public Service Commission through the Authorized Officer who shall give comments and a recommendation on issues raised in the form provided for in Appendix IX. While forwarding his/her appeal or application for review, an officer may submit an advance copy to the Board.
- c) An appeal shall be accompanied by copies of all material evidence or documents that the appellant wishes to rely on.
- d) All appeals and applications for review shall be forwarded to the Board/Public Service Commission even where they are made out of time.
- e) Decisions on appeals shall be promptly conveyed and the officer informed of the right of application for review.

PART SIX

COURT CASES

6.0 HANDLING COURT CASES

In the event that the CASB is taken to court in matters relating to the disciplinary powers, the following shall apply:

- (a) The Accounting officer shall bring to the attention of the Board
- (b) The Accounting Officer shall avail evidence and witnesses as may be required for successful handling of court cases.

6.1 Review of the Manual

This manual of the manual will be done from time to time in addressing emerging trends.

PART SEVEN – APPENDICES

- Appendix I – Interdiction following a criminal charge
- Appendix II – Interdiction following gross misconduct leading to dismissal
- Appendix III – Letter Lifting Interdiction
- Appendix IV – Suspension Letter
- Appendix V – Letter Lifting Suspension
- Appendix VI – Show Cause Letter (absence from duty without)
- Appendix VII – Notice of Intention to Retire on Grounds of Public Interest
- Appendix VIII – Decision letter on Retirement in Public Interest
- Appendix IX – Format for Presenting Disciplinary Cases, Appeals and Reviews

APPENDIX I– Interdiction following a criminal charge

(Letter head) To.....

..... (Registered mail to last known address) Dear Sir/Madam,

INTERDICTION UPON CRIMINAL CHARGE

It has been reported to this office that you were arrested and charged in a court of law with the offence of

..... (Set out particulars).

In view of the foregoing, you are hereby interdicted from exercising the duties of your office with effect from the date you were charged/date of this letter (whichever is applicable) pending finalization of your case.

While on interdiction, you will be paid half salary and you should not leave your duty station without the express permission from your immediate supervisor.

(Signed)

Authorized Officer Copy to: Supervisor

APPENDIX II—Interdiction following gross misconduct leading to dismissal

(Letter Head) To.....

.....

Thro'

(Supervisor) Dear Sir or Madam,

INTERDICTION

It has been reported to this office that you.....

(Set out the particulars of the misconduct together with dates)

To facilitate investigations on the alleged misconduct, it has been decided that you be and are hereby interdicted from exercising the duties of your office from the date of this letter pending finalization of your case.

While on interdiction, you will be paid half salary salary, full house allowance, medical allowance or where applicable medical insurance premium remitted. Further, you should not leave your duty station without the express permission of your immediate supervisor.

Your faithfully

(Signed)

Authorized Officer

APPENDIX III—Letter Lifting Interdiction

(Letter head) To.....

..... Thro'..... (Supervisor)

..... Dear Sir/Madam

LIFTING OF INTERDICTION

Further to our letter Ref. No. dated

.....(the interdiction letter) and after due consideration of your case, it has been decided that the interdiction imposed on you be and is hereby lifted with effect from (the

date of the interdiction). Your salary withheld during the interdiction shall be released. You should acknowledge within one month from the date of this letter that you have read and understood the contents herein.

Your faithfully (Signed)

Authorized Officer

APPENDIX IV—Suspension Letter (Letter Head) To.....

.....

Thro'.....

(Supervisor) Dear Sir or Madam,

SUSPENSION

It has been reported to this office that you were convicted of a serious criminal offence namely (set out particulars).

Or

Having considered your representations and investigation report on (state alleged offence), your general conduct and work performance has been found wanting and warrants dismissal on account of gross misconduct.

Consequently, it has been decided that you be and are hereby suspended from exercising the duties of your office from the date of this letter pending finalization of your case.

While on suspension, you will not be entitled to any salary but you will be paid full house allowance, medical allowance or where applicable medical insurance premium will be remitted.

Your faithfully

(Signed)

Authorized Officer

APPENDIX V – Letter Lifting suspension (Letter head)

To.....

..... Thro'.....

(Supervisor)

..... Dear Sir/Madam,

LIFTING OF SUSPENSION

Further to our letter Ref. No.....dated (the suspension letter) and after due consideration of your case it has been decided that, the suspension imposed on you be and is hereby lifted with effect from..... (the date of the suspension).

However, you are hereby warned that a repeat of the same or similar misconduct in future may lead to commencement of proceedings for your dismissal from the service. In view of this decision, you are required to report to this office on and not later than (Reasonable time).

You are required to acknowledge within one month from the date of this letter that you have read and understood the contents herein.

Your faithfully

(Signed)

Authorized Officer

APPENDIX VI—Show Cause Letter—absence from duty without reasonable cause

(Letter Head) To.....

.....

Thro'.....

(Supervisor) Dear Sir or Madam,

ABSENCE FROM DUTY WITHOUT REASONABLE CAUSE

It has been reported that you absented yourself from duty on.....

(State the particulars of the absence including number of days and specific dates)

In view of the above, your dismissal from the service on account of absence from duty without reasonable cause is contemplated, but before this is done, you are hereby called upon to show cause why the intended action should not be taken.

Your representation if any, should reach this office within..... (State reasonable time) from the date of this letter failure to which the contemplated action will be taken without further reference to you.

Your faithfully

(Signed)

Authorized Officer

APPENDIX VII—Notice of Intention to Retire on Grounds of Public Interest

(Letter head) To.....

..... Thro'.....

(Supervisor) Dear Sir or Madam,

NOTIFICATION OF RETIREMENT IN THE PUBLIC INTEREST

It has been established that you committed the following offence(s) which affect the public interest. (State the full particulars of the complaint/offence that warrant his retirement)

Consequently, it is contemplated to retire you on the ground of public interest in accordance with assembly service regulations. However, before a decision to retire you is made, you are hereby asked to make a written representation as to why you should not be retired in the public interest.

Your representations, if any, should reach this office within

..... (reasonable period) days from the date of this letter failure to which, you shall be retired on the ground of public interest without further reference to you.

Yours faithfully

(Signed)

Authorized Officer

APPENDIX VIII—Decision Letter on Retirement in Public Interest

(Letter head) To.....

..... Thro'.....

(Supervisor) Dear Sir or Madam,

RETIREMENT IN THE PUBLIC INTEREST

This is to inform you of the Assembly service Commission’s decision to retire you on the grounds of public interest with effect from (date).

In view of this decision, you are required to report to this office within thirty days with a view to submitting a handover report and to conclude arrangements for processing your pensions and other terminal benefits. Consequently, you are requested to complete the following documents and return them to this office duly signed for further action:

1. Pension Commutation Form.
2. Official Secrets (Declaration) Act for officers leaving the service.
3. Final Wealth Declaration Form
4. Clearance Form

Pease note that you have a right of application for review of the decision to the Commission within six months from the date of this letter.

Your faithfully

(Signed)

Authorized Officer

APPENDIX—IX Format for Presenting Disciplinary Cases, Appeals and Reviews by the Authorized Officer to the Commission

(i) **Name**.....

Date of First Appointment.....

Personal Number.....

Current designation.....

Job group/Salary scale.....

Terms of service.....

(ii) **Date of Birth**.....

B. **Nature of Charge, Offence or Misconduct against the officer**

.....

(Set out the particulars in full)

C. **Discipline case/Appeal/Reviews**

.....

(Specify)

D. **Previous charge or offences or misconduct and punishments (if any)**

Charge	Decision	Date
1.		
2		

E. **Criminal convictions if any**

Criminal charge/offence	Date	Judgment/Ruling/Order by court

Criminal charge/offence Date Judgment/Ruling/Order by court



COUNTY GOVERNMENT OF BUNGOMA



CONTACTS

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