



REPUBLIC OF KENYA

Code of Regulations

REVISED 2006

CODE OF REGULATIONS

PREAMBLE

The Public Service is the engine for socio-economic growth of the nation and must, therefore, take a leading role in stimulating such growth. To this end, the main objective of the Public Service is to effectively support the Government of the Republic of Kenya to lead and propel the country to greater heights of economic growth and prosperity. In accomplishing this objective, public servants will be guided and inspired by a shared vision, that the Public Service will be an efficiently performing institution; committed to serving the Public with integrity and utmost courtesy and giving value to the tax payers' money.

The Code of Regulations does not purport to be exhaustive of all the rules and regulations governing public servants in their day to day activities and is to a great extent a well thought out summary of the core and significant regulations. The Code incorporates provisions of all relevant legislations which are applicable on matters of employment and all other Human Resource Management issues. In this regard, it is important to note that the Code of Regulations should be read along with the relevant Acts of Parliament, where applicable, for better understanding.

This Code is applicable to the Civil Service and will be updated from time to time to reflect the socio-economic changes in the country. Where clarification of any regulation contained in this Code is required, it should be sought from Permanent Secretary/Director of Personnel Management.

Permanent Secretary/Director,
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May 2006

CODE OF REGULATIONS

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DEFINITION OF TERMS

- (i) **Accounting Officer** - Means the Permanent Secretary/Head of Department appointed by the Permanent Secretary, Treasury to take full responsibility on the finances, assets and liabilities of the respective Ministry/Department.
- (ii) **Authorized Officer** - Means -
 - (a) The Permanent Secretary who exercises supervision over the Ministry concerned or over the Ministry in which the public officer concerned holds an office, as the case may be; or
 - (b) in the case of a Department which is not assigned to any Minister, the Head of that Department; or
 - (c) in the case of the Kenya National Audit Office, the Controller and Auditor- General.
- (iii) **Basic Salary** - Means an officer's salary excluding allowances.
- (iv) **Bon Vacantia** - Means property not disposed off in a will and to which no next-of-kin is entitled under intestacy law e.g. where someone dies without an heir and having made no will.
- (v) **Children** - Means the biological offspring or legally adopted child under the age of twenty two (22) years who are unmarried and are wholly dependent on the officer. For purpose of records, the names of the children must be declared at the time of birth or adoption if it occurs during employment in the Civil Service. Copies of birth certificates or legal adoption papers will be required in either case.
- (vi) **Civil Servants** - Means employees of Public Service Commission of Kenya deployed in Ministries/Departments.
- (vii) **Code** - Means the Code of Regulations.

- (viii) **Commission** - Means the Public Service Commission of Kenya.
- (ix) **Extended Family** - Includes the officer, spouse, children, parents, brothers and sisters of the officer.
- (x) **Immediate Family** - Includes the officer, spouse, children and the officer's parents.
- (xi) **Leave Year** - Means the period commencing 1st July to 30th June of the following year.
- (xi) **Next-of-Kin** - Means the name of the person provided by the officer for the purpose of contact during emergency and in case of death, the person assumes the role of legal administrator of the deceased estates.
- (xii) **Nuclear Family** - Means the officer, spouse and children.
- (xiii) **Pro-rata** - Means computation of benefits for the period served in relation to the full term entitlement.
- (xiv) **Pro tanto** - Means proportionate i.e. to that extent or for so much or as far as it goes e.g. in payment of debts.
- (xv) **Public Service** - It incorporates the Civil Service, Disciplined Services, Teaching Service, Judiciary, Armed Forces, Local Authorities, Public Universities, Parliamentary Service Commission, State Corporations and Statutory Bodies.
- (xvi) **Reimbursable Allowances** - Means those allowances where an officer gets reimbursement on the expenditure incurred in the course of duty e.g. accommodation allowance, transfer allowance, etc.
- (xvii) **Remunerative Allowance** - Means those allowances paid to an officer, in addition to salary as a form of compensation for additional responsibilities e.g. overtime allowance, acting allowance, special duty allowance, etc.

- (xviii) **Spouse** - Means legal marriage partner of an officer specified under the Marriage Act or in accordance with the relevant Customary Law. The spouse must be disclosed at the time of appointment or at the time of marriage if it occurs during employment in the Civil Service.

- (xix) **Tour of Service** - Means the period of employment contract in the Civil Service awarded to a foreign employee.

The Code of Regulations is formulated with due regard to gender; thus where reference is made either to 'he' or 'she' only, it shall be construed to mean and include reference to both 'he' and 'she' and where reference is made to spouse, it shall be construed to mean and include reference to both 'husband' and 'wife' where applicable and vice versa.

SECTION A

ORGANIZATION OF GOVERNMENT AND PROCEDURE FOR CONDUCT OF GOVERNMENT BUSINESS

INTRODUCTION

Section A of the Code of Regulations is a summary of matters connected with organization of Government and procedures for conduct of Government business. It shall be read in conjunction with the Government Office Manual and the Constitution of Kenya. Where necessary, clarification on any regulation contained in this Section should be sought from the Office of the President.

(Revised 2006)

SECTION A

ORGANIZATION OF GOVERNMENT AND PROCEDURE FOR CONDUCT OF GOVERNMENT BUSINESS

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SECTION A

ORGANIZATION OF GOVERNMENT AND PROCEDURE FOR CONDUCT OF GOVERNMENT BUSINESS

Allocation of functions to Ministries/Departments

A.1 The allocation of functions to Ministries/Departments is as set out in Presidential Circulars which are issued to the Service from time to time.

Role of Ministers

A.2 Ministers are the political heads and are responsible for the policy direction, co-ordination and overall supervision of the Ministries/Departments for which they are responsible. This includes general policy formulation, guidance and implementation.

Communication by Ministers

A.3 (1) Ministers will communicate directly with the President by minutes, letters or verbally, as may be appropriate. They may see him by arrangement whenever they wish to do so. Ministers should inform the President at the earliest possible opportunity of any important event connected with the administration of functions of Government allocated to them.

(2) Ministers will normally communicate with one another on official matters by letters, and not by passing files.

(3) Ministers will normally communicate with their respective Permanent Secretaries by minutes or orally.

(4) Ministers will normally communicate with Heads of Departments/Parastatals under their control by minutes or orally through their respective Permanent Secretaries.

(5) If a Minister wishes to communicate with a department not falling within his portfolio, he will do so through the appropriate Minister and not directly.

(6) A Minister will communicate with officials of departments under his general control through the appropriate Permanent Secretary/Head of Department, as the case may be and not direct except in such matters of daily routine as may require direct communication, or when special circumstances so require. In such cases, if any important decisions or directions are involved, the Minister concerned should also confirm his instructions direct to the Permanent Secretary/Head of Department as soon as possible.

(7) Ministers may communicate directly with Provincial Commissioners.

Role of Assistant Ministers

A.4 Assistant Ministers will assist Ministers on parliamentary and political business. They will be expected to execute any duties that may be assigned to them in writing by their Ministers and must also cultivate the closest working relationship with Ministers and Permanent Secretaries in their respective Ministries.

Role of the Public Service

A.5 The Public Service shall be responsible for implementation of Government policies and programmes. It will so far as possible be insulated from politics.

Role of the Public Service Commission of Kenya

A.6 The Public Service Commission of Kenya is the authority responsible for appointments, promotions, discipline, examinations and occupational tests in the Civil Service and Local Authorities unless otherwise expressly provided or except where powers are delegated to Authorized Officers.

Role of the Permanent Secretary, Secretary to the Cabinet and Head of the Public Service

A.7 The Permanent Secretary, Secretary to the Cabinet and Head of the Public Service is responsible to the President for the administration of the Public Service.

Role of the Permanent Secretary/Director of Personnel Management

A.8 The Permanent Secretary/Director of Personnel Management is the principal advisor to the Government on human resource management policies applicable in the Public Service.

Role of Permanent Secretaries/Heads of Departments

A.9 (1) Permanent Secretaries/Heads of Departments are responsible for:

- (i) efficient management of the day to day operations and administration of human resources in their respective Ministries;
- (ii) Efficient utilization of funds and other Government resources placed at their disposal by Parliament; and
- (iii) Giving effect to lawful directives of Ministers and keeping them informed of all important activities and events connected

with their respective Ministries.

(2) Permanent Secretaries/Heads of Departments should also seek advice and guidance from their respective Ministers before taking decisions on important policy matters.

The Provincial Administration

A.10 (1) It is the responsibility of the Provincial Administration to coordinate implementation of Government Policies and programmes carried out in the Provinces and Districts. A Provincial Commissioner has varying responsibilities to every Minister and a special responsibility to the President for coordinating and guiding all Government activities in a Province.

(3) The District Commissioner is the overall co-ordinator of all the development activities in the district. As Chairman of the District Development Committee, it is his responsibility to ensure that officers in-charge of planning, co-ordination and implementation of projects execute their obligations in an effective and efficient manner.

The Attorney General

A.11 (1) The Attorney General is the Principal legal adviser to the Government. His responsibilities are therefore to ensure that Ministries/Departments are given appropriate legal advice on all legal matters where it is needed and requested for. In particular, rules, regulations and by-laws, should always be submitted for scrutiny by the Attorney General and in cases of particular difficulty, the Attorney General may be required to draft the legal document.

(2) When it is desired that draft or subsidiary legislation should be prepared, including Bills and rules or regulations of special complexity or importance, the Minister concerned shall cause the matter to be placed on the agenda of the Cabinet in order that it may be decided in principle whether legislation is required. When that has been decided, the matter should be referred to the Attorney General, accompanied by a memorandum containing comprehensive instructions for guidance of the legal draftsman. Where legislation for introduction in parliament is involved, the draft should then be submitted to the Cabinet for approval.

Absence from Headquarters

A.12 Permanent Secretaries/Heads of Department intending to leave their headquarters on tour must notify their Ministers and the Permanent Secretary, Secretary to the Cabinet and Head of the Public Service of the probable period of absence and date of departure at least three days in advance.

Senior Officers on Tour

A.13 A senior officer who proposes to visit an outstation or elsewhere on official duties, should give in advance to the Provincial Commissioner or officer in charge of the area, information as to his itinerary and nature of the visit. He should also on arrival, pay a courtesy call to the senior administrative officer in residence and discuss the purpose of the visit.

SECTION B

THE PUBLIC SERVICE COMMISSION OF KENYA

INTRODUCTION

The Public Service Commission of Kenya is charged with the responsibility for recruitment, promotion and the exercise of disciplinary control in the Civil Service and Local Authorities. In performing these functions, the Commission derives its powers from Chapter VIII of the Constitution. The functions of the Commission are defined in the Service Commissions Act (Cap.185) of the Laws of Kenya. The Public Service Commission Regulations may be amended from time to time to enhance effective management of the Civil Service and Local Authorities through legal notices. The Commission may delegate some of its powers to Authorized Officers as defined in its regulations.

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SECTION B

THE PUBLIC SERVICE COMMISSION OF KENYA

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SECTION B

THE PUBLIC SERVICE COMMISSION OF KENYA

Advisory Functions of the Commission to the President

B.1 Whenever required by the President, the Commission shall advise the President on any matter affecting the Civil Service and Local Authorities which may, from time to time, be prescribed as a matter requiring the advice of the Commission or be referred by the President to the Commission.

Powers of the Public Service Commission of Kenya

B.2 The powers of the Public Service Commission of Kenya as contained in the Constitution are:

- (i) recruitment for the Public Service and Local Authorities;
- (ii) promotion and acting appointments of Public Officers and Local Authority officers;
- (iii) disciplinary control in the Public Service and Local Authorities;
- (iv) retirement and removal of Public Officers and Local Authority officers;
- (v) establishment of standards of ethical conduct of Public Officers, issuance and administration of the Code of Conduct for Public Officers in accordance with the provisions of the Public Officer Ethics Act, 2003;
- (vi) administration of the Staff Performance Appraisal System; and
- (vii) administration of Civil Service Examinations and Occupational tests.

Powers to Conduct Examinations and Appoint Boards, etc

B.3 (1) The Commission may conduct such examinations, interviews and investigations and appoint such selection, discipline and special Boards as it may consider necessary for the proper discharge of its functions as set out in the relevant Laws and Regulations.

(2) Any such Board may consist wholly or in part of persons who are not members of the Commission.

(3) The Commission may delegate to any such Board any of the functions of the Commission relating to the examination or interview of, or investigation of any circumstances affecting candidates for appointment, promotion or transfer to any public office as defined to be within the scope of the Commission.

(4) The President may from time to time give such general or special directions as he may deem fit to the Commission or any such Board in respect of the performance of their functions under this Section, and where any such directions are given, the Commission or, as the case may be, the Board, shall comply therewith.

(5) Any such directions which may be given to the Commission may extend to the constitution of any such Board and to the extent to which the Commission may delegate their functions under sub-section (3) of this regulation.

Access to the President

B.4 (1) For the purpose of discharging the functions of the Commission, the Chairman shall at all times have direct access to the President.

(2) Nothing in these regulations shall be construed as requiring the President to act in accordance with the advice of the Commission.

Appointment on Local Agreement Terms

B.5 Appointments on local agreement terms of service, may only be made on prior authority of the Commission. Renewals or extensions of appointments on agreement terms may also be made only on the Commission's authority. The Authorized Officers/Heads of Department should report to the Commission cases of employment on agreement terms which require renewal or extension at least two months before the expiry of the initial period to avoid delay.

Recruitment from Outside Kenya

B.6 (1) The authority of the Public Service Commission of Kenya must be sought before proceeding with any recruitment from outside Kenya. The Commission will grant such authority on the advice of the Permanent Secretary/Director of Personnel Management where it has been established that there are no local candidates with the requisite qualifications to meet the staffing needs.

(2) Recruitment from outside Kenya will also be subject to the following conditions:

- (i) that the candidate is prepared to accept an appointment on local agreement Terms except where otherwise provided in the Agreement;
- (ii) that the Government of the country to which the candidate belongs raises no objection to his recruitment; and
- (iii) the candidate complies with the provisions contained in the Immigration Act.

(3) It is the responsibility of Ministries/Departments to facilitate acquisition of the work permit.

Advice on Salary Scales

B.7 The Commission is not directly concerned with questions of salary scales or other forms of remuneration for public servants. However, it may in its discretion suggest for the consideration of the Government that the salary level of certain posts should be raised if it is unable to recruit suitable candidates for the posts in question in the authorized salaries. Correspondence on remuneration generally should be addressed to the Permanent Secretary/Director of Personnel Management who will determine salary scales in consultation with the Treasury.

Notification of the Commission's Decisions

B.8 The decisions of the Commission to the Ministries/Departments will contain the names and identifications of persons selected, the salary scale to be offered where applicable and the date from which the appointments should take effect.

Conduct of Examinations

B.9 All examinations conducted by the Commission for promotion from one grade to another will be held under the authority of the Commission. The guidelines of the examinations conducted by the Commission will be issued to the Service by the Commission from time to time.

Communication with the Public Service Commission of Kenya

B.10 All communication with the Commission will be addressed to the Secretary to the Commission. Serving officers should channel their letters through their Authorized Officers/Heads of Department.

Reporting of vacancies

B.11 When a vacancy is reported to the Commission, full particulars should be supplied including the relevant item in the estimates, the approved grading of the post and also the designation. It should also be stated whether the vacant post is pensionable or non-pensionable and whether it is proposed that the post should be filled on a pensionable or contract basis. A draft advertisement should also be attached when it is recommended that the vacancy should be advertised.

Advertisement of Vacancies

B.12 All local advertisements in respect of vacancies falling within the scope of the Commission will be issued and published by the Secretary to the Commission. No advertisements in respect of such posts will, therefore, be issued by Ministries/Departments without the authority of the Commission. When reporting the vacancies, Authorized Officers/Heads of Department should enclose a statement of the qualifications required for the posts in question and the duties/responsibilities which the successful candidates will be expected to perform.

Applications from Serving Officers

B.13 (1) When a serving officer applies for a post advertised by the Commission, his application should be submitted to the Secretary of the Commission through the appropriate Authorized Officer/Head of Department. The Authorized Officer/Head of Department must forward it with his recommendation as to the suitability of the applicant for the post and make any other comments which in his view may be useful to the Commission to make a decision on the application.

(2) Serving officers should submit their applications in triplicate in respect of each post for which they are applying on Form PSC 2A. The original, Part I of which should be completed by the applicant and handed to the Head of Department who will complete Part II, while the duplicate and triplicate copies should be sent by the applicant directly to the Secretary, Public Service Commission of Kenya.

Applications from the Public

B.14 (1) The Commission does not accept applications for Government employment except in response to its advertisements. Consequently, any such applications that may be received by a Government department should not be forwarded to the Commission except in connection with existing vacancies in the department.

(2) Under delegated powers, Ministries/Departments may receive and process applications for initial employment in Job Groups 'A' to 'H' in accordance with existing regulations governing applications.

Promotion of Serving Officers

B.15 When a serving officer is recommended for promotion to fill a vacancy, particulars of his service history should be supplied to the Commission. It should also be stated whether the officer recommended for promotion is the senior most in the grade. If he is not, the names of officers who will, if the recommendation is approved, be superceded, should be given, with a note in each case stating the reasons why such supercession is recommended.

Terms and Conditions of Employment

B.16 The rules governing appointments, promotions, transfers and related matters are contained in Section E of these Regulations.

SECTION C

STAFF NEGOTIATING MACHINERY

INTRODUCTION

The Union of Kenya Civil Servants has been accorded full recognition by the Government as the only properly constituted representative body competent to represent employees in Job Groups 'A' to 'L' in the Civil Service. This will, however, exclude Teachers under the Teachers' Service Commission, Armed Forces, National Security Intelligence Service and uniformed personnel in the Police Force, Prisons Department, Administration Police and National Youth Service and other categories of staff agreed between the Government and the Union.

(2006)

SECTION C

STAFF NEGOTIATING MACHINERY

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SECTION C

STAFF NEGOTIATING MACHINERY

General

C.1 The Government recognizes the Union of Kenya Civil Servants for the purpose of negotiating the terms and conditions of service for all staff in Job Groups 'A' to 'L', excluding the Teachers under the Teachers Service Commission, the Armed Forces, National Security Intelligence Service Personnel, the uniformed personnel in the Police Force, Prisons Department, Administration Police and the National Youth Service and other categories of staff agreed between the Government and the Union.

Objects

C.2 (1) The main objects of all Consultative Committees referred to in this Section shall be:

- (i) to secure the greatest measure of co-operation between the Government in its capacity as employer, and its employees in all matters affecting the Civil Service; and
- (ii) to provide machinery for negotiations between employer and employee on terms and conditions of service.

(2) The functions of these Consultative Committees shall be specified in the parties' recognition agreement.

Committees

C.3 The recognition agreement provides for establishment of separate committees which include Central Negotiating Committee, which is the apex body, the Ministerial/Departmental Negotiating Committees in each Ministry or large departments and Provincial Consultative Committees at provincial level.

Central Negotiating Committee

C.3.1 (i) There shall be a Central Negotiating Committee consisting of not more than five members from the employer and not more than five members from the Union.

(ii) The quorum shall not be less than three representatives from each side.

(iii) The function of the Central Negotiating Committee shall be to negotiate on all matters including matters referred to it by the Ministerial and Provincial Negotiating Committees. The Committee shall meet as and when necessary. It shall regulate its own procedures and elect its own Chairman and Secretary. It may also co-opt, where necessary, members of the Ministerial or Provincial Consultative Committees or expert witnesses. It may also set up a sub-committee to try and settle any problem submitted by it within its jurisdiction.

(iv) Unless otherwise agreed, the expenses of the Central Negotiating Committee (if any) shall be met by the employer and the Union in equal shares.

(v) A meeting of the Central Negotiating Committee shall be convened within fourteen days of a request for a meeting from either side or within fourteen days on receipt of a report from the Ministerial or Provincial Consultative Committees. Such request or report shall state the matter or matters to

be discussed and will be placed on the agenda provided that such matters are properly the concern of the Central Negotiating Committee.

(vi) Matters referred to the Central Negotiating Committee by Ministerial or Provincial Consultative Committees may be referred back to those Committees in writing if in the opinion of the Central Negotiating Committee such matters have not been properly or thoroughly dealt with by the Ministerial or Provincial Consultative Committees, as the case may be.

(vii) In the event of failure to reach an agreement at the Central Negotiating Committee within fourteen days, either side may refer the matter in dispute to the Minister responsible for Labour in accordance with the provisions of the Trade Disputes Act.

(viii) After reporting a dispute, no lockout, strike or other action to hinder the operation of Government business shall take place unless and until the machinery under the Trade Disputes Act is completely exhausted.

Ministerial/Departmental Consultative Committee

C.3.2 (i) Ministerial/Departmental Consultative Committee shall be formed within each Ministry.

The Ministerial/Departmental Consultative Committee shall consist of not more than three representatives nominated by the Permanent Secretary of the Ministry/Head of Department and not more than three employees' representatives. The members of the Committee shall be in the employment of the Ministry. The quorum shall be not less than two representatives from each side.

- (ii) The Committee shall meet as and when necessary to consider claims or grievances affecting only the employees of the Ministry/Department concerned. The Committee shall regulate its own procedures and elect its own Chairman and Secretary.
- (iii) The Committee shall deliberate on a claim or grievance provided that any such claims or grievances shall be raised in the first instance by a Union representative with the immediate supervisor of the Ministry/Department within seven days of the occurrence giving rise to the claim or grievance.
- (iv) In the event of failure to reach an agreement at the Ministerial/Departmental Consultative Committee, the matters in question shall be referred either to the Provincial Consultative Committee or to the Central Negotiating Committee by either the Chairman or Secretary of the Ministerial/Departmental Consultative Committee within seven days of such failure.

Provincial Consultative Committee

- C.3.3 (i) The Provincial Consultative Committee shall be formed within each Province.
- (ii) Provincial Consultative Committee shall be formed and consist of not more than five Union representatives and not more than five representatives from the employer.
 - (iii) The Committee shall meet as and when necessary to consider claims

or grievances on matters of general interest affecting members of the Union in the area. The Committee shall regulate its own procedures and elect its own Chairman and Secretary.

- (iv) The quorum of a meeting of the Provincial Consultative Committee shall not be less than three members from each party.
- (v) Matters referred to the Provincial Consultative Committee for consideration, other than those of individual members, shall be so referred by an accredited official of the Union in the area. On receipt of a report, the Chairman of the Provincial Consultative Committee will convene a meeting within seven days.
- (v) Matters referred to the Committee for consideration by individual members of the Provincial Consultative Committee shall be submitted in writing by the member making such a report and shall give full particulars of the claim or grievance to the Chairman of the Committee. On receipt of this report, the Chairman shall convene a meeting of the Committee within seven days.
- (vi) The Committee shall have no power to vary any agreement reached in the Central Negotiating Committee, but may make recommendation to the Central Negotiating Committee on all matters.
- (vii) In the event of failure to reach an agreement at this level within seven days, it shall be referred to the Central Negotiating Committee by the Chairman or Secretary of the Committee. In a case where only one Ministry is affected, the matter may first be referred to the Permanent Secretary of the Ministry as shall be directed by the Central Negotiating Committee.

- (viii) The Committee shall regulate its own procedure and elect its own Chairman and Secretary.

Arbitration

C.4 Should the two sides fail to agree at the end of negotiations in all the Committees, either side may refer the matter in dispute to the Minister responsible for labour in accordance with the provisions of the Trade Disputes Act, Cap.234 of the Laws of Kenya.

Membership

C.5 The Government attaches great importance to a strong and healthy Union, and encourages officers in Job Groups 'A' to 'L' to join the Union. Officers who are appointed as officials of the Union shall be given leave to carry out their official duties for the Union. However, they may not meet during office hours except under very special circumstances. Meetings of members of the Union may not take place during office hours without official permission from the heads of departments concerned.

SECTION D

CORRESPONDENCE, PUBLICATIONS, PRINTING AND INVENTIONS

INTRODUCTION

This Section spells out the basic rules for effective communication through correspondence. It emphasizes the need for expeditious treatment of communication within the prescribed rules and provides a brief guide for use of a variety of other communication media. Additionally, it contains guidelines in regard to publication, printing and use of office stationery.

(Revised 2006)

SECTION D

CORRESPONDENCE, PUBLICATION, PRINTING AND INVENTIONS

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SECTION D

CORRESPONDENCE, PUBLICATIONS, PRINTING AND INVENTIONS

Form of Correspondence

D.1 (1) The general form which correspondence should take is:

- (i) a brief outline of the history of the case indicating the points on which a decision, etc., is required and the grounds on which the decision etc. may be based;
- (ii) cognate references; and
- (iii) a definite recommendation.

(2) All communication should be divided into paragraphs and dated the day they are actually dispatched. They should be printed where possible, but in cases of classified correspondence this is left to the writer's discretion.

(3) Both sides of the paper should be used and a reasonable margin should be left blank on the left hand side.

D.2 Each communication should be confined as far as possible to a single subject under an appropriate and summarized heading. Invariably, the reference number and date of the last communication, if any, from the writer and from the person addressed on the same subject should be given.

D.3 (1) Enclosures, unless of exceptional importance, should be avoided whenever practicable and copies, not originals, be sent.

(2) Enclosures in foreign languages should be accompanied by a translation, or, in the case of documents of minor importance, by precis of the

contents.

- (3) Documents received in foreign languages should be referred to the Ministry of Foreign Affairs for official translation, if necessary.

D.4 Great importance is attached to the expeditious treatment of all communication received by the Government. Every communication requiring a response but which cannot be answered at once should be acknowledged promptly on receipt. The necessary consultations should then be finalized and appropriate reply dispatched in not more than 7 days unless it can genuinely be established that such consultations require a longer period.

D.5 No information which has passed between Government departments or between the public and Government departments should be communicated to any member of the public without the sanction of the Permanent Secretary of the Ministry/Department concerned.

D.6 When decisions of the Government have to be conveyed to the non-governmental bodies or to members of the public, they should be communicated as the decisions of the Government, and not as those of an individual officer, Ministry or Department. This should also include passing on advice of a State Counsel to unofficial persons or bodies, in which case the approval of the Attorney General should first be obtained. The advice should not be quoted verbatim and must not be ascribed to the State Counsel. Phrases such as "It is the view of the Government that ..." or "The Government considers that ..." should be used, followed by the advice.

D.7 An individual member of the public should not be caused any expense or inconvenience in reply to enquiries instituted by the Government and to which it is in the interest of the Government that a reply should be received.

Departmental Correspondence

D.8 A departmental officer should communicate with a Minister through his Permanent Secretary.

D.9 It should not be necessary to refer matters of purely departmental concern to a Minister unless there is reasonable doubt, a variance with authorized procedure, lack of authority or the matter is of considerable importance. All phases of the problem should be examined departmentally before the matter is submitted to the Minister.

D.10 If an original file is referred to a Head of Department by the Office of the President or by a Ministry, it should not be referred by him to another department except under specific instructions. Any departmental action should be recorded on the departmental files, the only entry on the Ministerial file being the reply of the Head of Department supplemented by such enclosures and extracts as he may consider necessary.

D.11 Permanent Secretaries/Heads of Department and Provincial Commissioners should indicate in their letters forwarding communications to the Government, their own opinion and recommendations.

Indents

D.12 Correspondence in connection with indents for recruitment from both inside and outside Kenya should be dealt with between Authorized Officers and the Secretary, Public Service Commission of Kenya through the Permanent

Secretary/Director of Personnel Management and/or the administrator of the relevant scheme of service.

Communication Affecting Individual Officer

D.13 An officer is not allowed to take extracts or make copies of minutes and correspondence for his own purpose, unless such correspondence is expressly addressed to the officer personally.

Correspondence with Other Governments or Administrations

D.14 Correspondence with other Governments or Administrations regarding the transfer of an officer should be conducted by the Permanent Secretary/Director of Personnel Management on the recommendation of the Authorized Officer of the Ministry concerned.

Postage of Correspondence

D.15 All correspondence sent through the post must be prepaid with the appropriate postage by affixing postage stamps or franking by postage meter. Enquiries on public business emanating from Government Departments addressed to members of the general public calling for a reply should be accompanied by a stamped addressed official envelop, or a stamped questionnaire in a form suitable for return through the post on the back of which appears the address of department concerned. Alternatively, arrangements should be made with the Postal Corporation of Kenya, for the use of "Business Reply" Service, where replies to questionnaires should be paid for on delivery of such replied questionnaires.

D.16 (1) Postage stamps and postage meters in use for official business should be kept in the custody of responsible officers.

(2) The approval of the Managing Director, Postal Corporation of Kenya, should be obtained for the use of postage meter.

- (3) The use of courier services is encouraged, where available.

Communication with the Judiciary

D.17 Correspondence between the Executive and the Judiciary is conducted directly between the President and the Chief Justice, except that correspondence on matters of routine and administration is conducted between the Permanent Secretary/Head of Department of the Ministry concerned and the Registrar of the High Court of Kenya.

Classified Correspondence

D.18 (1) The Government of Kenya Security Manual contains instructions regarding classified correspondence.

(2) The appropriate classification should be clearly marked at the top and bottom of every page of all classified documents.

(3) Permanent Secretaries/Heads of Department will be held responsible for ensuring that the most careful attention is paid to security matters in all offices under their control. The attention of all officers having access to classified information should be particularly drawn to the Security Manual once each year and a certificate that this

has been done should be furnished by Authorized Officer/Heads of Department to the Permanent Secretary, Office of the President, not later than 31st January each year. A certificate to the effect that this has been done will be included in all handing-over reports.

Reports and Memoranda for the Cabinet

D.19 Reports and Memoranda which require to be submitted to the Cabinet should

be prepared in the Office of the Minister concerned and fifty (50) copies sent to the Secretary to the Cabinet. The file should not accompany the memoranda and other than the file copy, no further copies should be produced or distributed without the permission of the Secretary to the Cabinet.

Publicity/Broadcasts

D.20 (1) The Department of Information in the Ministry responsible for communication is the recognized channel for all Government information to the Local and International mass media. Ministries/Departments should therefore, maintain regular liaison through Public Relations Officers in the Ministries/Department to ensure the fullest possible publicity for any information they wish communicated to the public through the media. The Department will assist in the preparation of the material for publicity in a form most suitable to the media but it will be the responsibility of the Ministry/Department concerned to ensure accuracy before any material is issued.

(2) Where publication of any information is required by law, it is essential that the legal obligation involved should be explained by the Ministry or Department concerned to the Department of Information after consulting the Attorney General. However, if the Department of Information decides that the information is such that the media is unlikely to accept it in the news columns, it will advise the relevant Permanent Secretary accordingly.

(3) Permanent Secretaries or other authorized officials may make statements to the media on matters of fact. However, only Ministers are authorized to make statements to the media on Government policies. Copies of such statements should be sent to the Department of Information and office of the Public Communications Secretary as soon as possible after they have been made.

Use of Telephones

D.21 Use of telephone will be limited to official business only as promulgated from time to time by Government Circulars.

Telegrams, Electronic Mail and Fax

D.22 For faster communication, Ministries/Departments should adopt use of E-mail, fax, telephones and telegrams. The usage of these services should however be restricted to official matters only and in circumstances where it enhances efficient service delivery. An officer should use his discretion when utilizing this form of correspondence in place of the usual one.

D.23 The responsibility of ensuring that correspondence reaches its destination rests with the sender.

Telegraphic Code/Password

D.24 Officers to whom the telegraphic code and password are entrusted should take precautions to keep it confidential and safeguarded.

Publications and Printing

D.25 (1) Standard forms generally used in Government should be obtained from Government Press. Where they are customized, care should be taken to ensure that quality and accuracy are not compromised.

(2) In the case of circular instructions issued by the Office of the President, Ministries or the Directorate of Personnel Management, the Government Printer should be informed of the number of copies required for circulation. The Government Printer will send the copies to the Ministry/Department concerned direct for distribution.

(3) Only essential departmental bulletins and reports should be published. They should be as brief as possible. Expensive illustrations should not be included unless they are absolutely necessary for the proper understanding of the text.

D.26 (1) Annual reports are intended to be a record of work done during the period under review and should be concerned with assessing whether government programmes, performance contracts, functions and activities have led to achievement of stated objectives or goals during the year in question. Annual Reports should therefore, include the following information:

- (i) a descriptive statement giving background information about a programme, function or an activity which should include elements such as cost, time span, size, schedule, etc;
 - (ii) a statement of intended objectives which were to be achieved after implementation;
 - (iii) environmental influences/factors during implementation;
 - (iv) outcomes/impacts in relation to the originally stated objectives;
 - (v) an analysis on whether the activity in question has been managed efficiently and effectively as planned; and
 - (vi) recommendations and suggestions for future improvement of Government policies and programmes.
- (2) Where feasible, integrated Departments should publish one report covering the departments within the Ministry.
- (3) Full length reports should only be published every three years. In the two intervening years, brief progress reports should be issued showing only the essential changes which have taken place since the previous year. All statistical matters should be copied

to the Ministry responsible for Planning.

- (4) The result of research or scientific investigations should be published in scientific journals, or as separate monographs, and not in annual reports. The reports should, however, include a reading list referring to these separate publications.
- (5) Annual reports need not be laid formally on the table of the National Assembly prior to their publication. Copies for the National Assembly should be sent by the Government Printer direct to the Clerk of the National Assembly.
- (6) Reports will be prepared on the basis of a calendar year and Ministries wishing to use the financial year as a basis should obtain approval from the Ministry responsible for Planning before doing so.
- (7) The first section of all reports should be headed "Review of the Year" and should set out clearly and concisely the main event, achievement, developments and trends in the year's work as derived from the material in the remainder of the report. The review section should not be longer than two printed pages of the standard size.
- (8) Annual reports should not be published without the prior sanction of the Minister concerned.
- (9) Annual reports should include performance contract signed by Permanent Secretary/Head of Department.

Publications for Diplomatic and Other Representatives Abroad

D.27 (1) All printed annual, statistical or other reports of general interest prepared in Government Ministries and Departments should be sent in duplicate to the Government's diplomatic and other representatives abroad. To ensure that this is done, the addresses of diplomatic and other representatives abroad should be included in mailing lists.

(2) It is of great importance that diplomatic and other representatives abroad should be kept supplied with up-to-date information for purposes of publicity and reply to queries. They should be made conversant with matters in respect of which publicity abroad is advisable. Advance information of this nature will be treated confidentially if desired.

Sale of Publications

D.28 Publications laid on the table of the National Assembly are normally available for sale to the public. The price of the publications will be assessed by the Government Printer and stated on the cover on the publication as issued. The number of additional copies to be printed for this purpose will be left to the discretion of the Government Printer.

Unprinted Common-User Stationery

D.29 Purchase of common user stationery e.g. duplicating papers, biro-pens, paper clips, etc must be done in accordance with the laid down Government procurement procedures.

Printed Stationery

D.30 (1) All printed accountable documents, publications, rubber stamps, etc., must be ordered from the Government Printer.

(2) Payment for such orders must be made in advance against proforma invoices issued by the Government Printer.

(3) A list of common-user forms and accountable documents is available at the Government Press and should be used as a guide in preparing orders from the Government Printer.

Economy in Use of Stationery

D.31 (1) Utmost economy shall be exercised in the ordering and use of official stationery. Official stationery must not be used for private correspondence.

(2) Printing should be reduced to a minimum and comparative cost of using duplicating/photocopying machines and printing should be considered before any orders are given to print.

(3) All stocks of official stationery should be kept under lock and key and issued by a responsible officer only when required.

Indents for Stationery

D.32 (1) All stationery ordered from the Government Printer or from the Supplies Branch, Ministry responsible for Public Works should be requisitioned on the prescribed indent Form S.12 (Revised).

(2) Indents should be carefully scrutinized and reduced to a minimum by Heads of Department before being sent to the Government Printer or to the Supplies Branch.

(3) A list of the normal items of stationery which may be requisitioned

from the Supplies Branch, Ministry responsible for Public Works, and from the Government Printer are contained in the Government of Kenya Stores Catalogue. Each item bears a code number, the unit quantity and the cost. It is pointed out that this does not relieve any indenting officer from his responsibility to request the authority of the Government Printer or the Supplies Branch for any stationery item which does not appear in the printed list. Authority for local purchase will normally be granted in respect of items not available at the Supplies Branch or the Government Press.

(4) Local procurement of stores from sources other than the Supplies Branch, Ministry responsible for Public Works, and the Government Press must be in accordance with the current procurement and tendering procedures.

(5) Indenting Officers are identified by their specimen signatures while their emissaries are identified by their specimen signatures, identity card numbers, and photographs.

(6) Acknowledgment of stores received must be made on the triplicate copy of Form S.12 (Revised) and returned to the Supplies Branch or to the Government Printer as the case may be. If at any time this acknowledgment is not complied with, fresh issues of stores will not be made and the indent will be returned to the officer concerned until the acknowledgment of previous issues is received.

Special Forms

D.33 The catalogue of all standard forms and books stocked at the Government Press should be referred to before ordering specially printed forms.

Kenya Gazette

D.34 (1) All communication for the Kenya Gazette should reach the Government Printer not later than 9.00 a.m. on Friday of the week before publication is desired. The Government Printer will not publish any communication received after that hour until the next subsequent issue of the Gazette.

(2) Ministries will be required to pay for the Kenya Gazette and to meet the cost of advertising in it.

Purchase and Repair of Office Machines and Equipments

D.35 (1) Tenders for appointment of contractors with regard to the purchase of office machines such as office operating machines and equipments such as chairs, duplicating machines, computers, printers, fax machines, photocopier and furniture etc. should be done in accordance with Government procurement procedures.

(2) The servicing of office machines should normally be obtained from the recognized agent or their appointed representatives. However, local servicing may be undertaken where the service of an agent is not readily available but must be in line with the laid down procedures.

Official Seals

D.36 The use of official seals in all Government offices must be confined strictly to official requirements. Applications by private persons for impressions of official seals must be rejected.

Inventions

D.37 (1) Where an invention is in all respects alien to the employment of an officer, he shall normally be granted the full rights in such invention in accordance with intellectual Properties Act.

(2) Where an invention is connected with facilities arising out of the employment of an officer, the question of his rights and those of the Government shall be referred to the Permanent Secretary/Director of Personnel Management.

(3) In the event of disagreement between the officer and the Government, the question of the respective rights shall be referred to an Awards Committee, whose decision shall be final. The Committee shall consist of a judicial or legal officer as Chairman and two other persons. The officer shall be entitled at his own expense to appear personally before the Committee or to be legally represented.

SECTION E

TERMS AND CONDITIONS OF EMPLOYMENT

INTRODUCTION

This Section deals with the general rules governing employment of civil servants in the Government service such as appointments, promotions, transfers, secondments and other related matters. However, the procedures for human resource management actions affecting this Section are laid down in the Public Service Commission of Kenya Regulations which must be followed and applied in conjunction with the rules contained herein.

(Revised 2006)

SECTION E

TERMS AND CONDITIONS OF EMPLOYMENT

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SECTION E

TERMS AND CONDITIONS OF EMPLOYMENT

Categories of Appointment

E.1 Appointments in the Civil Service are divided into the following main categories:

- (i) permanent and pensionable;
- (ii) permanent without pension benefits;
- (iii) local agreement;
- (iv) temporary; and
- (v) casual, hourly or daily paid.

Powers of Appointment and Procedures to be Followed

E.2 (1) The authorities empowered to make appointments in the Civil Service are listed in Appendix E/1.

(2) The procedures to be followed in filling offices within the scope of the Public Service Commission of Kenya are set out in the Commission's Regulations which may be amended from time to time.

(3) The Public Service Commission of Kenya has delegated some of its powers of appointment to the Authorized Officers as follows:

- Promotion of officers from Job Group 'A' to 'L';
- Appointment of officers from Job Group 'A' to 'H'; and
- Confirmation of all officers irrespective of their grades.

(4) Appointments made under the powers delegated by the Public Service Commission of Kenya to Authorized Officers must be processed through the appropriate Ministerial/Departmental Human Resource Management Advisory Committee.

Salary Structure

E.3 (1) The Civil Service salary structure will be based on the grading levels spelt out in the various schemes of service and will be issued from time to time taking into consideration economic performance, availability of funds, productivity level of staff and collective bargaining agreements.

(2) The Government has adopted a salary structure based on the Banding System. The Banding System is divided into three levels and comprises seven distinct bands. Level I comprises Bands A1, A2 and A3 who are policy makers. Level II comprises Bands B1 and B2 and these are senior managers and technical staff while Level III consist of Bands C and D who are support staff. Categorization into the three levels is based on tasks and responsibilities, while the bands are based on roles and functions carried out, skills and levels of qualifications and training required.

(3) Table below illustrates the banding system already in use.

Banding System

Level	Category of Employees	Band	Job Group
Level I	Policy Makers	A 1	V
		A 2	U
		A 3	S and T
Level II	Senior Managers	B 1	P - R
	Technical Staff	B 2	K - N
Level III	Support Staff (Middle)	C	G - J
	Support Staff (Lower)	D	A - F

Reporting Vacancies

E.4 (1) An Authorized Officer must declare all vacant posts to the Public Service Commission of Kenya in accordance with the procedures set out in the Commission's Regulations. The Authorized Officer on filling the vacancies that fall within his purview must inform the Commission of the results.

(2) Recommendations for filling vacancies in Job Group 'M' and above in an acting or substantive capacity must be submitted to the Public Service Commission of Kenya through the Permanent Secretary/Director of Personnel Management. Such recommendations should be accompanied by a draft indent and a seniority list of officers including an account of their performance.

Recruitment from Outside Kenya

E.5 Recruitment from outside Kenya may be resorted to only after the Public Service Commission of Kenya has satisfied itself that there are no suitably qualified local candidates available to fill a particular vacancy. The Authorized Officer in charge of the Ministry/Department has certified in writing that such recruitment is necessary. The terms and conditions applicable for recruitment of non-citizen are as provided in Section 'O' of these regulations.

Forms of Application

E.6 (1) A candidate applying for employment must, before engagement, complete the prescribed application form PSC.2 or form PSC. 2A in respect of serving officers which must contain, among other things, a complete record of any employment, public or private, which the applicant may have had. Candidates must account for the whole period of their previous employment and the particulars furnished by them must be supported by satisfactory documentary evidence. Similarly, intervals between one period of employment and another must be satisfactorily explained. In addition, a candidate on first appointment must provide copies of the following documents:

- (i) national identity card;
- (ii) birth certificate;
- (iii) PIN card;
- (iv) certified academic and professional certificates; and
- (v) passport size photograph.

Record of Previous Employment and Qualifications

E.7 (1) It is the duty of the Authorized Officers when making appointments which fall within their authority, or in making recommendations for new appointments, to ensure that a candidate's record of previous employment is satisfactory in all respects. No candidate whose references are not satisfactory should be engaged.

(2) When an appointment is conditional on possession of specific educational, professional or other qualifications, the originals of the relevant certificates should be obtained from the candidate before he is engaged and examined to verify their authenticity to ensure that he possesses the qualifications stipulated for the appointment or the equivalent. The Ministry of Education and other approved examining bodies should be consulted in case of doubt regarding the authenticity and equivalence of the certificates produced by the candidate. Certified copies of all relevant documents should be retained in the personal file of the candidate for record.

(3) A candidate with a record of conviction in a court of law should be employed only with the concurrence of the Authorized Officer of the Ministry/Department concerned.

(4) A candidate who has resigned or whose appointment in the Civil Service has been terminated for any reason, should not be re-engaged without prior consultation with the Authorized Officer of the Ministry/Department or Head of the organization in which he was employed.

(5) The fact that a candidate has been convicted or dismissed will not

necessarily bar him from re-employment in the Civil Service and each case will be considered on its own merits having regard to all the circumstances involved.

(6) Notice shall be given to any employer if it is desired to engage any of his employees so that he can initiate and enforce any contractual commitments. Further,

it should be made clear to the candidate that he must settle any matters arising out of his contract with his employer before any appointment by the Government can be made.

Medical Examination of Candidates

E.8 Every candidate whom it is proposed to employ (including those to be appointed on temporary terms but excluding casual employees) is required to undergo a medical examination by a Medical Officer. The Medical form which must be completed by the Medical Officer is Form G.P. 69.

General Conditions of Employment

E.9 (1) Before taking up duty, any person appointed to any office will be given the appropriate letter of offer of appointment, as the case may be, which must be signed before he commences his duties. Instructions for payment of salary should not be issued until the letter of appointment or agreement has been signed. Any officer who authorizes such payments will be held responsible for any loss to the Government which may arise from failure to comply with this requirement.

(2) An offer of appointment may be withdrawn if the candidate does not signify in writing his acceptance of the offer of appointment or agreement within two months of the date it is sent.

Letters of Appointment

E.10 (1) An officer appointed to the permanent and pensionable establishment should be given a letter of appointment, Form G.P.24 (Revised) and subject to Regulation E.16(1) will be issued with a letter of confirmation in appointment.

(2) An officer appointed directly to the permanent and pensionable establishment, e.g. after a period of service on agreement, should be offered the appointment in writing, and should be required to accept the offer in writing before being issued with a letter of appointment, Form G.P. 24 (Revised) suitably amended.

(3) An officer appointed on temporary terms should be issued with a Letter of Temporary Appointment, Form G.P. 24A.

(4) An officer appointed on local agreement terms should be issued with the appropriate form of agreement, Form GP.106.

Date of Appointment

E.11 (1) An appointment made from within Kenya will take effect from the date of assumption of duty or where the person is resident in a place other than that to which he is posted, from the date of leaving his place of residence to take up his duties, provided the Authorized Officer is satisfied that he travelled by the most direct route and report for duty on the first working day of his arrival to take up the appointment.

(2) An appointment made from outside Kenya will normally take effect from the date of departure for Kenya, provided that the Authorized Officer is satisfied that the officer travelled by the most direct route to take up the appointment and reported on the first working day after arrival.

(3) Where an officer serving on temporary terms or agreement terms is appointed on probation/permanent and pensionable terms or an officer serving on temporary terms is appointed on agreement, the date from which the probationary,

pensionable or agreement appointment may take effect will normally be the first day of the month. A recommendation to that effect will be addressed by the Authorized Officer/Head of Department to the authority empowered to make the appointment or such earlier date as the authority concerned may decide depending on the circumstances and merits of each case.

Office Hours

E.12 Government office hours are as follows:

(i) **Nairobi**

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

(ii) **Mombasa**

Monday to Friday : 7.45 a.m. to 12.30 p.m.
2.00 p.m. to 4.30 p.m.

(iii) **All other stations**

Office hours will be fixed by the Provincial Commissioner of the Province in which they are situated in consultation with the Directorate of Personnel Management, on the understanding that offices are to be officially open for a total period of not less than 40 hours per week.

(iv) Though the general office hours will be as stated above, Heads of Department will not be restricted to utilising their staff during these hours when there is any cause requiring their services either earlier or later.

Employment of Pensioners

E.13 (1) It is the policy of the Government not to re-employ its own pensioners or those of other administrations. Where it is essential to employ a pensioner, employment will be on temporary terms of service. However, in the following exceptional circumstances, a pensioner may be re-employed on local agreement terms of service:

- (i) the post to be filled is a critical one;
- (ii) the only suitable candidate available to fill it is a pensioner; and
- (iii) it is essential to secure his services.

(2) Approval for the employment of a pensioner shall be granted by the Public Service Commission of Kenya on the recommendation of Permanent Secretary/Director of Personnel Management. For the purpose of this regulation, the term pensioner does not apply to subordinate police and prison officers who retire under the 12, 16 or 20 years' rule.

Appointment on Probation to Permanent and Pensionable Establishment

E.14 (1) Where vacancies exist in the permanent and pensionable establishment, candidates recruited to fill such vacancies should, with the approval of the appropriate authority, be appointed on probation to the permanent and pensionable establishment.

(2) It will be the responsibility of the Authorized Officer or Head of Department concerned to ensure that candidates appointed to fill vacancies in the permanent establishment are not appointed on temporary terms.

(3) An officer appointed on probation to the pensionable establishment must be regarded as being on trial with a view to learning his work and being tested as to his suitability for it. It is the duty of the senior officers to ensure that every officer on probation is given adequate opportunities to qualify for confirmation in appointment.

(4) At least four (4) months before the expiry of the probationary period, the Authorized Officer should consider in the light of the reports on the officer's conduct and capabilities whether or not the officer is suitable for confirmation.

(5) If there is any doubt any time whether an officer will be suitable for admission to the pensionable establishment on the completion of one year service and there are indications that the probationary period will have to be terminated or extended, the fact should be stated in the officer's confidential report. The officer should be warned immediately and informed of his shortcomings or faults, and it should be stated in the report that he has been so warned and informed.

(6) In cases where an officer has been transferred to Kenya from another government or administration in which he has already been admitted to the pensionable establishment, he will be accorded his pensionable status automatically. However, If the officer was not so admitted before transfer, he will be required to serve the full period of one year probation after transfer but in special cases, the probationary period may be reduced with the approval of the confirming authority.

Translation from Other Terms of Service to Permanent and Pensionable

E.15 Where an officer has served on terms other than Permanent and Pensionable and are subsequently appointed on Pensionable post, the terms of service may be translated to Permanent and Pensionable from the date the officer was placed on a Pensionable post. The officer will however, be required to serve the probationary period in accordance with this regulation.

Age of Admission to Pensionable Establishment

E.16 (1) Appointment to the pensionable establishment should normally be restricted to officers who will be in a position to complete the ten years' service required to qualify for the grant of a pension before reaching the age of compulsory retirement. It is realized that special circumstances may occur from time to time which may justify variations in the application of the general principle, and such cases should be submitted for consideration of the Permanent Secretary/Director of Personnel Management.

(2) For the purposes of this regulation and for the officer's subsequent retirement from the service, a birth certificate issued after the date of first appointment will not be accepted unless the date of birth shown in the birth

certificate tallies with the date of birth declared by the officer in the Application for Employment Form PSC.2 completed and signed by him prior to his appointment.

Confirmation in Appointment and Admission to Pensionable Establishment

E.17 (1) An officer appointed to the Service in a pensionable post will be confirmed in appointment and admitted into the permanent and pensionable establishment on completion of probationary period of one year satisfactory service on probation, provided that he has clearly demonstrated his suitability for the permanent appointment and recommended by his Head of Department, attained the age of eighteen (18) years and where applicable, complied with the relevant regulations regarding the passing of examinations.

(2) Service on temporary or agreement terms may be taken into account either in part or in full as probationary service at the discretion of the confirming authority, in the case of an officer who has been appointed on probation to the permanent and pensionable establishment without a break in service, and the officer has clearly demonstrated his suitability for permanent appointment during his temporary or agreement service. If there is any doubt regarding such an officer's suitability for confirmation or if the post to which he has been appointed on probation is of different nature from the post he formerly occupied, he may be required to complete not less than one year on probation before being considered for confirmation in his appointment.

Procedure for Confirmation in Appointment

E.18 (1) The powers of confirmation of all officers in the appointments and extension or termination of their probationary appointments are delegated to the Authorized Officers and will be carried out on the advice of Ministerial/Departmental Human Resource Management Advisory Committee.

(2) The supervising officers will make a confidential report on the officers suitability or otherwise for confirmation.

(3) No action should be taken to extend or terminate a probationary appointment unless the officer concerned has first been so informed of such an intention and of his right to make representations within a specified period.

Appointment on Local Agreement Terms

E.19 (1) Where vacancies cannot be filled on pensionable terms because of non-availability of suitable persons or where vacancies exist in the non-pensionable establishment such as in development projects, candidates recruited to fill such vacancies should be appointed on Agreement Terms if the period involved is justified.

(2) When an officer is serving on agreement, the Authorized Officer of the Ministry or Department in which he is employed will notify him in writing whether it is proposed to offer him further employment and on what terms at least three (3) months before the expiry of the contract. The officer will thereupon signify his acceptance or rejection of the offer. The authority empowered to approve renewal of such contract will still be required to regularize the renewal.

Appointment on Temporary Terms

E.20 (1) Appointment on temporary terms will be confined to those cases where the service of an officer would not normally be required beyond a period of twelve (12) months or where a candidate does not qualify for appointment to the particular vacancy other than on temporary terms under the service regulations or where the establishment is of a temporary nature.

(2) Employment of officers in Job Group 'J' and above on temporary terms for periods in excess of twelve (12) months will require the approval of the Public Service Commission of Kenya.

Employment of Casuals

E.21 (1) Permanent Secretaries/Authorized Officers will be responsible for approving the hiring of casual workers after ascertaining that there is need to hire

them and that funds are available within their budgetary provisions to meet the resultant expenditure.

(2) The Casual Workers should be hired on piece rated or time rated jobs and should be paid in accordance with the minimum wage guidelines issued by the Government from time to time. Due care should be taken to avoid hiring the same casual workers repeatedly to avoid breaching existing Labour Laws on the same.

Address of Next-of-Kin

E.22 An officer is required to complete a next-of-kin form G.P. 25 on first appointment. Officers should ensure that they notify their Head of Department/Authorized Officer of any changes in the names and addresses of next of kin in order that the particulars may be kept up to date. It is desirable that an officer who is not permanently resident in Kenya, should also give the address of one or more close relatives or friends in his country of origin with whom communication can be made if necessary.

Certificate of Service

E.23 (1) Certificate of Service Form G.P. 31 will be given to an officer, on request, upon his retirement, resignation, dismissal or termination of appointment. An Authorized Officer/Head of Department, when completing the certificate should bear in mind that its main purpose is for use as a reference covering the officer's period of Government Service when the time comes for him to seek other employment. When completing such a certificate, the Authorized Officer/Head of Department, should give that information which a prospective employer, might fairly expect from the person who had previously employed him.

(2) The certificate will be signed by the Head of the officer's Department and countersigned by the Authorized Officer. A copy of the certificate will be filed in the officer's personal file.

(3) Efficiency and general conduct should be assessed as 'Very Good',

'Good', 'Fair' or 'Indifferent'. Unless there is any reason to the contrary, general conduct should be assessed as 'Good'.

(4) In the case of an officer who has not rendered satisfactory service during his employment, care should be taken to ensure that the certificate is carefully worded so as to give the officer credit for any good qualities which he may have shown so that it does not have the effect of prejudicing the officer's chances of obtaining subsequent employment of a kind for which he may be more suitable elsewhere. Normally, it should not be necessary to add anything on the reverse of the certificate unless the officer's service has been definitely unsatisfactory, when any extenuating circumstances may be emphasized.

Certificate of Long Service for Members of Support Staff Cadre

E.24 (1) Certificate of long service will be issued to members of the Support Service upon completion of twenty five (25) years service in recognition of long service even though the officer remains in the service after that time.

(2) The certificate must be signed personally by the Authorized Officer of the Ministry in which the officer is serving.

(3) The forms should be kept in safe custody at Ministry headquarters and should be issued only in accordance with the instructions contained in paragraphs (1) and (2) above. A record of forms issued should be kept in order to avoid fraudulent use.

Testimonials and Letters of Commendation

E.25 Testimonials and commendation letters may be given by officers on their subordinates by supervisors as a way of motivating their staff for exemplary service.

Schemes of Service

E.26 The grading structure, qualifications and other requirements for recruitment into the Civil Service are laid down in the various Schemes of Service issued by the

Directorate of Personnel Management. The Schemes of Service must be followed in processing appointments and promotions of officers in their respective fields of employment.

Promotions

E.27 (1) The authorities empowered to approve promotions of officers in the Civil Service are set out in Appendix E/1.

(2) In selecting candidates for promotion, regard will be given to merit and ability as reflected in work performance and results, as well as seniority, experience and official qualifications.

(3) Recommendations made to the Public Service Commission of Kenya for promotion of an officer should state whether the officer recommended is the senior-most officer in the Department or grade eligible for promotion. When this is not the case, detailed reasons should be given in respect of each person in that same Department or grade over whom it is proposed that the person recommended will supercede if promoted.

(4) Promotions made under delegated powers must be processed through the appropriate Ministerial/Departmental Human Resource Management Advisory Committee.

Dates of Promotion

E.28 (1) Subject to paragraphs (2) - (4) of this Regulation the date of an officer's promotion will be the date of the Public Service Commission of Kenya's letter authorizing the promotion, or the date of the occurrence of a vacancy, whichever is the later. This regulation will apply:

- (i) whether the post is filled after advertisement or without advertisement;
- (ii) whether the post to which the officer is being

promoted is in the Ministry in which he is serving or in another Ministry; and

(iii) whether the officer is on an official course of instructions or annual or vacation leave at the date of the Public Service Commission's letter.

(2) If an officer has been appointed by Public Service Commission of Kenya to act in a post and is subsequently promoted to it without any interval between the appointment in an acting capacity and the date of his substantive promotion, the effective date of promotion will be the date on which he commenced to act, or the date of the occurrence of the vacancy, whichever is the later.

(3) If an officer has been appointed by the Public Service Commission of Kenya to act in a post on trial with a view to assessing his suitability for substantive appointment, the date of his promotion, if he is subsequently found suitable for substantive appointment, will be the date of the Commission's letter authorizing the acting appointment or the date of the occurrence of the vacancy, whichever is the later.

(4) If an officer has been appointed to act in a post, and subsequently ceases to act in it solely as a result of his going on leave or on an official course of instructions (whether in Kenya or elsewhere), and is subsequently promoted to it whilst still on leave or on a course, the effective date of promotion will be the date on which he commenced to act in it or the date of the occurrence of the vacancy, whichever is the later. This rule will also apply if the officer has been re-appointed to act in the post immediately after completing the course of instructions and is later promoted to it.

(5) In the case of an officer who passes an examination qualifying him for consideration for promotion, the date of promotion will be date of the Public Service Commission's letter authorizing the promotion or the date on which he passed the examination if that is earlier and the vacancy existed at that date or from such

subsequent date on which a vacancy occurs. In the case of an examination lasting for more than one day, the date of passing will be considered to be the last day of the examination.

(6) In case of common establishment, the date of promotion will be the date the officer qualifies for promotion provided there is no adverse report.

(7) The principles set out in this regulation will apply in the case of posts outside the purview of the Public Service Commission of Kenya including posts on which the Commission has delegated its powers to Authorized Officers.

Release of Officer(s) Selected for Promotion in Other Ministries

E.29 (1) An officer who is selected for promotion to a Ministry other than that in which he is serving will be released to take up his appointment on transfer within a period of two months from the date of the letter authorizing the promotion.

(2) If an officer's promotion takes effect before his transfer in accordance with E.29 (1) above of this regulation, salary at the full rate attached to his new appointment will be payable by the retaining Ministry from the date of his promotion until his transfer, except in the case of (3) below.

(3) An officer who is promoted to a post in a different Ministry/Department while attending a training course, will be transferred to that Ministry from the date of his promotion and the new Ministry will be required to pay his full emoluments in the normal way.

(4) Where an officer fails to take up a promotion in a different Ministry/Department, he shall be deemed to have declined the promotion which shall then be rescinded.

Transfer from One Ministry to Another

E.30 (1) Transfers of officers from one Ministry or Department to another may be made by arrangement between Authorized Officers provided that the posts carry

a salary in the Job Group 'L' and below. In the case of posts in the clerical cadre or posts common to departments generally, transfers should be effected in consultation, where necessary, with the Permanent Secretary/Director of Personnel Management.

(2) Transfer of officers in Job Group 'P' and above should be sanctioned by the Central Postings Committee.

(3) Recommendations for transfer of officers to posts within the purview of the Public Service Commission of Kenya should be submitted to the Commission.

(4) All transfers should be reported by the Authorized Officer of the transferring Ministry/Department to the Authorized Officer of the receiving Ministry/Department in the form of 'Last Pay Certificate'.

Transfers To and From the Civil Service

E. 31 (1) Negotiations for transfers to and from the Civil Service of Kenya and other administrations or Local Authority must be conducted through the Permanent Secretary/Director of Personnel Management.

(2) An officer can only be considered for a transfer if the service of the other administration or Local Authority in which he has applied for appointment, has been declared to be 'Public Service' for the purposes of the Pensions Act (Cap.189).

(3) An officer seeking appointment in another administration or in a Local Authority must submit his application through his Authorized Officer/Head of Department who should submit it with his comments to the administration or Local Authority concerned.

(4) If an officer is offered appointment in another administration or in a Local Authority, requests for his transfer must be made through the Permanent Secretary/Director of Personnel Management. The Authorized Officer should state

the arrangements he proposes to make to fill the vacancy that will be occasioned by the officer's transfer and whether the procedure laid down in paragraph (3) of this Regulation has been followed by the officer concerned.

(5) An officer who is offered appointment in another administration or in a Local Authority other than in accordance with the procedures set out in this Regulation, will be required to resign his appointment in the Civil Service if he wishes to take up the post offered to him.

(6) An officer serving on non-pensionable terms of service will not be allowed to transfer to another administration or Local Authority and will be required to resign his appointment if he wishes to take up employment with another administration or local authority.

(7) Officers serving in State Corporations, Local Authorities and other statutory bodies wishing to transfer their services to the Civil Service can only do so with the Authority of the Public Service Commission of Kenya, subject to existence of a vacancy.

Secondments of Officers to Statutory Boards or Similar Organizations

E.32 (1) Secondments of officers from the Civil Service to other organizations will normally be arranged for periods not exceeding three years without renewal and will be confined to pensionable officers.

(2) Approval for secondments will be given by the Permanent Secretary/Director of Personnel Management after careful consideration of each individual case. To maintain the officers pensionable status, the officers or the organization to which the officer is seconded will be required to make pension contribution at the rate of 31 percent of an officer's basic salary in the Government during the term of his secondment due account being taken of any notional annual increments to which he may be entitled.

(3) Officers on secondments will be paid their salaries and other allowances on the organizations in which they are deployed. To avoid double payment, Chief Executive Officers should confirm the dates the officers report for duty.

(4) Secondments from Civil Service to other organizations will be authorized only in those cases where in the absence of reciprocal transfer arrangements for pension purposes, an officer cannot be transferred with the preservation of pension rights earned by him in respect of his services with the Government.

Secondments from Other Organizations to the Civil Service

E.33 Secondments of officers from other organizations to the Civil Service will be approved only by the Public Service Commission of Kenya

APPENDIX E/1

LIST OF AUTHORITIES EMPOWERED TO MAKE APPOINTMENTS INCLUDING ACTING APPOINTMENTS, PROMOTIONS AND TRANSFERS

Reference Regulations E.2, 4 and 24

Officers	Authorities empowered to make Appointments	Authorities to whom powers have been delegated
(i)	(ii)	(iii)
Attorney General	The President	-
Ambassador	The President	-
High Commissioner and other principal representatives of Kenya in any other country.	When exercising powers of appointment in relation to persons who hold any office in the Public Service (other than Ambassador, High Commissioner or other Principal representative of Kenya in any country), the President will act in consultation with the Public Service Commission.	
Secretary to the Cabinet and Head of Public Service	The President	
Permanent Secretary (PS)	The President	
Permanent Secretary/Director of Personnel Management	The President	
Commissioner of Police	The President	
Controller and Auditor General	The President	
Offices on the personal staff of the President (other than those covered by the delegation in column (iii) below).	Public Service Commission with the concurrence of the President.	Authorised Officers
Uniformed officers below the rank of Inspector, Kenya Police.	Commissioner of Police	Authorised Officers
All other officers	Public Service Commission	
In addition, employment on temporary terms for period not exceeding 12 months and transfers of officers between departments.	Public Service Commission	

SECTION F

STAFF PERFORMANCE APPRAISAL

Introduction

1. This section provides guidelines for undertaking staff appraisal in the Public Service. The basic purpose of staff appraisal is to assess an officer as comprehensively and objectively as possible with the help of full knowledge and understanding of the officer's performance in the job. The Appraisal system is predicated upon the principle of work planning, setting of agreed performance targets, feedback and reporting. It is linked to other human resource systems and processes including staff development, career progression, recruitment, placement, incentives and sanctions.

2. The overall objective of the Staff Performance Appraisal is to improve the performance of the Public Service by enabling a higher level of staff participation and involvement in planning, delivery and evaluation of work performance.

3. The specific objectives are to:

Link individual performance with organization performance;

- Enable Supervisors and Appraisees to continuously assess work progress;
- Promote accountability in the Public Service;
- Set the basis on which an officer's performance is monitored and evaluated as stipulated in the individual work plan;
- Improve the quality of work through better planning, on-going discussions and fair participatory appraisal; and

SECTION G

RULES OF CONDUCT

INTRODUCTION

Regulations governing discipline in the Civil Service and the procedure to be followed in cases of breach of discipline are contained in the Service Commissions Act (Cap.185) and the Public Officer Ethics Act, 2003. This Section contains general rules of conduct to be observed by a civil servant so as to maintain his integrity and loyalty to the Government and also uphold the dignity of the public office to which he has been appointed. It should be borne in mind that each civil servant occupies a special position within the Civil Service and ought to be proud of that position and ensure that his conduct both in public and in private life does not bring the Service into disrepute. It is, therefore, imperative that every civil servant adheres to these rules of conduct, and such other rules which may be promulgated from time to time.

(Revised 2006)

SECTION H

SALARIES AND ADVANCES

INTRODUCTION

This Section deals with determination of effective date of appointment to a particular post and assessment of salary on promotion of an officer to a higher grade. It also sets out the criteria for the grant of annual increments including incremental credits for previous approved experience relevant to the type of work upon which an officer is engaged and determination of the relative seniority between officers. Salary advance and other advances pegged on salary are also discussed in this Section.

Depending on the scope and complexity of work assigned, a person learns and grows in experience during the early years of his appointment. This concept, which is inherent in sound salary administration, has been reflected in incremental scales that provide for payment of higher salaries to experienced officers.

Increments should be earned on the basis of job performance and conduct and not awarded automatically. Unsatisfactory performance or conduct would result in withholding or stoppage of an increment as provided in regulation G.

(Revised 2006)

SECTION H

SALARIES AND ADVANCES

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SECTION H

SALARIES AND ADVANCES

SALARIES

Date of Initial Payment of Salary on Appointment

H.1 (1) A person engaged within Kenya will be paid full salary from the date of assumption of duty.

(2) A person engaged from outside Kenya will be paid half salary from the date of his departure from his country of origin provided that he proceeds direct to Kenya. Full salary will be paid from the date of arrival in Kenya provided the officer reports for duty on the first working day following the date of arrival in Kenya.

Determination of Salary on Promotion/Upgrading

H.2 (1) If the salary of an officer who is promoted/upgraded to a higher Job Group is two points or more below than the minimum of the salary scale attached to the higher Job Group, he will enter the scale of the higher Job Group at the minimum point of the scale on the effective date of his promotion/upgrading. His future incremental date will be the following year on the 1st date of the following month preceding the date in which they were recruited.

(2) If on the effective date of promotion/upgrading the officer was already within the higher salary scale but the officer had not attained the maximum point of his current salary scale, the officer will enter the higher salary scale, at the point next above his current salary on the effective date of his promotion/upgrading and his incremental date will be the following year on the 1st date of the month in which they were promoted.

(3) If an officer who is promoted/upgraded to a higher Job Group has served at the maximum point of his present salary scale for three (3) years and the salary is within the higher salary, the officer will be granted two (2) increments.

Determination of Salary of an officer Transferred from Another Administration or Local Authority

H.3 The salary of an officer who is transferred from another administration or local authority will normally be determined by application of the provisions of Regulation H.2 provided the Authorized Officer is satisfied that there will be no repercussions amongst serving officers.

INCREMENTS

Definition of an Increment

H.4 An increment is an increase of salary granted on the basis of satisfactory job performance at regular intervals when due in terms of Regulation H.5 until the maximum salary point of the Job Group is reached.

Determination of Incremental Dates on Appointment or Promotion

H.5 Each 1st date of the month is an incremental date. Officers incremental date will be the 1st date of the month they are promoted/upgraded.

Conditions For the Grant of Annual Increments

H.6 An officer serving on an incremental scale is not entitled to receive an increment as a right. An increment will only be granted if the officer has discharged his duties with efficiency, diligence and fidelity.

Service for Increments

H.7 Unless otherwise provided at the time of his appointment, service for increments is reckoned from the date on which an officer first begins to draw the salary of his office.

Increments for Approved Experience

H.8 (1) Except where otherwise provided, an officer appointed on permanent, agreement or temporary terms may be given incremental credit for previous approved experience at the rate of one increment for each complete year of

approved experience provided the maximum salary of the Job Group assigned to the post is not exceeded and the Authorized Officer certifies that there will be no repercussions among serving officers. The grant of increments for approved experience will be subject to the following rules:

- (i) incremental credit will only be given in respect of approved experience gained after acquiring the requisite minimum qualifications for the grade. In granting incremental credit, any period of service or experience stipulated as a basic requirement for appointment or promotion to a particular grade would be excluded as this constitute the minimum requirement specified for appointment to that grade;
- (ii) incremental credit will be given only for previous approved experience in the type of work upon which an officer will be employed on his appointment to the particular grade.;
- (iii) incremental credit may not be given on appointment to promotional posts, i.e. posts to which an officer would not normally be appointed if he joined the Government Service immediately after completing his education; and
- (iv) Incremental credit may be given for the number of years of aggregate approved experience, periods in excess of full years being ignored. Thus, if an officer has approved experience for three periods each of 1½ years, since the total amounts to 4½ years he will be eligible for four (4) increments.

(2) Where an officer on appointment is placed at a salary below the point in the scale at which he would normally enter by virtue of the incremental credit for which he is eligible, an adjustment should be made with retroactive effect from the date of his appointment.

Seniority

H.9. In accordance to the Public Service Commission of Kenya regulations, "Seniority" of public officers shall be determined as follows:

- (i) As between public officers of the same grade:
 - (a) by reference to the dates on which they respectively entered the grade;
 - (b) if the public officers entered that grade on the same day, by reference to their seniority on the day immediately preceding that day; and
 - (c) if any public officers who entered the same grade on the same day did so by appointment and not by promotion (excluding promotion from a non-pensionable to a pensionable grade), then seniority relative to each other shall be determined by reference to their respective ages.
- (ii) As between public officers of different grades on the same salary scale or the same flat rate of salary, by reference to the dates on which they respectively entered their grades; and
- (iii) As between public officers of different grades on different salary scales, by reference to the maximum point on their salary scale, a flat rate of salary being regarded for this purpose as a salary scale with a maximum point equivalent to the flat rate.

Provided that when assessing the seniority of a pensionable public officer, service by himself or any other person in a non-pensionable capacity shall not be taken into account.

ADVANCES OF SALARY

Advance of Salary

H.10 (1) An advance of not more than one month's salary may be granted by an Accounting Officer to an officer on permanent establishment when the officer, owing to circumstances beyond his control, is placed in a difficult financial position requiring assistance from the Government.

(2) In applying for the advance, the officer should explain in detail the circumstances leading to the situation which he could not have foreseen and therefore planned.

(3) Officers posted to designated hardship areas may be granted salary advance by the Accounting Officer on initial posting to these areas each such case being considered on its own merit.

(4) An advance under this regulation may be granted only when an officer has no other outstanding salary advance. In very exceptional circumstances, an Accounting Officer may grant an advance of not more than two (2) months salary in situations similar to those in paragraph (1) of this regulation if he is satisfied that the officer needs assistance in excess of one month's salary advance.

Recovery of Advance

H.11 The recovery period for salary Advances will be limited to a period of not more than twelve (12) months. In respect of an officer who is due to leave the service before twelve (12) months, the advance must be fully recovered in equal installments within the remaining period of the officer's service in the Government.

Salary in Advance

H.12 An officer proceeding on annual leave may, when he avails himself of not less than one-half of his annual leave, be paid his salary for the month in which he proceeds on leave three (3) days before commencement of the leave.

Advance for the Purchase of a Motor-cycle

H.13 (1) An officer serving on permanent and pensionable or contract terms of service may be granted an advance for the purchase of a motor-cycle. Such an officer should satisfy his Accounting Officer that he is engaged on duties which necessitate the use of a motor-cycle and that his financial position is such that the repayment of the advance will not impose any financial hardship on him.

(2) The maximum amount of advance is, however, limited to the officer's full annual basic salary or the sum shown in Appendix H/1(A), whichever is less.

(3) In applying for the advance the details to include are:
Description, make, price, the name of seller, and the place of sale. The advance will be repayable over a period not exceeding forty eight (48) months and will be paid directly to the supplier on production of the invoice.

(4) An officer purchasing a motor-cycle will be required to maintain comprehensive insurance cover during the recovery period of the advance.

(5) The log book of the motor cycle will be deposited with the Authorized Officer until full recovery of the advance is made.

(6) Advance for the purchase of a motor cycle will normally be granted once in ten (10) years.

Advance for Purchase of a Bicycle

H.14 (1) An officer other than one on temporary or casual terms of employment, may, on the recommendation to the Head of his Department, be granted an advance for the purchase of a bicycle, provided:

- (i) That he is engaged on duties which necessitate the use of a bicycle;
- or

- (ii) that he resides in an area in which adequate public transport facilities do not exist.
- (2) The amount of advance shall not exceed the price of the bicycle and subjected to the amount indicated in Appendix H/1(B). The amount will be paid to the dealer on production of an invoice.
- (3) The advance will be repayable over a period not exceeding twenty four (24) months.
- (4) Applications for advances should be submitted through the Head of Department to the Accounting Officer concerned.
- (5) Not more than one advance will be granted within any period of thirty six (36) months, save in exceptional circumstances such as when the bicycle is extensively used and any repairs are considered to be uneconomical.

Advance for Purchase of a Refrigerator

H.15 (1) An officer serving on permanent establishment, when posted to a designated hardship area may be granted an advance for the purchase of a refrigerator. The amount of the advance shall be paid directly to the supplier by the Accounting Officer on presentation of an invoice.

(2) The amount of advance shall not in any case exceed the price of the refrigerator and shall be subject to a maximum as indicated on Appendix H/1(c).

(3) The advance will be repayable over a period not exceeding thirty six (36) months.

(4) The advance for the purchase of a refrigerator will normally be granted once within a period of seven (7) year

Appendix H/1

(A) ADVANCE FOR THE PURCHASE OF A MOTOR-CYCLE

(Reference Regulation H.13)

All officers.....Kshs. 120,000

(B) ADVANCE FOR THE PURCHASE OF A BICYCLE

(Reference Regulation H.14)

All Officers.....Kshs. 5,000

(C) ADVANCE FOR THE PURCHASE OF A REFRIGERATOR

(Reference Regulation H.15)

All Officers.....Kshs. 40,000

SECTION J

ALLOWANCES

INTRODUCTION

This Section contains allowances which may be granted to officers in specific circumstances except house allowance, uniform allowance, training allowance, medical allowance and leave allowance which are covered by other Sections of these regulations and allowances payable to isolated categories of employees owing to the nature of their duties.

While it may be considered that the salary attached to a post represents appropriate remuneration of its holder for proper and efficient performance of day-to-day duties, there are circumstances in which additional payments are warranted. Such additional payments are made in form of allowances, either to reimburse an officer for the expenses incurred directly or indirectly in the execution of his duties, or to compensate him for services rendered over and above the normal job requirements.

Unless otherwise stated in these regulations, the payment of allowances will be made at the discretion of the Accounting Officer to a Ministry/Department who should be able to justify the award of any of the allowances if required to do so by the Controller and Auditor-General.

However, it is observed that there has been a proliferation of allowances such that there are over seventy (70) different types of allowances payable in the Civil Service. To curb the proliferation of the allowances and ensure transparency in the compensation system, the Government intends to introduce consolidated pay to the Service. This is the preferred option in the private sector world-wide and would serve the Civil Service better. However, those allowances that are duty facilitating such as overtime and shift allowances and not paid on a monthly basis will not be consolidated into salary. The allowances to be consolidated into salary are mainly those that are remunerative in nature.

(Revised 2006)

SECTION J

ALLOWANCES

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SECTION J

ALLOWANCES

Accommodation Allowance

J.1 When an officer travelling on duty is required to stay overnight away from his permanent station and makes his own arrangements for boarding and lodging, accommodation allowance will be paid to him at the rates notified in the Directorate of Personnel Management circulars from time to time. Eligibility for this allowance and the period of absence from the permanent station will be determined in each case, by the Permanent Secretary/Head of Department taking into account such factors as the distance, mode of travel, nature of assignment and the time taken to travel from the permanent station to a specified destination.

(2) Accommodation allowance may be paid for a maximum continuous period of thirty (30) nights.

(3) Notwithstanding the provisions of paragraph (2) above, officers such as Hydrologists, Engineers, Geologists and Inspectors of Works who have a permanent station, but whose duties necessitate prolonged absence from their stations may be paid accommodation allowance for a maximum continuous period of thirty (30) days. In addition, any subsequent period after thirty (30) days will be paid at half ($\frac{1}{2}$) rate up to a maximum period of five (5) months.

(4) On transfer from one station to another, an officer may claim accommodation allowance for self and spouse and up to a maximum of four unmarried children under 22 years of age, who are living with and are dependent on him should they be compelled to spend one or more nights on the journey. The rate of allowance for the spouse and children aged 16 years and above will be the same as that for the officer as set out in paragraph (1) above, and the rate for the children below 16 years will be one-half of that of the officer.

Entertainment Allowance

J.2 Some officers are from time to time required by the nature of their duties to provide hospitality and entertainment to official guests. To enable them meet such expenses, a non-accountable monthly entertainment allowance will be paid by the Government on the authority of the Permanent Secretary/Director of Personnel Management at rates specified from time to time.

Subsistence Allowance when Traveling on Duty Outside Kenya

J.3 (1) An officer who is required to travel on duty outside Kenya will be granted subsistence allowance at the daily rates notified to the service from time to time.

(2) The rates of subsistence allowance which are payable for each complete period of 24 hours commencing from the time of departure from Kenya are designed to meet the cost of accommodation at good, but not luxury class hotels, three meals a day including service charges, local travelling (such as taxi, bus or train fare), incidental expenses including any taxes and an element in respect of essential entertainment. In addition, travelling expenses incurred from the airport of disembarkation to a hotel or other residential place and vice versa, airport charges, fees for vaccination, visas and passport charges will be refunded.

(3) Where an officer's travelling, boarding and lodging expenses are paid in full directly to the hosting institution/hotel by the Kenya Government or any other Organization, a residual allowance of up to one-quarter ($\frac{1}{4}$) of the standard rate of subsistence allowance may be paid to him to cover incidental expenses. Where only lodging expenses are covered, subsistence allowance may be paid at three-quarters ($\frac{3}{4}$) of the standard rate. In cases where the sponsor does not meet the expenses directly but pays an allowance and such allowance is less than the standard rate of subsistence allowance, the officer may claim the difference from the Government.

(4) An officer travelling on duty abroad is normally expected to regularize his expenses within the standard rate of subsistence allowance. Nevertheless, in

very exceptional circumstances, for example, when hotels are heavily booked during an international meeting and the officer has no choice of accommodation or when the standard rate of subsistence allowance is insufficient for any other justifiable reasons, consideration will be given by the Permanent Secretary/Director of Personnel Management for a refund of the additional expenses on production of receipted bills in respect of actual expenditure incurred.

(5) Where important delegations consisting of senior officers are required to travel abroad to represent the Government, consideration will be given to the grant of subsistence allowance at special rates which will be decided upon the merits and requirements of each delegation. Applications for subsistence allowance at special rates, giving full particulars of the members of the delegation, the countries they are required to visit, the nature of work of the delegation and the length of stay in each country, should be submitted to the Permanent Secretary/Director of Personnel Management well in advance of the delegation's departure from Kenya.

Acting Allowance

J.4 (1) When an officer is appointed to act in a higher post by the appropriate authority empowered to approve such appointments, an acting allowance will be paid to him at the rate of fifteen percent (15%) of his substantive basic salary.

(2) When an officer who has been appointed to act in a higher post, is required to cease acting, he should be notified immediately of the date of cessation of his acting appointment and in the case of acting appointment which is gazetted, the Public Service Commission of Kenya should also be informed of the date of the officer's reversion to his substantive grade.

(3) The Public Service Commission of Kenya will not approve acting appointment to take effect from a date earlier than three (3) months prior to the date on which the recommendation is submitted to the Commission. Notwithstanding this retro-activity, the Commission will not approve the acting appointment of an officer in a post to which he has already been promoted. These

arrangements should also be followed in cases of acting appointment made under the delegated powers.

(4) When a substantive vacancy occurs and a recommendation for an acting appointment is being made to the Public Service Commission of Kenya, such recommendation should be accompanied by a draft indent for advertisement of the vacancy in question. Should there be any valid grounds why the vacancy should not be advertised and filled substantively at that time, the Authorized Officer should give detailed reasons indicating when he proposes to advertise and fill the vacancy in a substantive capacity. The Commission reserves the right to reject the reasons if it is not fully satisfied as to their validity. All recommendations for acting appointments for posts in Job Group 'M' and above should be forwarded to the Public Service Commission of Kenya through the Permanent Secretary/Director of Personnel Management and should be signed by a senior officer not below the grade of the officer being recommended to act.

(5) When a post falls temporarily vacant due to the absence of the substantive holder, an acting appointment should not be made unless the period of such absence exceeds thirty (30) days. A recommendation for an acting appointment for a period of thirty (30) days or less will be considered by the Public Service Commission of Kenya only in those cases where the law or regulations require that, in the absence of the substantive holder of a public office, the function of that public office can be exercised only if another officer is appointed in an acting capacity.

(6) Acting allowance will be paid when an officer acts in a higher post for a minimum period of thirty (30) days or when the acting appointment follows another within an interval of not more than fifteen (15) days and the actual duration of both acting appointments is thirty (30) days or more. Acting allowance will not be paid when an officer who has been appointed to act in a higher post is absent from duty for whatever reason for a period of more than thirty (30) days.

(7) An officer who is appointed to act in a higher post will be eligible for the duration of his acting appointment, for travelling privileges and other related ad hoc allowances, such as hotel or accommodation allowance. However, the officer will not qualify for house allowance or other remunerative allowances assigned to the higher post.

Special Duty Allowance

J.5 (1) When an officer does not possess the necessary qualifications and cannot be appointed to act in a higher post, but is nevertheless called upon to undertake the duties of that post either in full or in part for a limited period of time, a special duty allowance will be granted to him by the Authorized Officer acting on the advice of the Ministerial/Departmental Human Resource Management Advisory Committee.

(2) Recommendations for the payment of special duty allowance should be submitted to the Ministerial Human Resource Management Advisory Committee immediately the officer assumes the duties of the higher post. Authority for payment of special duty allowance will not be granted to take effect from a date earlier than three (3) months prior to the date a recommendation is submitted to the Authorized Officer.

(3) Special duty allowance in each case will be payable at the rate of ten percent (10%) of the officer's substantive basic salary.

(4) Special duty allowance will be paid when an officer who performs the duties in a higher post for a continuous period of not less than thirty (30) days or when the special duty allowance appointment follows another within an interval of not more than fifteen (15) days and the actual duration of both special duty allowance appointments is thirty (30) days or more. The allowance will not be paid when an officer who has been appointed to perform duties in a higher post is absent from duty for whatever reason for a period of more than thirty (30) days.

(5) Special duty allowance will not be paid for a period exceeding twelve consecutive months unless efforts to fill the post substantively have been futile and authority is obtained from the Authorized Officer on advice of the Ministerial/Departmental Human Resource Management Advisory Committee. In that event, the Head of Department should explain the arrangements he has made to fill the higher post in a substantive capacity.

(6) An officer who is appointed to act in a higher post will be eligible for the duration of his acting appointment, for travelling privileges and other related ad hoc allowances, such as hotel or accommodation allowance. However, the officer will not qualify for house allowance or other remunerative allowances assigned to the higher post.

Overtime Allowance

J.6 (1) When it is established that an officer in Job Group 'L' or below is required to work overtime as a matter of urgent necessity and it is not possible to allow him equivalent time off in lieu of overtime allowance, an allowance may be granted to him with prior approval of the Authorized Officer on the advice of the Ministerial Human Resource Management Advisory Committee, for overtime worked in excess of forty (40) hours per week, at the rate of one and a half ($1\frac{1}{2}$) times the officers salary during working days and two (2) times officers basic salary rate during other days including public holidays except as provided in sub-paragraph (4) below.

(2) It is emphasized that overtime allowance should not be paid for routine duties where it is possible that alternative arrangements can be made for performance of the tasks within normal working hours.

(3) An officer in Job Group 'M' and above will not qualify for overtime allowance since officers in this category are normally called upon to perform duties of a supervisory nature and this factor is taken into account in determining the rate of their remuneration.

(4) Paragraph (1) of this regulation will not apply to certain categories of staff in Ministries/Departments who are required to work overtime regularly and an allowance has been authorized for their compensation.

Hardship Allowance

J.7 (1) An officer stationed in any of the designated hardship areas will be granted a hardship allowance at the rate specified in Directorate of Personnel Management Circulars issued from time to time. A list of designated hardship areas may be obtained from the Directorate of Personnel Management.

Transfer Allowance

J.8. (1) When an officer is transferred from one station to another, he will be eligible for payment of transfer allowance amounting to one (1) month's basic salary immediately he is released to the new station provided the new station is not less than 40 km from the old station.

(2) Transfer allowance will not be paid to:

(i) field officers such as Surveyors, Hydrologists, Engineers, Geologists, and Inspectors of Works, when moving from one camp to another;

(ii) officers who are posted on temporary basis (i.e. on relief duty) for a period not exceeding three months; and

(ii) officers who are transferred on their own request to suit their own convenience.

Field Allowance

J.9 (1) Field officers such as Surveyors, Road Foremen, Prospectors and officers in charge of land development units, whose duties entail continuous field work and who live in movable accommodation (i.e. portable huts, tents or caravans), may be granted a regular field allowance at the rate of 25% of the daily Accommodation Allowance as provided from time to time.

(2) Field allowance will not be paid for any night for which the officer draws accommodation allowance or hotel allowance, e.g. when visiting Head Office, or for any night spent at the station where he is based.

Extraneous Allowance

J.10 Extraneous allowance is paid to officers working in certain offices as a way of compensating them for extraneous nature of their duty as they are required to work for long hours during week days, weekends and sometimes on public holidays. The rates eligibility for payment is determined by the Permanent Secretary/Director of Personnel Management from time to time.

Leave Allowance

J.11 (1) An officer who takes a minimum of one-half of his annual leave entitlement will be eligible for leave allowance once a year.

(2) The rate of leave allowance will be determined by the Government from time to time.

(3) An officer stationed in any designated hardship area may proceed on leave twice a year (i.e. from 1st January to 30th June and from 1st July to 31st December) provided that he takes not less than half ($\frac{1}{2}$) of his leave entitlement. The officer will be eligible for payment of leave allowance twice per year.

Commuter/Transport Allowance

J.12 (1) All officers will be eligible for Commuter/Transport allowance provided they are not provided with Government transport.

(2) The rates of the allowances will be determined by the Government from time to time.

Other Allowances

J.13 There are other allowances paid to different categories of staff in specific circumstances. The allowances are communicated to respective Ministries/Departments by the Directorate of Personnel Management from time to time and are therefore not discussed in these regulations. These allowances and to whom they are payable is listed in Appendix J/1.

Appendix J1

ALLOWANCES PAYABLE IN THE CIVIL SERVICE

No.	<i>TYPES OF ALLOWANCES</i>
1	Acting Allowance
2	Administrative Allowance
3	Adversity Allowance
4	Alimentary Allowance
5	Animal Handlers Allowance
6	Area Allowance
7	Army Additional Pay
8	Attendance Allowance
9	Aviation Allowance
10	Aviation Support Allowance
11	Bandsmen Allowance
12	Bicycle allowance
13	CID Allowance
14	Cleaning Material Allowance
15	Clerical Trainers Allowance
16	Commuted Mileage
17	Compensatory Allowance
18	Constituency Allowance
19	Cooking Gas Allowance
20	Coxswains and Water Police Allowance
21	Crew Cabin Allowance
22	Domestic Servants Allowance
23	Drivers Allowance
24	Entertainment Allowance

25	Extraneous Allowance
26	Field Allowance
27	Field Operational Allowance
28	Flying Allowance
29	GSU Field Allowance
30	Hardship Allowance
31	Housing Supplementation
32	Instructors Allowance
33	Instructors Rating Allowance
34	Instrument Rating Allowance
35	Medical Allowance
36	Medical Risk Allowance
37	Minimum Wage Allowance
38	Ministerial Allowance
39	Ministerial Entertainment Allowance
40	Ministerial House Allowance
41	Ministerial Responsibility Allowance
42	Ministerial Transport Allowance
43	Non-Practising Allowance
44	Overseas Addition
45	Overseas Additional Non-pensions
4	Overtime
47	Owner Occupier House Allowance
48	Personal Allowance
49	Pilot's Allowance
50	Plain (Civilian) Clothes Allowance
51	Presidential Escort Allowance
52	Radio Operators Allowance
53	Ration Allowance
54	Rental House Allowance
55	Responsibility Allowance

56	Robe Allowance
57	Safety Allowance
58	Security Allowance
59	Separation Allowance
60	Shift Allowance
61	Signallers Allowance
62	Sitting Allowance
63	Special Duty Allowance
64	Special Duty Allowance (Executioner)
65	Special Duty Allowance (Maximum Security Prison)
66	Special Duty Allowance (Urban Allowance)
67	Technical Allowance
68	Telephone Allowance
69	Tele-printers Allowance
70	Test Flight Allowance
71	Top-up Allowance
72	Trainers Allowance
73	Transfer Allowance
74	Transport Allowance
75	Uniform Allowance
76	Vacational Leave E.A. Allowance
77	Wireless Operators Allowance

SECTION K

TRANSPORT

INTRODUCTION

This Section deals with transport facilities available to an officer when travelling on duty. It includes travelling privileges to members of the officer's family in certain circumstances and transportation of personal effects.

An officer travelling at Government expense should normally make use of public transport in the interest of economy. However, when the execution of an officer's public duties is likely to be delayed or hindered owing to the mode of transport, departmental transport may be utilized or any other arrangements may be made with the prior approval of the Permanent Secretary/Head of Department who should satisfy himself that the expense involved is fully justified.

(Revised 2006)

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TRANSPORT

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SECTION K

TRANSPORT

TRANSPORT OF PERSONNEL

Eligibility of Free Transport

K.1 (1) Free transport may be provided for the officer, his spouse and unmarried children aged 22 years and below who are living with and are dependent on him, on occasions when they are travelling on first appointment, transfer, convalescent leave, approved medical (including dental) treatment, retirement and termination of appointment. The age limit for children may be extended beyond 22 years under special circumstances (e.g. permanent disability and for those still in school) with the approval of the Accounting Officer.

(2) Free transport will also be provided for the officer travelling on duty outside the duty station.

Travelling by Public Service Transport

K.2 When travelling by public service transport on first appointment, transfer or duty, outside the duty station, an officer will be provided with fare at rates which will be determined by the Government from time to time.

Travelling by Car

K.3 (1) Where there may be no Government vehicle to travel on official duty outside the normal duty station, an officer may seek permission of his Permanent Secretary/Head of Department to utilize public transport or his own car. Permission will normally be granted where the use of a motor vehicle is economical and in the interest of the service.

(2) Where such permission is granted, the employee shall claim reimbursement based on the prevailing Automobile Association (AA) rates. The vehicle capacity shall be limited to 2,000 c.c.

(3) Where possible, officers should travel together in one vehicle.

Travelling by Air

K.4 (1) When travelling on duty to another country an officer should normally travel by air. Air travel on duty within Kenya will require the prior approval in writing of the Permanent Secretary/Head of Department. Such approval may be given when other modes of transport are unavailable, air travel is economical or where the saving of time is paramount.

(2) Air bookings for officers should be arranged as follows:

- (i) Ministers, Authorized/Accounting Officers - First Class
Officers in Job Group 'T' - Business Class
- (ii) All other officers - Economy Class

(3) When it is necessary to travel by air within Kenya to places not served by any commercial airline, the services of the Kenya Police Air Wing should be utilized and bookings should be arranged with the Staff Officer, Kenya Police Air Wing.

Reimbursement of Taxi Fares

K.5 (1) When travelling on duty, an officer may be reimbursed the appropriate cost of taxi fares from his residence to the railway station, appropriate bus terminal or airport and vice-versa on production of receipts, provided Government transport is not available.

Travelling on Annual Leave

K.6 An officer who takes a minimum of one-half ($\frac{1}{2}$) of his annual leave will be eligible for a leave allowance once a year at the rates determined by the Directorate of Personnel Management from time to time.

Travelling on Termination of Appointment or Retirement

K.7 On termination of appointment or on retirement, an officer will be provided with free transport to any desired destination of residence within Kenya. This privilege will not apply to an officer who resigns his appointment or who is dismissed from the Service.

Travelling for Interview

K.8 An officer who is invited for an interview by the Public Service Commission of Kenya or the Authorized Officer will be regarded as traveling on duty and his travelling expenses will be charged to the appropriate vote of his Ministry/Department. This regulation will also apply to officers who travel to other stations to sit for examinations conducted by the Public Service Commission of Kenya.

Transport of Baggage

K.9 (1) When traveling on first appointment, transfer, duty, termination of appointment or retirement, an officer shall be provided with a Government vehicle to transport his luggage. However, in the absence of a vehicle, the officer will be eligible for a baggage allowance.

(2) In case of the death of an employee, the deceased legal representative will be eligible for a baggage allowance.

(3) Payment of baggage allowance will be in accordance with the prevailing rates as will be determined by the Government from time to time. The current rates of baggage allowance are as appended as below:

Baggage Allowance

Job Group	Rate Per Km(Ksh.)
S and above	65
P – R	55
K – N	45
G – J	35
F and below	30

DEPARTMENTAL TRANSPORT

Drivers

K.10 (1) A driver required to drive a Government Vehicle must have a valid driving license and must have passed suitability test organized by the Chief Mechanical and Transport Engineer in the Ministry responsible for Government Transport besides having a certificate of good conduct. A driver may not drive a type of vehicle for which he is not licensed. An officer authorizing the use of a Government vehicle by a driver who does not possess a valid license, will be responsible for any pecuniary loss to the Government that may result from any eventuality.

(2) The cost of renewal of annual driving licenses of established official drivers will be met from Government funds.

(3) Save in exceptional circumstances and with the written authority of the Permanent Secretary/Head of Department, Government vehicles shall not be driven by an officer other than an established official driver. An officer who fails to produce such written authority, in addition to a valid driving licence, will be subject to severe disciplinary action.

(4) Drivers of Government vehicles must at all times set the highest standard of road conduct and should also not smoke or use mobile phones while driving.

Transport Work Ticket (GP.26)

K.11 The use of the work ticket for a Government vehicle is compulsory. Any driver of a Government vehicle (or any officer authorized to drive a Government vehicle) operating without a work ticket properly authorizing a journey in question, found deviating from the route authorized, or carrying unauthorized passengers or goods, will be subject to disciplinary action. The instructions set out in the front cover of the book of work tickets must be made known to all drivers and other officers responsible for the management of Government transport. A summary (as provided for at G of the cover) of fuel, oil and distance travelled, will be entered, with the relative work ticket number, in the vehicle log-book on completion of each such ticket or at the end of each month should a ticket remain incomplete at the end of that month.

Government Vehicle Register

K.12 A register of all Government vehicles, trailers and motor cycles will be maintained by the Permanent Secretary/Head of Department of each Ministry. The Register will include the following particulars:

- (i) Description of vehicle, trailer and motor-cycle
- (ii) Chassis number
- (iii) Engine number
- (iv) GK Registration number
- (v) The date the vehicle is put into service
- (vi) Department to which allotted; and
- (vii) The date of disposal of the vehicle

Scales of Entitlement

K.13 Ministries and Departments will be provided with Government vehicles in accordance with the scales of entitlement (i.e. model and type) as per Government Circulars issued from time to time. In exceptional circumstances where a Permanent Secretary or Head of Department desires to purchase a vehicle of a type not covered by Government Circular should, with concurrence of the Permanent Secretary to the Treasury obtain a certificate from the Permanent Secretary of the Ministry

responsible for Government transport to the effect that the type of vehicle is suitable for the purpose for which it is required.

Disposal of Government Vehicles

K.14 Accounting officers should consult the Permanent Secretary of the Ministry responsible for transport, before disposing of surplus serviceable vehicles, in order that such vehicles shall, where appropriate, be transferred to another department. Such transfers will require approval of the Treasury.

Log-Books

K.15 (1) Log-books will be maintained by the Departments to which vehicles are allotted to provide operating record to the time of their disposal. On disposal of the vehicle, the log-book should be returned to the Permanent Secretary/Head of Department concerned. Officers responsible for vehicles must inspect them and sign the log-books regularly, preferably weekly, and must insist on their correct completion. Any damage or defect noticed during the inspection should be recorded in the log-book and reported to the Transport Officer of the Ministry.

- (2) Entries in the log book will include the following information:
- (i) Type and description of vehicle
 - (ii) Make
 - (iii) Chassis and engine number
 - (iv) Engine capacity
 - (v) GK Registration number
 - (vi) Department to which vehicle is allotted
 - (vii) Brief description of any modifications carried out subsequent to purchase
 - (viii) Details of repairs (other than minor adjustments)
 - (ix) Monthly progressive mileage totals with average oil/petrol consumption per kilometer or running hours
 - (x) An inventory of tools and equipment issued to the vehicle
 - (xi) Numbers and description of all tyres issued to the vehicle

including replacements

- (xii) Record of inspections and oil changes
- (xiii) Fuel, oil and mileage log
- (xiv) Particulars of transfers between departments

Immobilization of Government Vehicles

K.16 Government vehicles when garaged and parked must be immobilized by removal of the switch key and/or removal of the distributor rotor arm. Where driving cabins are provided with doors with locks, the doors of the vehicle must be locked and the keys removed. Government vehicles should be parked or garaged only at places authorized by the Head of Department.

Ignition Keys

K.17 The keys of all Government vehicles, with the exception of ambulances and police vehicles, must be handed to the Transport Officer or the officer-in-charge of the vehicle after office hours.

Speed Limits

K.18 (1) In addition to maximum speed limits set out below, all Government vehicles should adhere to speed limits set by the Ministry responsible for Government transport including the fitting of speed governors and seat belts in line with the Transport Licensing Board Regulations. Transport officers in respective Ministry/Department should ensure that these gadgets are checked regularly but not less than four (4) times in a year to ensure that they are functioning at all times.

(2) The maximum speed permitted for Government vehicles is as follows:

- (i) Passenger cars and Motor Cycles.....110 kph
- (ii) 1.5 metric-ton trucks, Land Rovers and light vans.....80 kph
- (iii) 3 – 5 metric-ton trucks.....80 kph
- (iv) Any other type of vehicle drawing a trailer.....65 kph

(3) Separate instructions will be issued from time to time by the Permanent Secretary of the Ministry responsible for Government transport in regard to the loading and towing of Government vehicles and convoy procedure.

Use of Government Vehicles

K.19 (1) Except as provided for in (6) below, Government vehicles are intended for official purposes and must never be used for private purposes such as business or pleasure. It is the responsibility of a Permanent Secretary/Head of Department to ensure that a Government vehicle is properly used. An officer who makes improper use of a Government vehicle will render himself liable to surcharge in addition to any other disciplinary action which may include dismissal. In order to prevent unauthorized use of Government vehicles, all officers are duty bound to report in detail to the appropriate authority any Government vehicle which is suspected of being in unauthorized private use. Appropriate authority for this purpose means the Permanent Secretary/Head of Department on whose charge the vehicle is held.

(2) No Government vehicle shall be on the road unless it is properly authorized for official Government business. In particular, no Government vehicle should be out on the road outside office hours (i.e. 8.00 a.m. to 5.00 p.m.) unless it is authorized to carry out an emergency or essential service. In such a case, the authority for the vehicle to be out will be given in writing by the officer-in-charge of the station where the vehicle is attached.

(3) Officers are expected to pool transport when traveling to the same destination particularly in the field services under the co-ordination of Provincial Administration.

(4) In order to facilitate proper monitoring of the use of Government vehicles, Heads of Department responsible in a Ministry must submit monthly returns on all vehicles under their charge to the Accounting Officer, specifying the following information for each vehicle:

- (i) Vehicle particulars
- (ii) Distance traveled during the month

- (iii) Amount of fuel taken
- (iv) Details and cost of all repairs
- (v) Details of grounded vehicles and reasons
- (vi) Any other relevant remarks

(5) A Surcharge Committee composed of officers from the Office of the President, the Treasury, the Ministry in charge of Government transport and the Directorate of Personnel Management has been established in the Office of the President to deal with reported cases of misuse of Government vehicles.

(6) Adequate insurance cover for the vehicle, the driver, passengers and third party liability must be taken out when a Government vehicle is used for private purposes for example when ferrying non-civil servants.

Government Vehicle Check Unit

K.20 A special unit of the Kenya Police known as the Government Vehicle Check Unit is empowered to stop and check any Government vehicle and to prefer charges (where appropriate) against the driver. Where charges are preferred, a report should be submitted direct to the Accounting Officer with copies to the Surcharge Committee and the Controller and Auditor-General. The Accounting Officer will be expected to comment on the report within thirty (30) days before the Surcharge Committee deliberates on the matter.

Accident Procedure

K.21 (1) All officers and drivers in charge of Government vehicles should acquaint themselves with the provisions of the Traffic Act (Cap.403) which makes it obligatory for a driver of a vehicle involved in an accident to stop and give his name and address, the name and address of the owner and the identification marks of the vehicle to any person having reasonable grounds to require these particulars. If for any reason, the driver of the vehicle does not give his name and address to any such person, or if any injury has been caused, he must report the accident at the nearest police station or to a police officer.

The relevant provisions of Section 73 of the Act read as follows:

73.(1) "If, in any case, owing to the presence of a vehicle on a road, an accident occurs whereby injury or damage is caused to any person, vehicle, dog or cattle, the driver of the motor vehicle shall stop, and if required to do so by any person having reasonable grounds for so requiring, give his name and address, and also the address of the owner and the identification marks of the vehicle."

(2) Any other person in the vehicle at the time of the accident shall also, if required to do so, give his name and address.

(3) If, in the case of any such accident as aforesaid, the driver of the motor vehicle for any reason does not give his name and address to any such person as aforesaid, or if any injury has been caused to any person or domestic animal, the driver shall report the accident at a police station or to a police officer as soon as reasonably possible, and in any case within twenty four (24) hours of the occurrence thereof.

"Road" is defined in the Act to mean:

"Any public road within the meaning of the public Roads and Roads of Access Act, and includes other road or way, wharf, car park, footpath or bridle path on which vehicles are capable of traveling and to which the public has access."

(4) While this statutory obligation applies also to drivers of Government vehicles, every accident to a Government vehicle, however minor, must be reported immediately to the Officer-in-Charge of the Police Station in whose area the accident occurs, whether or not such an accident has caused any injury or damage to any person, vehicle or domestic animal. In order that a proper investigation may be carried out into the cause of the accident, the driver of the Government vehicle will not move the vehicle from the scene of the accident unless authorized to do so by a Police Officer.

(5) In addition to any report to the Police, a preliminary accident report must be submitted on the day of the accident to the Permanent Secretary/Head of Department on whose charge the vehicle is borne giving the following particulars:

- (i) Number of Government vehicle and the name of the driver
- (ii) Place, time and brief circumstances of accident
- (iii) Name of any other person or persons who have, or whose property has suffered damage, or who have caused damage to Government property, and the number of their vehicle
- (iv) Estimate of damage suffered by (c) above or by Government personnel or property or both
- (v) The date on which the accident was reported and the name of the Police Officer who took the report and the police station where it was made

(6) In cases where the driver has been arrested, the officer-in-charge of the police station concerned will make this report to the officer in supervisory charge of the vehicle, but in all other cases the driver himself, unless incapacitated by the accident, will be responsible for initiating the report.

(7) On receipt of the report, it will be the responsibility of the Permanent Secretary/Head of Department to call for a detailed report from the officer in supervisory charge of the vehicle.

(8) Where Government incurs expenditure, whether by reason of any third party claim or otherwise, as a result of any accident to a Government vehicle and such accident is attributable wholly or in part to the negligence or misconduct of any Government employee, the latter may be required to reimburse the Government the whole or part of any such expenditure.

(9) All cases (except those of Workmen's Compensation to the Government employees) where there is a claim for damages or personal injuries against the Government, should be referred to the Attorney General who will call for the Police Investigation File relevant to the accident and give advice. If the Attorney General advises payment of damages for personal injuries, the case should be referred to the Permanent Secretary to the Treasury for instructions before any liability is admitted or any payments made. A report must also be submitted to the Treasury in cases where the damage to the Government vehicle exceeds Kshs.1,000 even though no third party may have suffered injury or damage. The reports made in accordance with this regulation is in a form obtained from the Permanent Secretary, Treasury.

(10) In cases where claims are paid to insurance companies or advocates in respect of accidents, Ministries and Departments concerned will obtain discharge certificates signed by the owner of the vehicle involved. The discharge certificate is in a form obtained from the Permanent Secretary, Treasury.

(11) Accidents involving Government vehicles while being used for private purposes must be reported by the responsible office without delay to the appropriate insurance company.

Use of Government Bicycles and Motor Cycles

K.22 (1) A Government bicycle or motor cycle may be made available to a member of the support staff service whose duties entail travelling within the city or town for the purpose of collecting and delivering official mail or other similar duties.

(2) Government bicycles or motor cycles in each Ministry/Department should be placed in the charge of a departmental officer who should arrange a weekly inspection of all cycles and their accessories and keep a record of such inspection. He should also maintain a register of Government cycles and retain one key for each. The register should contain particulars of the frame number, make, c.c. where applicable, type, date of purchase and the name and address of the supplier.

(3) A cycle when not in actual use, should be padlocked to an immovable object such as railings, bicycle stand, etc. In case of theft of a bicycle or a motor-cycle, a report should be made immediately to the police giving particulars of the cycle, including the frame number.

(4) A Government cycle should not be used for private purposes and passengers should not be carried on a cycle on duty.

TRANSPORTATION OF DECEASED CIVIL SERVANTS FOR BURIAL

Transport Facilities on Bereavement

K.23 Free transport facilities for the deceased and immediate family members will be provided at Government expense to the place of burial when an officer dies while in service and if the spouse or children aged 22 years and below die while the officer is still in the service. In addition, the Government will make contributions to defray funeral expenses for a deceased officer, one spouse and upto four (4) children aged 22 years and below upto a maximum of Kshs.20,000/-.

Mode of Transport

K.24 Permanent Secretaries/Heads of Department may use their discretion in determining the mode of transport that may be authorized for the conveyance of the deceased's body to the place of burial before meeting such expenses from public funds.

Hire of Transport

K.25 Where Government transport is not available, a private vehicle may be hired at Government expense and should not exceed the charges normally levied by a Local Authority for the hire of a hearse.

Transport for Ministries/Department Representatives

K.26 (1) The provision of free transport to an officer or officers from the respective Ministries/Departments who will represent the Government at the

deceased burial will be granted by the Permanent Secretary/Head of Department.

(2) The Government should also obtain temporary insurance cover for the passengers as provided in regulation K.19 (6) of this regulation

SECTION L

GOVERNMENT HOUSING

INTRODUCTION

This Section deals with the rules governing the provision of Government quarters and related matters. The long term policy of the Government is to gradually move away from the responsibility of housing civil servants with the aim of paying a consolidated wage. In this connection, the Government pays Civil Servants House Allowance pegged at market rates and charges market rates for its houses.

In addition, the Government intends to sell all non-institutional houses to civil servants through a tenant mortgage scheme. It will also provide mortgage to Civil Servants to acquire houses. However, the Government will continue to provide institutional housing for staff working in essential institutions such as schools, hospitals and at remote stations.

(Revised 2006)

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GOVERNMENT HOUSING

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SECTION L

HOUSING

House Allowance

L.1 (1) All civil servants are eligible to automatic house allowance applicable to their grades as stipulated in Government Circulars issued from time to time.

(2) An officer who has been allocated a Government owned quarter, by the appropriate Housing Allocation Committee or an institutional house by his Permanent Secretary or Head of Department, will be required to pay the market rent for the house allocated as determined by the Ministry responsible for housing.

(3) Government housing will be restricted to officers whose housing will be considered to be strategic in view of the nature of their work. These include houses for the disciplined services, institutional houses, State Houses, State Lodges and staff quarters, houses situated in water supply/treatment works, forests stations, historical sites and other houses which the Government has identified as strategic.

(4) Officers occupying Institutional houses and whose services have been categorized as essential to the respective Institutions, will pay the market rents applicable to the quarters or surrender their house allowance whichever is lower.

Housing Allocation Committees: Composition and Membership

L.2 (1) The following Housing Allocation Committees are responsible for the allocation of Government houses:

(i) Senior Housing Allocation Committee- for officers in Job Group "H" and above excluding Permanent Secretaries.

(ii) Junior Housing Allocation Committee-for officers in Job Group 'G' and below.

(2) Each Committee will be constituted as follows:

(i) **In respect of Nairobi**

- (a) the Chairman will be the Provincial Commissioner or his appointed representative;
- (b) the Secretary who will be a member appointed from the Ministry for the time being responsible for housing;
- (c) One member appointed from the Directorate of Personnel Management;
- (d) Three members appointed from other Ministries/Departments on rotational basis for a period of two years.

(ii) **In respect of other Areas**

- (a) The Chairman who will be the District Commissioner of the respective district or his appointed representative;
- (b) The Secretary who, will be a member appointed from the Ministry responsible for housing;
- (d) Four members appointed from other Departments on rotational basis for a period of two years.

The model rules for the Housing Allocation Committees are set out in Appendix L/1.

Retention of House Allowance on Transfer to Designated Hardship Areas.

L.3 An officer transferred to a designated hardship area in the interest of the service, may retain the house allowance applicable to his former station or draw house

allowance applicable to his new station (hardship area) whichever is higher. However, this will not apply to an officer transferred on own request.

Application for Government Quarters

L.4 (1) Applications for Government quarters in Nairobi should be submitted in an appropriate form obtained from the Ministry responsible for housing at least one month before the quarters are required.

(2) Applications for Government quarters at other stations should be submitted on a similar form to the Secretary of the respective Housing Allocation Committee

Allocation of Government Quarters

L.5 Government quarters are allocated at the station where an officer is posted for duty on the basis of the points system as will be provided from time to time by the Ministry responsible for housing. In allocating a Government quarter, consideration will also be given to other general requirements such as the family size and proximity to the office.

Institutional Housing

L.6 (1) The responsibility for the allocation of housing accommodation at Institutions rests with the Permanent Secretary or Head of Department concerned, to whom an application form should be submitted.

(2) Upon allocation of Government quarter to an officer, the Head of Department will immediately notify the District Head of the Ministry responsible for housing or his representative.

Occupation of Government Quarters

L.7 (1) Immediately after the occupation of a Government quarter, the officer should notify the following authorities in writing, of the date of occupation of the

quarter:

- (i) The Permanent Secretary or Head of Department of the Ministry/Department in which he is serving for purposes of rent recovery
- (ii) The Secretary of the relevant Housing Allocation Committee
- (iii) The District Head of the Ministry responsible for Housing or his representative

(2) In the case of Departmental or Institutional housing, an officer should notify promptly his Permanent Secretary/Head of Department and District Head for the Ministry responsible for housing of the date of occupation of such quarters.

(3) An officer who occupies a Government quarter will remain personally responsible in the widest sense for the house premises and grounds, even when he finds it necessary to leave the quarters unattended for short periods for good reasons, e.g. when traveling on duty away from the permanent station.

Maintenance of Government Quarters

L.8 (1) An officer who is allocated a Government quarter, is responsible for its maintenance in a thoroughly clean and satisfactory condition, together with all fittings, fixtures, premises and grounds generally. On occupation of a Government quarter, an officer will be required to sign a certificate to the effect that he is fully acquainted with the regulations governing the maintenance of Government quarters and that he understands that he will be held liable to make good all damages and dilapidation due to his own negligence.

(2) An officer must abide by any local by-laws which apply to the area where the house is located.

(3) In all cases in which any local authority serves notice upon the occupiers of Government quarters, the occupiers will be required to purchase, or rent from that authority, the appropriate number of approved refuse receptacles at their own expense.

(4) Guttering and drains should be kept free from obstructions and fencing and gates maintained in good order. In the event of repairs becoming necessary, the officer should draw the attention of the District head of the Ministry responsible for housing, to the "damage" at the earliest opportunity, preferably in writing. Only if immediate action is essential should notification be given by telephone, in which case it should be confirmed in writing.

(5) Immediately an occupier observes the presence of termites or wood borer in his house or garden, he must inform the District Head of the Ministry responsible for housing in writing, in order that steps for their eradication can be taken at once. It is incumbent on the occupier to ascertain that his letter has been received in case action does not follow his complaint within a reasonable time.

(6) Foliage such as creepers must be kept off the roof. In the case of buildings of timber construction, no wall creepers of any kind will be allowed. Occupiers are not permitted to plant trees within 10 meters of any building.

(7) In addition to the requirements laid down in this regulation, the Permanent Secretary of the Ministry responsible for housing, may issue from time to time such maintenance instructions as he may consider necessary in the light of prevailing circumstances.

Modification of Government Quarters

L.9 The occupant of a Government quarter will not under any circumstances make any structural or ornamental modifications to quarters, premises or grounds, including

the cutting down of trees and shrubs without the prior authority in writing of the District head of the Ministry responsible for housing. Any expenses incurred in making modifications at the request of the occupant will be borne solely by the occupant. Any further fixtures added to the Government quarters, premises or grounds become the property of the Government and will not be removed by the occupant at any time.

Inspection of Government Quarters

L.10 (1) It is the responsibility of the District head of the Ministry responsible for housing or his representative to undertake regular inspection of all quarters twice a year, and before they are about to be vacated, in order to ascertain whether the property has been properly cared for by the occupier. Such inspections will take into account the condition of the quarters, bearing in mind fair wear and tear, and the condition of the grounds. If it is established that any property has been deliberately misused or that the occupier had neglected to take reasonable care of the quarters or to maintain the grounds in a satisfactory state, he will be liable to be surcharged with the cost of putting the quarters and grounds into proper condition.

(2) An officer who considers that the condition of the quarters into which he moves is unsatisfactory, should arrange for the matter to be reported to the District Head of the Ministry responsible for housing.

(3) It will be the responsibility of the Permanent Secretary/Head of Department to ensure that departmental and institutional quarters are inspected in accordance with this regulation.

Vacation of Government Quarters

L.11 (1) An officer leaving the service for the purpose of retirement will be required to vacate his quarter not later than sixty (60) days from the date he ceases duty. The extension is allowed only on condition the officer pays the market rent for the quarter.

(2) The family of a deceased officer will be allowed to retain a Government quarter for a maximum of ninety (90) days on condition they pay the market rent.

(3) In exceptional circumstances, however, an officer may with the prior approval of the respective Housing Allocation Committee be allowed to retain his quarter until end of school term on condition the officer pays market rent for the period allowed.

(4) A Permanent Secretary/Head of Department should also notify the Secretary of the appropriate Housing Committee, in advance, the date on which an officer is required to vacate his quarter to enable the Committee to re-allocate the quarter.

(5) In the case of institutional housing, an officer should inform his Permanent Secretary/Head of Department of the proposed date of vacation of quarter and take any other action required in accordance with Departmental instructions.

(6) An officer vacating Government quarter should complete certificate of vacation and hand over the keys to the District Head of the Ministry responsible for housing or his representative.

Rental Classification of Government Quarters

L.12 (1) The market rent applicable for Government owned houses will be communicated to the Service from time to time.

(2) The following categories of officers will be provided with rent-free housing in addition to supplementary house allowance:

- (i) Police officers below the rank of Inspector
- (ii) Uniformed Prisons Staff below the rank of Chief Officer Grade II
- (iii) Administration Police below the rank of Inspector
- (iv) Forest Guards, Games Scouts and Fish Scouts

(3) In case the officers entitled to free housing opt to stay outside designated lines, they will be paid the house allowance applicable for their grades.

Utility Services

L.13 An officer living in a Government quarter of any type is required to pay utility services supplied to the quarter direct to the Utility Providers except officers entitled to free housing as listed in L.12 (2).

ELECTRICAL INSTALLATIONS IN GOVERNMENT BUILDINGS

Electrical Matters, New Installations or Modifications

L.14 (1) Electrical matters will be referred to the Chief Electrical and Mechanical Engineer (Building Services).

(2) Permanent Secretaries/Head of Department requiring new electrical installations, additions or modifications to existing installations in any Government building or establishment, should make arrangements with the Chief Electrical and

Mechanical Engineer (Building Services) or the District Works Officer for the work to be undertaken.

Negotiations for Electricity Supply

L.15 An officer in occupation of a Government quarter should not enter into negotiations for electricity supply undertakings on matters affecting terms for providing electricity supplies, services, line charges, tariffs, minimum charges, guarantees, etc. Such matters will be dealt with by the Chief Electrical and Mechanical Engineer (Building Services)

Points in Quarters

L.16 Standards of lighting points and sockets have been laid down for electrical installations in Government quarters. Occupants who require points in excess of these standards may be called upon to defray the cost and they will not be permitted to remove the wiring on vacating the quarters. Application for additional points must be made to the Chief Electrical and Mechanical Engineer (Building Services) or District Works Officer concerned, who will make the necessary arrangements. In no circumstances should occupants interfere with the electrical installations.

Electrical Repairs

L.17 (1) If electrical repairs are required in Government premises, the occupant should communicate with the Chief Electrical and Mechanical Engineer (Building Services) who has staff available to deal with such repairs during the normal working hours. For repairs which become essential outside normal working hours, the occupant should call upon the Kenya Power and Lighting Co. Ltd. In areas in which their emergency services are available, subsequently submitting the invoice to the Chief Electrical and Mechanical Engineer (Building Services) or to the District Works Officer concerned, but payment will be made only if the repair could not reasonably have been left over until the new working period. Occupants of houses will be responsible for the replacement of circuit fuses and supplies of suitable fuse wire will be issued free on request to the appropriate authority.

(2) Officers may be called upon to refund the cost of repairs or renovations to electrical wiring and equipment resulting from their own negligence.

Electrical Accidents

L.18 Electrical accidents whether fatal or otherwise, the installation of Generating Stations above 25KW should be reported to the Chief Electrical and Mechanical Engineer (Building Services) of the Ministry responsible for housing.

Safety Precautions

L.19 (1) If the occupant of any building has reason to doubt the safety of the electrical installation, he should communicate immediately with the Chief Electrical and Mechanical Engineer (Building Services) who will have it inspected.

(2) The greatest care should be taken to ensure that flexible cables are maintained in safe condition.

(3) All electrical appliances unless certified "Double Insulated" should be earthed. Socket outlets should be of the three pin type with earth connection. If a three pin socket has not been installed, action should be taken for this to be

changed in accordance with Regulation L.14.

(4) It is the responsibility of the occupants of all Government quarters, offices etc. to ensure that electrical appliances are switched off before vacating the building.

Electrical Equipment and Consumption of Current

L.20 (1) In Government buildings where the Government is responsible for the payment of the electricity account, no power appliances may be connected to the installation unless the Chief Electrical and Mechanical Engineer (Building Services) has been consulted in order that arrangements for additional wiring and change in the electricity tariff may be effected if necessary.

(2) Officers should not order electrical equipment for official use without first consulting the Chief Electrical and Mechanical Engineer (Building Services) to ensure that its specification and characteristics are correct.

(3) Any occupant of Government premises who considers that his electricity consumption or cost is unduly high, should communicate with the District Works officer concerned, who will investigate the matter.

Electricity Charges

L.21 (1) Where an officer is living in a Government quarter of any type in which a meter for measuring the consumption of electricity is installed and the supply is obtained directly from public mains, he will be required to pay charges for the supply direct to the supplying authority.

(2) Where an officer is living in a Government quarter at an institution through which he obtains electricity supply derived from public mains, the quarter will be sub-metered and the officer will be required to reimburse the institution for the amount of energy used by him at the appropriate rate of charge as set out in the

schedule of standard prices published by the licensee.

(3) Where an officer is living in a Government quarter which is supplied with electricity by the Government, the following arrangements will apply:

- (i) The supply of the quarter will be used only for lighting and domestic purposes;
- (i) The supply will be available only during the hours for which the plant must be run to fulfill its primary purpose of supplying electricity for operational needs;
- (ii) The quarters will be metered and the officer will be required to reimburse the institution for the amount of energy used by him at the appropriate rate of charge as set out in the schedule of standard prices published by the licensee.

(4) An officer who is provided with rent-free Government quarter in accordance with Regulation L.12 (2) will not be charged for electricity supplied to his quarter.

Insurance of Private Property in Government Quarters

L.22 An officer should arrange in his own interest an insurance cover to protect his private property held in a Government quarter against theft, fire, etc. No claim for compensation will be accepted by the Government for any loss or damage to private property in such circumstances.

Appendix L/1

MODEL RULES FOR AND CONSTITUTION OF HOUSING ALLOCATION COMMITTEES (Reference Regulation L.2)

1. Membership

The composition of the Housing Allocation Committees is shown in Regulation L.2 of the Code of Regulations.

2. Jurisdiction

The Committees shall be responsible for allocating houses placed under their control to Government officers who apply.

3. Principles of Allocation

Housing will be allocated on a points system as in paragraph 8 below, based on ability to pay market rent on check-off system, grade, length of service and family size.

While strictly adhering to the points system, the Committees may in very exceptional circumstances authorize a departure from the procedure subject to affordability by the applicant.

4. Transfer from one Quarter to Another

On promotion, an officer may be entitled to a higher grade of accommodation. Such an officer will be placed on the "waiting list" of appropriate pool housing after submission of his application form for a Government quarter. He will be required to occupy such accommodation when allocated to him and available for occupation. He will not, however, be called upon to vacate his quarter until such time as alternative accommodation is provided.

5. Meetings

The Committees shall meet at least once a month. However, the respective Chairman of a Committee may cancel a meeting in the event of there being no houses to allocate. The Committees shall ensure that as soon as a house is vacated, the allottee is ready to move in without delay.

6. Switching of Housing between Committees

The Government reserves the right to transfer houses from the jurisdiction of one Committee to another. This right will be exercised either :

- (i) when a Committee is unable to allocate vacant houses to officers under its jurisdiction; or
- (ii) when a disproportionate number of officers under any one Committee vis-à-vis another Committee is not housed.

7. Eviction

Any officer already in occupation of a house properly allocated to him shall not be evicted or transferred from that house, other than for failure to comply with the general provisions of Regulation L.8, 9 and 16 of the Code of Regulations or failure to pay the stipulated market rent with any special provisions to which his attention had been drawn on occupation.

8. Points System

Allocation of Government houses will be on the basis of the points system as may be provided by the Ministry responsible for housing as issued from time to time.

APPENDIX L/2

APPLICATION FOR GOVERNMENT QUARTERS

(This form must be completed by an officer applying for housing accommodation, and addressed to the Secretary of the appropriate Housing Committee in accordance with Regulation L.2 and L.3)

*The Secretary
Senior/Junior Housing Allocation Committee,
Ministry.....
P.O. Box

Thro'
The Permanent Secretary/Head of Department
Ministry of
P.O. Box.....
NAIROBI.

- 1.Name.....Personal No.....
- 2.Designation.....
- 3.Ministry.....
- 4. (a) Postal Address
.....
.....
- (b) Telephone No.....Ext.....
- 5. Annual basic salary
Kshs.....
- 6. Job
Group.....
- 7. Terms of service – Permanent/Probation/Contract/Temporary:
.....
- 8. Date of appointment to Government service (if broken service give last date of joining).....
- 9. Number of children
No.....Male aged.....
No.....Female aged.....
- 10. State if spouse and/or family are living with you
- 11. Approximate date accommodation required
- 12. Subject to availability, state preference.....
- 13. How accommodated present.....
- 14. I certify that the above particulars are correct and that the number of children stated in paragraph 10 above are my children and not relatives

Date.....

Signature

PART II
CERTIFICATE

I hereby certify that I have inspected the Government quarter No.....
at.....(locality)

*I am satisfied that the property and grounds have been properly cared for by the occupant.

*I regret that the occupant failed to maintain the property and grounds in a reasonable manner resulting in damages as listed in Part III of this form. I consider that the occupant be surcharged a sum of Kshs.....being the approximate cost of repairs to the property and grounds.

Date.....

Signature.....

District Works Officer

PART III

Details of damages to property and grounds:

.....
.....
.....

Estimated cost of repairs: Kshs:

Notes

(iii) *Delete whichever is not applicable

Rental deduction should continue and in the case of officers leaving the service their final dues should be withheld until the production of this certificate.

SECTION M

MEDICAL BENEFITS

INTRODUCTION

Medical privileges are intended to assist an officer and his family in maintaining good health since a healthy Civil Servant is an asset to the Government. The Government has incorporated out-patient medical benefits into personal emoluments, thereby making a public servant responsible for his own medical requirements. The Government will strive to procure a comprehensive Medical Insurance Scheme for its employees.

(Revised 2006)

SECTION M

MEDICAL BENEFITS

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No.

Sick

Sheet

.....M/
1

SECTION M

MEDICAL PRIVILEGES

Medical Attention

M.1 (1) An officer will be provided a non-accountable medical allowance on monthly basis at rates communicated by the Government from time to time to cater for out-patient medical treatment for self, spouse and children.

(2) On first appointment, an officer will be required to undergo a thorough medical examination by a Medical Officer who will provide a report on Form G.P.69, and no further medical examination will be required in respect of Citizens. Non-citizens who are employed on contract terms will, however, be medically examined on each occasion their contracts are renewed.

Medical Certificate

M.2 A medical certificate signed by a Medical Officer or a private practitioner must be submitted by an officer in every case of absence from duty on account of illness. The form of certificate to be used in all cases is the Sick Sheet G.P.68 (Med. XXXI) as provided in Appendix M/1.

Medical Services for In-Patient Treatment

M.3 (1) When an officer, spouse or children under 22 years of age and in exceptional circumstances those beyond 22 years and are in school or disabled, obtains hospital treatment at a hospital which has been declared to be a hospital for

the purposes of the National Hospital Insurance Fund Act (NHIF), a refund will be made by the Government, on production of receipted accounts, of the balance of the hospital charges (which may include costs such as theatre fees, drugs, dressings, X-rays, laboratory examinations, physiotherapy treatment, fees charged by private medical practitioners, etc.,) after deduction of the benefits paid from the National Hospital Insurance Fund, subject to the following maxima:

- (i) Officers in Job Group 'L' and aboveKsh.1,500 per day
- (ii) Officers in Job Group 'K' and belowKsh.1,000 per day

(2) A refund of hospital charges in accordance with paragraph (1) above will also be made in respect of an officer or officer's spouse during any period confined in a hospital in connection with maternity as communicated by National Hospital Insurance Fund from time to time.

Claims for Ex-Gratia Assistance

M.4 (1) An Accounting Officer may approve Ex-gratia assistance to an officer, his spouse and upto 4 (four) children as defined in Regulation M.3(1) on the advice of the Ministerial Human Resource Management Advisory Committee subject to the claimant being required to make a token contribution of 25% of the net medical expenses after reducing the National Hospital Insurance Fund and in-patient reimbursement.

(2) All claims for ex-gratia assistance should be handled by the Authorized Officer. When doing so, the Authorized Officer should ensure that all the relevant supporting documents including an officer's explanation are provided.

(3) Where an officer has a private insurance cover which does not adequately cover the total bill, the balance will be refunded in form of Ex-gratia subject to the provisions of Regulation M.3.

Medical Treatment Outside Kenya

M.5 (1) Before seeking medical treatment abroad, Civil Servants are advised to utilize locally available medical services. No officer will be considered for medical treatment abroad except on the recommendation of the Director of Medical Services. Such a recommendation will be dealt with purely on an Ex-gratia basis and in the light of the financial and other circumstances obtaining in each individual case.

(2) The proceedings and recommendation of the Director of Medical Services should be forwarded to the Permanent Secretary/Director of Personnel Management with a copy to the Treasury. The Permanent Secretary/Director of Personnel Management, after examining the case in consultation with the Permanent Secretary to the Treasury will inform the Authorized Officer of the Ministry concerned whether or not the Government is prepared to meet the expenditure involved.

(3) Where authority is granted for medical treatment abroad, the officer concerned will be required to make a token contribution of one month's basic salary towards the cost of treatment.

Medical Boards

M.6 (1) When it is necessary to convene a Medical Board on an officer with a view to determining his fitness for further service or otherwise, the Authorized Officer should address the Director of Medical Services requesting the appointment of the Medical Board.

(2) Medical Boards should be constituted at provincial/district level and will be required to convene a meeting regularly as need arises and to make reports to the Director within four days of the meeting. In case of dispute, the matter should be referred to the Director of Medical Services for arbitration.

(3) The procedure to be followed regarding the retirement of an officer on grounds of ill health is set out in the Public Service Commission of Kenya Regulations.

**G.P.68 (Med.XXXI)
(Reference Regulation M.2)**

REPUBLIC OF KENYA

SICK SHEET

PART I

To: Medical Officer In-charge of

Officer's Name:

DesignationP/No.....

Date Station

Officer n Charge.....

Designation

Department

PART II

To:
Officer in Charge..... Department.....

I hereby certify that
Mr./Mrs./Ms.
is suffering from and isable/unable to
follow his/her occupation. Admitted to hospital/Treated in quarters/To attend
.....for treatment. (Strike out words inapplicable.)

Date Hospital

Name of Medical Officer in-charge.....

Signature and Official Stamp.....

PART III

I hereby certify that Mr./Mrs./Ms..... has now sufficiently recovered to resume his/her occupation on(specify date).
Number of days off-duty Days from
to

Date.....

Name of the Medical Officer In-Charge.....

Signature and Official Stamp.....

INSTRUCTIONS

This form must be used in all cases of Government officers falling ill when they are seeking medical attention.

A supply will be kept by departments and by Medical Officer In-charge. In cases of emergency, Part II will be completed prior to Part I; in such cases Part I will normally be completed within 24 hours.

For each new illness a fresh sheet will be issued. The sheet will, when completed, be filed by an officer’s department.

The sheet will be signed twice each week by the Medical Officer in-charge of the case and if so desired, by anyone detailed for that purpose by the department concerned, except when admitted to hospital.

In the case of absence from duty on account of illness, Part II of this form must be completed by the Medical Officer in-charge who is duly authorized to grant sick leave and who should print his name legibly above his signature.

Record of Attendances and Visits

Date	Remarks	Signature of Medical Officer

To be signed at least twice a week by Medical Officer in-Charge

SECTION N

LEAVE

INTRODUCTION

Leave is granted for recuperative purposes to enable an officer renew his energies and improve efficiency. Leave will normally not be commuted for cash nor will it be payable to dependants or to the estate in the event of an officer's death. Leave is granted by the Authorized Officer, subject to the exigencies of service.

(Revised 2006)

SECTION N

LEAVE

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SECTION N

LEAVE

Categories of Leave

N.1 Leave normally falls into one of the following categories:

- (i) Annual Leave
- (ii) Annual Leave for Hourly Paid Staff
- (iii) Sick/Convalescent Leave
- (iv) Maternity Leave
- (v) Paternity Leave
- (vi) Leave for Sportsmen/women
- (vii) Leave Pending Retirement
- (viii) Unpaid Leave
- (ix) Compassionate Leave
- (x) Leave for Special purposes

Application for Leave (Other than Sick/Convalescent Leave)

N.2 (1) Application for leave should be submitted on the appropriate form, as shown in Appendix N/1, to the respective Authorized Officer or Head of Department.

(2) Permanent Secretaries should submit their own application for leave, on the appropriate form, as shown in Appendix N/2, to the Permanent Secretary, Secretary to the Cabinet and Head of Public Service.

Annual Leave

N.3 (1) An officer will be eligible for annual leave at the commencement of a 'leave year' except in the case of a newly appointed officer who will be required to complete a minimum of three months before being granted annual leave. For this purpose, "leave year" will commence on 1st July and end on 30th June the following year.

(2) Annual leave for a newly appointed officer will be calculated on a pro-rata basis only for the year of his appointment.

(3) Annual leave excludes Saturdays, Sundays and Public Holidays, and is granted as follows:

- (i) All officers other than uniformed officers in the Kenya Police Force, Kenya Prisons Service and the National Youth Service will be entitled to thirty (30) days leave.
- (ii) Uniformed officers in the Kenya Police Force, Administrative Police, National Youth Service and the Kenya Prisons Services:
 - (a) Non-commissioned Officers in Police, Administrative Police, National Youth Service and Prisons Officers.....30 days
 - (b) All other officers of the rank of Inspectorate of Police/Chief Officer II (Prisons) and above.....36 days

(4) Annual leave is usually not accumulable. However, an officer may, if he so wishes, carry forward from one leave year to another not more than one-half of his annual leave entitlement. This arrangement is intended to enable an officer to reserve a portion of his annual leave to be taken in an emergency.

(5) Annual leave must be taken within the leave year it falls due or forfeited. Deferment of annual leave from one leave year to another will not be

permitted save in very exceptional circumstances with the prior approval of the Authorized Officer.

(6) An officer may avail himself for annual leave at any time during the "leave year" but he will not be eligible for such annual leave if he is not returning for further service for a minimum period of three (3) months. This condition will not, however, apply to an officer whose appointment is determined by the Government within three months of his return from annual leave or to an officer who resigns his appointment at the end of a leave year after having availed himself of his annual leave, or an officer proceeding on retirement.

Annual Leave for Officers Stationed in Designated Hardship Areas

N.4 (1) An officer stationed in designated hardship area may avail himself of his annual leave in two portions. Each portion should be taken once every period of six (6) months, i.e. from 1st July to 30th December and from 1st January to 30th June.

(2) An officer who takes not less than half of his annual leave entitlement once every period of six (6) months, will be granted, in addition to his leave, traveling time of three (3) days each way and normal traveling privileges in terms of Regulation K.6 (3) of these regulations.

Annual Leave for Hourly Paid Staff

N.5 (1) An hourly paid employee will be eligible for ten (10) days' annual leave, exclusive of Saturdays, Sundays and Public Holidays, during each calendar year of continuous service provided he has completed not less than six months' service.

(2) This leave should be taken during the calendar year it falls due or be forfeited. A period of six (6) months must elapse after the completion of ten (10) days' leave before any further leave can be granted.

Sick Leave

N.6 (1) Sick leave is defined as the approved absence of an officer from duty on account of illness.

(2) A medical certificate signed by a medical officer must be produced in every case of absence on account of illness.

Convalescent Leave

N.7 (1) Convalescent leave means a period of absence from duty granted on the recommendation of a Government Consultant/Medical Officer for recuperative purposes immediately following an illness.

(2) Convalescent leave in excess of six weeks will require confirmation of the Director of Medical Services or his provincial representative.

Rates of Sick/Convalescent Leave

N.8 (1) An officer may be granted sick/convalescent leave in a "leave year", subject to the maximum period indicated below, provided it is certified that there is a reasonable prospect of eventual recovery and fitness for duty.

(i) All officers serving on permanent and pensionable or contract terms of service and support staff will be granted up to three months leave on full pay followed by three months on half pay in a leave year.

(ii) All other officers serving on temporary terms of service, up to one month on full pay followed by one month on half pay in a leave year.

(2) Sick leave may be authorized as follows:

(i) **Clinical Officers**

(a) Clinical officers serving under a qualified medical officer may authorize absence from duty up to a maximum of

forty eight (48) hours.

- (b) Clinical Officers in sole charge of a station may authorize absence from duty up to a maximum of four (4) days. Any period in excess of four (4) days will require to be countersigned by a Medical Officer.

- (ii) **Government Medical Officers and Consultants:** Government Medical Officers and Consultants may authorize absence from duty upto a maximum of twenty one (21) days. Should it be necessary to allow absence from duty in excess of these periods, reasons must be given.

- (iii) **Private Medical Practitioners:** Private Medical Practitioners may authorize absence from duty up to a maximum of seven (7) days. If it is necessary to grant an extension, the case should be referred to a Government Hospital or Hospital registered under the National Hospital Insurance Fund Act.

(3) Sick leave in excess of three (3) months will require confirmation of the Director of Medical Services who will decide if the officer should be examined by a Medical Board with a view to determining whether or not there is reasonable prospects of eventual recovery and fitness for duty.

(4) In exceptional cases of continued ill-health, the Authorized Officer may on the recommendation of the Director of Medical Services, grant an extension of sick leave beyond the maximum periods indicated in paragraph (1) above, with such salary as may be decided.

(5) Notwithstanding paragraph (1) above, an officer who by virtue of the definition of "workman" qualifies for sick leave on half-pay in terms of Section 9(1) of the Workmen's Compensation Act (Cap.236) may be granted such leave in accordance with the law.

Sick/Convalescent Leave Caused by Officer's Own Neglect or Misconduct

N.9 In the case of sick leave and/or convalescent leave rendered necessary by an officer's own neglect or misconduct, his full salary may be forfeited for the whole period of absence from duty.

Maternity Leave

N.10 (1) A female officer who is required to be absent from duty on account of confinement will be granted maternity leave with full salary for a maximum period of sixty (60) working days which is inclusive of the annual leave due for the year.

(2) An application for maternity leave should be submitted to the Permanent Secretary/Head of Department at least one month before the expected date of confinement. The application should be supported by a medical certificate indicating the date on which maternity leave should commence.

(3) Should it be necessary to extend maternity leave beyond the prescribed period of sixty (60) working days, such extension will be regarded as unpaid leave granted in accordance with regulation N.15 of these regulations.

Paternity Leave

N.11 An officer will be eligible for paternity leave for five (5) days during the period of the spouse's maternity leave.

Special Leave for Sportsmen

N.12 (1) An officer who is selected to represent Kenya in National, Regional or International fixtures will be granted special leave with full salary for the necessary period of his training and subsequent participation in sports.

(2) This special leave will not be counted against annual leave entitlement and will be authorized by the Authorized Officer/Head of Department to the Ministry in which the sportsman is employed, in consultation with the Authorized Officer/Head of Department to the Ministry responsible for sports.

Public Holidays

N.13 (1) The following days shall be observed as public holidays in accordance with the Public Holidays Act (Cap.110):

New Year's Day	1 st January
Good Friday	
Easter Monday	
Labour Day	1 st May
Madaraka Day	1 st June
Idd-ul-Fitr	
Moi Day	10 th October
Kenyatta Day	20 th October
Jamhuri Day	12 th December
Christmas Day	25 th December
Boxing Day	26 th December

(2) The public holiday of Idd-ul-Fitr will be observed on the 31st day from the date of commencement of Ramadhan which will be announced by the Chief Kadhi every year.

(3) In addition to the above public holidays, the following will be observed as public holidays by officers as indicated:

- (i) Idd-ul-Adhaa - Officers professing to the Islamic faith
- (ii) Diwali - Officers professing to the Hindu faith

Festival Holidays

N.14 (1) Leave of absence on the occasion of religious festivals may be granted without loss of pay for not more than two days in a leave year, subject to the exigencies of the service. An application for leave on such an occasion should be addressed to the Permanent Secretary well in advance of the date on which any particular religious festival is celebrated.

(2) An Authorized Officer may, at his discretion and subject to the exigencies of the service also allow members of his staff an hour or so off-duty for the purpose of attending religious services on festivals other than those on which a full holiday has been granted.

Leave Pending Retirement

N.15 (1) An officer who has not availed himself of the annual leave due for the year in which his employment ceases will be entitled to annual leave on pro-rata basis in accordance with Regulation N.3(3) of this regulation.

(2) In addition to the leave granted under sub-paragraph (1) of this regulation, an officer may be granted the annual leave carried forward from the previous leave year in accordance with regulation N.3(4).

(4) Notwithstanding (1) and (2) above, an officer who is due for retirement will also be entitled in addition to his annual leave, thirty (30) days leave pending retirement. This leave must be taken thirty (30) days preceding retirement and will however, neither be commuted for cash nor will the officer qualify for additional leave allowance.

Unpaid Leave

N.16 (1) Unpaid leave may be granted to an officer with the prior approval of the Permanent Secretary/Director of Personnel Management, on the following grounds:-

- (i) urgent private affairs of exceptional hardship not exceeding thirty (30) days;
- (ii) officers whose spouses are posted to foreign Missions during the term of the tour; and
- (iii) for secondment for purposes of transfer of service for a period not exceeding three (3) years.

(2) Unpaid leave granted in accordance with this regulation will not be increment-earning and where necessary incremental date should be adjusted in accordance with Regulation H.5(2).

(3) Unless it is specifically stated to the contrary, unpaid leave will be treated for pension purposes as leave granted not on grounds of public policy and the period involved will accordingly not be pension-earning.

Compassionate Leave

N.17 An officer who has exhausted his annual leave entitlement, may be granted compassionate leave for upto five (5) working days in a calendar year on compassionate grounds.

Leave for Special Purposes

N.18 Unless otherwise specifically stated in these Regulations, special leave with pay may be granted in exceptional circumstances with the prior approval of the Permanent Secretary/Director of Personnel Management.

APPENDIX N/1

(Reference Regulation N.2)

**REPUBLIC OF KENYA
APPLICATION FOR ANNUAL LEAVE FOR OFFICERS OTHER THAN PERMANENT
SECRETARIES**

(To be completed in triplicate)

Name.....
P/No.....
Designation.....
Date.....

The Permanent Secretary
Ministry of
P.O. Box
NAIROBI.

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

APPLICATION FOR ANNUAL LEAVE
(To be submitted at least 30 days before commencement of leave)

PART I

(To be completed by the applicant)

1. I wish to apply for.....days annual leave beginning on.....

2. My leave address will be:
.....
.....
.....
Telephone Number.....

3. During the period of leave, my salary for the month ofshould:
*(a) continue to be paid into my bank account
*(b) be paid at the following address:
.....
*(c) be included in the payroll of.....(station)

4. As I am taking not less than one-half of my annual leave due to me, I wish to receive my leave allowance. In addition, I wish to receive/do not wish to receive my pay for the month of three days before the date of commencement of leave in terms of Regulations H of the Code of Regulations.

5. I understand that I will require permission should I desire to spend leave outside Kenya in accordance with the relevant regulation.

Date.....

.....

Signature

PART II

(To be completed by Head of Department)

6. *(a) Recommended. Arrangements will be made for the performance of the duties of the above officer during his/her absence.

*(b) Not recommended for the following reasons:

.....
.....

Station..... Signed.....

Date..... Designation.....

His/her duties will be performed by: Name.....

Designation.....

**Delete as applicable*

(Reference Regulation N.2)

REPUBLIC OF KENYA

APPLICATION FOR ANNUAL LEAVE BY PERMANENT SECRETARIES

PART I

Ref.....

Ministry of.....

P.O. Box

NAIROBI.

Date.....

The Permanent secretary/Secretary to the
Cabinet and Head of Public Service
Office of the President
Harambee House
NAIROBI.

Dear

APPLICATION FOR ANNUAL LEAVE

1. I wish to proceed on.....days annual leave with effect from.....
I returned from my last leave on.....
2. I propose to spend the leave at the following address:
.....
.....
3. I confirm that I have consulted my Minister who has agreed that I may take the
leave as applied for.

Yours

Signed.....

Permanent Secretary

PART II

Your application to proceed on.....days leave is/is not* approved

Signed.....

Permanent Secretary/Secretary to the
Cabinet and Head of Public Service
Office of the President
NAIROBI

Date.....

***Delete as applicable**

SECTION O

TERMS AND CONDITIONS OF EMPLOYMENT OF FOREIGNERS

INTRODUCTION

This Section is a guide to regulations governing foreigners recruited for deployment in the Kenya Civil Service. The regulations governing the conduct of foreigners in the Civil Service and the procedure to be followed in cases of breach of discipline are contained in the Public Service Commission of Kenya Regulations (Cap. 185), Public Officer Ethics Act, 2003 and Section G of these Regulations. Other statutes of the Laws of Kenya will also apply to non-citizens in the Civil Service.

(Revised 2006)

SECTION O

TERMS AND CONDITIONS OF EMPLOYMENT OF FOREIGNERS

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SECTION O

TERMS AND CONDITIONS OF EMPLOYMENT OF FOREIGNERS

Employment of Non-Citizen

O.1 (1) It is the policy of the Government not to employ non-citizens even on temporary posts if there are citizens with the appropriate qualifications available. No action should be taken to employ a non-citizen in any capacity without the prior approval of the Permanent Secretary/Director of Personnel Management.

(2) In applying for permission to employ a non-citizen, an Authorized Officer should confirm that there is no citizen with the required qualifications available for appointment and the candidate has complied with the provisions of the Immigration Act and regulations therein. If the Permanent Secretary/Director of Personnel Management agrees to the appointment of a non-citizen, it will still be necessary to obtain the approval of the Public Service Commission of Kenya.

Allowances Payable to Foreigners

O.2 Foreigners employed in the Civil Service will be eligible for all other allowances applicable to the local Service employees. In addition, they will be eligible for other allowances and benefits as provided in these regulations.

Accommodation Allowance on First Posting

O.3 (1) When an officer is recruited to work in Kenya, he will on arrival, be eligible for payment of accommodation allowance at the rates provided in regulation J of these the regulations, for himself, spouse and children for a period not exceeding 30 days, subject to the approval of the Authorized Officer. The spouse will be eligible for payment at full rate while four (4) unmarried children who are twenty two (22) years and below will be eligible for payment at half rate.

(2) Similarly, at the discretion of the Authorized Officer, an officer may draw accommodation allowance for a short period not exceeding 30 days when it is necessary for him to vacate his rented accommodation in advance of leaving the country.

Annual Leave

O.4 (1) An officer shall be eligible for leave as provided for in Regulation N.3 (2) of these regulations. However, a newly appointed officer will be required to complete six months service before being granted annual leave.

Application for Annual Leave

O.5 (1) Application for annual leave shall be made on the prescribed application form before an officer's leave becomes due.

(2) An officer who at any time wishes to travel outside the country while on leave or for personal reasons will be required to obtain prior written permission from the Authorized Officer.

Compassionate/Emergency Leave

O.6 (1) In the event of serious illness of a member of an officer's nuclear family outside the country which urgently requires the officer's presence, an emergency visit may be made by either the officer or the spouse as the case may be.

(2) In the event of death of a parent, spouse or child of an officer, the Authorized Officer will authorize emergency leave, and payment of passages as provided in Regulation O.10.

(3) In the event of death of a member of an officer's extended family, the Authorized Officer may authorize emergency leave. In such cases, travelling expenses shall be met by the officer.

(4) Emergency leave shall not be counted against an officer's annual leave but shall not exceed fourteen (14) days including travel time by the most direct route.

Passages

O.7 (1) An officer will be eligible for return passages from Kenya to his country in the following circumstances:

- (i) On first appointment
- (ii) At the end of his tour of service
- (iii) On retirement on abolition/re-organization of office
- (iv) On grounds of ill-health not caused by his own misconduct
- (v) On retirement in the public interest
- (vii) On his death or that of a member of his nuclear family

(2) Passages should not be construed to be a right but a privilege and can not be converted into cash, nor can a passage to another destination be substituted for that specified, except with permission of the Authorized Officer.

Passage Privileges

O.8 (1) An officer is entitled to free return passages to his home at the end of his tour of service for himself, spouse and up to four (4) children (including step-children and adopted children) up to 22 years of age and who are dependent on their parents. The age limit for the children's entitlement may be waived by the Authorized Officer, where he is satisfied that a child beyond 22 years is a dependent by reason of incapacity or on full time education.

(2) The grant of family passage is conditional upon the officer himself making the journey and will be held in theory to coincide with the officer's passage. Unless he proceeds on leave and takes his own passage, he cannot claim passages for his family. Passages which are not taken on the conclusion of a tour will be forfeited and cannot be claimed on a future occasion.

(3) Passages for the return journey may be granted only if an officer is returning for further service on completion of his authorized leave. The passage(s) from Kenya will relate to his current tour of service and the passage(s) to Kenya to his new tour of service.

(4) If the officer and the spouse are both eligible for passages because of their appointments, they will not be eligible for any additional passages by virtue of the spouse's entitlement.

Family Passages

O.9 (1) An officer's spouse and dependent children will be eligible for return passages at the end of the officer's tour of service.

(2) An officer's spouse and dependent children who are to accompany him to Kenya will be expected to travel with him on his first appointment. However, where good reasons exist for travelling separately, the officer may apply for permission from the Authorized Officer.

(3) An officer's spouse or children who are not living with him will be eligible to visit the officer once during the officer's tour of duty.

(4) The class of family passages under these regulations shall be the class of passages to which the officer is entitled.

Family Passages Before Completion of a Tour of Service

O.10 If for any reason, an officer desires to obtain passages for any member of his

family before the end of his tour of service, he may be granted such passages, subject to the following provisions:

- (i) The class and grade of such passages must not exceed those for which the officer himself is eligible;
- (ii) At the time of making application for such passages, the officer must provide contact address of his leave destination and the grant of family passages will be limited to that for which the officer himself will be eligible at the end of the officer's tour of service or the cost of a passage to his country of origin, whichever is the less; and
- (iii) If the officer does not complete a tour of service for any reason other than ill-health, he will be required to refund to the Government any costs incurred for these passages.

Compassionate Passages

O.11 (1) In case of serious illness of a member of an officer's nuclear family, an officer or spouse will be granted at the Government's discretion return passages to his home country on compassionate grounds, subject to the approval of the Authorized Officer who should be provided with full details of the case together with a medical certificate to justify the travel.

- (2) In considering applications for compassionate passages under this regulation, regard must be given to the length of the officer's tour. If the officer is within three before the end of his tour of service proceeding on normal annual leave, it would be more appropriate to allow him to end his tour of service, rather than meet the additional cost of a compassionate passage.

Passages on Medical Grounds

O.12 (1) In the case of serious illness of an officer, spouse or children, the following procedure will be adopted for the award of exceptional overseas passages:

- (i) the Director of Medical Services must certify that medical treatment is essential and is not available locally;
- (ii) on production of such a certificate by the officer's Authorized Officer, the Directorate of Personnel Management will approve free passages for the sick officer to his country of origin or to any other place of treatment if this is less expensive in relation to passage costs; and
- (iii) where the officer's absence from Kenya on medical treatment is likely to exceed three months based on the medical reports from the place of treatment and the officer is undergoing treatment in a third country or in his country of origin, the officer's family will be granted full passage privileges and the tour of service will be deemed to have expired and terminal benefits paid on pro-rata basis. On his return to Kenya, he will be required to commence a new tour of service.

(2) If a member of an officer's family as defined in paragraph (1) above is ill and is resident in Kenya, the Directorate of Personnel Management will, on production of a medical certificate as indicated in sub-paragraph (i) above, authorize passages to the place of treatment as follows:

- (i) a return passage to the place of treatment; or
- (ii) a single passage to the country of origin if the officer is within less than three months to the end of his tour of service.

(3) If the Director of Medical Services certifies that it is essential for the sick person to be accompanied by another person, free passages will also be provided in respect of this other person to the place of treatment.

Passages of Family of a Deceased Officer

O.13 Should a married officer who was eligible for passage privileges die while in Kenya, single passages may be granted to the spouse and children of the class or grade for which the deceased officer would have been eligible. Such passages must be taken within two years after the officer's death.

Mode of Travel

O.14 (1) If an officer is required to travel by a most direct and cost effective route, the cost of his passages will be paid by the Government and will be booked in the equivalent class or grade to which he is entitled.

(2) If an officer wishes to travel to his normal leave destination by an alternative route other than the most direct route or to a destination other than that his home country, he may do so with the permission of his Authorized Officer. In both cases his entitlement will be limited to the cost to the Government of his air or sea passage entitlement or the actual cost of the journey to his designation by the most direct route, whichever is the less.

Baggage Allowance

O.15 An officer who is coming to Kenya or returning to his country on completion of his tour of duty, is entitled to claim at public expense the cost of forwarding his baggage to his next destination.

Baggage by Air

O.16 An officer who travels as outlined in these regulations will be entitled to baggage allowance up to a maximum of 60 kg at an unaccompanied rate irrespective of the distance travelled. The rate of allowance for the spouse will be the same as that for the officer while the rate for each child will be one-half of that of the officer.

Baggage Allowance by Sea

O.17 When an officer travels by air in the circumstances described in Regulation O.20 ,he will be entitled to send at public expense by sea, additional heavy baggage including one motor vehicle, except as provided in Regulation O.19. The shipping entitlement will be as follows:

Job Group	Maximum Entitlement
'K' and above	40 ft container
'J' and below	20 ft container

Cost of Packaging

O.18 (1) In all cases of movement by an officer, on first appointment or return as provided for in these regulations, he shall be entitled to charge on public funds the cost of packaging his baggage if it exceeds a gross weight of 510 kg.

(2) Whenever possible, three competitive estimates should be obtained for the packaging and transfer of personal effects and the lowest one accepted.

Transport of Motor Vehicles

O.19 (1) A motor vehicle will not be transported from Kenya at public expense if the officer is proceeding on leave and is expected to return.

(2) A second motor vehicle registered in a spouse's name may be shipped as part of an officer's baggage entitlement as provided under Regulation O.17.

Customs Duty and Other Taxation

O.20 (1) All used personal effects of an officer coming to Kenya on a tour of service shall normally be exempted from customs duty and other taxes.

(2) Notwithstanding the provisions of this regulation, officers are advised to familiarize themselves with the provisions of Customs and Excise Act applicable in Kenya and to seek clarification from the Commissioner of Customs whenever in doubt.

Medical Examination

O.21 (1) Before departure on posting to Kenya, an officer shall undergo a medical examination to determine whether he is in a fit condition to serve in Kenya. Similarly, the spouse and/or children shall also undergo medical examination when they accompany the officer.

(2) An officer shall not finalize his travel arrangements until he and his family traveling with him have undergone medical examination and have been declared fit to accompany him.

(3) In the event of an officer being declared not suitable on medical grounds for service in Kenya, his recruitment shall be nullified. When one or more of his dependants are declared unfit for residence in Kenya, the possibility of making alternative arrangements for them will be investigated and if a satisfactory alternative is not found, the officer's recruitment shall likewise be nullified.

Private Financial Commitments

O.22 (1) An employee shall not enter into any private arrangement with any bank or financial institution in the country for the purposes of getting any loan without prior approval of his Accounting Officer. In signifying his approval in this regard, the Accounting Officer will ensure that the officer will be able to honour his obligations in full during the tour of service in which the loan is to be granted.

(2) Before leaving the country on completion of his tour, an officer shall be required to certify to his Accounting Officer that he has cleared all his financial and other obligations. Any false declaration by a person employed by Public Service Commission of Kenya in this respect, shall render him liable to prosecution under the relevant statutes.

Bankruptcy and Insolvency

O.23 (1) An officer who is declared bankrupt, becomes insolvent or seriously indebted shall at once report the matter to the Authorized Officer. Failure to report such matter shall be regarded as a serious offence rendering an officer liable to disciplinary action being taken against him.

(2) An officer who has reported his bankruptcy, insolvency or indebtedness shall without delay submit a complete statement of facts of his case to the Authorized Officer who will decide whether the circumstances would necessitate disciplinary proceedings being instituted against the officer.

(5) In no circumstances shall a bankrupt, insolvent or seriously indebted officer be permitted to be employed on duties involving the handling of public funds.

Political Activities

O.24 An officer may not engage in political activity anywhere, whether national or local, which would be prejudicial to the interest of the service or be inconsistent with his position as a foreigner.

Transfers

O.25 (1) An officer shall be liable to be posted anywhere in Kenya where his services shall be required.

(2) Subject to exigencies of the service, an officer shall be given adequate time which will normally be at least one month and not more than three months to prepare himself for transfer.

Official Secrets Act Declaration

O.26 (1) Every officer shall be required to sign a declaration of secrecy forms under the Official Secrets Act (Cap.187) on appointment and on expiry of the tour of service.

(2) Officers shall continue after retirement to remain subject to the Official Secrets Act as regards all classified information obtained by them while in Service of this country.

Publications and Interviews by Officers

O.27 (1) Officers must not, without prior permission of the Authorized Officer, publish any book or article, take part in a television programme or give any public lecture or broadcast which is based in whole or in part upon their experience as civil servants or upon information obtained by them as foreigners.

(2) Officers shall not give interviews to the press without permission of the Authorized Officer.

(3) In publishing any book or article, or in giving any public lecture or broadcast talk (whether such undertaking is, or is not based upon their experience as foreigners or upon information obtained by them while in Civil Service), officers must not, without prior permission of the Authorized Officer refer to or permit any reference to be made to the positions they hold or have held as officers in the Civil Service.

(4) The reproduction of unpublished official documents which may include memoranda prepared by officers in their official capacity with access to official information, is prohibited.

Action on Ceasing to be a Member of the Civil Service

O.28 On expiry of the contract period, an officer shall inform the Authorized Officer of all papers in his possession which came or may reasonably be thought to have come under any of the provisions of these regulations.

Presents

O.29 (1) Subject to paragraph (2) below, an officer shall not receive gifts or personal presents whether in the form of money, goods, free passages, or benefits from any person in recognition of services rendered by virtue of his official position, or in any case, from the locals or foreigners resident in the country. This regulation shall also apply to the nuclear members of his family.

(2) In exceptional circumstances, the Authorized Officer at his discretion, may waive the provisions of paragraph (1) above.

Marriage to a Citizen

O.30 (1) An officer who wishes to enter into a marriage with a person who is a citizen of Kenya shall register and declare such marriage to the Authorized Officer.

(2) For the purpose of this regulation:

“Marriage” means the voluntary establishment of a matrimonial relationship between a man and a woman entered into in accordance with any local law in force or any religious and public or customary rites on ceremonies and includes a promise to marry a citizen, or cohabitation with a citizen, during an officer’s period of service.

Death of a Non-Citizen

O.31 (1) When a foreign officer dies in the country, the Authorized Officer shall immediately institute inquiries to ascertain the next-of-kin and whether he is present in the country.

(2) If a next-of-kin is so resident and is capable of handling the deceased’s affairs including the safeguarding of the deceased’s property and other interests, then the Authorized Officer shall leave the matter to the next-of-kin and the Diplomatic Mission. However, the next-of-kin should be referred to a local competent legal practitioner for necessary advice.

(3) If there is no responsible next-of-kin resident in the country, the Authorized Officer should immediately:

(i) take steps to take possession of and safeguard the property of the deceased (particularly movables and documents) until the wishes of the next- of- kin are known; and

(ii) communicate with the next-of-kin and inform him of the death, and action which he is taking.

(4) The Authorized Officer shall communicate with the relevant Diplomatic representative and submit the following:

- (i) a death certificate;
- (ii) the deceased's home address in his country of origin (if known);
- (iii) a comprehensive list of the deceased person's property in the country so far as is known (including personal effects, documents and personal papers); and
- (iv) A list of creditors of the deceased person so far as these are known. The amounts involved should not be paid at this stage unless they are of a trivial nature.

(5) The Authorized Officer will endeavour to make arrangements of the estate by referring the matter to the executors named in the will of the deceased, or, if none, the intended administrator of the estate (who may be the next-of-kin).

(6) The Authorized Officer will obtain the instructions of the executor (administrator) regarding the disposal of the deceased's property and pass these to the next-of-kin.

(7) When the executor (administrator) has appointed an agent in the country e.g. by power of attorney, to carry through the administration of the estate here and, on being satisfied as to the validity of his appointment (after taking legal advice if necessary) the Authorized Officer may deliver all the property of the deceased to that agent. He should however, obtain a full receipt for such property. Thereafter, he has no responsibility for the property.

Moveable Property

O.32 (1) On the instructions of the Authorized Officer, the next-of-kin may arrange to have the moveable property of the deceased packed and taken to the deceased country of origin, but should ensure that:

- (i) all legal formalities in the country have been complied with by following the advice of a local legal adviser;
- (ii) the shipment does not contravene any local law;
- (iii) the estate is not insolvent; and
- (iv) adequate arrangements have been made to discharge local debts, in particular hospital and funeral expenses.

(2) If the executor (administrator) does not, within a reasonable time, make arrangements to discharge the expenses and debts of the deceased person, the Authorized Officer should release the property which he holds to the appropriate authority in the country for the benefit of the resident debtors. Such action completely absolves the office from further responsibility and it must be clearly understood that the Government will not, under any circumstances, accept liability in respect of any shortfall due to the debtors.

When a Person Dies Intestate

O.33 Where a person dies without a will and with no next-of-kin surviving him, his property falls to the State, but the most exhaustive inquiries should be made before treating an estate as state property (*bona vacantia*). By private international law the country entitled under *bona vacantia* varies and the Authorized Officer should always consult the country's representative

Expenses

O.34 The expenses involved in dealing with such estates shall be charged to the estate.

Other Terms and Conditions of Service Applicable to Foreigners

O.35 The foreigners are also subject to the rules and conditions applicable to the Kenyan civil service.

SECTION P

TRAINING AND EXAMINATIONS

INTRODUCTION

The Government Policy on training is to continually upgrade core competencies, knowledge, skills attitudes of Public Servant. This training should aim at addressing identified performance gaps. It will emphasize short skill oriented training. All public servants should have at least five (5) days training in a year while newly recruited or transferred officers must be inducted within three months of joining the new organizations. The training must be based on identified training needs of Ministries/Departments.

(Revised 2006)

SECTION P
TRAINING AND EXAMINATIONS

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SECTION P

TRAINING AND EXAMINATIONS

PART I: TRAINING

Management and Co-ordination of Training

P.1 The management and co-ordination of training in the Public Service will be the responsibility of the Directorate of Personnel Management. The training is intended to equip public officers with knowledge, skills and attitudes that will enable them to deliver quality services.

Ministerial/Departmental Training Committee

P.2 (1) Each Ministry/Department must establish a Ministerial Training Committee composed of the following officers:

- | | | |
|-----------|---|---|
| Chairman | - | Authorized Officer or his representative who should not be below the rank of a Deputy Secretary |
| Secretary | - | Head of Human Resource Development Division |
| Members | - | (i) Heads of Department
(ii) DPM representative |

(2) The functions of the Ministerial/Departmental Training Committee is as may be communicated by the Directorate of Personnel Management from time to time.

(3) All training activities must be initiated by the Ministry through its Ministerial Training Committee.

(4) A newly appointed officer will be eligible for an induction course within three (3) months of joining the organization.

(5) An officer undertaking a course of training should not be transferred .

Course Approval

P.3 The Government will grant course approval to officers proceeding on authorized training in accordance with service regulations. An officer on an approved training will be deemed to be on duty, entitled to the requisite benefits and subject to service regulations.

Conditions applicable to serving officers attending Courses in Kenya

P.4 The conditions applicable to serving officers attending courses in Kenya are as indicated in Regulations P.5-10 below.

Salary and Progression

P.5 (1) An officer will continue to draw his substantive salary for the duration of the course. Any deductions due will continue to be made in the normal way.

(2) Provided that his work and conduct are satisfactory, an officer will be eligible to receive annual increments in accordance with the normal procedure.

(3) During the course an officer remains eligible to be considered for promotion.

Allowances

P.6 An officer travelling for training sponsored by the Government will be deemed to be traveling on duty and will be granted appropriate allowances and travelling privileges in accordance with the prevailing regulations.

Leave

P.7 (1) Attendance at a course which has no provision for vacations will count as being on duty for the purpose of an officer's eligibility for leave.

(2) An officer following a full-time course of study in a local academic institution such as the University of Nairobi will normally be granted the student's vacation, but may be required to resume duty during vacations at his Ministry/Department provided that he enjoys a minimum of one month's vacation in a year. Such an officer will not be eligible for any additional leave in respect of the period of the course.

Expenditure which is an Officer's Own Responsibility

P.8 An officer will be responsible for meeting the following expenditure in connection with a course:

- (i) A contribution to the cost of his training at the rate of 20% of his basic salary which must be remitted by his Ministry to the Directorate of Personnel Management.

- (ii) All other personal commitments including subscriptions (voluntary or compulsory), laundry, recreation, entertainment, etc.

Expenditure which will be met by the Government

P.9 In addition to the payment of salary and allowances under Regulations P.11 and 12, the Government will meet the following expenditure for officers it has sponsored:

- (i) Fees for approved courses and related examination fees;
- (ii) The cost of transport and traveling to and from the institution at which the course is held; and
- (iii) An officer who wishes to relocate his family while undertaking a course may be granted, prior to his departure on course, free transport, in accordance with Section K, for his spouse and children, (where applicable) and luggage (up to transfer limits) to their preferred destination within Kenya. Free transport to his duty station, on a similar basis, may be granted on the officer's return at the end of the course.

Retention of Government Quarters or Payment of House Allowance

P.10 (1) An officer who is in occupation of a Government quarter will be allowed to retain such a quarter for occupation by his family for the duration of the course and the usual rent at market rates will be deducted from his salary.

(2) An officer on training will continue to receive his house allowance in the usual manner.

(3) Where residential facilities are not provided at the place of the course, the officer, will be eligible for a stipend to enable him meet the cost of accommodation in accordance with the prevailing rates.

Conditions Applicable to Serving Officers Attending Courses Outside Kenya

P.11 The conditions applicable to serving officers attending courses outside Kenya are indicated in P.12-16.

Courses Financed by the Kenya Government

Salary and Progression

P.12 (1) An Officer's full basic salary will continue to be paid throughout the period of study, and any deductions will continue to be made in the usual way.

(2) In addition to the normal salary deductions, 20% of the officer's basic salary will be deducted by the respective Ministry/Department and remitted to the Directorate of Personnel Management as a contribution towards the cost of the officer's training.

(3) Provided that performance and conduct are satisfactory, an officer will continue to be eligible for annual increments in the normal manner.

Allowances

P.13 An officer who is required to attend a course/seminar/workshop outside Kenya will be eligible for payment of maintenance allowance at the prevailing rates to meet his basic and other living expenses such as subsistence, accommodation, local transport, warm clothing, outfits and excess baggage on return home.

Leave

P.14 An officer will be eligible for his normal annual leave due only for the year he returns to Kenya.

Expenditure which is An Officer's Own Responsibility

P.15 An officer will be responsible for meeting all expenditure in connection with the course on the following items from the allowances payable to him:

- (i) the full cost of his own subsistence during both term-time and vacation, whether this takes the form of a fee for a residence at an institution or payment of board and lodging outside the institution;
- (ii) fares for daily journeys between his lodging and place of study;
- (iii) the purchase of all outfit and clothing including any academic dress required;
- (iv) subsistence when traveling; and
- (v) all other personal commitments including subscriptions (Voluntary or compulsory), laundry, recreation, entertainment, etc.

Expenditure which will be met by the Government

P.16 In addition to the payment of salary and allowances under Regulations P.18 and 19, the following items of expenditure will be met by the Government:

- (i) pre-departure medical examination, passport, visa, vaccination and inoculation fees;

- (ii) all course fees (other than residence fees or other charges for board and lodging) including registration, admission, tuition, examination, project/dissertation/thesis, laboratory and similar fees;
- (iii) all transport and traveling necessary in connection with an officer's training (other than daily commuting between lodgings and an officer's normal place or places of study) at second-class rates;
- (iv) local transport and traveling to and from the airport of departure and arrival in Kenya at the rates laid down in Section K;
- (v) economy class passage to and from the country in which the course is held; and
- (vi) medical insurance contribution, where applicable.

Courses Financed Under Technical Assistance Arrangement

P.17 All the conditions stipulated in P.12-P.15 will also apply to serving officers undertaking courses under this arrangement.

Expenditure which will Be Met By The Government

P.18 In addition to the payment of salary and allowances, the Government will meet the expenditure in respect of any items listed in Regulation P.16 if these are not covered by the scholarship award. Course fees and the cost of transport and traveling in the country in which the course is held will, however, be met from the award.

Medical Insurance Coverage

P.19 The terms of a scholarship award may or may not provide medical insurance cover. Where such insurance cover is not provided under a Technical Co-operation Training Award, the Government will make

appropriate arrangements through the appropriate Mission abroad to provide sufficient medical insurance cover for the study fellow.

Allowances

P.20 Maintenance allowance from Kenya Government funds will not normally be paid since an officer's subsistence is generally provided for by the scholarship award. However, an officer traveling outside the Country on a short course of upto 4 (four) weeks and partially funded under bilateral agreement, the officer will be entitled to 25% of the subsistence allowance applicable to the designated country.

Bonding

P.21 Every serving officer who attends a training lasting more than six (6) months will be required to enter into a formal agreement binding him to serve in the Public Service for a period specified in Government Circulars issued from time to time.

Officers Attending Short Courses, Seminars and Conferences

P.22 Officers attending short courses, seminars, conferences of upto four (4) weeks duration locally or abroad will be regarded to be traveling on duty and will receive allowances applicable as communicated by Government from time to time.

Self Sponsored Courses

P.23 (1) Officers undertaking part-time or full-time self sponsored courses will be exempted from paying 20% training levy. Such officers will be granted study leave and will be eligible for full salary and benefits as long as the course is approved, relevant and is undertaken in a recognized institution.

(2) In cases where an officer had proceeded on a self-sponsored course approved by the Ministerial Training Committee and in the course of training secures Government funding, the remittance of 20% training levy by the officer to Government will apply only for that duration of the sponsorship. However, sponsorship will not cover any outstanding fees prior to the scholarship.

PART II: EXAMINATIONS

Administrative Officers Examination

P.24 (1) Administrative Officers are required to pass the Administrative Officers Examination administered by the Public Service Commission of Kenya before being promoted to the next grade.

(2) The pass mark in each paper will be determined by the Public Service Commission of Kenya.

Police Examinations

P.25 (1) Subordinate police officers are required to pass the English Literacy Examination before they can be considered for promotion to any rank of Non-Commissioned Officer.

(2) Police Officers who are enlisted into the Force or appointed to act in the rank of Inspector may not be confirmed in their appointments and admitted to the Permanent and Pensionable establishment until they have passed the Inspectorate Examination.

(3) Police Officers in the Inspectorate are required to pass the Gazetted Officers Examination before they may be promoted to the rank of Superintendent of Police.

Proficiency Examination for Clerical Officers

P.26 (1) Proficiency Examination for Clerical Officers will be held annually and administered by the Public Service Commission of Kenya. The officers will be required to pass the examination before being promoted to the next grade.

(2) The pass mark in each paper will be determined by the Public Service Commission of Kenya.

(3) The Examination is open to all clerical officers who satisfy the entry requirements for the examination as stipulated in the relevant Schemes of Service.

(4) The Public Service Commission of Kenya will issue certificates to successful candidates.

Occupational Tests for Telephone Operators

P.27 (1) Occupational Tests for Telephone Operators will be administered by the Public Service Commission of Kenya. The officers will be required to pass the tests at various levels before being promoted to the next grade as stipulated in their Scheme of Service.

(2) The pass mark for each subject will be determined by the Public Service Commission of Kenya. It is mandatory for candidates to pass in both English Language and Practical Tests.

Examination Fees

P.28 (1) All candidates who sit for the civil service examinations are required to pay a prescribed examination fee. The rates of fees and mode of payment for the examinations will be notified when the dates for each examination is announced.

(2) Those candidates who pass examinations will be refunded the prescribed fee by their respective Accounting Officers.

Examination Grants and Bonuses

P.29 An officer who on his own initiative and at his own time, undertakes and passes a professional course which is administered by a recognized institution will be eligible for refund of tuition expenses and examination fees of 50% provided that the course is :

- (i) relevant to their Scheme of Service;
- (ii) approved by the Authorized Officer; and
- (iii) the officer has not been sponsored for the same course before.

In addition, the officer may be eligible for payment of an examination bonus in accordance with the existing regulations. However, officers undertaking a first degree will not benefit from this provision.

SECTION R

WORKING CONDITIONS: COMPENSATION: TERMINAL BENEFITS

INTRODUCTION

This Section contains a variety of subjects which include fire precautions, workmen's compensation, Group Personal Accident Insurance Policy, Inventions, National Social Security Fund, Widows' and Children's Pension Scheme and general information on Pension and Gratuities.

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SECTION R

WORKING CONDITIONS: COMPENSATION: TERMINAL BENEFITS

WORKING CONDITIONS

Fire Precautions

R.1 (1) Permanent Secretaries are responsible for ensuring that the fire protection facilities provided in the buildings used by Departments under their control are adequate and maintained in good order as advised by Fire Officers from the Ministry responsible for Public Works. They are also responsible for enforcing all necessary fire precaution measures as directed by the Ministry responsible for Public Works.

(2) General information on fire precautions and fire equipment is contained in publications which are obtainable on application from the Principal Fire Officer in the Ministry responsible for Public Works.

R.2 (1) The Principal Fire Officer and the Provincial/District Fire Officers are responsible for providing advice on all matters concerning fire prevention, fire fighting, fire protection and fire demonstrations in all Government learning institutions and other public buildings throughout the Republic.

(2) A Fire Officer will visit Government buildings quarterly, to inspect and test the fire protection equipment provided. He will also arrange for maintenance of fire equipment provided and organise fire lectures, drills and demonstrations.

(3) The Ministry responsible for Public Works is responsible for ensuring that new buildings under construction are provided with adequate fire cover but individual Ministries/Departments are responsible for the subsequent replacement of portable equipment and provision of refill for such equipment which should be

obtained in accordance with the existing Government Procurement Procedures on the advice of the Principal Fire Officer or Provincial/District Fire Officers.

(4) Fire prevention and protection in buildings leased to the Government is the responsibility of the owner of the building. All matters relating to fire prevention and protection in such buildings should be referred to the owners who in turn should take immediate steps to ensure that the buildings are safe for continued occupation. Fire officers should ensure that landlords discharge this responsibility promptly.

(5) In the interest of life safety, no alterations should be carried out on buildings without prior consultation with the Principal Fire Officer or Provincial/District Fire Officers. Any means of escape from a building should be kept clear of any obstruction which would make it difficult for occupants of the building to escape in case of fire.

(6) No hazardous or highly inflammable materials should be stored in buildings without the approval of the Principal Fire Officer or Provincial/District Fire Officers.

(7) Positions of fire fighting equipment must not be interfered with nor should fire fighting equipment such as hosereels and extinguishers be used for purposes other than fire fighting.

(8) Each Government building must have a Safety Committee headed by a responsible officer. It is the responsibility of the team leader to ensure that occupants of the building know what to do in case of fire and have the necessary information relating to means of escape provided, how to initiate an alarm, how to fight fires and how often fire drills should be carried out. In case of doubt, the Principal Fire Officer and Provincial/District Fire Officer are available for advice.

(9) The Principal Fire Officer or any Provincial/District Fire Officer may recommend any measures which he deems necessary for purposes of safety. It is the responsibility of the officer to whom such recommendations are addressed to ensure that appropriate steps are taken to implement the measures with minimum delay. Any officer who fails to implement such recommendations will be held personally responsible for the consequences and in case of subsequent fire outbreak, he will be liable for disciplinary action and/or prosecution.

(10) Fire Prevention Committee should be established at the Ministry, Provincial and District levels to liaise with Government fire fighting officers.

Notification of Fires

R.3 (1) All fires, however small, must be reported to the Principal Fire Officer or Provincial/District Fire Officers or other Government agencies i.e. the police or any administrative office within twenty four (24) hours. The building or premises so affected by fire must be guarded and no evidence should be interfered with until investigations are over.

(2) It is the responsibility of whoever detects a fire to initiate alarm, inform the police and fire brigade, take the nearest fire-fighting equipment and try to control the fire during its initial stages. Failure to comply with the foregoing provisions will render an officer liable to disciplinary action.

(3) All Government buildings must be fitted with fire detectors and alarms.

COMPENSATION:

Compensation to Government Officers in Case of Injury or Death

R.4 (1) Immediately an accident resulting in death or personal injury to an officer who falls within the definition of a "workman" contained in Section 2 (1) of the Workman's Compensation Act (Cap.236) comes to the notice of the officer under whom he is directly deployed, the supervisor should make a claim for compensation in accordance with the procedure set out below. All the forms mentioned in these regulations are obtainable from the Registrar, Workmen's Compensation, Ministry responsible for Labour.

(2) In case of an accident resulting in the death of an Officer Part I of Labour Department Form L.D.104/1 in triplicate and a certificate of earnings - Form L.D.119 (revised) in duplicate- should be completed and despatched as follows:

- (i) The original of Form L.D.104/1 and both copies of Form L.D.119 (revised) to be sent to the Permanent Secretary together with a considered opinion, with relevant details, whether the Permanent Secretary can properly sign Part I of Labour Department Form L.D.107.
- (ii) The duplicate of Form L.D.104/1 to be sent to the Labour Officer of the district in which the accident occurred and if there is no Labour Officer, this copy of the form to be sent to the District Commissioner.

(3) The Permanent Secretary should as soon as possible on receipt of Labour Department Forms L.D.104/1 and L.D.119 (revised) complete Part I of Labour Department Form L.D.107 in duplicate and send one copy, together with the original Form L.D.104/1 and one copy of L.D.119 (Revised) to the Registrar of Workmen's Compensation, accompanied by Form L.D.132 (certificate of Dependence), signed personally by the District Commissioner concerned. The Ministry responsible for Labour will then consider the liability of the Government to pay compensation and the amount of such compensation, subject to Regulations R.12 and R.13.

(4) In the event of a Non-fatal Accident to an Officer, Part I of Labour Department Form L.D.104/1 should be completed in triplicate, together with two copies of Form L.D.119 (Revised), Form L.D.104/1 and be despatched as follows:

- (i) The original and duplicate to the Medical Practitioner who is attending or who examined the injured officer.
- (ii) The triplicate copy to the Registrar of Workmen's Compensation, in the Ministry responsible for Labour.

(5) The medical practitioner should complete Part II on the reverse of Labour Department Form L.D.104/1 referred to in sub-paragraph (4) above and return both copies of his report to the officer under whom the injured officer is directly employed. The Permanent Secretary/Head of Department should then forward these documents, together with both copies of Form L.D.119 (Revised) to his Permanent Secretary, at the same time giving his considered opinion with relevant details, whether the Permanent Secretary can properly sign Part I of Labour Department Form L.D.107.

(6) The Permanent Secretary should complete Part I of Labour Department Form L.D.107 in duplicate as soon as possible, forwarding the original to the

Registrar of Workmen's Compensation, together with one copy of Form L.D.119 (Revised) and the copy of Form L.D.104/1 containing the original medical report. These documents should be accompanied by a covering letter on Form L.D.123/1. If the Permanent Secretary indicates on Form L.D.123/1 that it is not intended to request the constitution of a Medical Board, the Ministry responsible for Labour will consider the liability of the Government to pay compensation and the amount of such compensation, subject to regulations R.12 and R.13.

(7) If, on the other hand, the Permanent Secretary signifies on Form L.D.123/1 that it is proposed to request the convening of a medical board, the Ministry responsible for Labour will await, from the Permanent Secretary to a Ministry, the relevant verbatim extract of the Board's findings before considering the Government's liability to pay compensation.

(8) If an officer who is a workman as defined in Section 2(1) of the Workmen's Compensation Act (Cap.236) is injured by accident arising out of and in the course of his employment and as a result of the accident loses his teeth, the fact should be reported to the Registrar of Workmen's Compensation even when the injury is not reportable under the Act so that consideration may be given to the provision of a denture.

Approval and Distribution of Compensation

R.5 (1) If it is considered by the Ministry responsible for Labour that the Government is liable to pay compensation, due consideration being given to Regulations R.12 and R.13, a voucher together with a cheque for part or all of the amount of compensation due and the appropriate agreement form L.D.102 (revised), L.D.110, L.D.126 or L.D.127, as the case may be will be sent by the Registrar of Workmen's Compensation to the Labour Officer or where there is no Labour Officer, to the District Commissioner of the area where the officer was employed at the time of the accident.

(2) It is mandatory for the Registrar of Workmen's compensation to arrange for the compensation to be paid into court and the injured officer should be instructed, through the usual channels, to collect his compensation from the magistrate concerned.

R.6 (1) When distributing compensation, the Labour Officer (or District Commissioner) should arrange for the appropriate agreement form (L.D.102, L.D.110, L.D.126 or L.D.127) to be completed. Forms L.D.102 and L.D.126 will be prepared in triplicate by the Registrar of Workmen's Compensation, whilst Forms L.D.110 and L.D.127 will be in quadruplicate. It should be remembered that agreements of this nature are legal documents. Care must be taken by Labour Officers and District Commissioners to ensure that they are completed in all respects. The following notes on the completion of an agreement should be read carefully:

- (i) The agreement must be signed (or thumb-printed) by the workman or dependants, as the case may be, the signature being duly witnessed.
- (ii) The Labour Officer or District Commissioner concerned must sign the agreement on behalf of the Government (as the employer) his signature also being witnessed.
- (iii) The Labour Officer or District Commissioner must then date the agreement.
- (iv) The Labour Officer or District Commissioner should, where the workman or dependants are unable to read or understand the agreement, explain its terms to them and sign the certificate on the reverse of the form.
- (v) The Labour Officer or District Commissioner must approve the agreement at the appropriate space on the reverse of the form.

(2) Copies of the appropriate agreement form should then be distributed as follows:

(i) L.D.102 or L.D.126:

One copy to be handed to the workman, one copy to be returned to the Registrar of Workman's Compensation; one copy to be retained by a Labour Officer or District Commissioner concerned.

(ii) L.D.110 or L.D.127:

One copy to be handed to the dependants, one copy to be returned to the Registrar of Workmen's Compensation; one copy to be retained by the Labour Officer or District Commissioner concerned and the remaining copy, where the Labour Officer makes payment, to be sent to the District Commissioner who issued the certificate of dependency.

R.7 When the Permanent Secretary in the Ministry responsible for Labour forwards an agreement, it indicates that he is satisfied that the Government is liable to pay compensation to the officer and the amount of compensation mentioned in the agreement is not in excess of that which the Government is liable to pay under the Workmen's Compensation Act.

Recourse to Court when Agreement not Reached

R.8 In the event of any dispute arising as to the amount of compensation payable in respect of any claim which may prevent the Government and the officer from entering into an agreement, with the approval of the Permanent Secretary in the Ministry responsible for Labour, the officer may make application to the court in the form and manner prescribed by the Workman's Compensation Rules for enforcing

his claim to compensation.

Deductions from Compensation Payable

R.9 No deductions should be made from compensation payable to officers under Section 6, 7, or 8 of the Workmen's Compensation Act in respect of full or half pay leave which has been granted under Regulation N.8.

Option in certain cases

R.10 (1) It should be noted that payment of compensation under the Workman's Compensation Act automatically disqualifies an officer or his dependants from eligibility for injury pension under the Pensions Act and vice versa. Before payment is made under either Act, therefore, the officer (or his dependants) should be offered an option for either Pensions Act or Workmen's Compensation Act benefits.

(2) Officers who do not fall within the definition of "Workman" contained in Section 2 of the Workmen's Compensation Act and the dependants of such officers are entitled to be considered for compensation under Regulation 25 of the Pensions Regulations.

Accidents to Officers

R.11 (1) In the case of an accident which results in injury or death of, an officer who does not fall within the definition of "workman" contained in Section 2 of the Workmen's Compensation Act, the procedure outlined in sub-section 2 to 7 of these regulations should be adopted:

(2) Where the circumstances of the injury or death are of such a nature as may lead to a claim for compensation, the Permanent Secretary will, with the least possible delay, make a full report to the Permanent Secretary to the Treasury (Pensions Department) indicating whether or not in his opinion the accident occurred in the actual discharge of the officer's duty, through no fault of the officer, and was

specifically attributable to the nature of his duty. The date of the injury or death and salary at that date should be stated.

(3) Where the accident results in injury and not death:

(i) The Permanent Secretary should at the same time request the Director of Medical Services to convene a Medical Board to ascertain the officer's fitness, or otherwise, for further service and also to determine the degree of the officer's impairment, in terms of Regulation 25 (1)(ii) of the Pensions Regulations and the Workmen's Compensation Act.

(ii) The Director of Medical Services should then furnish the officer's Permanent Secretary and the Permanent Secretary to the Treasury (Pensions Department) with the findings of the Medical Board.

(iii) The Permanent Secretary concerned will furnish the Permanent Secretary in the Ministry responsible for Labour with an extract of the proceedings of the Medical Board, where the officer is also entitled to be considered for compensation under the Workmen's Compensation Act.

(4) Where there is doubt as to whether the circumstances of the accident are such as would entitle the officer or his dependants as the case may be, to an injury or dependant's pension, under the Pensions Act, the Permanent Secretary to the Treasury (Pensions Department) will convene a board to investigate the circumstances of the accident and to report with special reference to the question whether the accident occurred in the actual discharge of duty and through no fault of the officer and was specifically attributable to the nature of his duty.

(5) In cases of death, no reference to the Director of Medical Services is necessary since the question of the degree of impairment does not arise.

(6) To enable an officer or his dependants to opt for benefits either under the Pensions Act or the Workmen's Compensation Act, the Permanent Secretary in the Ministry responsible for Labour will inform the officer's Permanent Secretary of the amount of compensation payable under the Workmen's Compensation Act, and the Permanent Secretary to the Treasury (Pensions Division) will inform him of the injury or dependants' pension payable.

(7) The respective Permanent Secretary should forward the officer's or his dependent's option in writing for benefits under either the Pensions Act or the Workmen's Compensation Act to the Registrar of Workmen's Compensation and to the Director of Pensions Treasury.

Injuries Sustained when Travelling on Duty by Air

R.12 An injury sustained by an officer when travelling on duty by air will be regarded as specifically attributable to the nature of his duty as long as the journey and mode of travel had been authorised by the Accounting Officer.

Reporting Death, Serious Illness or Injury

R.13 (1) In the case of an officer's death, serious illness or injury, the next-of-kin must be informed immediately and be made aware of the circumstances.

(2) If an officer dies, an immediate report by telephone, telegram or special message should be made to the relevant Permanent Secretary/Head of Department, stating the full name and designation of the officer together with particulars of the time, date, place, cause of death, the address and, if known the telephone number of the deceased's next-of-kin, and also whether the next-of-kin

has been notified by the fastest means possible.

(3) In addition to the report referred to in paragraph (2), a death certificate should be submitted to the relevant Permanent Secretary/Head of Department as soon as possible to facilitate processing of final dues.

Compensation for Loss or Damage to Private Property

R.14 No officer shall be entitled to claim compensation in respect of losses of or damage to private property incurred through fire, theft, riot or otherwise, in the course of his duty. However, in special cases, where the loss exposes the officer to hardship, the Government may consider the grant of compensation as an act of grace. No such concession shall be made in respect of losses which in the opinion of the Government were due to negligence for which the officer was responsible or which could reasonably have been covered by insurance.

Group Personal Accident Policy

R.15 (1) The Government has procured an insurance cover against injury and death for all civil servants arising from accidents.

(2) The Group Personal Accident Policy covers only death arising from bodily injury caused solely by violent external visible means and provided such death occurs not later than six (6) calendar months thereafter. Other policy details will be as provided by the administrator of the scheme from time to time.

(3) The Group Personal Accident Policy provides for compensation in the event of death of an amount equal to five (5) times an officer's annual basic salary (excluding any allowances) at the time of accident or death, whichever is the greater.

(4) The Policy has been issued in the name of the Permanent Secretary to

the Treasury, P.O. Box 30007 - 00100 Nairobi who is required to notify the insurance company within eight (8) months of the happening of the event.

(5) Permanent Secretaries/Heads of Departments must ensure that when an officer dies as a result of an accident, such death is reported to the Permanent Secretary to the Treasury immediately and in any case not later than eight (8) months of the accident with a copy to the Insurance Company. This death report is separate and distinct from the one required in terms of Regulation R.15.

EXIT FROM THE SERVICE AND TERMINAL BENEFITS:

Forms of Exit from the Service

R.16 (1) There are various forms of exit from the Civil Service. These are:

- (i) Resignation
- (ii) Termination in accordance with the letter of appointment
- (iii) Retirements:
 - (a) On attainment of 55 years
 - (b) Under '50 Year Rule'
 - (c) On abolition/re-organization of office
 - (d) In public interest
 - (e) On medical grounds
- (iv) Dismissal

Resignation

R.17 (1) An officer of the permanent establishment, whether confirmed or on probation, may resign his appointment by giving a one (1) month notice or he shall pay one month's salary in lieu of such notice. Authorized Officers may waive the minimum period of one month in special circumstances. A non-pensionable officer may resign his appointment in accordance with the terms of his agreement or letter of appointment.

(2) On resignation, an officer is required to refund any outstanding liabilities to the Government. Any amount due to an officer may be withheld and applied towards any sums due by him. If any liabilities are outstanding, the matter will be referred to the Attorney General for legal redress.

(3) An officer who is contemplating resignation should clearly understand that no officer is eligible for a pension or gratuity on leaving the Service except in the specific circumstances defined in the Pensions Act or letter of appointment. No officer who leaves the service in other circumstances whether he resigns or retires, can be granted pension or gratuity. An officer who resigns cannot, if subsequently re-employed after a break of service, count his previous service for pension.

Termination of Appointment

R.18 The employment of an officer serving on agreement or temporary terms may be terminated by an Authorized Officer in accordance with the provisions of the officer's agreement or by giving appropriate period of notice or salary in lieu of notice.

Retirement on Attaining the Age of 55 Years

R.19 (1) An officer will be required to retire from the Service on attaining the age of 55 unless the Government considers that it is in the public interest to retain his service for a period beyond that age and the officer himself is agreeable to continue in the Service. To avoid succession gaps, Authorized Officers will review the case of every officer who is about to retire at least two (2) years in advance of his 55th birthday with a view to facilitate identification of a suitable successor and to be appropriately prepared to take up the position.

(2) Where in the public interest it is desired to retain an officer beyond the age of 55 years, his Authorized Officer will, at least six months in advance of the officer's 55th birthday, forward such case to the Public Service Commission of Kenya

through Permanent Secretary/Director of Personnel Management stating full reasons why he should be so retained. In addition, it must be stated categorically whether or not his retention beyond the age of 55 years will block the advancement of deserving officers, and whether or not his energy or efficiency has in any way deteriorated due to age or any other reasons.

R.20 (1) The Pensions Act (Cap.189) does not prescribe any age limit at which an officer must retire, but under Section 9 of the Act an officer may be required to retire from the service of the Government at any time after he attains the age of 50 years. Whenever it is necessary to enforce the retirement of an officer on the grounds of age, the provisions of this Section will be employed in accordance with Regulation G.41.

(2) Where it is not intended to retain an officer beyond the age of 55 years, the Authorized Officer will so inform the officer giving him reasonable notice of one year. It is mandatory that an officer must be given at least three (3) months' notice. The decision that an officer should compulsorily be retired on the grounds of age is vested by law in the Public Service Commission of Kenya.

(3) When a Permanent Secretary/Head of Department approaches the age of 55 years, he will so report to the Permanent Secretary/Secretary to the Cabinet and Head of Public Service, in conformity with paragraph (1) above (omitting any recommendation regarding the desirability or otherwise of his retention in the Service), stating whether or not he would wish to remain in the Service should the Government so require.

(4) Other than the notice to be given by the Authorized Officer in accordance with paragraphs (1) to (3) above, an officer is not required to give notice of his retirement on reaching the age of 55 years. Should it be necessary to require

an officer to retire in accordance with this Regulation, reasonable notice, of not less than three months, will be given.

Retirement Under the '50 Year' Rule

R.21 (1) An officer on attaining the age of 50 years may elect to retire any time thereafter or may be required to retire by the Government anytime without assigning any cause in accordance to Section 9 (1) (iv) of the Pensions Act and Regulation 18 of Public Service Commission of Kenya.

(2) Where such an officer is pensionable and has completed ten (10) year's service, he will be eligible for pension should he be retired or elect to retire. If he has less than ten years' service, he will be eligible only for a gratuity in accordance with Regulation 5 of the Pensions Regulations.

(3) An officer will normally be required to give two (2) months notice of his intention to retire under the '50 year' rule and the Government will normally give a similar period of notice to any officer whom it is intended to apply this provision.

(4) Applications from officers to retire under the '50 year' rule may be approved by their respective Authorised Officers.

R.22 If an Authorized Officer considers that an officer should be called upon to retire on or after reaching the age of 50 years, he should advise the officer that his compulsory retirement is under consideration asking him whether he wishes to retire voluntarily or whether he wishes to make any representations of a personal nature against his compulsory retirement. The Authorized Officer will forward such representations, if any, together with his own observations to the Public Service Commission of Kenya and the Commission will decide whether such an officer should be called upon to retire. The Public Service Commission of Kenya has delegated its

authority in certain cases to Authorized Officers.

Retirement in Public Interest

R.23 (1) If an Authorized Officer, after having considered every report in his possession made with regard to a public officer, is of the opinion that it is desirable, in the public interest, that the service of the public officer be terminated on grounds which cannot suitably be dealt with under any other provision of these Regulations, he shall notify the public officer, in writing, specifying the complaints by reason of which his retirement is contemplated, together with the substance of any report or part thereof that is detrimental to the public officer.

(2) If, after giving the public officer an opportunity of showing cause why he should not be retired in the public interest, the Authorized Officer is satisfied that the public officer should be required to retire in the public interest, he shall, in the case of any public officer, forward to the Commission the report on the case, the public officer's reply and his own comments and the Commission shall decide whether the public officer should be required to retire in the public interest.

(3) Where a public officer is retired in the public interest, the authorized officer shall furnish the Pensions Branch of the Treasury with full details of the case.

(4) The retirement benefits of an officer compulsorily retired in the public interest are dealt with in accordance with section 8 of the Pensions Act (Cap.189). Depending on the circumstances in which an officer has been required to retire, the retirement benefits for which the officer would otherwise be eligible may be abated or altogether withheld.

Retirement on Abolition/Re-organization of Office

R.24 Where a public officer, who is one of a number of public officers holding similar public offices, is to be retired either on the abolition of the office he holds or

upon the re-organization of the ministry or department in which he holds an office for better efficiency or economy, an officer may be retired in accordance with Section 20 of Public Service Commission Regulations. Such action shall be approved by the Public Service Commission of Kenya.

Retirement due to Ill-Health

R.25 Where it appears to an authorized officer that a public officer is incapable by reason of any infirmity of mind or body of discharging the functions of his public office, he may (and shall if the public officer so requests) call upon the public officer himself before a medical board (which shall be appointed by the Director of Medical Services) with a view to it being ascertained whether or not the public officer is incapable as aforesaid. The procedure to be followed regarding the retirement of an officer on the grounds of ill-health is set out in Section 19 of the Public Service Commission regulations.

Dismissal

R.26 (1) Dismissal refers to termination of appointment arising out of severe disciplinary proceedings on grounds of gross misconduct, desertion, criminal conviction, misappropriation of public funds, pecuniary embarrassment etc.

(2) A public officer who is dismissed shall forfeit all rights or claims to a pension, gratuity, annual allowance or other retiring award, and any rights or claims he enjoys in regard to leave or passages at the public expense.

Membership to the National Social Security Fund

R.27 (1) The National Social Security Fund was established by the National Social Security Fund Act 1965 (Cap 258) for the benefit of its members.

(2) It is essentially a compulsory saving scheme into which an employer pays a statutory contribution of 10% of an employee's wage subject to a maximum regulated by the Act of which one half is recovered from the employee's wage.

Exemption From the Fund

R.28 (1) Exemption from the fund is strictly limited and controlled.

(2) Automatic exemption without the need for application has been granted to the following categories:

- (i) Pensionable officers in Government and Local Government Service since such officers have expectation of retirement benefits under the Pensions Act (Cap.189) and Superannuation Pension Fund rules respectively.
- (ii) Public Service employees eligible to receive any pension benefits under any scheme to which the Pensions Act applies and persons entitled to receive pension benefits under any scheme (Statutory and non-Statutory) providing comparable benefits.
- (iii) Persons subject to superannuation schemes for universities and colleges.
- (iv) Persons entitled to exemption from contribution to Social Security Schemes under any International Convention.
- (v) Members (other than civilian employees) of:

- (a) the Armed Forces;
 - (b) the Kenya Police Force;
 - (c) the Administration Police Forces;
 - (d) the Prison Service; and
 - (e) the National Youth Service.
- (vi) Persons not ordinarily resident in Kenya who are employed in Kenya for periods not exceeding three years.
- (vii) All persons/students receiving full-time education or training and who are employed during their vacation.

Reinstatement of Formerly Exempted Persons

R.29 (1) Although Civil Servants who are in pensionable employment are exempted from the provisions of the National Social Security Fund Act, Legal Notice No.176 of 1975 provides that, where a civil servant leaves his employment without being entitled to a pension, the Government as any other employer is required to register that officer and pay into the Fund "a sum equal to the aggregate of the sums that he would have paid to the Fund in respect of such a person if he had paid to the Fund throughout the period for which such a person was employed and was an exempt person, the standard contributions less the employee's share thereof".

(2) The spirit of this Legal Notice was to reinstate a formerly exempted person to a position he would have been, had he not been exempted. The act of dismissal or termination of appointment reinstates a formerly exempted person to receive a Social Security benefit.

Registration Under the Fund

R.30 (1) For registration to the Fund, the employee will provide a National Identity Card and duly completed Form 3 R signed and stamped by the employer.

(2) When this information is supplied, a membership card (SF 4) will be prepared for issue to each member through the employer. Thereafter the member should keep it safely in his possession and produce it to every new employer as evidence of his membership to the Fund. The card will be eventually surrendered to the Fund when the member permanently withdraws from it.

(3) Once a member has been registered, he retains the same membership number throughout his life even though he may have many employers. A worker should not be registered more than once.

Benefits Provided by the Fund

R.31 (1)(i) **Age Benefit**

This will be paid to a member of the age of fifty five (55) years or when he ultimately retires from paid employment, whichever is the later as provided by the Act.

(ii) **Withdrawal benefit**

This will be paid to a member who is at least fifty (50) years of age and is no longer on regular employment.

(iii) **Invalidity benefit**

This will be paid to a member who is permanently incapable of work

because of physical or mental disability, or to a member of at least fifty years of age who is suffering from partial incapacity of a permanent nature which prevents him from undertaking employment providing him with a reasonable standard of livelihood.

(iv) **Survivors' benefit**

This will be paid to the dependants of a deceased member.

(v) **Emigration Grant**

This will be paid to a member who is permanently emigrating from Kenya and with no intention of coming back.

(2) Each of the above mentioned benefits will consist of the total sum standing to the credit of the member at the time i.e. the member's contributions, his employer's contributions and the interest earned by those combined contributions over the years of his membership.

Benefits Provided under the Widows' and Children's Pension Scheme

R.32 (1) The Widows' and Children's Pension Scheme was established by the Widows' and Children's Pensions Act 1965 (Cap 195) to make provision for granting pensions to widows and children of the deceased public officers. The Scheme became effective from 1st January, 1966.

(2) Entry into the Scheme was optional for all male Kenyan citizens who were serving with the Government on pensionable terms of service (confirmed or probationary) on or before 1/1/66 and compulsory for those who joined the service thereafter.

(3) A female pensionable officer who is a Kenyan citizen may opt to join the Scheme if she can prove that her husband is wholly or mainly dependent on her.

If, however, in the event of her husband's death, she remarries, the subsequent marriage and the children thereof shall not be taken into account for the purposes of the Scheme unless she proves while she is still a public officer that her husband by that marriage is wholly or mainly dependent on her.

(4) A monthly contribution of 2% of the officer's salary will be recovered towards the fund

(5) Where the spouse of the contributor to the Widows and Children's Pension Scheme dies and the children are over sixteen (16) years, the contributor will qualify for full refund of the contributions made.

R.33 (1) On the death of a member of the Scheme, the spouse and children under the age of sixteen (16) or above but undergoing full time education who were dependent on the officer before his death, will be eligible for widows' and children's pension.

(2) Eligibility of the benefit ceases immediately the spouse re-marries. However, the eligibility of the deceased's children remains.

Refund of Contributions

R. 34 (1) Where there is evidence that an officer who was a member has no wife or children of pensionable age on the last day of his service, i.e. he remained a bachelor or his wife died during his service and all his children have ceased to be of pensionable age and he leaves the service with eligibility for the grant of a pension, the total amount of his contributions are required to be refunded to him with interest.

(2) Where an officer leaves the service without the grant of a pension i.e. on resignation or dismissal, the total amount of his contributions are refundable to him with interest.

(3) If an officer retires on any other ground, apart from medical, and he is entitled to receive a service gratuity only, he can opt to be refunded his contributions, instead of benefits under the Scheme.

Conditions Attached to Payment of Benefits

- R.35 (1) The widow's pension is payable until her death, remarriage or cohabitation.
- (2) A widow's pension will not be granted (except in special circumstances) if the husband dies within twelve (12) months of the marriage and there are no children.
- (3) An officer's widow cannot benefit if the marriage took place after he left the Government Service or other public service.**
- (4) In the case of a polygamous officer, if he leaves more than one widow benefits are divided equally between the widows, subject to the satisfaction of the other conditions.**
- (5) A divorced wife cannot benefit.**
- (6) A child's pension is payable until the age of sixteen (16), or until the end of full time education if that is later. A married daughter cannot benefit. The rate of benefit is subject to variation in respect of the number of qualified persons there may be from time to time.**
- (7) A child conceived after its father has left the Government Service or other public service cannot benefit.**

(8) Adopted child, or step-child only qualifies for payment of benefit if the child was wholly or mainly dependent on the officer at the time of his death.

(9) Illegitimate child will not qualify for benefit.

General Information on Pensions and Gratuities

R. 36 (1) Human Resource Management Divisions of Ministries/Departments should complete the pension and gratuity claim forms so that the Pensions Department of the Treasury can, without delay, make the necessary calculation based on the particulars given in the claim forms.

(2) The provisions are subject to amendment and nothing included in these notes is intended to supersede provisions of the Pensions Act and Regulations.

(3) The Pensions Legislation of the Public Service of Kenya is contained in the Pensions Act (Cap 189).

(4) An officer who has rendered pensionable service to the Kenya Government expects the payment of retiring benefits in accordance with the provisions of the Pensions Act.

(5) The Pensions Department of the Treasury is responsible for the calculation of the pension/gratuity in accordance with the Pensions Act and Regulations based on the service records submitted by Ministries /Departments.

(6) The Pension/gratuity claim forms currently in use are:

(i) G.P. 178 - for pensionable officers.

(ii) G.P. 179 - for non-pensionable officers, serving on purely temporary terms. This form is completed in respect of male officers who were appointed or transferred to the service of the Government prior to 1st April, 1966 and female officers who were so appointed or transferred prior to 1st January, 1977.

(iii) G.P. 213 - For Pensionable Officers who resign, are dismissed, retire or die while still single and without children.

Definitions of Terms used in Pensions

- R.37 (1) Pensionable Office: Means an office to which an officer has been appointed whether on probation or otherwise on terms which include eligibility for the grant of a pension under the Pensions Act.
- (2) Pensionable Officer: Means an officer who is the holder of a pensionable office in which he has been confirmed.
- (3) Qualifying Service: Means service which may be taken into account in determining whether an officer is eligible, by length of service, for pension or gratuity.
- (4) Pensionable Service: Means service which may be taken into account in calculating a pension or gratuity under the Pensions Act e.g.
- (i) Probationary service followed by service on permanent and pensionable terms is reckonable in full for the

purposes of calculating a pension or gratuity;

- (ii) Contract service is reckonable in full if an officer surrenders or refunds the gratuity earned under the contract provided that he was admitted without a break of service to the pensionable establishment;
- (iii) Provident Fund service is reckonable in full if an officer surrenders his personal contributions to revenue provided that he was admitted without a break of service to the pensionable establishment;
- (iv) Temporary service – normally reckons to the extent of one-half in calculating a pension or gratuity; and
- (v) Unpaid service normally has no pension value;

Eligibility for Pension/Gratuity

R.38 (1) An officer is eligible for the grant of a pension or gratuity under the pensions Act only when he retires from the service of the Government in any of the following circumstances:

- (i) age not less than 50 years;
- (ii) abolition or re-organization of office;
- (iii) ill-health; and
- (iv) public interest.

(2) An officer who voluntarily resigns from the service of the Government or who is dismissed therefrom forfeits all claims to the retirement benefits. The only two exceptions to this rule relate to:

- (i) resignation of an officer on or with a view to marriage or on account of circumstances surrounding their marriage. In this event, the resigning officer becomes eligible for the grant of a lump sum marriage gratuity if she fulfills the conditions necessary for the grant of the gratuity under Regulation 6 of the Act.

- (ii) resignation of sub-ordinate police officers; prisons officers below the rank of Chief Warder, Chief Warder Clerk or Chief Warder Artisan; Administrative police officers below the rank of Senior Sergeant and Forest Guards (grades 1, 1I, and III) who resign from the service of the Government on completion of not less than twelve (12) years and not more than twenty (20) years service. In this event, any such officer will become eligible for the grant of a lump sum service gratuity under Regulation 26 of the Act.

Retirement Benefits Payable Under the Pensions Act

R.39 (1) The retirement benefits payable under the Act are:

- (i) pensions which include service pension (whether unreduced or reduced), injury pension, killed-on-duty pension and abolition-addition pension.
- (ii) gratuities which include commuted pension gratuities, service gratuities, death gratuities, compassionate gratuities and marriage gratuities.
- (iii) other allowances which include annual allowance and maintenance allowance.

(2) A pensionable officer becomes eligible for the grant of a service pension only if he has completed a minimum period of ten (10) years' service. If however, he has completed less than ten (10) years service, he becomes eligible for the grant of a service gratuity.

(3) The rates and modes of calculation of these benefits are set out in the pensions regulations.

Transfers and Secondments of Pensionable Officers to Other Government and Administrations

R.40 (1) When a pensionable officer is transferred to another Government or administration, which is "scheduled" under the Pensions Act, the pension form G.P.178 and the statement of aggregate pensionable emoluments form G.P.190 should be completed and forwarded to the Pensions Department of the Treasury for submission to the Government or Administration concerned. Similarly, when an officer is transferred to the service of the Kenya Government, the Pensions Department of the Treasury should be informed so that the Government or Administration concerned can be asked to provide the necessary service particulars in respect of his service with that Government or Administration.

(2) Transfers of pensionable officers from the Government to organizations which are not "scheduled" under the Pensions Act but which have been declared to be "public service" for the purposes of the Act, need not be notified to the Pensions Department of the Treasury until the eventual retirement from the organizations of such officers. Ministries and Departments are advised to ascertain from the Directorate of Personnel Management or the Pension Department of the Treasury whether or not an organization to which their officers are seeking transfer has been declared a "public service".

(3) When pensionable officers are seconded from one Government to another Government or Administration, the borrowing Government or Administration pays pension contributions to the parent Government based on a fixed percentage of the officer's substantive salary in the parent Government for the period of secondment. The present rate of pension contribution is 31 percent.

SECTION Q

CEREMONIAL: UNIFORMS: DRESS CODE

INTRODUCTION

This Section of the Code relates to matters of ceremony e.g. the Order of Precedence, Flying of the Presidential Standard, Flying of the National Flag, etc. It also contains general information about uniforms and dress code.

(Revised 2006)

SECTION Q

CEREMONIAL: UNIFORMS: DRESS CODE

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SECTION Q

CEREMONIAL: UNIFORMS: DRESS CODE

Flying of the Presidential Standard

Q.1 (1) The Presidential Standard, which is the personal flag of the President, will only be flown to denote the actual presence of the President and supersedes all other flags. It shall be flown from a masthead at least 30 centimeters (1 foot) higher than subordinate emblems.

(2) The flag will be flown day and night, where applicable, and is never to be lowered even on occasions of mourning. At the President's personal residence, the flag will be flown continuously and will not be lowered during His Excellency's incidental absence.

(3) At other places, the flag will be hoisted on arrival of His Excellency the President and will be lowered on his departure. This will be done irrespective of the time, day or night.

(4) The Presidential Standard will be flown on any building in which His Excellency the President is present or on any ship he travels. It will be flown in miniature in the form of a pennant on any vehicle, vessel or air craft in which the President is travelling.

Flying of the National Flag

Q.2 (1) The National Flag will be flown daily from 6.00 a.m. until 6.00 p.m. at

Parliament Building on days when Parliament is sitting, at Provincial, District, Divisional and Locational Headquarters, at Prisons, at Ports of entry and other places as approved by the Office of the President. It will be flown on other Government Buildings (including schools) on Madaraka Day, Kenyatta Day and Jamhuri Day and on other special occasions as may be notified from time to time by the Office of the President. It will be flown at all Provincial and Divisional Police Headquarters and at all Police Stations and Posts (other than Patrol Bases) in accordance with Police Standing Orders. The National Flag will be flown in all stations where the Armed Forces are quartered from a site within the lines to be selected by the Officer Commanding. It will also be flown at all National Youth Service Units and sub-units in accordance with Service Standing Orders.

(2) Flags flown must at all times be of good condition.

(3) Indents for the National Flag should be made from the Officer-in-Charge, Supplies Branch, Ministry responsible for Public Works.

(4) Ministers of the Government, the Chief Justice, the Speaker of the National Assembly and the Provincial Commissioners may fly the National Flag in miniature form on the vehicle in which they are personally travelling on duty.

Flying of Other Flags

Q.3 (1) Where Departmental or Institutional Flags have been authorized, they will be flown in accordance with relevant Standing Instructions.

(2) Where other flags are flown side by side with the National Flag, the other flags will be flown at least 30 centimeters (1 foot) lower than the National Flag.

Uniforms for Officers in the Civil Service

Q.4 (1) Each Accounting Officer will determine the mode and pattern of uniforms suitable for the specific cadre of officers for a specific period, having regard to the nature of their duties and the cost involved.

(2) There shall be standard uniforms for drivers and support staff as shall be determined by the respective Accounting Officer.

(3) Ministerial/Departmental issues of uniforms and dates of their issue must be recorded in the Store Ledger.

(4) All officers who are provided with official uniform will be required to maintain them in a clean and decent condition and to wear them at all times while on duty. Disciplinary action will be taken against any officer who fails to observe this Regulation.

(5) All cadres who are entitled to uniforms may claim reimbursement of the cost of dry-cleaning two (2) uniforms per month or may be provided with soap for cleaning.

Order of Dress - Uniformed Service and other Civil Servants

Q.5 (1) The order of dress for Uniformed Services i.e. the Kenya Police Service, the Kenya Prisons Service, Administration Police and the National Youth Service is specified in the Standing Orders of these services.

(2) All other civil servants are required to be decently dressed and well groomed while on duty and to maintain an appropriate standard of dress and personal hygiene while on duty.

Uniform Allowance

Q.6 Officers required to wear uniforms will be issued with at least two (2) pairs of appropriate uniform on first appointment or promotion. Thereafter, an allowance shall be paid to the officers annually for maintenance and replacement. The rates of uniform allowance payable shall be determined by the respective Accounting Officers in consultation with Permanent Secretary/Director and Treasury.

