



**KENYA PLANT HEALTH INSPECTORATE SERVICE
(KEPHIS)**

Human Resource Policy and Procedures Manual

August 2021

FOREWORD

The Corporation is committed to fulfilling its mandate of regulating and assuring quality agricultural product and produce through setting and enforcing rules, standards and guidelines for global competitiveness. In this regard, the Corporation has developed a benchmarked Human Resource Policy and Procedures Manual. A human resource management manual is crucial in an organization for giving information on human resource issues, helping in resolving human resource issues and finding solutions which are fair and objective. Indeed, the Corporation recognizes that prudent management of its human resource is key to achieving its mission as it provides the foundation for recruiting and retaining competent staff.

To provide a framework for enhanced service delivery the Corporation developed this Human Resource Policy and Procedures Manual to provide guidance on the management of its key resource, the human resource. The manual is intended to inform, guide and provide an objective way of handling issues between the employer and employee. It provides details of processes that lead to attraction, motivation, retention or exit of staff from the Corporation. It is expected that with the manual in place, many routine decisions and transactions will proceed with minimal encumbrance.

This manual has been developed with the recognition of the various emerging human resource issues at the workplace in line with the Constitution of Kenya 2010, other relevant laws of Kenya, relevant labour regulations in place, and circulars issued from time to time.

MR. ROBIN M. ACHOKI
CORPORATION CHAIRMAN

PREFACE

Kenya Plant Health Inspectorate Service (KEPHIS) recognizes its Human Resources as the major catalyst for organizational growth and development. For this reason, it relies on employees wholly in meeting and exceeding customer expectations. On its part, the Corporation is committed in supporting employees in execution of their duties. Part of this support has been demonstrated in the review of KEPHIS Human Resource Policy and Procedures Manual. The last manual was last reviewed in May 2017. The manual was revised by benchmarking with State Corporation Advisory Committee (SCAC) approved Human Resource Policy and Procedures Manual as well as aligning it to the Public Service Human Resource Policies and Procedures Manual of 2016, which had been aligned to the Constitution of Kenya 2010.

The Manual has been developed to guide the Board, Management and Staff of KEPHIS on matters of policy and practice hence it is useful for inducting new staff. The Manual is also intended primarily for use by as a guide for everyday decision making and advisory purpose hence all staff of the Corporation are expected to acquaint themselves with all the provisions of the Manual to ensure a common understanding and interpretation. It incorporates provisions of the Constitution of Kenya 2010, labour laws and other legislation that govern various aspects of industrial relations in public service. It is important to note that these policies are not exhaustive of all the rules and regulations governing public servants. They should therefore be read alongside other relevant statutes where applicable, for better interpretation and application. The regulations herein will thus be used as the minimum norms and standards for human resource practice in the Corporation.

It is anticipated that this manual will aid employees in understanding core and significant regulations used in addressing Human Resource matters in the Corporation. Provisions in this manual are applicable to all employees of KEPHIS and shall come into force immediately upon approval. The manual will be updated from time to time as need arises to reflect policy changes affecting human resource development and management in the service in tandem with best human resource practices.

PROF. THEOPHILUS M. MUTUI (PH.D)
MANAGING DIRECTOR

DEFINITION OF TERMS

The terms in subsequent sub-paragraphs will have meanings specifically assigned to them as follows: -

	Term	Definition
1.	Accident on Duty	Where an employee suffers personal injury in the actual discharge of his/her duty without his/her fault and on account of circumstances specifically attributable to the nature of his duties.
2.	Appointment Date	The date a candidate reports on duty or the date of offer for internal candidates
3.	Basic Salary	An employee's salary exclusive of allowances.
4.	Beneficiary	Someone who is eligible to receive contributions from a trust, will or life insurance policy. Beneficiaries are either named specifically in these documents or they have met the requirements as per the laws
5.	Board of Directors	Board of Directors with the membership as defined under section 8 of KEPHIS Act (NO. 54) of 2012.
6.	Bondee	An employee who is serving a training bond obligation.
7.	Cabinet Secretary	A state officer responsible for policy direction, co-ordination and overall supervision of a Ministry.
8.	Calendar Year	The period from 1st January to 31st December, both dates inclusive
9.	Career	An employee's line of work or service involving continuity over a long period of his/her working life.
10.	Career Guidelines	A policy document that provides clearly defined career structures, well-defined job descriptions and specifications, standards for recruitment, training, development, advancement, promotion, career planning and succession management.
11.	Casual	Employees engaged on a day to day basis, not longer than 24 hours at a time and who should be paid their wages at the end of each day.
12.	Chairman	Chairman of Board of Directors
13.	Children	The biological offspring or legally adopted children under the age of twenty-five (25) years who are unmarried and are wholly dependent on the employee. 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 Service. Copies of birth certificates or legal adoption papers will be required in either case.
14.	Code of Conduct	A body of rules or regulations.
15.	Confidential Information	Any official information of a secret or confidential nature relating to the affairs of KEPHIS.
16.	Corporation/ Service	This refers to the Kenya Plant Health Inspectorate Service (KEPHIS)
17.	Contract	means an agreement to employ or to serve as an employee for the Service for a period of time.
18.	Delegated Authority	The powers of the Board which have been assigned to any or more of its members or employees of the Board to exercise on its behalf.
19.	Duty Station	The normal base of employee's working location as contained in the employee's personnel record.
20.	Employee	Any person employed in KEPHIS on contract or permanent terms of service unless otherwise stated.
21.	Ex-Gratia	Assistance granted by the Corporation to an employee who is faced with difficulties in clearing a medical bill for self or dependent member; over and above the medical insurance cover provided.
22.	Gross Insubordination	The severe defiance of an employee to their immediate Superior's or Supervising Employee's lawful instructions given orally or in writing and could also lead to the endangerment of other people.
23.	Gross Misuse	Those actions of improper use of Service's, assets, or property of KEPHIS which leads to a major violation/loss thus severely hampering accomplishment of the Service's goals.
24.	Gross Salary	The monthly pay of an employee, including overtime, mileage, or any other extra allowance or benefit.
25.	Habitual drunkenness	Frequent and repeated intoxication by excessive indulgence in intoxicating liquor despite physical, mental, social, or economic harm occasioned and the impact to discharge one's duty effectively and responsibly.
26.	Head of Functional Area	Refers to the head of directorate or department as the case may be.
27.	HRAC	KEPHIS Human Resource Advisory Committee
28.	Immediate Family	Includes the employee, nominated spouse, children and employee's parents

29.	Interdiction	A temporary censure action imposed by Management to exclude an employee from performing their duties pending investigation and determination of his/her disciplinary case. Such an employee is required to earn half salary for the period of interdiction.
30.	Leave	A period of time granted through official permission to an employee to be absent from work or duty.
31.	Leave Year	The period commencing 1 st July to 30 th June of each financial year.
32.	Managing Director	The Managing Director as appointed under Section 10 of KEPHIS Act (NO. 54) of 2012.
33.	Next of Kin	The name of the person provided by the employee for the purpose of contact during emergency and in case of death.
34.	Nuclear Family	Employee, nominated spouse and children.
35.	Parliament	The National Assembly and the Senate
36.	Principal Secretary	This is the Administrative Head of a State Department.
37.	Pro-rata	In relation to benefits, computation for the period served in relation to the full-term entitlement.
38.	Reimbursable Allowances	Those Allowances where an employee gets reimbursement on the expenditure incurred in the course of duty.
39.	Remunerative Allowance	Those Allowances paid to an employee in addition to salary as a form of compensation for additional responsibilities.
40.	Rotation	Is a process where an employee is moved through one or more positions designed to give an employee wide exposure of the entire functions of the organizations or different aspects of specific functions.
41.	Secondment	Means permitting an employee to serve another organization for a specific duration and on mutually agreed terms.
42.	Sexual Harassment	Unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
43.	Sick Leave	The approved absence of an employee from duty on account of illness.
44.	Spouse	The Legal partner of an officer specified under the Marriage Act or in accordance with the relevant Customary Law.

45.	Supervisor	An employee who has responsibility to oversee, direct or supervise work or operations of other employees.
46.	Surety	A person who formally accepts responsibility to locate a bondee and/or redeem the bond obligation of a bondee who defaults or appears in a court of law in respect of the same.
47.	Suspension	An action imposed by Management for major breaches of policy and the affected employee is forbidden to attend to duty and earns half basic salary for the period of suspension.
48.	The Act	Kenya Plant Health Inspectorate Service Act Number 54 of 2012
49.	Top Management Team	Consist of the Managing Director, Directors, Senior Managers and the Corporation Secretary
50.	Staff Establishment	means approved and documented number of positions, and designations of the Service
51.	Tour of Service	The period of employment served by staff outside of the substantive appointment within KEPHIS or in the wider Public Service.
52.	Training Bond	Formal agreement between KEPHIS and its employees who are selected for approved training that oblige them to serve in KEPHIS for a specific period of time on completion of training.
53.	Transfer	The administrative relocation of an employee on the same or similar position in another Department/Division within KEPHIS.
54.	Union	Any Trade Union recognized by KEPHIS as representing unionisable employees of the Service
55.	Violent external visible means	Severe impact inflicted by an object as opposed to injury occurring internally as result of sickness, disease or any natural condition or process.
56.	WIBA	Work Injury Benefits Act

Note: Unless otherwise stated or implied, words in the masculine gender include the feminine gender; words in the plural include the singular and words in the singular include the plural.

LIST OF ABBREVIATIONS AND ACRONYMS

AA	Automobile Association of Kenya
CEO	Chief Executive Officer
CPD	Continuing Professional Development
GLAS	Group Life Assurance Scheme
HELB	Higher Education Loan Board
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HOFA	Head of Functional Area
HR	Human Resource
HRAC	Human Resource Advisory Committee
HRM	Human Resource Management
HRMD	Human Resource Management and Development
KEPHIS	Kenya Plant Health Inspectorate Service
MD	Managing Director
NSSF	National Social Security Fund
NHIF	National Hospital Insurance Fund
PMRC	Performance Management Review Committee
TMT	Top Management Team
WIBA	Work Injury Benefits Act

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SECTION 1: SCOPE, PURPOSE AND INTERPRETATION

1.1 Purpose of the Manual

This Human Resource Policy Manual is a reference document consisting of policies and procedures designed to guide the staff of KEPHIS on efficient delivery of service for achievement of its vision, mission and mandate.

The Manual defines human resource policies and procedures for guiding Board, management and staff members in undertaking their operational responsibilities in a fair, equitable and consistent manner without impediment or conflict.

The Manual further form the basis upon which KEPHIS's working culture and environment develop and ensures that corporate values and norms are adopted uniformly throughout the Service.

The manual creates a framework within which sound decisions can be made in order to promote equity and positive employment relationships by identifying staff obligations and the standards of conduct expected.

1.2 Responsibility

The Board of Directors are responsible for reviewing the policy manual while the management is responsible for developing, implementing and interpreting the manual in line with Constitution of Kenya, 2010, labour laws, policy and any other relevant government regulations.

1.3 Compliance

This manual has been developed and should be read in line with the following legislations:

- a) The Constitution of Kenya, 2010;
- b) The Employment Act, 2007;
- c) KEPHIS Act (NO. 54) of 2012;
- d) The Official Secrets Act (Cap 187);

- e) Work Injury Benefits Act, 2007;
- f) Occupational Health & Safety Act, 2007;
- g) Labor Relations Act, 2007;
- h) Labor Institutions Act, 2007;
- i) The Public Service Commission Act, 2017;
- j) The State Corporation Act. Cap 446;
- k) Guidelines from the Public Service Commission;
- l) Other relevant labour laws;
- m) Fair Administrative Action Act, 2012;
- n) Retirement Benefits Act, Chapter 197, Revised Edition 2012 [2010];
- o) National Social Security Fund (NSSF) Act, CAP 255;
- p) Anti-Corruption and Economic Crimes Act;
- q) National Cohesion and Integration Act No. 12, 2008;
- r) Public Procurement and Asset Disposal Act, 2015;
- s) Human Resource Policies and Procedures Manual for Public Service, May 2016, Public Service Commission, Kenya;
- t) Public Sector Remuneration and Benefits Policy, May 2015, Salaries and Remuneration Commission, Kenya;
- u) KEPHIS Trust Deed and Rules;
- v) Letter of Appointments;
- w) Any other relevant statutes.

SECTION 2: BACKGROUND, PURPOSE AND MANDATE

2.1 Background of KEPHIS

The Kenya Plant Health Inspectorate Service (KEPHIS) is a State Corporation established under the Kenya Plant Inspectorate Service Act, number 54 of 2012 as a regulatory agency to undertake services in seed quality assurance, plant protection; assurance of quality of agricultural inputs and produce; and the monitoring of the effect of agricultural activities on the environment with a view to ensuring acceptable plant health standards and sustainable land resource use.

2.2 Core Functions of KEPHIS

The functions of KEPHIS are as stipulated in the KEPHIS Act, part II, section 5(a-o) as follows:

- a) Regulate matters relating to plant protection, seeds and plant varieties;
- b) Administer and enforce sanitary and phytosanitary measures;
- c) Support the administration and enforcement of food safety measures;
- d) Establish service laboratories to monitor the quality and levels of toxic residues in agro-inputs, irrigation water, plants, soils and produce;
- e) Be the principal advisor to the Government on issues relating to seeds and planting material;
- f) Implement plant variety protection in Kenya, administer Plant Breeders Rights and maintain the plant breeders' rights register;
- g) Undertake plant variety testing and description, seed certification and plant quarantine control.
- h) Undertake inspection and grading of plants and plant produce at the ports of entry and exit;

- i) In consultation with other relevant agencies, develop and implement standards for seed and plant materials;
- j) Implement and enforce national biosafety regulations on the introduction and use of genetically or living modified species of plants, insects and microorganism, plant products and other related specifics;
- k) Regulate import and export of plants and plant materials;
- l) In consultation with other relevant agencies, regulate the commercial exploitation of naturally occurring plants and plant related micro-organisms;
- m) Register and license seed merchants, seed growers, agents and any other person who may be required to be registered under the provisions of this Act or any of the laws specified in the first schedule;
- n) Enter into association with such other bodies or organizations or authorized persons as the KEPHIS Board may consider desirable or appropriate in furtherance of the purposes for which the service is established;
- o) Be the liaison office for international conventions relating to plant variety protection, plant protection, seed certification and dealing with endangered species or any other related conventions.

SECTION 3: GENERAL PROVISIONS

3.1 Introduction

- a) The Human Resource Policy and Procedures Manual has been developed to support service delivery, commitments and obligations of Kenya Plant Health Inspectorate Service to the employees.
- b) Unless otherwise expressly provided, employees of the Service shall be required to observe the provisions of the policies and procedures provided in this Manual.
- c) The Manual shall be read in conjunction with the Constitution of Kenya, relevant Laws and Government policy guidelines released from time to time.
- d) This Manual will act as a reference document for KEPHIS. It therefore forms the basis upon which the Service working culture and environment will be developed.
- e) The Manual sets the guidelines on recruitment and selection of members of staff, management and development of human resource in the Service. It is also the official means for KEPHIS to communicate its policies on human resource management related matters.
- f) This Manual will be used in conjunction with other approved policies and procedures manuals relating to specific administrative functions the Service. It therefore forms an integral part of the management processes of the Service.
- g) All copies of this Manual are the property of the Kenya Plant Health Inspectorate Service and it is the responsibility of all members of staff to make sure that they have access to the Manual.
- h) All employees of the Service will also be subject to relevant provisions of other regulations, Government circulars, rules and instructions as may be issued by other authorities who may be authorized to do so from time to time.
- i) This manual will be reviewed as and when necessitated but at least every three (3) years so as to be in harmony with legislation and organization and technological changes.

3.2 Objectives

- a) The general objective of this Manual is to summarize Human Resource Management policies, procedures, regulations and other administrative processes to facilitate those responsible for managing the Service in undertaking their mandate and used as a common reference document on all human resource related matters.
- b) The specific objectives of this Manual are to ensure:
 - i. Adherence to the Constitution of Kenya 2010, statutes, legal notices and other Government guidelines;
 - ii. Support from employees, stakeholders, the Government, the public and the development partners;
 - iii. That Human Resource policies, organizational structure and individual roles operate in an integrated manner so that KEPHIS objectives are met in a timely and cost effective manner;
 - iv. Adherence to various professional etiquettes and public expectation of a work environment of zero tolerance to corruption;
 - v. A common understanding by the Service employees of stipulated standards and procedures in monitoring their performance for continued improvement.

3.3 Responsibility

The Manager responsible for Human Resource functions shall make the Manual available to all employees. Thereafter, it will be the responsibility of all employees to read and understand the Manual and any other subsequent amendments therein.

3.4 Interpretation and enforcement

- a) The Manual should be interpreted in conjunction with the Kenya Labour Laws and other relevant regulations and legislations/Acts including but not limited to:
 - i. The Constitution of Kenya, 2010;
 - ii. KEPHIS Act (NO. 54) of 2012;
 - iii. The State Corporations Act, Cap 446, Laws of Kenya;
 - iv. The Occupational Safety and Health Act, No. 15 of 2007, Laws of Kenya;
 - v. The Employment Act, No. 11 of 2007, Laws of Kenya;
 - vi. The Labour Institutions Act, No. 12 of 2007, Laws of Kenya;
 - vii. The Labour Relations Act, No. 14 of 2007, Laws of Kenya;
 - viii. The Work Injury and Benefits Act, No. 13 of 2007, Laws of Kenya;
 - ix. Public Officer Ethics Act 2003 No. 4, Laws of Kenya;
 - x. The Anti-Corruption and Economic Crimes Act, 2003;
 - xi. The Leadership and Integrity Act, 2012;
 - xii. HIV/AIDS GOK Policy Guidelines of 2005;
 - xiii. Kenya Foreign Service Regulations;
 - xiv. Guidelines on bonding Public Service Trainees, April, 2011;
 - xv. Other Government Circulars;
 - xvi. KEPHIS, Internal Control Systems;
 - xvii. KEPHIS staff notices, circulars and instructions currently in operation and
 - xviii. Public Service Commission of Kenya's Human Resource Policy Documents.
- b) The administration of these regulations shall be vested in the Managing Director in consultation with the Board of Directors as may be necessary.
- c) The Managing Director will seek guidance from the Board or any relevant Government Institution on any matter that may not be covered by these policies and procedures.

3.5 Access to the Manual

This Manual will be issued to each employee and a copy shall be maintained in Headquarters and at each station as well as on KEPHIS's website. Copies of the Manual

may be obtained from Human resource office. It is the responsibility of each Head of Department and staff to be familiar with the information contained in this Manual and any amendments thereafter.

3.6 Amendments / Review

- a) The Manual may be amended from time to time as and when necessary. Such changes will require authorization of the Board and relevant Government agencies where necessary and will be communicated to employees in writing by a separate communication to indicate the changes.
- b) The Board reserves the right to consider and approve a revision, revocation or addition to the general policies contained in this Manual.

3.7 Corporation and Application

The regulations shall apply to all employees of the Corporation but shall not apply to persons employed on casual terms unless specifically stated.

3.8 Organizational Structure

The current organizational structure of the Service can be broadly categorized into two tiers which comprises of Governance and the Management.

3.9 Governance Structure

The Board as appointed under State Corporations Act, Cap 446 and the KEPHIS Act No. 54 of 2012 is the supreme decision-making organ.

3.10 Management structure

The management is responsible for the day-to-day operations of the Service. The Managing Director provides stewardship to the management team. The management of the Service is structured from the office of the Managing Director to the various Directorates, Departments, Divisions and Sections as may be determined by the Board from time to time and in accordance to the Service's structure.

SECTION 4: TERMS AND CONDITIONS OF EMPLOYMENT

4.1 Introduction

- a) The Service is committed to attracting and retaining competent employees required for efficient and effective service delivery.
- b) The Service is an equal opportunity employer and shall not in its recruitment and selection process, discriminate on the basis of gender, race, religion, ethnicity or any other form of discrimination. The constitutional requirement on mainstreaming of gender and persons with disabilities as stipulated in Article 52 to 57 of the Constitution will be observed alongside any other policies issued by the National Cohesion and Integration Commission.
- c) The Service's efficiency and effectiveness depends on the quality and competencies of employees it engages. KEPHIS shall therefore endeavor to recruit suitably qualified and experienced employees with the right skills and experience required to achieve its goals and objectives.
- d) When making a decision on selection on first appointment, information concerning a candidate's general background and/or previous employment shall be verified. No appointment shall be offered to any employee prior to such verification.
- e) All appointments shall be made with the approval of the Board or as delegated and shall be within the approved establishment.
- f) Appointments in all cases shall be aligned to clear job descriptions and specifications for various cadres of employees in their respective fields of employment.

4.2 KEPHIS Career Guidelines

The grading structure, qualifications and other requirements for recruitment into the Service are laid down in the KEPHIS Career Guidelines. The Career Guidelines must be followed in processing appointments and promotions of employees in their respective fields of employment.

4.3 Terms of Employment

Appointment at KEPHIS shall be based on either of the following terms of service:

- a) Permanent
- b) Contract
- c) Temporary
- d) Casual

4.4 Permanent Terms

Appointment on permanent terms shall apply to employees who on successful completion of the probationary period shall be eligible for confirmation in appointment.

4.5 Contract Terms

- a) The service may engage staff on contract terms as may be stipulated in this policy or other Government guidelines.
- b) The Managing Director shall be appointed on a contract of three (3) years renewable once subject to performance.
- c) Officers at Grade KEPHIS 2 and 3 shall be engaged on contracts of five (5) years renewable subject to performance.
- d) Officers serving on contract terms are subject to the retirement age for Public Servants and shall be eligible for payment of service gratuity based on prevailing Government guidelines.
- e) Where the employment under contract is terminated, gratuity will be paid on pro-rata basis for the period completed.

4.6 Renewal of Contract

- a) All employees serving under contract terms and wishing to be considered for a further term is required to notify the Managing Director in writing six (6) months before the expiry of the contract. In case of the Managing Director, he will be required to notify the Board of Directors.

- b) If such a notification is not made, the employee will be deemed to have completed his term on the date specified in the contract and the contract shall not be renewed or extended. However, the Board, upon review of the performance appraisal reports of such an employee, may request him to seek renewal of his terms if the performance has been satisfactory.

4.7 Temporary Terms

- a) The Service may employ members of staff on temporary terms in cases where the human resource gaps exist and such positions do not exist in the authorized establishment. Temporary employment is for a specific or fixed start and end date and which expires at end of date.
- b) Such engagement will require that KEPHIS employ the services of an employee for not more than 12 months.
- c) Appointment on temporary terms will be made under the following circumstances:
 - i. Where there is a demonstrable case that a Directorate / Department / Division requires specialist skills or expertise for a specific period of time and/or where it can be demonstrated that a specific task oriented project that will only last for a limited term.
 - ii. To cover staff absence such as absences occasioned by maternity leave, sick leave, secondments or any other circumstance.
 - iii. Where capacity in the Service is lacking or specific skills are required and such a position does not exist in the approved staff establishment.
- d) The procedure for engaging temporary members of staff shall be as follows;
 - i. Once the need for a temporary member of staff is identified, the head of function shall make a formal request to the Managing Director, through the Director Corporate Service.
 - ii. After the Managing Director's approval, the Director Corporate Service shall start the process of recruitment.

- iii. The Managing Director may however authorize the hiring of previously but competitively hired temporary members of staff / interns where appropriate.
- iv. Engagement of temporary members of staff shall not exceed the period of twelve (12) months. Once this period expires, the temporary appointment ends.
- e) Temporary employees are entitled to earn a taxable consolidated salary applicable to a relevant post at the prevailing approved rates.
- f) Temporary members of staff shall be entitled to thirty (30) days annual leave, sick leave and maternity/paternity leave where they serve or are meant to serve for 12 consecutive months.
- g) Temporary members of staff are entitled to sick leave of up to a maximum of one (1) month with full pay, followed by one month with half ($\frac{1}{2}$) pay.
- h) The appointment carries no guarantee for permanent appointment but staffs on contracts are free to apply for permanent positions falling vacant during their employment term.
- i) Temporary employees shall have their performance monitored and evaluated in accordance with the Service's Staff Performance Appraisal Systems guidelines and policy.
- j) Temporary employees will have access to medical benefits cover operated by the Service including one spouse and up to a maximum of four (4) children aged twenty-five (25) years and below or beyond twenty-five (25) years subject to proof that the disability has occasioned full dependency on the employee.
- k) Temporary employees shall be covered under the Group Personal Accident (GPA) and Workers Injury Benefit Act (WIBA) Insurances policies operated by the Service.
- l) Where temporary employment is renewed, a salary step increment shall be awarded in the new fixed term contract.
- m) They will be entitled to NSSF and NHIF benefits including deductions.
- n) Temporary employees are expected to adhere to the Service's regulations.

- o) Temporary employees are eligible to Loans and Salary Advance provided they are serviced within the contract period. The administration of the loans and salary advance will be guided by the Terms and Conditions as outlined in the HRM Policies and Procedures Manual.
- p) Temporary employees will be liable to be posted anywhere within the Service's to discharge the usual duties of his/her office.
- q) The Temporary employees shall be subject to all Code of Conduct of the Service.

4.8 Casual Employment

- a) A casual employee is a person whose term of engagement provide for his payment at the end of each day and who is not engaged for a period longer than twenty-four (24) hours at a time.
- b) The Service may engage employees on casual terms as it may deem necessary, in accordance with the Employment act or any other written law.
- c) Casual employees shall be engaged for a continuous period of not more than three (3) months and shall be paid by the end of each working day or any other agreed period not exceeding one (1) month.

4.9 Procedures for appointing staff on casual appointment

- a) Departments/Sections/Divisions shall submit plans for engaging casual employees at the beginning of each year for approval by the Managing Director, and ensure budgetary allocation of the same in the annual budget plan.
- b) When need arises, the user department/unit shall, giving justification for the request write to the Director Corporate Services who will forward the request to the MD seeking for approval to engage casual employee(s), A copy of the request shall be sent to Deputy Director Human Capital.

- c) Hiring of casuals shall commence with the Deputy Director Human Capital (DDHC or his designated officer receiving an approved request for engagement of a casual worker(s) from the office of Director Corporate Services (DCS).
- d) On receipt of approved request from the office of DCS, the DD-HC or his designated officer will consider applications in the database and select the most appropriate person in consultation with the user Department.

4.10 Internship and Industrial Attachments

The Service shall engage graduates (Certificate, Diploma and Degree holders) for internship for a continuous period of not more than twelve (12) months and or any other period as may be stipulated from time to time by Government guidelines. The Service will also support the student in tertiary and higher education institutions in industrial attachments.

4.10.1 Industrial Attachment

- a) The Service will support industrial attachment by providing opportunities to students in tertiary and higher education institutions.
- b) Attachment will be undertaken during the course and the duration will be for a maximum period of three (3) months.
- c) The attachment shall be in line with the values and principles of public service and the existing labour laws.

4.10.2 Internship

- a) Trainees graduating from training institutions with a Certificate, Diploma and Degree and preparing to join the labour market with academic and theoretical approaches to work and hence require practical exposure in a real work environment.
- b) The Service shall avail opportunities for internship as part of on the job training for the purpose of molding interns to become responsible citizens who will contribute effectively to the socio-economic development of the country.

- c) Internship programs shall be undertaken under the Service's internship policy and guideline and comply with the relevant provisions of the Constitution and relevant professional bodies.
- d) Internship programs shall not exceed twelve (12) months.
- e) In the course of this duration, they shall be expected to abide to the code of conduct of the Service.
- f) The Service shall offer students on internship a stipend/allowance during the period of internship as per the prevailing Government guidelines.

4.11 Outsourcing

The Service may from time to time outsource labour and other services from firms that specialize in certain kind of jobs provided always that such outsourcing shall not derogate from the requirements of procurement laws and policies. Such jobs shall include, but not limited to, cleaning and security.

4.12 Powers to Make Appointments

The power to appoint employees is vested in the Board. However, the Board may delegate some of these powers in writing and for a specific cadre of employees to the Managing Director. The Managing Director shall report such appointments not later than the next Board meeting for noting.

4.13 Appointments by the Board

- a) The Managing Director shall be appointed by the Board through an open, competitive, fair and merit-based process; while making the appointment, the Board shall adhere to national values and principles of Governance and the values and principles of Public Service as set out in the Constitution.
- b) Appointment to Job Grade KEPHIS 2 and 3 shall be made by the Board. The power to appoint staff from level 4 and below may be delegated to the Managing Director. All appointments shall be in accordance with the approved procedures.

- c) The Service may enlist the services of a relevant independent professional body to conduct the recruitment exercise, if considered necessary.

4.14 Top Management Advisory Committee on Human Resource (TMACH) Human Resource Advisory Committee and Human Resource Advisory Sub-Committee (HRASC)

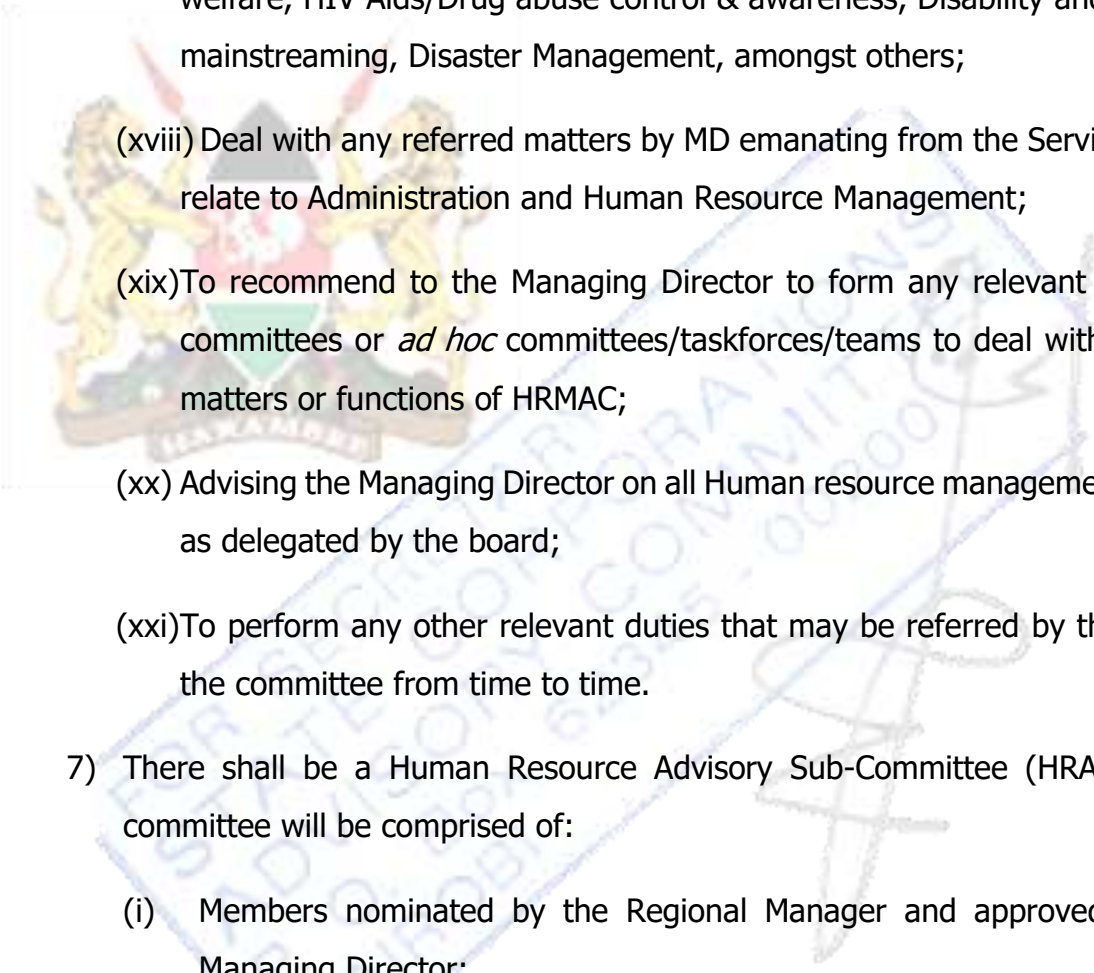
- 1) There shall be the Top Management Advisory Committee on Human Resource (TMACH) with membership as below:
 - (i) Managing Director – Chairing;
 - (ii) Director Corporate Services;
 - (iii) Director, Laboratory Services;
 - (iv) Director Phytosanitary and Biosecurity;
 - (v) Director Seed and Plant Variety Protection;
 - (vi) Senior Manager Internal Audit & Risk;
 - (vii) Corporation Secretary/Senior Manager Legal Affairs – Secretary.
- 2) The Secretary to TMACH shall be the Corporation Secretary and Senior Manager Legal Service.
- 3) The functions of the TMACH shall be as follows: -
 - (i) Making recommendations or granting approvals regarding recruitment, selection, appointment and promotions in respect of officers;
 - (ii) Making recommendations or granting approvals regarding Discipline and appeal in respect of officers;
 - (iii) To form any relevant standing committees or ad hoc committees / taskforces / teams to deal with specific matters or functions of TMACH;

- (iv) To perform any other relevant duties that may be referred to the committee from time to time.
- 4) There shall be the Human Resource Advisory Committee (HRAC) with membership as below:
- (i) Director Corporate Services – Chairperson;
 - (ii) Deputy Director – Human Capital – Secretary;
 - (iii) Deputy Director – Finance;
 - (iv) Manager – Legal Affairs;
 - (v) Manager Internal Audit and Risk;
 - (vi) Four (4) Deputy Directors, one from each division.

Staff in attendance, including external experts, may be invited on a need basis.

- 5) The Secretary to HRAC shall be the Deputy Director – Human Capital.
- 6) Subject to listed functions of the Board and TMACH, the functions of the Human Resource Advisory Committee (HRAC) shall be as follows;
- (i) Making recommendations to the Managing Director (MD) regarding confirmation in appointment, Training & Development and Deployment;
 - (ii) Making recommendations to MD regarding Performance management, Training Impact Assessment and Management of skills inventory;
 - (iii) Making recommendations to MD regarding Establishment and Complement control;
 - (iv) Payroll management and Pension administration;
 - (v) Undertake duties as the Performance Management Committee;

- (vi) Promotion of good governance, values and Principles of Public Service in the corporation;
- (vii) Recommendation to the MD for secondments, re-designation, renewal of contract, unpaid leave, retirement under the 50 years rule and retirement on medical grounds;
- (viii) Making recommendations to the MD regarding recruitment, selection, appointment, and promotions in respect of officers in job grades KEPHIS 10 to KEPHIS 4;
- (ix) Making recommendations to the MD regarding Discipline in respect of officers in job grades KEPHIS 10 to KEPHIS 4;
- (ix) Ensuring linkage between Institutional Performance Contract and Performance Appraisal System;
- (x) Ensuring that the overall assessment of employee performance is within the context of institutional performance as evaluated through staff Performance Appraisal System;
- (xi) Ensuring that the performance of all officers is evaluated and feedback on performance is relayed in writing at the end of the year;
- (xii) Holding quarterly performance review meetings;
- (xiii) Review cases of appeals on appraisal ratings between supervisors and appraisees;
- (xiv) Make recommendations to the MD on the application of Rewards or Sanctions;
- (xv) Develop and implement the internal monitoring and evaluation and reporting system;

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- (xvi) Ensure that the integrity and credibility of the overall process of rewards and sanction system is safeguarded and maintained at all times;
 - (xvii) Making recommendations to MD on all administration issues including security, space allocation, assets development, work environment, staff welfare, HIV Aids/Drug abuse control & awareness, Disability and Gender mainstreaming, Disaster Management, amongst others;
 - (xviii) Deal with any referred matters by MD emanating from the Service which relate to Administration and Human Resource Management;
 - (xix) To recommend to the Managing Director to form any relevant standing committees or *ad hoc* committees/taskforces/teams to deal with specific matters or functions of HRMAC;
 - (xx) Advising the Managing Director on all Human resource management issues as delegated by the board;
 - (xxi) To perform any other relevant duties that may be referred by the MD to the committee from time to time.
- 7) There shall be a Human Resource Advisory Sub-Committee (HRASC), the committee will be comprised of:
- (i) Members nominated by the Regional Manager and approved by the Managing Director;
 - (ii) The HRASC will deal with Human resource issues at the regional office.

8) The function of HRASC will be: -

- (i) Making recommendations to the MD regarding confirmation in appointment, Training & Development in the region;
- (ii) Making recommendations to the MD regarding Discipline in respect of officers in the region;
- (iii) Making recommendations to the MD on all administration issues including security, space allocation, assets development, work environment, staff welfare, HIV Aids/Drug abuse control & awareness, Disability and Gender mainstreaming, Disaster Management, amongst others, in the region;
- (iv) To perform any other relevant duties that may be referred by MD to the committee from time to time.

4.15 Recruitment Procedure

- a) The Managing Director shall ensure the development of a Human Resource plan based on comprehensive job analysis and which shall be reviewed at least once every year to address emerging issues and needs.
- b) The Managing Director shall declare to the Board in accordance with the procedures set out in this Manual, all vacant posts within the establishment, which are to be filled substantively, or in an acting capacity. Such declaration should originate from the various Directorates and must be supported by good justification for the recruitment and confirmation that the positions are not only within the approved establishment but also fully funded within the budget.
- c) All vacant positions within the Service will be filled competitively either internally or externally.
- d) The principles of affirmative action, gender and persons living with disability and national values will apply after the candidate meets the minimum requirements. KEPHIS shall observe gender mainstreaming, balance on appointment, promotion and ensure that a minimum of a third ($\frac{1}{3}$) are of either gender.

- e) Internal and external advertisements will contain the following: -
- i. A brief description of KEPHIS' mandate;
 - ii. Job title;
 - iii. Main purpose of the job;
 - iv. A brief description of the key responsibilities of the job;
 - v. Education, experience, skills and competencies required for the job;
 - vi. Salary and benefits (optional);
 - vii. Location of the job (where necessary);
 - viii. Clear instructions on how to apply and information to be submitted in the application;
 - ix. Closing date for receipt of applications.
- f) In all cases that fall within the purview of the MD, members of the short listing and interviewing panel shall not be at a grade equal to or below the position for which the candidate is being interviewed.

4.16 Short Listing

- a) The Deputy Director – Human Capital shall prepare and maintain summary of all applications.
- b) The short-listing committee which will be approved by the Managing Director (Job Grade KEPHIS 4 to 10) or the Board (Job Grade KEPHIS 1 to 3).
- c) Short listing criteria shall include minimum constitutional and statutory requirements and shall be on merit (meeting minimum requirements as advertised). The requirement for face of Kenya, Gender mainstreaming and Disability mainstreaming shall be considered.
- d) No panelist at either the short listing or interviewing stage will participate in cases where there is an applicant who is related to him in any way to avoid conflict of interest.
- e) The Service shall not bear any cost incurred by the candidates coming to attend interviews.

- f) During short listing, a minimum of three (3) candidates per position as will be adopted. If the number of applicants is such that fewer candidates are available, then the panel may decide to short-list the qualified candidates and report this fact to the Managing Director.
- g) All application letters including those of candidates not short-listed shall be retained for six (6) months after the appointment has been made before archiving.

4.17 Interviews and Selection

- a) The interviewing panel may subject shortlisted candidates to practical tests before oral interviews. Shortlisted candidates should be informed of their interview date, time and venue at least one week in advance.
- b) The interview and selection panel which will be approved by the Managing Director (Job Grade KEPHIS 4 to 10) or Board (Job Grade KEPHIS 1 to 3).
- c) Anyone who is involved in a selection process (short listing or interviewing) and is aware that a family member, a closely related person, or indeed any other person that they know personally, has applied, should declare this to the other members of the short listing/interview panel at the earliest opportunity. Unless otherwise approved in writing by the Board or the Managing Director they should then be withdrawn from the selection process and replaced by a suitable staff.
- d) The interview panel will conduct the interview of the shortlisted candidate.
- e) The interview panel shall prepare a summary report of the interview and selection process.
- f) The panel members shall sign the report and the secretary of the committee shall present the report to the Managing Director within twenty-one (21) days from the last date of the interview for consideration.
- g) The report shall include and not be limited to the following information:
 - i. Membership of the panel;
 - ii. Interview scores for each candidate in order of performance;

- iii. Brief summary of recommended candidates;
- iv. Candidate's salary expectations.
- h) The Service shall conduct background checks for candidates considered after the interview before appointment.

4.18 Offer Letter

- a) The offer letter shall be issued to successful candidate(s) subject to consideration of Article 232 of the Constitution.
- b) The offer letter issued to successful candidate(s) shall contain the specific period within which the candidate should indicate acceptance/decline of the offer.

4.19 Acceptance of offer

- a) Acceptance of an offer of appointment shall be made by signing on the duplicate offer of appointment letter. The period of acceptance shall not be more than twenty-one (21) days from the date of the notification.
- b) A candidate who has not accepted the offer within thirty (30) days, from the date of notification shall be deemed to have declined the offer.
- c) In the event that the first (1st) candidate declines the offer, the Service may consider extending the same offer to the second (2nd) and third (3rd) best candidate in that order provided that this candidate had reached the cut off marks during interviews. Should the third candidate also decline, the Board shall approve for the Service to re-advertise the position.

4.20 Assumption of duty

A candidate shall be required to take up the post within a period of thirty (30) days from the date of acceptance, otherwise the offer shall be deemed withdrawn.

4.21 Record of Previous Employment and Qualifications

- a) Candidates will before engagements provide the Service with information on all previous employment, which must be supported by satisfactory documentary evidence.
- b) It is the duty of the Managing Director when recommending appointments to ensure that a candidate's record of previous employment is satisfactory in all aspects. The Managing Director may call for a confidential report of a candidate from previous employers, contents of which may determine whether or not to appoint the candidate.
- c) Where appointment is based on specific educational, professional or other qualifications, the original copies of the relevant certificates will be obtained from the candidate and authenticated before engagement or during the period of probation. All relevant examining bodies shall be consulted in case of doubt regarding the authenticity of the certificates produced by a candidate. Certified copies of all relevant documents should be retained in the personal file of the candidate for the record.

4.22 Medical Examination

All candidates on new appointment shall be required to undergo a medical examination by a Medical Officer who must complete the prescribed form. The purpose of the medical examination shall be to guide deployment and job assignment of the employees and not to exclude them from employment.

4.23 Letter of Appointment

- a) A letter of appointment shall be issued, in duplicate, to an employee on first appointment and shall contain the following details: -
 - i. The Grade and designation;
 - ii. Date of appointment;
 - iii. Salary scale and salary entry point to which the candidate is appointed;

- iv. Terms of appointment;
 - v. Details of housing and other allowances payable;
 - vi. Medical benefits and other benefits payable for the position;
 - vii. Station of deployment;
 - viii. Terminal benefits.
- b) The employee will be required to acknowledge the letter of appointment and append his signature before or on the date of engagement. A copy of the letter shall be placed in his personal file.
- c) The date of appointment will be the date the employee assumes duty.
- d) An employee on first appointment shall provide the following documents / information which shall be maintained in each employee's personal file:
- i. Copy of original academic and professional certificates;
 - ii. Copy of National Identity Card/Passport;
 - iii. Two colored passport size photographs;
 - iv. Certified copy of birth certificate;
 - v. Copy of KRA Pin number, NSSF and NHIF details;
 - vi. Bank Account details;
 - vii. Certificate of Good Conduct from the Directorate of Criminal Investigations;
 - viii. EACC clearance;
 - ix. HELB Clearance certificate, and
 - x. Tax Compliance Certificate.

- e) The following documents shall also be maintained in each employee's personal file:
- i. Personal data form;
 - ii. Application for employment and updated curriculum vitae;
 - iii. Letter of appointment;
 - iv. Letter of confirmation in appointment;
 - v. Completed performance appraisal forms;
 - vi. Birth certificates of dependent children (where applicable);
 - vii. Certified copy of marriage certificate or an affidavit (where applicable);
 - viii. Any other document that may be required.
- f) The employee shall also make an initial declaration of income, assets and liabilities by completing the prescribed form.
- g) Where an employee is or becomes a relative of another employee while both are employed by the Service, the Employee shall make a declaration of the same and such employee shall not be administratively or managerially subordinate to the other.

4.24 Probationary Period

- a) Unless otherwise specified, all newly appointed employees on permanent terms will be required to undergo a probationary period of six (6) months.
- b) During the period, the head of function will submit detailed progress reports and recommendations indicating the employee's performance. Based on the recommendations, the Deputy Director Human Capital will forward the recommendation to HRAC for deliberation and advise the Managing Director

whether, or not, the employee should be confirmed, probationary period extended, or the appointment terminated altogether.

- c) If the probationary period will be extended, the employee's performance shall be reviewed again after three (3) months.
- d) An employee, who has completed the normal or extended period of probation satisfactorily, shall be confirmed in the post. If the probationary service is unsatisfactory, the appointment shall be terminated.
- e) Members of staff employed on contract terms will not be subject to probationary period, however quarterly appraisals shall be done of their performance in the first year of the contract.

4.25 Next of Kin

- a) New employees will be issued with a Personal Data Sheet in which they will enter specified data including nomination of their Next of Kin.
- b) An employee will notify the Service of any change in name and address of the Next of Kin for updating of the records.

4.26 Official Secrets Act Declaration

Each employee shall be required to sign a Declaration of Secrecy Form under the Official Secrets Act, Cap. 187, on appointment and on termination of the service. The Deputy Director Human Capital shall bring to the attention of all employees the provisions of the Official Secrets Act on annual basis.

4.27 Employment Card

- a) Each employee will be issued with an official employment card.
- b) In the event of loss of the employment card, an employee shall apply for a replacement upon payment of a specified fee to be determined by the Service.

If a replacement is as a result of change of designation or marital status, no fee shall be charged.

- c) The Employment Card should be displayed at all times.
- d) On termination of employment or retirement, employee shall be required to surrender his employment card to KEPHIS.

4.28 Induction

The Service shall carryout induction of new staff as per the Service Induction Manual.

4.29 Duties

- a) All employees shall be given a job description and assigned duties accordingly.
- b) An employee may be transferred to work in any station provided that he possesses the core-competencies required for effective performance.

4.30 Re-Designation

- a) The Managing Director will have power to re-designate officers from KEPHIS 10 to KEPHIS 4 upon application by the concerned staff and subsequent recommendation of the relevant HRAC and subject to suitability interview for those moving to non-related cadres;
- b) Re-designation of officers shall be subject to the following conditions;
 - (i) Suitability interview for officers who are moving from one cadre to another;
 - (ii) Suitability Interview shall not apply for posts which fall within the same job family;
 - (iii) Shall be limited to positions in the first two (2) entry levels in any cadre;
 - (iv) Shall take effect from the date of the decision.

4.31 Position Re-grading

The Managing Director will have power to re-grade positions for staff to recognize additional higher qualification to encourage staff to undertake continuous professional development. Re-grading will also address other critical needs arising from succession management, career advancement or restructuring.

4.32 Promotion

- a) Promotion shall entail developing existing employees to take up higher positions within the approved establishment for candidates who meet job requirements with satisfactory performance. Promotions in the Service will be based on qualifications and other requirements for appointment as stipulated in the career guidelines and or any other relevant government circulars.
- b) To enhance employee motivation and retention the Board may grant management permission to undertake annual internal promotion through internal advertisement in line with the career guidelines for KEPHIS job grades.
- c) Consideration may be given to promote candidates from within the Service for Job Grade KEPHIS 4 to Job Grade KEPHIS 10, so as to meet the employee career growth expectations.
- d) The Service will strive to expeditiously fill all vacancies by promotion of suitable employees. Consideration of promotion shall be in accordance with the provisions of the Career Guidelines developed for each cadre.
- e) In selecting candidates for promotion, regard shall be given to relevant experience, qualifications and proven merit will be given first priority followed by affording adequate and equal opportunities to all gender, youth, members of all ethnic groups, persons with disabilities and minorities.
- f) The process of internal promotion will be through internal advertisements, shortlisting and conducting suitability interviews.

- g) The management will update the board on the promotion process.

4.33 Promotion to posts in common establishment

Promotion to posts within a common establishment shall be undertaken after four years of satisfactory service. This covers the first two (2) grades at entry level or as determined by the Service from time to time. The common establishment in the Service are KEPHIS grade 10/9, 9/8, 8/7 and 6/5.

4.33.1 Dates of Promotion

- a. The effective date of an officer's promotion will be the date of the interview.
- b. In situation where staff have acquired extra qualification, the staff will be given incremental credits.
- c. Promotion within common establishment posts shall be effective from the date the officer qualifies.
- d. If an officer has been appointed by the Service 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.

4.34 Procedure on Application for Promotion

- a. The Director HC shall notify staff of vacancies available to be considered for promotion.
- b. The Director HC shall receive the application for promotion through the Managing Director.
- c. The DirectorHC shall query the staff establishment to verify if the officer is due for promotion.
- d. If the officer does not qualify for promotion, the head of HC shall communicate to the individual officer, in writing.

- e. In the event that the officer(s) meets the requirements, the head of HC shall forward a proposal for promotion to the HRMAC for deliberation and recommendation and further forwarding to the Managing Director for approval.
- f. The Director HC shall receive the Managing Director approval for information and communication to the individual officer and take action appropriately.
- g. If the promotion is not approved, the Director HC shall note and communicate accordingly.

4.35 Posting / Transfers

- a) The Service recognizes that in order to meet its operational requirements, it may be necessary to transfer/post staff member from one department to another or region within KEPHIS. This policy has therefore been developed in support of the provisions for staff to allow for an employee to be posted to any duty station.
- b) It is therefore the policy of KEPHIS to provide fair and equitable guidelines in transferring or rotating an employee; whether voluntarily or involuntarily in order to meet its operational requirements and for affording jobs that are well suited to employees.
- c) However, for certain positions either because of seniority or nature of responsibilities, it will not be possible to undertake job rotation. In such cases the Service shall endeavor to enhance other competence development mechanisms available.
- d) There are three (3) types of transfers: lateral transfers, voluntary transfers and involuntary transfers.
- e) Lateral Transfer/rotation occurs when an employee is transferred to another area or department with the same title, or the same salary grade, if the title is different. In this case, there will be no change in salary.

- f) Voluntary Transfer/rotation refers to a situation where an employee voluntarily elects to apply for transfer on family or personal grounds.
- g) Involuntary Transfer/rotation occurs where an employee's current position is eliminated due to a restructuring or reclassification and is transferred to a re-designated position on the same salary grade.
- h) A transfer/rotation at the direction of the Service may occur as part of a change management process; as part of a developmental strategy to afford the employee wide exposure of the entire functions of the organization and different aspects of specific functions, part of professional requirements; in order to avoid the need for notification of redundancy; because work in a particular department/region is declining or increasing; or due to staff member's capacity to perform some or all of the duties of her/his position.

4.36 Procedure for Management Initiated Transfers/Rotations

- a) On a regular basis, the Head of Function (HOF)/HC shall initiate the rotation programme for members of staff who have served in one Department or Region for a period of three years.
- b) The Head of Functional Area or Region may propose to an employee that she/he consider job rotation, as part of her/his individual Performance Review and succession planning process.
- c) When an operational requirement for an employee to be transferred to another position is identified, the Managing Director and current Head of Functional Area/Division/ and HOFA HC will normally consult about the proposed transfer.
- d) A list of proposed transfers will be submitted to Service or Managing Director for approval depending on schedule of delegated powers.
- e) The approved list will be passed to HOFA, HC to prepare the notification letters.

- f) An employee wishing to propose her/his participation in job rotation/transfer should do so by undertaking the following steps:
- i. A written request to participate in job rotation must be submitted by the staff member to the Head of Functional Area or Division. The request should outline the proposed location/role(s) for job rotation, the expected outcomes of the program, the time frame, and new location(s).
 - ii. If the Head of Functional Area or division supports the request, he/she should then hold discussions with the potential receiving Department/Division including clarifying the skills and expertise to be acquired by the employee, the timeframes involved, and the budgetary and supervisory arrangements.
 - iii. Following an agreement being reached with the potential receiving Department/Division, the current HOF will make a recommendation to the Director Corporate Services, who will forward to the Managing Director to consider the request on the basis of its benefits to the employee and the Service.
- g) Approval of job rotation/transfers arrangements must be in accordance with the Service's Schedule of Delegated Powers for Appointment of Staff.
- h) The Director Corporate Services will confirm in writing to the employee the outcome of her/his request) through Head of Functional Area or Division.
- i) In all instances, a twenty-one (21) days 'notice of transfer must be given to avoid the risk of disrupting the workflow in the employee's current area.
- j) A new performance review and planning process and associated goals and key performance objectives should normally be developed within three months of the employee's transfer into the position.

4.37 Transfer of Service

- a) Transfers of service between KEPHIS and other Public Organizations or Institutions shall be approved by the Board of Directors.

- b) An employee will be considered for transfer of service having regard to the provisions of applicable pension schemes.
- c) An employee seeking appointment in any other Public organizations or Institutions should submit his application through the Managing Director.
- d) If the Board of Directors does not approve the request the employee will have the option to resign.
- e) An employee, who wishes to take up appointment in any other Public organizations or Institutions other than in accordance with the procedures set out in this manual, shall be required to resign from his position in the Service.

4.38 Handing-Over Report

On re-deployment or on exit from KEPHIS, an employee will prepare a comprehensive handing-over report under the supervision of the immediate Supervisor and/or the relevant functional heads. A copy of the report will be submitted to the Managing Director for record purposes.

4.39 Testimonials and Letters of Commendation

Testimonials and commendation letters may be given to employees by supervisors as a way of recognizing exemplary service from their members of staff.

SECTION 5: SALARIES AND ADVANCES

5.1 Introduction

- a) The Service will remunerate the employees in a manner that fairly compensates them and which supports and develops a high-performance workforce required to provide quality service efficiently and effectively.
- b) The remuneration policy is based on the following guiding principles:
 - i. Provision for adequate pay differentials to recognize responsibility, levels, skills, competencies, attitudes, experience and performance in relation to the goals and objectives of the Service.
 - ii. Achievement of equity, transparency and competitiveness in the remuneration packages based on Job Evaluation;
 - iii. Adoption and implementation of best human resource management practices in regard to compensation;
 - iv. Maintenance of a salary structure that will enable The Service to attract, retain and motivate qualified employees;
 - v. Focus on the value of total compensation, which includes basic salary, allowances and other benefits; and
 - vi. Adherence to salary and remuneration guidelines issued by the Government from time to time.

5.2 Salary Grades

- a) There shall be such salary grades as approved by the Board in liaison with relevant Government agencies may, from time to time, determine.
- b) The Managing Director may conduct periodic salary surveys to determine changes in cost of living and terms of employment being offered by comparable organizations. Such surveys shall form the basis of consultation by

the Board with the relevant Government agencies for salary reviews.

5.3 Advice on Salary and Benefits

- a) The salary for each employee will be specified in the appointment letter.
- b) Basic salary and benefits will be communicated to the employee in writing on appointment, at which time; the employee will also be informed of their grades and designation. Any subsequent change in basic salary, grade or designation shall be communicated to the employee(s) in writing.
- c) Any change in benefits, which affect all or any category of employees, will be communicated through a circular letter.

5.4 Payment of Salary

- a) An employee on first appointment will be paid salary with effect from the date of reporting for duty.
- b) Each employee will have a stated monthly basic salary quoted before any statutory deductions.
- c) Salary will be paid monthly in arrears and will be denominated and paid in Kenya shillings (KShs).
- d) The salary of an employee will be net of statutory deductions and other deductions that may be agreed upon or imposed by the employee or KEPHIS respectively. A statement/payslip indicating the gross salary, deductions made and the resultant net salary will be made available to every employee each month.
- e) Salary will be paid through the Bank and all employees will be required to open Bank Accounts and submit the details to the HOFA responsible for HRM.
- f) Employees of the Services hall not over-commit their salaries beyond two thirds ($\frac{2}{3}$) of their basic salaries and the HOFA responsible for Human Resource Management should ensure compliance.

- g) Statutory deductions such as PAYE, NSSF, NHIF, HELB and other legal taxes, as well as deductions arising from court orders/attachments, will be made from an employee's salary without his authorization.
- h) Voluntary deductions such as remittances to co-operatives, insurance firms, among others, will be effected provided the employee gives written authorization.
- i) On termination of employment, the final benefits will be made on confirmation that the employee has been cleared and issued with a Clearance Certificate.

5.5 Salary Increments

- a) The first date of the month shall be an incremental date. An officer's annual incremental date shall be the first date of the month one is appointed.
- b) If an employee is granted unpaid leave which is not increment earning, his incremental date will be re-computed based on the month he resumes duty.

5.6 Determination of Salary on First Appointment

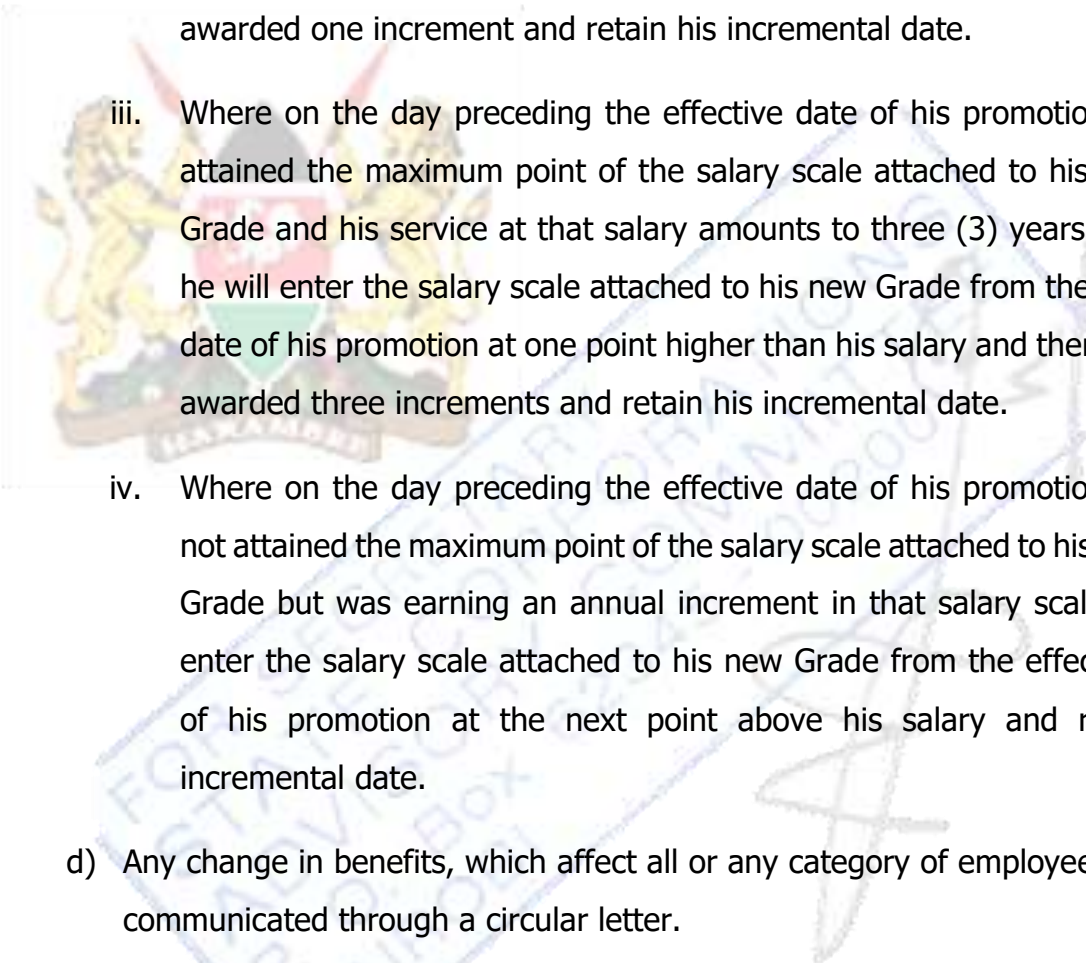
On first appointment, an officer shall enter the salary structure at the minimum point of the respective salary scale. However, an officer may be granted incremental credit for previous remuneration and relevant experience. This shall be at the rate of one increment for each complete year of approved experience provided the maximum salary of the grade assigned to the post is not exceeded. The grant of increments for relevant experience shall be subject to the following conditions:

- i. Incremental credit shall only be granted in respect of approved experience gained after acquiring the requisite minimum qualifications for the grade.
- ii. In granting incremental credit, previously earned remuneration shall be considered;
- iii. Incremental credit shall be granted only for previous approved experience in the type of work upon which an officer will be employed on his appointment to the particular grade;

- iv. Incremental credit may not be granted on appointment to promotional posts, i.e. posts to which an officer would not normally be appointed if he had joined the Service immediately after completing his education; and
- v. Incremental credit may be granted for the number of years of aggregate approved experience in line with the service's Career Guidelines, periods in excess of full years being ignored.

5.7 Determination of Salary on Promotion/up grading

- a) Where an employee is promoted from one grade to another and his salary on the effective date of promotion is less than the minimum of the salary scale attached to the new grade and where that employee was earning an annual increment, he shall receive the minimum of the salary scale attached to his new grade on the effective date of his promotion and his incremental date will be retained.
- b) Where the salary of an employee on the day preceding the effective date of his promotion is one point immediately below the minimum of the salary scale attached to his new Grade and where that employee was earning an annual increment, he will receive the minimum of the salary scale attached to his new Grade on the effective date of his promotion and retain the incremental date.
- c) Where the salary of an employee on the day preceding the effective date of his promotion corresponds to or is higher than the minimum of the salary scale attached to the Grade to which he is promoted, his salary on promotion will be determined in accordance with the rules set out below: -
 - i. Where on the day preceding the effective date of his promotion he had attained the maximum point of the salary scale attached to his previous Grade and his service at that salary amounts to less than one (1) year, he will enter the salary scale attached to his new Grade from the effective date of his promotion at the next point above his salary and will retain his incremental date.

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- ii. Where on the day preceding the effective date of his promotion he had attained the maximum point of the salary scale attached to his previous Grade and his service at that salary amount to less than three (3) years, he will enter the salary scale attached to his new Grade from the effective date of his promotion at the next point above his salary and thereafter be awarded one increment and retain his incremental date.
 - iii. Where on the day preceding the effective date of his promotion he had attained the maximum point of the salary scale attached to his previous Grade and his service at that salary amounts to three (3) years or more, he will enter the salary scale attached to his new Grade from the effective date of his promotion at one point higher than his salary and thereafter be awarded three increments and retain his incremental date.
 - iv. Where on the day preceding the effective date of his promotion he had not attained the maximum point of the salary scale attached to his previous Grade but was earning an annual increment in that salary scale, he will enter the salary scale attached to his new Grade from the effective date of his promotion at the next point above his salary and retain his incremental date.
- d) Any change in benefits, which affect all or any category of employees, will be communicated through a circular letter.
 - e) The above rules will not apply to employees employed on contract.
 - f) Determination of salary for an employee transferred from Public Service shall be by application of the provisions contained in this manual.

5.8 Retroactivity of payments

An employee who has not been receiving an allowance, grant or other payment to which he is entitled shall not receive retroactively such allowance, grant or payment unless he has made a written claim within six months of eligibility.

5.9 Salary Advance

- a) An advance of not more than one (1) month's salary may be granted by the Managing Director to an employee, when the employee owing to circumstances beyond his control, is placed in a difficult financial position requiring assistance.
- b) The Managing Director may, in very exceptional and special circumstances, grant an advance of not more than two (2) months' salary.
- c) In applying for the advance an employee should explain the circumstances leading to the situation which he could not have foreseen and therefore planned for.
- d) An advance under this regulation may be granted only when an employee has no other outstanding salary advance i.e. where he/she has completed paying for the one previously taken.
- e) Advance of salary will be made to an employee who has served for more than one (1) year and the advance can be fully recovered within the remaining period of service with the service.
- f) After repayment of the salary advance, the employee can only qualify for another one after six (6) months except in exceptional situations where that employee is in an unforeseen and absolutely difficult situation to warrant another advance.
- g) Recovery of salary advance will be made in reasonable installments for a maximum period of twelve (12) months or a shorter period if the employee contract ends in less than twelve (12) months.

5.10 Salary in Advance

- a) Salary in advance may also be considered by the Managing Director or HOFA HRM under special circumstances.
- b) An employee 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.

5.11 Car Loans and Mortgage

The Service may establish a Car Loan and Mortgage Scheme based on prevailing Government guidelines or join an established existing government scheme.

5.12 Deductions from Salaries

The Managing Director shall authorize the following deductions from the salaries of employees:

- a) Any amount the deduction of which is authorized by any written law (Statutory Deductions).
- b) Any amount due as a contribution to a provident fund, pension fund or superannuation scheme or any other scheme approved by KEPHIS.
- c) Any amount for damage done to, misuse or loss of the property of KEPHIS which may be occasioned by willful default of an employee or any amount due for indebtedness to KEPHIS.
- d) Any other deduction resulting from court orders subject to the deductions not exceeding one half of an employee's monthly salary and/or having the net effect of one's salary falling below a third of his basic salary. Where an employee is liable to refund any amount to KEPHIS, any such amount shall be deducted from the salary or any sums due to the employee in a manner as the Managing Director may deem fit subject to labour laws provisions.
- e) In addition to the income tax under PAYE arrangements, the Managing Director having been appointed an agent for the collection of income tax under the Income Tax Management Act may collect such tax by deduction from the employee's salary or any other sum due from the employee.

SECTION 6: ALLOWANCES

6.1 Introduction

- a) The Service is committed to remunerate the employees in a manner that motivates them and which supports and develops a high-performance workforce required to provide quality service.
- b) While it may be considered that the salary attached to a position 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 employee for 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.

6.2 Accommodation Allowance (Local Subsistence)

- a) Where an employee travelling on duty, is required to stay overnight away from his permanent station, he shall be paid accommodation allowance at rates determined by Government from time to time.
- b) The rates of subsistence allowance are designed to meet the cost of accommodation at good but not luxury class hotels, meals, 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.
- c) Accommodation allowance will be paid for a maximum continuous period of thirty (30) days. However, an employee who is required to be away from his duty station for more than thirty (30) days will be paid accommodation allowance for the subsequent additional days at half ($\frac{1}{2}$) rate up to a maximum period of five (5) months. Beyond this period, if the employee continues to work in the same station, this will be treated as a posting and accommodation allowance will cease to be applicable.
- d) Where an employee's travelling and accommodation expenses are covered in full by KEPHIS or any other Organization, a residual allowance of up to one-

quarter ($\frac{1}{4}$) of the standard rate of subsistence allowance will be paid to him to cover incidental expenses.

- e) 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 Daily Subsistence Allowance, the employee may claim the difference from the Service.
- f) Travelling expenses incurred from the airport, rail or bus terminus to a hotel or other residential place and vice versa, will be refunded where taxi services procured by KEPHIS are not available.
- g) On transfer from one station to another, an employee may claim accommodation allowance for self and spouse and up to a maximum of four unmarried children, 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 eighteen (18) years and above will be the same as that for the employee, and the rate for the children below eighteen (18) years will be one-half of the rates payable to the employee.
- h) When a non-Kenyan is recruited to work in the country, he will on arrival, be eligible for payment of accommodation allowance at the rates applicable to his Job Grade, for himself, spouse and children for a period not exceeding thirty (30) days, subject to the approval of KEPHIS. The spouse will be eligible for payment at the employees full rate while four (4) unmarried children who are eighteen (18) years and below will be eligible for payment at half rate.
- i) At the end of tour, the employee may draw accommodation allowance for a period not exceeding thirty (30) days when it is necessary for him to vacate his rented accommodation in advance of leaving the country.

6.3 Telephone/Airtime Allowance

Eligible members of staff of the Service shall be provided with telephone airtime at rates determined by the Government from time to time or approved by the KEPHIS board of directors.

6.4 International/Overseas Subsistence Allowance

- a) An employee who is required to travel on duty outside Kenya will be granted Daily Subsistence Allowance at the rates as guided by Government circulars and policies from time to time.
- b) The rates of Daily Subsistence Allowance which are payable for each complete period of 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.
- c) Where an employee's travelling, boarding and lodging expenses are paid in full directly to the hosting institution/hotel by the Service or any other Organization, a residual daily allowance of up to one-quarter (1/4) of the standard rate of Daily Subsistence Allowance may be paid to him to cover incidental expenses. 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 employee may claim the difference from the Service.
- d) An employee travelling on duty abroad is normally expected to regularize his expenses within the standard rate of Daily Subsistence Allowance. Nevertheless, in very exceptional circumstances, for example, when hotels are heavily booked during an international meeting and the employee 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 Managing Director for a refund of the additional expenses on production of receipted bills in respect of actual expenditure incurred.

- e) However, the prevailing rates are reviewed regularly to approximate rates and are expected to be sufficient to afford an employee reasonable accommodation.

6.5 Acting Allowance

- a) When an employee is appointed to act in a higher position, acting allowance shall be paid at the rate of twenty percent (20%) of his substantive salary (Basic pay) or as per any other rates determined by Government from time to time.
- b) Acting Allowance shall be paid to an employee when he acts in a higher post for a continuous period of thirty (30) days or more; inclusive of weekends and public holidays.
- c) When an employee having ceased to act in the higher post is required after an interval of not more than fifteen (15) days to act again in the same or another post and had not qualified for acting allowance on the first occasion, the number of days he acted on the first instance shall count towards the qualifying period of thirty (30) days on the second occasion.
- d) An employee on acting appointment shall be eligible for all privileges and allowances attached to the higher post but not House allowance. Absence of less than thirty (30) consecutive days due to an employee being on urgent or annual leave or sick leave, shall not be regarded as a break in an acting appointment provided the employee is required to act again on the same post immediately he resumes duty.
- e) Appointment on acting basis is a temporary measure pending the substantive filling of the vacant post by either recruitment or resumption of duty by the substantive holder of the post. The appointment shall normally be limited to a continuous period of 6 months or until the vacant post is filled whichever is the earlier, but may be extended by the Board of Directors or Managing Director if the post remains vacant for a period not exceeding 6 months.

- f) Acting appointments shall not be approved to take effect from a date earlier than one (1) month prior to the date on which the recommendation is submitted to the Managing Director, as the case may be.
- g) The payment of acting allowance shall be subject to recommendation by the HRAC and approval in accordance with the Service's schedule of delegated powers.
- h) When a post falls temporarily vacant due to the absence of the substantive holder, an acting appointment shall not be made unless the period of such absence exceeds thirty (30) days.
- i) A recommendation for an acting appointment for a period of thirty (30) days or less will be considered for those cases where the law or regulations require that, in the absence of the substantive holder, the function of that public office can be exercised only if another employee is appointed in an acting capacity.
- j) Acting Allowance shall not be paid against any post falling within the common establishment.
- k) In all cases, an employee must be appointed to act in writing by the Board or such other employee to whom the Managing Director may delegate such responsibility.
- l) Employees on probationary terms of appointment are not eligible for acting appointment.

6.6 Special Duty Allowance

- a) Special Duty Allowance is payable to an employee who has been appointed to assume, in addition to his duties, other duties of a higher salary post, or at the substantive level, duties of a separate and distinct nature, where additional duties constitute more responsibilities than his own for a continuous period of thirty (30) days or more.
- b) Special Duty Allowance is also payable when an employee is required to take over duties of a higher post but is disqualified from an acting allowance because of any of the following:

- i. Lack of required professional qualifications.
 - ii. Lack of necessary experience.
- c) Special Duty Allowance shall be payable at the rate of 15% of the employee's basic salary or as may be determined by Government from time to time.
- d) The maximum period for payment of Special Duty Allowance is six (6) consecutive months or until the position is filled, whichever is the earlier. During that period, arrangements should be made to fill the higher post in substantive capacity. Where the position is not filled within this period, the Board or Managing Director may extend the payment period for a further period not exceeding six (6) months or until the position is substantively filled, whichever is earlier.
- e) Employee shall not be called upon to perform duties of a post that is more than two (2) grades higher than the employee's substantive grade.
- f) Special Duty Allowance shall not be paid when an employee who has been appointed to perform duties in a higher post is absent from duty for a period of more than thirty (30) days.
- g) An employee performing the duties of a higher post shall be eligible for subsistence and travel allowance payable to an office of that post. However, the employee shall not qualify for house allowance and other remunerative allowances assigned to the higher post.

6.7 Transfer Allowance

- a) When an employee 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 forty (40) Km from the old station.
- b) Transfer allowance will not be paid to:
 - i. Field employees such as Project Staff when moving from one camp to another;

- ii. Employees who are posted on temporary basis (i.e. on relief duty) for a period not exceeding five (5) months;
- iii. Employees who are transferred on their own request to suit their own convenience.

6.8 Meal Allowance

- a) Meal allowance will only be paid to employees travelling on duty within the country but who are not required to spend a night away from the permanent duty station.
- b) Meal allowance will not be paid alongside Daily Subsistence Allowance.
- c) Meal allowance shall be paid at the rate of 15% for breakfast, 20% for lunch and 20% for dinner of the Daily Subsistence rate applicable.
- d) Meal allowance shall not be paid as a compensation for employees who are required to work beyond the official working hours.

6.9 Hardship Allowance

An employee stationed in designated hardship areas from time to time, shall be granted hardship allowance based on guidelines from the Government from time to time.

6.10 Extraneous Allowances

6.10.1 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.

6.10.2 Extraneous Allowance shall be paid to employees who are called upon to undertake extra responsibilities in addition to the normal duties and therefore work over and above the official working hours on a continuous basis. The designated offices are the office of the Managing Director, Directors, Senior Manager, Deputy Directors and border points / ports of entry. The rates and eligibility for payment

shall be determined by the Board in line with SRC or Government circulars issued from time to time or as advised by the HRAC.

6.10.3 Extraneous allowance is payable to employees designated by government guidelines at prescribed rates.

6.11 Operation Allowance

- a) The allowance shall be payable to employees who are called upon to conduct a specific assignment at night.
- b) The allowance shall be paid at the rate of 50% of the applicable subsistence allowance of the region.
- c) Operation allowance shall not be paid for extended hours on regular duties.

6.12 Overtime Allowance

- a) When it is established that an officer in Job Grade 7 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 Managing Director on the advice of the Supervisor, 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 .
- b) The request for payment of overtime allowance should be forwarded to the Managing Director before the employee is allowed to work over-time.
- c) It is emphasized that overtime allowance shall 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.
- d) An officer in Job Grade 7 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 considered in determining the rate of their remuneration.

- e) The above allowance will not apply to certain categories of staff of KEPHIS who are required to work overtime regularly and an allowance such as Extraneous Allowance has been authorized for their compensation.
- f) Eligible employees may apply for overtime payment to the Managing Director through their Head of Department when it is expected that they shall work for at least one hour beyond the normal working hours.
- g) Overtime allowance shall not be paid together with meal allowance.

6.13 Baggage Allowance

- a) Where transport is not provided to an employee when traveling on transfer, termination of appointment or retirement, and the employee shall be permitted to carry personal baggage by rail or road at the expense of KEPHIS. The employee shall be reimbursed the cost of transport at the prevailing rates of baggage allowance as shall be determined by the Board in consultation with Government from time to time.
- b) In addition, in case of a deceased employee, the legal representative shall be eligible for the re-imbursement.

6.14 Leave Allowance

- a) An employee shall be required to take a minimum of ten (10) days of his/her annual leave entitlement to qualify or to be eligible for leave allowance.
- b) All employees will be eligible for leave allowance once a year. For ease of administration, the allowance will be paid through the payroll.
- c) Leave allowance shall be paid at the rates of 25% of an officer's month basic salary or any other rates determined by the Board in consultation with the relevant government Agency from time to time.
- d) An employee stationed in any designated hardship area and who proceeds on leave twice a year and takes not less than half ($\frac{1}{2}$) of his entitlement shall be eligible for full payment of leave allowance twice per year.

6.15 Commuter/Transport Allowance

- a) All employees will be eligible for commuter/transport allowance provided they are not facilitated with Service transport. The rates of the allowances will be as per the prevailing Government guidelines.
- b) Employees who use their own motor vehicles to travel from house to office shall be eligible for mileage allowance at rates to be determined by KEPHIS from time to time. Such an employee shall not be eligible to commuter allowance.
- c) It will be an offence for an employee in receipt of commuter allowance or mileage allowance to use Service vehicle to and from the office.

6.16 Health Risk Allowance

- a) Risk allowance shall be paid to employees working under areas that are potentially exposed to physical, chemical and biological hazards at rates determined by the Board or as may be approved by the Government from time to time.
- b) Categories of occupational hazards include the following: -
 - i. Exposure to toxic chemicals
 - ii. Exposure to pathogenic micro-organisms
 - iii. Exposure to animal/ human blood or specimen
 - iv. Handling of pathogenic micro-organisms, boilers and laboratory glassware

6.17 Non-Practicing Allowance

The allowance shall be payable to eligible cadres as determined by Government at the prevailing Government rates.

6.18 Entertainment Allowance

Officers in eligible grades shall earn a non-accountable monthly entertainment allowance as stipulated in Government guidelines.

6.19 House Allowance

- a) All permanent and contracted employees shall be eligible to house allowances applicable to their grades based on Government circulars from time to time.
- b) Employees who shall be allocated housing by the Service shall pay rent at the market rate.
- c) Employees who have been allocated Service houses shall pay one (1) months deposit equivalent to the monthly rent payable.
- d) The event of termination of employment, the employee shall issue a one (1) month notice of vacation to the Employer.
- e) During the period of the notice, the house allocated to the employee shall be assessed by the employer for damages and which shall be repair using the one (1) months deposit referred to in 4.16.3 above.

6.20 Task Force Allowance

Employees appointed by the Managing Director to engage in a special task so declared, may be paid task force allowance as per the prevailing Government rates.

6.21 Retreat Allowance

- a) Employees carrying out specific duties, outside their duty station, shall be paid an allowance as provided for in the prevailing Government rates.
- b) Workshops which are meant to review develop and produce reports should be treated as retreats and should be for a maximum duration of ten (10) days.
- c) No employee should be involved in more than one role in a workshop at a given time.

6.22 Trainers' Allowance

Officers/staff who are called upon to participate in or facilitate at workshops, seminars and conferences organized by the Service will be entitled to allowances as set out by government regulation or approval by the Board.

6.23 Other Allowances

The KEPHIS may pay other allowances to different categories of public officers in various circumstances. Such allowances shall be determined and communicated to staff from time to time.

6.24 Mortgage loans

- a) The Service runs a mortgage scheme for its employees to encourage employees to own residential houses. Employees will be eligible to apply for these loans provided that a third ($\frac{1}{3}$) of their basic salary are maintained after the loan deductions.
- b) The interest rates charged on these loans will be determined by the Service in line with Government guidelines issued from time to time.
- c) Loan entitlement for each grade and repayment schedule shall be guided by Government mortgage regulations.
- d) The scheme shall be managed in accordance with the regulations developed by the Service.

SECTION 7: MEDICAL BENEFIT

7.1 Introduction

- a) The Service will make adequate provision for medical benefits to be accorded to all employees except those on casual terms, internship or attachments.
- b) The Director Corporate Service will manage and monitor the medical expenditure on behalf of the Managing Director to ensure that costs are reasonable.

7.2 Management of the Medical Scheme

The Service shall procure an in-patient and outpatient medical insurance scheme for the employee, one (1) spouse and up to a maximum of five (5) children aged twenty-five (25) years and below or beyond twenty-five (25) years subject to proof that a child is living with disability that has occasioned full dependency on the employee.

7.3 Accidents on Duty

- a) An accident on duty is an accident where the employee suffers personal injury: In the actual discharge of his duty; without his own default and/or on account of circumstances specially attributed to the nature of his duty.
- b) In the event that the employee is unable to make the report of the injury or if fatally injured the Supervising Employee should make the report in writing to the HOF of HR department as soon as he learns of the same injury.
- c) Upon receiving the report of the injury in respect to the employee, the Service. Shall lodge a claim with KEPHIS's appointed insurance broker or underwriter, as the case may be, with a view of seeking compensation for the said employee.
- d) Any claim for benefits should be submitted/ reported to the Insurance Company immediately or as per the terms of the policy.
- e) If an employee sustains an injury in the execution of his duty and the injury is not due to his negligence or misconduct, KEPHIS may, at its discretion,

authorize that the cost of any special treatment, medical comforts and appliances be borne by the Service. Application for financial assistance under this regulation should be forwarded to the Human Resources Management and Development Department.

- f) If the request is approved, KEPHIS shall bear the whole cost of such treatment and will in turn claim the maximum amount allowed under the Group Personal Accident cover (GPA) from the Insurance Underwriters.

7.4 Insurance Policies

- a) The Service shall undertake to provide, inter alia, the following insurance covers for its employees:
 - i. Group Life Assurance, to include WIBA;
 - ii. Group Personal Accident;
 - iii. Travel insurance;
 - iv. Benevolent/Last Expense.
- b) The Service will procure an insurance scheme to cover all employees against accidents which may occur anytime, anywhere whether on duty or not.
- c) These insurances shall not in any way affect any personal insurance policy that an individual employee may have taken out for himself.

SECTION 8: LEAVE

8.1 Introduction

- a) Annual leave is granted in conformity with provisions of the Labour laws and the timing of the leave is subject to the exigencies of duty.
- b) Heads of Departments will circulate leave schedules for their employees in June to provide anticipated leave dates in order to allow proper planning and alignment with the respective work plans. The leave schedules shall be submitted to the HOFA of the HR department in the first month of the fiscal year.
- c) Annual leave will not be commuted for cash. However, in special circumstances, if it has been determined that an employee cannot proceed on annual leave due to exigencies of service, the Managing Director may approve leave commutation. In the case of separation from employment the Managing Director will have the discretion to approve depending on the circumstances which made it impossible for the employee to utilize the leave days.

8.2 Annual Leave

- a) An employee will be eligible for annual leave at the commencement of a "leave year" except in the case of a newly appointed employee who will be required to complete a minimum of three (3) months service before being entitled to annual leave. For this purpose, a "leave year" shall commence on the 1st of July and end on the 30th of June of the following year. "Annual Leave" year is linked to the Government Financial Year.
- b) Annual leave for a newly appointed employee will be calculated on a pro-rata basis for the year of his appointment.

- c) All employees, irrespective of their grades, will be entitled to thirty (30) working days annual leave. The annual leave computation will exclude Saturdays, Sundays and Public Holidays.
- d) Annual leave is not cumulative. Hence, leave earned shall be taken within the leave year it falls due during the year or be forfeited. However, an employee may, if he so wishes, carries forward from one (1) leave year to another not more than half of his annual leave entitlement.
- e) Deferment of annual leave from one (1) leave year to another shall be permitted subject to the provisions of the Employment Act.
- f) An employee who has not utilized the annual leave due for the year in which his employment ceases will be entitled to annual leave on pro-rata basis. In addition, an employee may be granted the annual leave carried forward from the previous leave year.
- g) An employee stationed in a designated hardship area may avail himself of his annual leave in two (2) portions. Each portion should be taken once every period of six (6) months i.e. from 1st June to 30th December and from 1st January to 30th June.
- h) An employee stationed in a hardship area who takes not less than half of his annual leave entitlement once every period of six months, will be granted in addition to his leave travelling time of five (5) days each way and normal travelling privileges in terms of this manual.

8.3 Maternity Leave

- a) Female employees will be eligible for maternity leave with full pay for a maximum period of ninety (90) calendar days exclusive of annual leave due for the year.
- b) No female employee shall forfeit her annual leave entitlement on account of having taken maternity leave.
- c) On expiry of maternity leave, the employee will have the right to return to the job which she held immediately prior to her maternity leave or to a

reasonably suitable job on terms and conditions not less favorable than those which would have applied had she not been on maternity leave.

8.4 Child Adoption Leave

- a) An employee, who has been granted adoption rights under the Children's Act and wishes to take leave for purposes of bonding and integrating the child into the family, will be entitled to Child Adoption Leave.
- b) An officer/staff is entitled to adoption leave with full pay upon production of supporting legal documents. The leave shall be granted as follows:
 - i. Not more than three (3) years of age, an employee shall be entitled to three (3) months' adoptive leave with full pay;
 - ii. Above three (3) years of age but below twelve (12) years of age, the employee shall be entitled to two (2) months' adoptive leave with full pay;
 - iii. Above twelve (12) years of age, the employee shall be entitled to one month's adoptive leave with full pay.
- c) Where the adoption is by both the employee and spouse, and the spouse is also an employee in the Service child adoption leave will only apply to the female employee.
- d) The Child adoption leave will commence once the employee produces an adoption order.
- e) An employee on adoption leave shall not forfeit his /her annual leave.
- f) A spouse of an employee is entitled to leave of up to a maximum of ten (10) working days whenever he and/or his spouse adopt a child.

8.5 Paternity Leave

- a) Male employees will be eligible for paternity leave for a maximum period of ten (10) working days during the period of the spouse's maternity leave or child adoption leave.

- b) In this regard, it is clarified that in the case of a male employee with more than one wife, he will be entitled to paternity leave only in respect of the wife registered in the National Hospital Insurance Fund (NHIF) contributor's Card and such leave shall be taken not more than once per year. Further, to enjoy such leave an employee will be required to present a Medical Certificate confirming the maternity status of his wife.

8.6 Sick Leave/ Convalescent Leave

Sick leave is granted to cover illness, which prevents an employee from attending work. An employee may be granted sick leave subject to the maximum period indicated herein provided it is certified that there is reasonable prospects of eventual recovery and fitness for duty:

- i. Any absence from duty due to ill health must be supported by a sick sheet duly signed by a qualified Medical Practitioner certifying the employee's inability to work due to ill health. In the absence of a sick sheet, the employee's absence will be treated as unauthorized.
- ii. An employee on sick leave as a result of an accident or occupational disease will be entitled to full pay as per the Work Injury Benefits Act. The employee will however, be subject to assessment by the Medical Board to determine his fitness for further service.
- iii. If the employee is unable to resume duty within the six (6) months of sick leave, the Managing Director will refer the case to the Director of Medical Services to convene a Medical Board with a view to determining whether or not there are reasonable prospects of eventual recovery and fitness for duty.
- iv. On the expiry of six (6) months, the employee shall not be reinstated in the payroll until his case is determined as provided in paragraph (c) above.

- v. Where an employee is found to be unfit for service by the Medical Board, the case shall be referred to the Board of Directors for retirement on medical grounds.
- vi. Sick leave may be authorized by registered medical practitioners for up to a maximum of twenty-one (21) days. Should it be necessary to allow absence from duty in excess of this period, the medical practitioner shall provide reasons.
- vii. In the case of sick leave rendered necessary by an employee's own neglect or misconduct, his full salary may be forfeited for the whole period of absence from duty.
- viii. Employees will be granted up to three months (3) sick leave with full pay followed by three months on half pay in a leave year when the circumstances so demand.
- ix. Sick leave in excess of three months will require confirmation of the Director of Medical Services who will decide if the employee should be examined by a Medical Board with the view to determining whether or not there is reasonable prospect or eventual recovery and fitness for duty.
- x. An employee on sick leave will submit a Sick Sheet/Medical Report to their HOFA with copy to HR department immediately on resumption of duty.
- xi. Employees may be granted time off after a period of sickness upon recommendation of a qualified Medical Officer for recuperating purposes.
- xii. Sick leave will not be carried forward from one fiscal year to another.

8.7 Compassionate Leave

- a) An employee who has exhausted his annual leave entitlement may be granted compassionate leave up to ten (10) working days in a leave year on compassionate grounds (such grounds include death or major sickness in the family).

- b) The ten (10) days will not be recovered from the employee's annual leave.

8.8 Unpaid Leave

- a) An employee may be granted unpaid leave on the grounds of:
- i. Urgent private business or proven cases of exceptional hardships for a period not exceeding sixty (60) calendar days;
 - ii. Employees whose spouses are posted to foreign missions during the tour of service;
 - iii. Employees who are appointed to international organizations where they cannot transfer their service or be on secondment for a period not exceeding three (3) years;
 - iv. Spouses of employee appointed under (ii) above, will be granted unpaid leave for a maximum non-renewable period of one (1) year;
 - v. For an employee to qualify for unpaid leave, he will be required to have served for at least one (1) year;
 - vi. Unpaid leave will not be increment earning.
- b) An employee on unpaid leave shall continue to discharge his liabilities to KEPHIS in respect of any financial advances during the period of absence through his own arrangements.
- c) Unpaid leave in excess of six (6) months shall be referred to the Board.

8.9 Study/Exam Leave

- a) An employee may be granted a study leave in a leave year to prepare for/ write examinations for either a self-sponsored course or Service's sponsored courses so long as the course had previously been approved by the HRAC.
- b) The Service may also grant a study leave for up to three (3) years to an employee who has been sponsored for full time course of training. Such a

course must have been approved by the HRAC in advance. In granting study leave, the following will be observed: -

- (i) An employee may be eligible for study leave if they have served the Service for at least two years and confirmed in appointment.
- (ii) An employee who had previously been on study leave must serve for minimum of two years before being eligible for another study leave.
- (iii) For purposes of equity, all requests for study leave shall be vetted by the HRAC and approved by the Managing Director.
- (iv) Any employee wishing to pursue further studies, whether privately or sponsored by the Service, full time or part time, must obtain approval from the Managing Director.
- (v) In granting a full-time study leave of more than 6 months, whether fully sponsored or self-sponsored, an employee shall be required to sign an agreement binding him/her to work for the Service for a specified period following the completion of the course or pay the Service.
- (vi) An employee studying outside official working hours will not be bonded if self-sponsored.
- (vii) An employee on approved study leave will receive 80% basic salary and 100% House allowance but NOT commuter allowance, telephone allowances as well as any other job-related allowance for the duration of such leave.
- (viii) All employee on study leave will be required to submit a written report on the progress of the studies bi-annually and should be endorsed by the Supervisor.
- (ix) An employee returning from study leave shall be required to submit a written report on the activities undertaken during the leave in addition to the certificates attained. Employees will also be required to submit copies of theses written in the course of their studies.
- (x) An employee, who has been pursuing studies on part-time and is required to sit for an approved and recognized examination, shall be

entitled up to a maximum of ten (10) working days leave to prepare for the examination in addition to leave for the actual examination days on the time table.

- (xi) On completion of training, the employee will be required to formally inform the Managing Director of an employees' resumption of duty.
- (xii) In case the employee is unable to finalize his studies within the stipulated time, an extension will be applied through the Supervisor and approved by the Managing Director.
- (xiii) While on study leave, an employee shall be subject to the Service's rules and regulations.
- (xiv) Staff must serve for another three (3) years after a study leave before being eligible for another study leave.
- (xv) An employee who attends a training lasting more than six (6) months, will be required to enter into a formal agreement binding him to serve the Service.
- (xvi) The period of the bond will be determined by the duration of the course as follows: 6 months - 1 year bonded for 1 year; Above 1 - 2 years bonded for 2 years; above 2 - 3 years bonded for 3 years and above 3 years will be bonded as per the duration of the course but should not exceed 5 years.

8.10 Special Leave for Sportsmen/Women

- a) The Managing Director may grant an employee, who is selected to represent Kenya in national, regional or international fixtures, special leave with full pay for the necessary period of training and subsequent participation in sports. This special leave shall not be counted against the employee's annual leave entitlement.
- b) An employee 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.

8.11 Leave for Special Purposes

- a) Leave of absence on occasions of religious festivals may be granted without loss of pay for not more than two (2) days in a leave year, subject to the exigencies of service. An application for leave on such an occasion should be addressed to the HOF and reported to HOF HR in advance of the date on which any particular religious festival is celebrated.
- b) The special leave will not be counted against annual leave entitlement and will be authorized by the HOFA HR.

8.12 Terminal Leave Pending Retirement

- a) Terminal Leave pending retirement will be taken by an employee pending his retirement. It will be the last official leave to be taken by an employee during his period of service with KEPHIS.
- b) An employee who is due for retirement is entitled in addition to his annual leave, thirty (30) calendar days' terminal leave pending retirement. This leave must be taken thirty (30) calendar days preceding retirement and will however, neither be commuted for cash nor will the employee qualify for additional leave allowance.

8.13 Public Holidays

The following days will be observed as public holidays in accordance with Public Holidays Act (Cap 110):

S/No	Event	Date
1	New Year	1 st of January
2	Good Friday	*
3	Easter Monday	*
4	Labour day	1 st May
5	Madaraka day	1 st June
6	Huduma day	10 th October
7	Mashujaa Day	20 th October
8	Jamhuri Day	12 th December
9	Christmas Day	25 th December
10	Boxing Day/Utamaduni Day	26 th December
11	Eid-UI-Fitr	*

*The Service will also recognize any other public holiday that may be gazette from time to time under the Public Holidays Act, Cap. 110 of the Laws of Kenya.

8.14 Application for Leave

- Application for leave should be submitted in the prescribed form to the respective Heads of functional area.
- The Head of Functional Area will be required to forward leave recommendations as per the annual leave plan to the HOFA, HR for approval on behalf of the CEO /Managing Director. Subsequently the HOFA, HRM shall communicate the leave approval to the employee indicating the balance of leave days. However, leave for HOFA's shall be approved by the Managing Director.

SECTION 9 TRANSPORT

9.1 Transport

- a) Transport in KEPHIS is regulated through the Service's Transport and Road Safety Policy. This section addresses various aspects of the Transport Policy and includes the transport of employees while on duty and use of Service's vehicles. It includes travelling privileges to members of the employee's family in certain circumstances and transportation of personal effects.
- b) Free transport means transport at the Service's expense by rail, road, sea or air.
- c) Free transport shall also be provided for employees only whilst traveling on duty.
- d) The Service shall provide free transport to an employee, spouse and up to four (4) children on occasions when traveling on transfer, approved medical treatment/convalescent leave or on retirement.
- e) However, no transport will be provided on resignation, summary dismissal or termination/expiry of contract terms before the employee attains sixty (60) years.

9.2 Traveling by Public Transport

Where no vehicle will be available to an employee travelling on duty outside the duty station, the employee will be eligible to claim appropriate reimbursement of the amount of fare paid on production of receipted bills.

9.3 Traveling in Own Car on Official Duty

- a) The Service will, where possible, provide its employees with transport when traveling on official duty. In the absence of a more cost effective means, an employee may use a private vehicle for official duty with prior approval of the Managing Director.

- b) Where such permission is granted, the employee will claim reimbursement based on the prevailing Automobile Association of Kenya (AA) rates. The vehicle capacity will be in line with prevailing Government guidelines.

9.4 Traveling in Official Vehicles

- a) The Managing Director will be entitled to one official car which will be used for official work only.
- b) All the other employees will use pool transport for official work. An employee traveling on duty will be granted permission to use official vehicle by the Managing Director or an employee authorized by him.
- c) Official vehicles are intended for official purposes only and should not be used for private purposes. An employee who makes improper use of a vehicle shall render himself liable to disciplinary action.
- d) Whenever a vehicle is used, the details of the journey must be indicated in the work ticket. Any driver found operating without a work ticket authorizing the journey in question, or found carrying unauthorized passengers or goods, shall be subject to disciplinary action. The Government Vehicle Check Unit is empowered to stop and check any vehicle and prefer charges, where appropriate, against the driver.

9.5 Management of Vehicles

- a) The Managing Director shall ensure that a register for all vehicles shall be opened and maintained up to date. The register shall contain the following particulars in respect of each vehicle:
 - i. Description of vehicle;
 - ii. Chassis number;
 - iii. Engine number;
 - iv. Registration mark and number;
 - v. Log Book number;

- vi. Date vehicle purchased;
- vii. Vehicle Insurance particulars and copy of Insurance Disc.
- b) Each vehicle shall have a file in which all relevant documents and correspondence shall be filed, including, as far as possible, related expenditure records.
- c) It shall be the responsibility of the Managing Director to ensure that vehicles are used properly. He shall put in place mechanisms for ensuring centralized overnight garaging and parking of the vehicles and arrange for proper custody of ignition keys.
- d) All Drivers shall have a valid driver's license appropriate for the class of vehicle. Any employee authorizing improper use of the vehicle shall be held personally responsible, making him liable to disciplinary action which would include making good for pecuniary loss and may be liable to dismissal from the service.
- e) Drivers shall at all times set the highest standards of road conduct.

9.6 Reporting of Accidents

- a) Drivers and all employees using official vehicles shall acquaint themselves with the provisions of the Traffic Act (Cap 403), which requires a driver of a vehicle involved in an accident to stop and give his name and address, the particulars of the vehicle, vehicle insurance particulars and address of its owner to any authorized person or to the Police as soon as possible, and in any case within twenty (24) hours of the occurrence of the accident. This procedure shall be followed at all times in the event of an accident.
- b) In addition to providing a report to the Police, if the driver shall not be incapacitated by the accident, he shall submit a preliminary accident report to the Managing Director within twenty-four (24) hours of the occurrence of the accident.

9.7 Traveling by Air

- a) When required to travel by air, all members of staff shall be governed by the prevailing Government policy in terms of class of travel.
- b) An employee travelling on duty by air shall not be granted any baggage allowance in addition to the free allowance on the air ticket, unless in special circumstances in which excess baggage shall be considered by the Managing Director.

9.8 Traveling by Taxi

- a) An employee may be compelled to travel by taxi on duly authorized official duty; while attending/returning from a course, conference, seminar, workshop or meeting.
- b) Claims for motor vehicle allowance or the reimbursement of taxi fares should be certified by the employee in charge of Transport to the effect that, no Service vehicle was available.
- c) When need arises to supplement official transport with hired transport, these services may be obtained from reputable firms' subject to prior written approval by the Managing Director and compliance to procurement regulations.

9.9 Traveling for Interview

An employee who is invited for an interview/meeting by the Service will be regarded as travelling on duty and will be reimbursed the cost of travelling expenses.

9.10 Transportation for Burial

- a) On the death of an employee, spouse or child the Service will provide a hearse to ferry the deceased.
- b) KEPHIS shall also facilitate provision of reasonable means of transportation for the family of the deceased from residence to place of burial/last rights.
- c) Employees authorized to travel for burial of deceased employee, parent, spouse or child may be availed transport as per approved policy.

SECTION 10: PERFORMANCE MANAGEMENT

10.1 Introduction

- a) This Section provides guidelines for Performance Management in KEPHIS for enhancement of efficiency and effectiveness in service delivery.
- b) The overall goal of the Service's Performance Management System (PMS) is to measure employee performance and ultimately the achievement of intended results for the organization. KEPHIS will therefore consider individual performance and reward employees for their contribution in a fair and equitable manner. The Performance Management System has therefore been designed to achieve this objective, among others.

10.2 Strategic Planning

- a) Strategic planning for the achievement of overall long-term goals of KEPHIS will be undertaken by Board of Directors.
- b) The strategic plans will be the basis for setting performance targets for the Service which shall be cascaded to the individual level.

10.3 Performance Contracting

- a) Performance contract shall be anchored on national development goals with clear linkage to the Service's strategic plan. It shall be cascaded to all Departments/ Divisions, levels and cadres of employees.
- b) It will be the responsibility of management to link the Performance Contracts with the Performance Appraisal System (PAS) and the Performance Rewards and Sanctions Framework.

10.4 Staff Performance Appraisal System

- a) Staff Performance Appraisal system (SPAS) 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 employee development, career guidelines, placement, rewards and sanctions.

- b) The Performance Management System will support the Service to attain the following, among others:
 - i. Attract qualified employees;
 - ii. Retain qualified employees;
 - iii. Motivate employees by rewarding good performance;
 - iv. Sanction poor performance;
 - v. Support management in the realization of the objectives of KEPHIS.
- c) The system provides for setting of performance targets, work planning and evaluation of performance.

10.5 Objectives of Performance Appraisal

- a) Staff Performance Appraisal is a critical component of the human resource management function. The overall objective of the appraisal system is to manage and improve performance by enabling a higher level of members of staff participation and involvement in planning, delivery and evaluation of work performance.
- b) The specific objectives are to:
 - i. Link individual performance with organization's strategic objectives and work plans;
 - ii. Enable Supervisor and Appraisee to continuously assess work progress;
 - iii. Assess the learning and development needs of employee on timely basis;
 - iv. Promote accountability in KEPHIS;
 - v. Promote communication and encourage continuous feedback between Appraisee and supervisor;

- vi. Set the basis on which an employee's performance is monitored and evaluated as stipulated in the individual work plan.
- c) Improve the quality of work through better planning, ongoing discussions and fair participatory appraisal;
- d) Provide information for decision-making on administrative and human resource issues such as renewal of contracts, promotions, delegation of duties, training, deployment, reward and sanctions.

10.6 Performance Management Process

- a) Performance Management is based on the following underlying principles, and the need:
 - i. To identify individual / team objectives and performance measures linked to the Vision, Mission, Core Values and Strategic Objectives of KEPHIS;
 - ii. To promote employee career development by creating learning environment and ensuring quality improvement through training, coaching, counseling and mentoring;
 - iii. To provide open and honest periodic evaluation of an employee's performance;
 - iv. To link the annual salary increment to the employee's performance rating.
- b) Each employee will have a job description, outlining basic responsibilities. Job descriptions will be written in a simple language that clearly defines the scope and limitations of the job ensuring that:
 - i. Upon employment, an employee will be given a job description for appointed position;

- ii. An employee will be required to confirm receipt and attest to having read and understood the job description by signing a copy, which will be placed in his personal file;
 - iii. All job descriptions will be approved by the immediate supervisor and the respective Heads of the various Departments.
- c) Job description will contain the following basic information:
- i. Job title;
 - ii. Location of job;
 - iii. Reporting relationships;
 - iv. Major responsibilities;
 - v. Limits of an employee's Service.
- d) The job descriptions are not static and are subject to change from time to time in response to the Service's needs and individual employee competencies.

10.7 Work Planning and Setting of Performance Targets

- a) Prior to the beginning of the performance period, Departments will prepare work plans based on their strategic plan. The Departmental Work Plans should include the Departmental priority objectives from which individual performance targets will be derived. Departmental Heads will meet with employees under their direct supervision to discuss and ensure that the objectives and performance targets of the department are understood.
- b) The individual work plans will be derived from the Departmental Work plans and employee's job description. The work plan will briefly describe the performance targets or expected results on specific assignments and activities for which the employee is responsible during the performance year.

- c) The Appraisee will hold discussions with the immediate Supervisor to agree on the work plan. The performance targets shall thereafter be set as agreed in the discussions by latest 31st July of each year. For each performance target to be assessed there will be performance indicators.
- d) As part of the Staff Training and Development Plan, every employee will indicate at least one training goal to be achieved in the reporting period as agreed with the supervisor. This may include special assignments, continuing education, on the job training, seminars, conferences or study tours.

10.8 Appraisal Period

The appraisal period will cover one (1) year with effect from 1st July to 30th June of the following year. The Performance Appraisal reflects the summation of the year's performance including quarterly and mid-year reviews.

10.9 Continuous Performance Appraisal

- a) Performance appraisal is an on-going process throughout the performance period. Milestones over the review period should be documented and maintained in the Appraisee's personal file.
- b) Employees serving on contract terms will be appraised every Quarter ($\frac{1}{4}$) during the first year of the contract. If the performance is unsatisfactory, the contract will be terminated in accordance with the contract document.

10.10 Mid-Year Performance Review

- a) The main purpose of the mid-year Performance Review is to accord both the Supervisor and Appraisee the opportunity to jointly review the progress made by the Appraisee in accomplishing the assignments agreed on at the beginning of the Appraisal period.
- b) The review which should be in the form of discussions, should be centered on what has been achieved, any constraints experienced and whether there is need to vary the initial assignments in order to accommodate any unforeseen circumstances. Any changes, additions or removal of

performance targets should however only be made in the event that there have been significant changes in the nature of functions carried out by the Appraisee and which may necessitate revision of performance targets.

- c) The Supervisor should, after discussions with the Appraisee at the Mid-year Performance Review comment on the Appraisee's performance. In the event that the Supervisor leaves, The Supervisor will be required to appraise the performance of the Appraisee on pro-rata basis.

10.11 End of Year Appraisal Process

- a) The End of Year Appraisal will take place at the end of the reporting period.
- b) The Supervisor and Appraisee are required to meet at the end of the year to discuss the overall performance for the whole appraisal period.
- c) Prior to the meeting, the Appraisee should prepare a preliminary report on the extent to which set targets were achieved as agreed at the beginning of the Performance Year with clear performance indicators.
- d) After the meeting, an evaluation form will be signed and dated by both the Appraisee and appraiser and forwarded to respective Head of Functional Area and to the Managing Director for endorsement.
- e) In cases where the employee's performance is below acceptable standards, management will put in place a programme to help the employee improve.
- f) The responsibility to have the evaluations completed in time lies with both the appraiser and appraisee.

10.12 Performance Rating Levels

An employee's performance will be rated in accordance with prevailing Government practice.

10.13 Appeals

- a) If an employee disagrees with an evaluation and cannot resolve the disagreement with the supervisor, the employee may appeal to the

Managing Director through the HOFA responsible for Human Resource for another review of his performance.

- b) The appeal must be made in writing and submitted to the HOFA responsible for Human Resource within ten (10) days of the initial performance appraisal meeting. The Managing Director will appoint a sub-committee to review the appraisal.

10.14 Rewards and Sanctions

- a) The Service shall have an incentive scheme aimed at rewarding members of staff based on the value they are adding to the Service in relation to their performance, approved experience and professional skills/competence. This framework therefore establishes a basis for rewarding exemplary performance and administering sanctions for poor performance, motivating employees to have positive attitude to work and to enhance productivity in the Service.
- b) The Managing Director will be responsible for the administration of the rewards and sanctions policy through the advice of HRAC.
- c) HRAC will also handle cases of appeals referred by MD from the subcommittee after employees have exhausted all review mechanisms.
- d) Testimonials and letters of commendation may be awarded to employees by supervisors as a motivation for exemplary service.
- e) The rewards and sanctions shall be as set out in the Rewards and Sanctions Framework for The Servicer and will be composed of the following;
 - i. Compensation;
 - ii. Annual Bonus;
 - iii. Incentives;
 - iv. Awards;
 - v. Sanctions.

10.15 Appeals on employee Performance Appraisal process

Appeals on performance assessment shall be submitted to the HRAC for consideration.

10.16 Rules of Conduct for the HRAC

- a) Members of the HRAC shall be expected to perform their duties with diligence, integrity, impartiality and confidentiality.
- b) In the event that there is disagreement between the supervisor and an Appraisee on assessment of performance, the Committee will moderate the scores based on verifiable performance indicators and make recommendation to the Managing Director.
- c) Members of HRAC will not discuss or make recommendations in respect of their own performance reports. The Managing Director shall complete the Performance Appraisal reports for the members of the Committee and make appropriate recommendations to the Board of Directors.
- d) Members of the HRAC may also be eligible for the awards, provided that they excuse themselves from participating in any decision-making regarding any award for which they are being considered.
- e) The Managing Director shall be appraised by the Board of directors.

10.17 HRAC Recommendations

- a) Managing Director shall, on the recommendation of the HRAC and approval of the Board and the Government reward excellent performance and apply the appropriate intervention in accordance with the Rewards and Sanction Framework.
- b) The Supervisor may however, recommend other specific interventions depending on the insight gained during the appraisal.
- c) The performance appraisal report shall form the basis for placement, promotion, separation and mobility of employee within the Service.

SECTION 11: TRAINING AND DEVELOPMENT

11.1 Policy Statement

- a) Whilst KEPHIS will recruit competent personnel, it shall endeavor to continuously upgrade employee's core competencies, knowledge, skills and

attitudes of its employees to ensure that their performance meets and/or exceeds the minimum expectations and benchmarks best practices. It shall therefore offer training opportunities to all its employees in order to improve their work performance and personal development.

- b) The Service therefore recognizes the need for training and development of all employees in order to ensure effective delivery of its broad mandate. It shall therefore offer training opportunities to all its employees in order to improve their work performance and personal development.
- c) The policy on training is to ensure continuous upgrading of core competencies, knowledge, skills and attitudes of employees including their ability to assimilate technology to enable them create and seize opportunities for career growth, social advancement, economic growth and development.
- d) Training and development of employees will be directed towards the achievement of the following objectives:
 - i. Enhancement of the organizational performance by helping all employees to improve on their efficiency and effectiveness;
 - ii. Assisting each employee to gain competences and skills in preparation for more responsible positions and to help each employee prepare for changes as The Service develops to meet changing and emerging needs;
 - iii. Ensure availability of sufficient trained human resource-base to meet KEPHIS's future requirements by identifying those requirements and providing appropriate training and development opportunities for targeted employees;
 - iv. Inculcating the desired work ethics, values and corporate culture.
- e) All training must be based on identified training needs. Funds allowing, all members of staff should have at least five (5) days training in a year while

newly recruited or transferred employees must be inducted within two (2) weeks of the transfer date or joining the service.

- f) An employee who has been on training will be eligible for his normal annual leave only for the year he resumes duty in addition to the leave days officially carried forward before proceeding on training.
- g) The Service shall not sponsor employees for undergraduate degree courses or other courses that are mandatory for their current jobs qualifications.
- h) Supervisors will assess the impact of the training by employees during annual appraisal.

11.2 Training Strategy

- a) Any training provided by the Service will be based on systematic analysis of its contribution to the effectiveness of KEPHIS. Training needs will therefore be assessed at three levels:
 - i. At KEPHIS level;
 - ii. At the relevant functional level;
 - iii. At the Individual level.
- b) To this end, the Service will draw up and maintain an Annual Training Plan that will address these levels. The following factors will be taken into account when planning training programs:
 - i. Objectives of the training;
 - ii. Content of training;
 - iii. Costs involved (vis-à-vis the cost of not training);
 - iv. Likely benefits and how they can be evaluated;
 - v. Training methods available and their appropriateness;
 - vi. The location and timing of any training program;
 - vii. Who will provide the training.
- c) The Service's training strategy will ensure competent manpower for long range career development and succession planning within the service.

11.3 Training Needs Assessment

- a) Training in KEPHIS shall be based on Training Needs Assessment (TNA) which shall be conducted every year.
- b) All HOF shall prepare training projections based on Training Needs Assessment to guide the HRAC in nominating employees for training.

11.4 Course Approval

The Managing Director will grant course approval to employees proceeding on authorized training in accordance with service regulations. Employees will be required to obtain course approvals before commencement of training.

11.5 Progress Reports

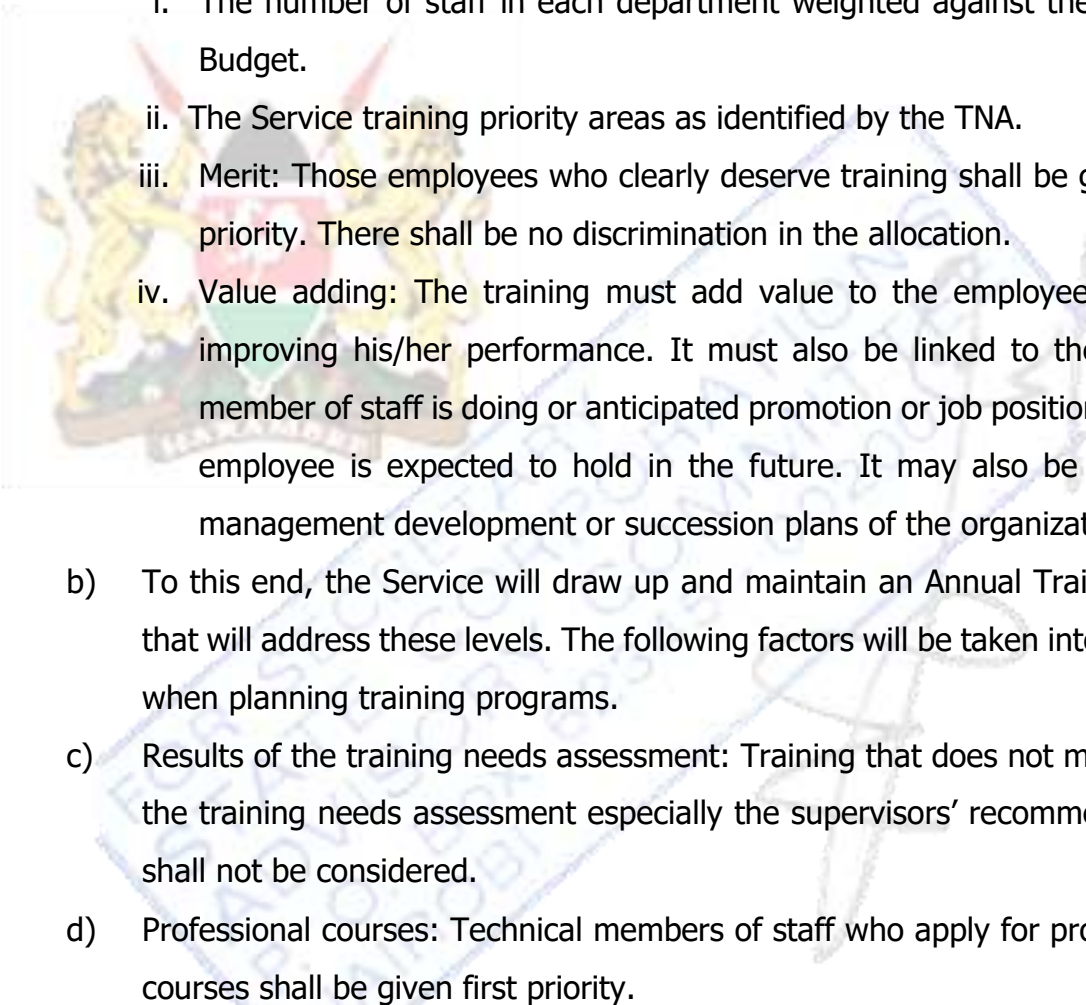
- a) All members of staff shall be expected to provide official performance reports to the Deputy Director Human Capital by the end of each school term or by the end of the course whichever is earlier. KEPHIS shall not release the next installment(s) unless such a report is satisfactory.
- b) A Training Evaluation Report shall be carried out at the end of the training.

11.6 In-House Training Programmes

- a) The Deputy Director Human Capital will design specific in-house training programmes in liaison with heads of functions to develop training interventions which address identified training needs. In addition, training can be provided under institutional training both locally and abroad.
- b) In designing training programmes, the Head of Human Resources should ascertain the availability of:
 - i. Professional, qualified and experienced trainers;
 - ii. Training programmes that are cost-effective;
 - iii. An effective evaluation and feedback system to assess the impact of training on performance;
 - iv. Selection of trainees for all training programmes will be based on identified needs with emphasis on training for performance

improvement that addresses national, organizational and individual goals.

11.7 Criteria for Training Funds Allocation

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- a) The HRAC shall consider the following while allocating training funds:
 - i. The number of staff in each department weighted against the Training Budget.
 - ii. The Service training priority areas as identified by the TNA.
 - iii. Merit: Those employees who clearly deserve training shall be given first priority. There shall be no discrimination in the allocation.
 - iv. Value adding: The training must add value to the employee's job by improving his/her performance. It must also be linked to the job the member of staff is doing or anticipated promotion or job position that the employee is expected to hold in the future. It may also be linked to management development or succession plans of the organization.
 - b) To this end, the Service will draw up and maintain an Annual Training Plan that will address these levels. The following factors will be taken into account when planning training programs.
 - c) Results of the training needs assessment: Training that does not match with the training needs assessment especially the supervisors' recommendations shall not be considered.
 - d) Professional courses: Technical members of staff who apply for professional courses shall be given first priority.
 - e) Managerial courses: Managers who apply for managerial courses shall be given priority.
 - f) Time between two courses: Members of staff shall be expected to utilize the skills learnt after training before they are considered for training. The skills utilization period after a short course shall be one year and two years after a long course. Courses offered in modules or parts may however be exempted from this section.

11.8 Sponsorship for Education and Professional Training

- a) Subject to availability of funds, the Service will endeavor to assist its employees acquire additional qualifications relevant to their jobs through sponsorship for various courses and programmes.
- b) The Service shall undertake Training Needs Assessment and prepare annual training plans for all its employees. Availability of funds and prioritization of the courses will be a key consideration. The Training Needs Assessment will be aligned to the Performance Management System.

11.9 Conditions for Sponsorship

- a) Only permanent employees and those on long-term contracts shall qualify for training sponsorship by the service.
- b) The Service will sponsor members of staff for courses approved by the HRAC.
- c) Members of staff on probation shall be expected to wait for confirmation before they can benefit from KEPHIS's training. They may, however, attend seminars and conferences as approved by the Managing Director and also benefit from training geared towards staff induction.
- d) Subject to the availability of funds, the Service shall endeavor to assist all its employees including Temporary staff acquire skills and competence relevant to their jobs.

11.10 Under Graduate Training

- a) The Service shall not sponsor serving employees for undergraduate programmes. Where there is need for skills at this level, the Service will procure the same from the labour market. However, employees who wish to sponsor their training shall be granted approval.
- b) Notwithstanding (a) above and in a bid to ensure the marginalized and minority groups and persons with disabilities are represented at all levels of the service, the Service may recommend sponsorship of employees for

relevant undergraduate degree programmes, based on identified training needs in line with affirmative action programmes.

- c) Any recommendations made in (b) above shall be forwarded to the Board for approval.
- d) The affirmative action for under-graduate degree programmes shall remain in force until such time that a representation in KEPHIS is achieved.

11.11 Masters Programmes

- a) The Service will continue to support and approve training at Masters level for employees requiring the skills at this level for performance and career growth as prescribed in the respective Career Guidelines.
- b) The Service shall not support employees for second Masters Programmes.
- c) KEPHIS will prioritize Masters programmes where the Service requires and may give incentives to employees willing to take the specified courses.
- d) For an employee to be eligible for sponsorship they must have served a minimum of three (3) years' continuous service in KEPHIS.

11.12 PHD Programmes

- a) The Service shall not sponsor serving employees for PhD programmes. However, employees wishing to pursue the PhD under the self-sponsorship arrangement will be approved on condition that the area of study is relevant to their duties, has completed two (2) years' service since the last long course and the approval shall not provide for reimbursement of training expenses.
- b) The Service will consider financial assistance or approve request for training at this level on a case by case basis provided that the area of study is a national priority or is focused towards the Service's strategic needs as outlined in its strategic plan and the course is relevant to the employee's current or potential future job.

- c) Members of staff sponsored by KEPHIS may be required to share the cost of the course to be undertaken at such a ratio as may be determined by the HRAC and the Government.
- d) Sponsorship of an employee for training, where approved, shall not exceed three (3) years duration.

11.13 Expenses to be met by the employee

An employee will be responsible for meeting all expenditure in connection with the course on the following items from the allowance 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 boarding and lodging outside the institution;
- ii. Fares for daily journey between his lodging and place of study;
- iii. The purchase of all outfit and clothing required for the course;
- iv. Subsistence when travelling;
- v. All other personal commitments including subscriptions (voluntary or compulsory), laundry, recreation, entertainment and others.

11.14 Expenses to be met by KEPHIS

In addition to the payment of salary and allowances, the following items of expenditure will be met by the service:

- i. Pre-departure medical examination, passport, visa, vacation and inoculation fees;
- ii. All course fees (other than residence fee or other charges for Board and lodging) including registration, admission, tuition, examination, project / dissertation, thesis, laboratory and similar fees – if the same are not met by the sponsor;
- iii. All transport and travelling necessary in connection with an employee's training (other than the daily commuting between lodgings and an employee'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 already set;
- v. Economy class passage to and from the county in which the course is held;
- vi. Medical insurance contribution, where applicable.

11.15 Mentorship Programme

Whenever possible, new employees will be assigned mentors who will provide them with guidance and ensure that they are properly integrated into the service.

11.16 Training Levy

- a) An employee selected to attend a local or external course lasting more than four (4) weeks will be deducted 10% for local and 20% for external courses respectively from his basic salary for the full duration of the course. The amount recovered will be treated as the employee's contribution towards the cost of training.
- b) The training levy will be paid to the Service regardless of whether the course is sponsored by the Government of Kenya or by Development Partners through bi-lateral arrangements.

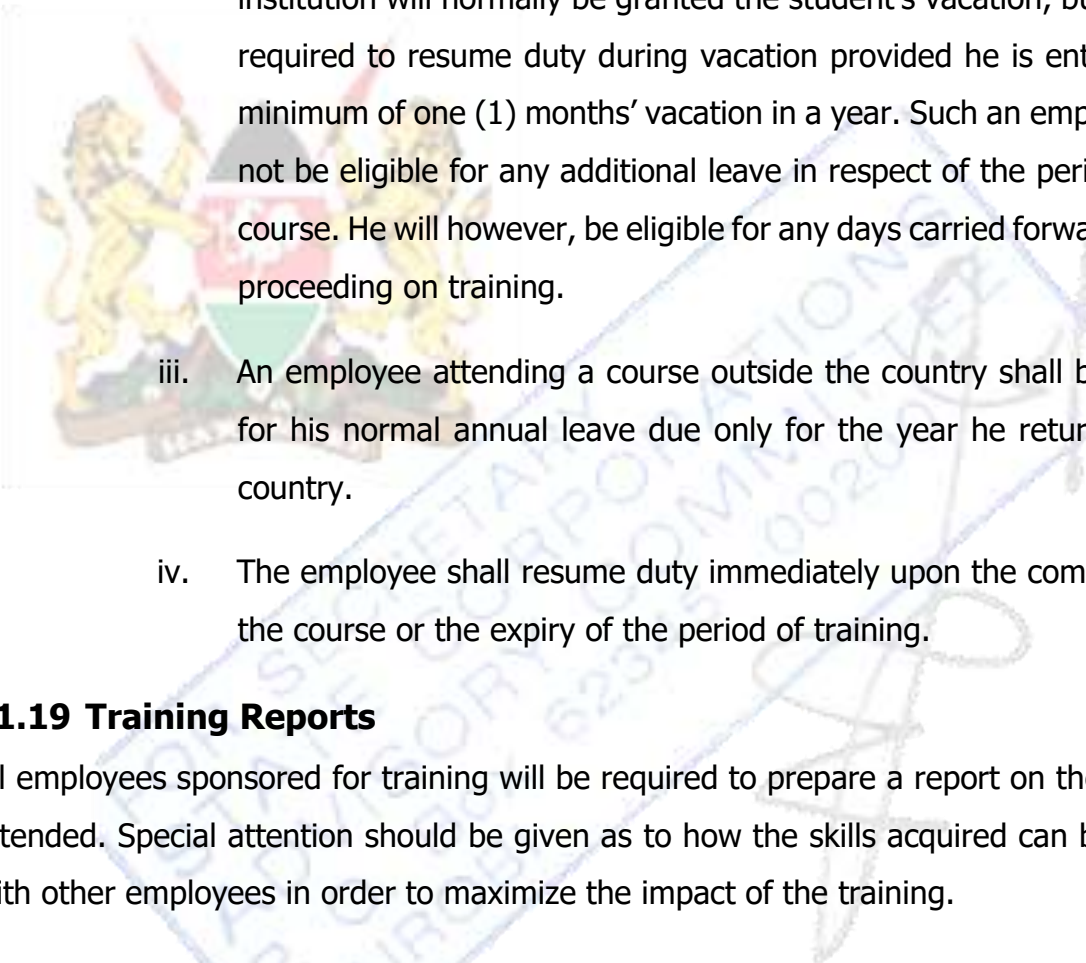
11.17 Management and Co-ordination of Training

- a) The Human Resource Advisory Committee will manage and coordinate employee training. This Committee shall be responsible for the following as regards training;
 - i. Consideration and approval of KEPHIS's training plans and staff development strategies;
 - ii. Consideration of training projections and analysis of training needs as well as setting up a hierarchy or priorities within the overall training projections;
 - iii. Assessment of availability of training resources and their optimum utilization;

- iv. Identification and selection of suitable employees for various training programs;
- v. Apportionment of the training funds.
- b) The HRAC shall hold their meetings on quarterly basis and at least four times in a year. The main meeting shall be in the first quarter of the financial year which shall be the planning meeting. It is this meeting that the annual training allocations shall be done.

11.18 Conditions Applicable to Employees on Training

- a) Salary and Allowances
 - i. An employee attending a course will be deemed to be on duty and all regulations pertaining to his employment will be applicable.
 - ii. Provided that his study reports and conduct are satisfactory, an employee will be considered for promotion as and when suitable vacancies occur subject to competition and/or the provisions of the respective Career Guidelines.
 - iii. An employee traveling to attend a course will be deemed to be on duty and will be reimbursed any traveling and subsistence expenses incurred.
 - iv. An allowance to purchase books, training instruments and apparatus, among others, shall be provided to an employee on the basis of the recommendation from the Head of the Institution where the course will be held.
 - v. An employee will be eligible for house allowance and medical cover during period of the course.
- b) Provision for Annual Leave

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- i. Attendance of a course which has no provision for vacations will count as if an employee will be on duty for the purpose of his eligibility for leave.
 - ii. An employee undertaking fulltime course of study at an academic institution will normally be granted the student's vacation, but may be required to resume duty during vacation provided he is entitled to a minimum of one (1) months' vacation in a year. Such an employee will not be eligible for any additional leave in respect of the period of the course. He will however, be eligible for any days carried forward before proceeding on training.
 - iii. An employee attending a course outside the country shall be eligible for his normal annual leave due only for the year he returns to the country.
 - iv. The employee shall resume duty immediately upon the completion of the course or the expiry of the period of training.

11.19 Training Reports

All employees sponsored for training will be required to prepare a report on the training attended. Special attention should be given as to how the skills acquired can be shared with other employees in order to maximize the impact of the training.

11.20 Self-Sponsored Courses

- a) Employees undertaking part-time self-sponsored courses will be exempted from paying 10% training levy.
- b) In cases where an employee had proceeded on a self-sponsored course approved by the Managing Director and while attending the course the employee manages to secure funding from KEPHIS, he will be required to pay 10% training levy for the specific duration of the sponsorship. However, sponsorship will not cover any outstanding fees prior to the scholarship.

- c) An employee attending an approved course which has an examinable component may be granted days off to sit for main examination. Such a request shall be accompanied by an official time table issued by the examining body or institution.

11.21 Reimbursement of Training and Examination Fees

An employee who on his own initiative and at his own time undertakes and passes a professional course relevant for his career growth and which is administered by a recognized training institution, will be eligible for reimbursement of 50% of the amount spent on tuition and examinations provided: -

- a) The course is relevant to his career growth;
- b) The course is recommended by the Human Resource Advisory Committee and approved by the Managing Director;
- c) The course is not an undergraduate degree;
- d) The employee has not been sponsored for the same course before; and
- e) The employee avails the original certificate for the course and a training report.

11.22 Refund of Training Expenses

An employee on training may be called upon to refund any sum of money expended on him in case of the following:

- a) If through own acts of omission or commission, unacceptable conduct and general indiscipline, the employee displays unsatisfactory progress and is consequently discontinued from the course.
- b) If he fails to resume duty at the expiry of the course without reasonable excuse.

11.23 Conference and Seminars

Employees attending conferences, seminars, workshops and study tours, whether locally or abroad, usually of up to four (4) weeks duration, shall be regarded as traveling on duty and shall receive appropriate allowances in accordance with prevailing Government guidelines.

11.24 Security Bond

- a) An employee, who attends a training lasting more than six (6) months, will be required to enter into a formal agreement binding him to serve the service.
- b) The period of the bond will be determined by the duration of the course as follows:

Course Duration	Bond Period
6 months - 1 year	1 year
Above 1 - 2 years	2 years
Above 2 - 3 years	3 years

- c) The amount of bond for employees sponsored for full-time courses will be the total cost of the training plus the gross salary for the period, less 10% and 20% recovered as training levy for those attending courses locally and abroad respectively.
- d) The employee will be required to redeem the bond amount in full in case of default.

11.25 Monitoring and Evaluation

The Service will carry out a cost benefit analysis to determine benefits accruing from its investments of time and money in the training and development of its employees. This is in order to assess achievement and improve future effectiveness. Information on training and development activity will be reviewed annually. The review will include consideration of:

- i. The employee shall resume duty immediately upon the completion of the course or the expiry of the period of training.
- ii. Average training and development investment per employee;
- iii. Cash investment in training and development as a percentage of employee cost;
- iv. Training and development hours per person per annum.

11.26 Training Projection

It will be the responsibility of the HOFA responsible for Human Resource to prepare the annual training projections and budget. The annual training budget will be prepared in consultation with all the Heads of Departments.

11.27 Skills Inventory

The Service will develop, update and maintain a skills inventory for all employees for purposes of identifying the available competencies and the required skills in order to plan for training or recruitment to address the identified gaps and for succession management.

11.28 Subscription to Professional Bodies

- a) The Service will support employees to become members of relevant and approved professional associations.
- b) The employee will meet the cost of registration and the initial subscription. Thereafter, KEPHIS will meet the subsequent subscriptions, practising certificate and cost of continuing professional developing training.

SECTION 12: CODE OF CONDUCT AND ETHICS

12.1 Introduction

- a) This Section contains general rules of conduct to be observed by officers so as to maintain integrity and uphold the dignity of the public office to which he has been appointed. Every officer occupies a special position in the Service and should ensure that his conduct both in public and in private life does not bring KEPHIS into disrepute.
- b) Regulations governing discipline in KEPHIS and the procedure to be followed in cases of breach of discipline are contained in this manual.
- c) In addition, an officer is required to comply with the provisions of Chapter Six of the Constitution on Leadership and Integrity and Articles 10 and 232 of the Constitution; Leadership and Integrity Act, 2012; Public Officer Ethics Act, 2003; Anti-corruption and Economic Crimes Act, 2003; Labour Relations Act, 2007 and the Employment Act, 2007.
- d) Officers are required to adhere to their respective professional codes of conduct. It is imperative that an officer adheres to these rules of conduct, and such other rules which may be introduced from time to time.
- e) All employees shall be required to sign the code of conduct upon employment and they will be bound by any amendments to the code of conduct and ethics.

12.2 Policy Statement

- a) The collective personal conduct of the Service employees portrays the corporate image of the. Therefore, KEPHIS maintains this code of conduct to guide its employees with respect to standards of conduct expected in areas where improper activities could damage the service's reputation and otherwise result in serious adverse consequences to KEPHIS and to employees involved.

- b) An employee's actions under this Policy are significant indications of the individual's judgment and competence. Accordingly, those actions constitute an important element in the evaluation of the employee for position assignments and promotion. Correspondingly, insensitivity to or disregard of the principles of this Policy will be grounds for appropriate management disciplinary action.

12.3 Policy Purpose

The purpose of this Code is to affirm, in a comprehensive statement, required standards of conduct and practices with respect to delivering KEPHIS services with integrity, professionalism, economic use of resources, accountability, and objectivity at all times.

12.4 Objectives

The Service's objective in establishing this Code of Conduct and Ethics is to provide a clear framework within which employees of the Service are expected to conduct themselves. This Code specifically seeks to:

- a) Increase employee satisfaction, trust and self-identification with KEPHIS.
- b) Increase the organizational resilience, and improve the functionality, efficiency and performance of employee through preventing ambiguity and creating clear behavioral codes.
- c) Increase accountability, transparency and good governance in service delivery thus continually contributing to the service's image, boosting public confidence and protect the integrity of KEPHIS.
- d) Establish a moral foundation of values that raise the level of awareness of ethical standards required of all employees to improve their decision-making process and also to reflect in personal behavior and standards of conduct.
- e) Ensure discipline, commitment, honesty, objectivity and impartiality in decision making and in the execution of the service's duties.

- f) Provide mechanisms for consensus building on ethical issues, registration and management of gifts and conflicts of interest, decision making, and ethical dialogue.
- g) Provide a framework and mechanisms for reporting of misconduct, whistle blowing, and investigation procedures, processing of disciplinary matters arising from breach of this code and enforcement and sanctions for breach of the code or other Policies of the service.

12.5 Scope

- a) The Code of Conduct and Ethics applies to KEPHIS's employees, under all terms of service and in all duty stations of KEPHIS.
- b) In the event of any inconsistency between the provisions of this Code, the general code in the Public Officer Ethics Act, Cap. 183 and the general code in the Leadership and Integrity Act, 2012 the latter shall prevail.

12.6 Office Hours

- a) The official hours are as follows:
 - i. Mombasa, Upper Eastern and Northern Kenya
Monday to Friday: 7.30 a.m. to 12.30 p.m.
2.30 p.m. to 5.30 p.m.
 - ii. Nairobi and all other Regions
Monday to Friday: 8.00 a.m. to 1.00 p.m.
2.00 p.m. to 5.00 p.m.
 - iii. Border point and points of entry
24 hours or as approved from time to time by the government.
- b) Though the general office hours will be as stated herein, HOFAs will not be restricted to utilize employees outside these hours, when there is any cause

requiring their services either earlier or later, as long as the employees put up a maximum of 40 hours per week.

- c) For the effective running of the service, the employees should observe punctuality and regular work attendance. In case an employee is not in a position to report to work in the morning or is delayed, the head of the respective department should be notified before, as close to the regular starting time as possible. This should not be later than 12.00pm after which the employee will be considered absent.
- d) Flexi time will be undertaken in the core function areas which cover the whole day. Flexi time will be subject to achieving the daily weekly or monthly hours.

12.7 Official Office Attire

- a) The employees of KEPHIS are expected to dress in formal attire between Mondays and Thursdays.
- b) Dress-down policy: staff members are free to dress down on Fridays. It should, however, be noted that the free manner of dressing should also be acceptable and decent.
- c) Employees may put on branded corporate attires on specific functions of KEPHIS.
- d) Employees offering common services such as Receptionists, Drivers and Support and employees are required to wear uniforms and will be issued with at least two (2) pairs of appropriate uniform on deployment.
- e) All employees who are provided with uniform will be required to maintain them in a clean and decent condition and to wear them at all times while on duty.
- f) Issues of uniforms and dates of their issue must be recorded in the Stores Ledger.

- g) Disciplinary action will be taken against any employee who fails to observe this Regulation.

12.8 Core Values, Guiding Values, Principles and Requirements

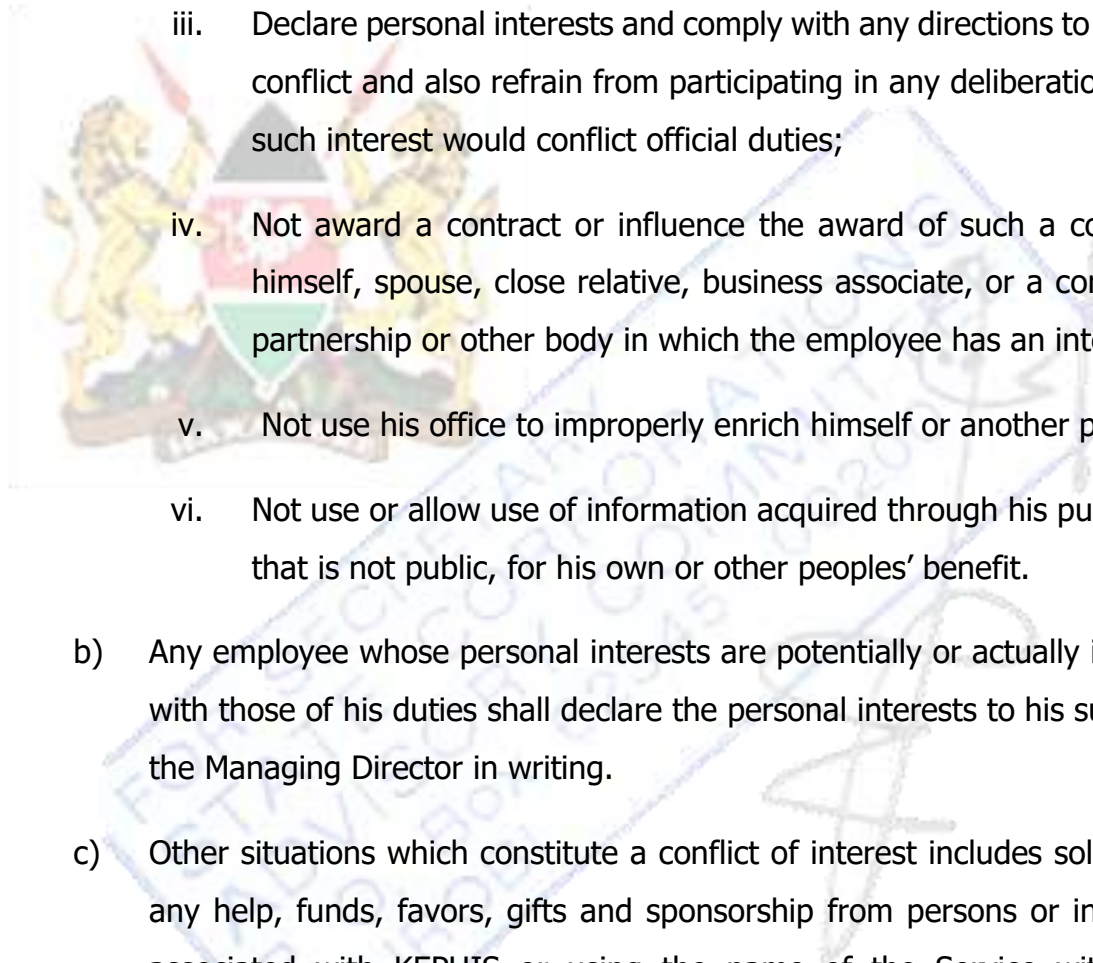
- a) The employees of the Service shall be guided by the national values and principles of governance in Article 10 and 232 of the Constitution; provisions of Chapter 6 of the Constitution on Leadership and Integrity; Part II of the Leadership and Integrity Act, 2012 as well as the Public Officers Ethics Act, 2003 revised in 2009.
- b) The employees of KEPHIS shall aspire to uphold the national values and principles of governance being:
- i. Patriotism, national unity, the rule of law, democracy and participation of the people;
 - ii. Human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized;
 - iii. Good governance, integrity, transparency and accountability;
 - iv. Sustainable development.

12.9 Rule of Law

All employees shall carry out their duties in accordance with the law. In carrying out his duties, a Service employee shall not violate the rights and freedoms of any person under Part V of the Constitution.

12.10 Conflict of Interest

- a) An employee shall declare to the Managing Director his personal interest (including the interest of a spouse, relative or business associate); where such interests are likely to interfere with official duties or affect personal judgment on official matters. According to the provisions of the Public Officer Ethics Act, 2003, an officer shall:

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- i. Use his best efforts to avoid being in a position in which his personal interests conflict with his official duties;
 - ii. Not hold shares; corporate, partnership or of another body or through another person that would result to conflict of interest;
 - iii. Declare personal interests and comply with any directions to avoid the conflict and also refrain from participating in any deliberations where such interest would conflict official duties;
 - iv. Not award a contract or influence the award of such a contract to himself, spouse, close relative, business associate, or a corporation, partnership or other body in which the employee has an interest;
 - v. Not use his office to improperly enrich himself or another person;
 - vi. Not use or allow use of information acquired through his public office that is not public, for his own or other peoples' benefit.
- b) Any employee whose personal interests are potentially or actually in conflict with those of his duties shall declare the personal interests to his superior or the Managing Director in writing.
 - c) Other situations which constitute a conflict of interest includes soliciting for any help, funds, favors, gifts and sponsorship from persons or institutions associated with KEPHIS or using the name of the Service without the knowledge and approval of the Board of Directors.

12.11 Improper Enrichment or Receiving of Gifts

- a) Service employees shall not accept gifts, benefits or favors from a client where these may influence or may be seen to influence his decisions. Gifts exceeding a threshold of Kshs. 20,000.00 should not be accepted. Gifts in cash should not be accepted under any circumstance.

b) Service employee(s) shall not use their office to improperly enrich themselves or others. In this regard, Service employee shall not accept or request gifts or favors from a person who:

i. has an interest that may be affected by the carrying out, or not carrying out, of the public officer's duties;

ii. Carries on regulated activities with respect to which KEPHIS has a role; or has a contractual or similar relationship with KEPHIS;

iii. Improperly uses their office to acquire properties for themselves or another person, whether or not the properties are paid for; or for their personal benefit or another, use or allow the use of information that is acquired in connection with the public employee's duties and that is not public.

c) Employees are prohibited from receiving valuable presents (other than gifts from personal friends and relatives) and/or other benefits and from giving such presents. This applies for example to Christmas presents or such kind of gifts.

i. This section applies not only to the employee himself, but also to his family. It is not intended to apply to cases of remuneration for special services rendered and paid for with the consent of KEPHIS.

ii. Presents from public personages which cannot be refused without being offensive will be handed over to the Service unless prior permission has been obtained from the Managing Director for the employee to retain the present.

iii. When presents are exchanged between employees acting on behalf of the Managing Director in ceremonial occasions with other organizations or their representatives, the presents received will be

handed over to the Service and any present in return will be given at KEPHIS's expense.

12.12 Harambees

Service employees shall not preside over a Harambee, play a central role in its organization or play the role of "guest of honour"; nor participate in a Harambee in such a way as to reflect adversely on their integrity or impartiality or to interfere with the performance of their official duties.

12.13 Declaration of Income, Assets and Liabilities

Every employee shall on first appointment and after every two years thereafter submit a declaration of income, assets and liabilities of himself, spouse(s) and dependent children less than eighteen (18) years to the Public Service Commission in accordance with the Public Officer Ethics Act, 2003. The appropriate form will be supplied as required.

12.14 Undue influence

Employees are warned that the practice of seeking the influence of Politicians or other persons in order to be considered for promotion or other favours is viewed with disapproval. Any such attempt to obtain such favours is considered irregular and will not be of advantage to the employee and on the other hand, may actually be detrimental to the employee's interests.

12.15 Professionalism and Integrity

All employees shall:

- a) Carry out their duties in a manner that treats the public and the fellow employees with courtesy and respect;
- b) Seek to improve the standards of performance and level of professionalism in the service;
- c) Observe the ethical and professional requirements of a professional body of which they are members;
- d) Maintain an appropriate standard of dress and personal hygiene;
- e) Avoid practices that could lead an individual vulnerable to financial embarrassment.

12.16 Confidentiality and the Official Secrets Act, Cap 187

- a) Disclosure of Information - An employee must not disclose any information concerning the affairs of the Service or its employees, or show or release any official document to any person not connected with KEPHIS, or even insiders, unless he is required to do so in the course of his duties, or such disclosure as is authorized by the Managing Director. Individual invitations to give technical advice or present papers should be channeled through the Managing Director.
- b) Official Documents and Legal Proceedings - An employee must not without permission make use of any official document which comes into his possession by virtue of his employment the subject of legal proceedings.

12.17 Rule of Law

Employees shall carry out their duties in accordance with the law. In carrying out one's duty, an employee shall not violate the rights and freedoms of any person as provided for in the Constitution.

12.18 Respect and Courtesy

All employees will be expected to portray utmost respect for one another, irrespective of seniority or personal status.

12.19 Discrimination

The Service is opposed to all forms of discrimination. Discrimination of any sort will be reported to the Managing Director so that the matter can be investigated and appropriate action taken. Any reported incidences of alleged discrimination will be treated in utmost confidence.

12.20 Confidentiality and Trust

- a) While in the course of their duties, employees will be exposed to confidential information. In such cases, they will be expected to uphold strict standards in regard to confidentiality of information.
- b) Disciplinary action will be taken against any employee proven to have divulged confidential information without the permission of KEPHIS.

12.21 Care of Assets

Employees are expected to ensure that assets entrusted to them are adequately protected and not misused or misappropriated.

12.22 Media Interviews and Interactions with the Media

- a) An employee shall not, under any circumstances, communicate with the media either in writing or otherwise, or make statements on matters affecting the service's programs or policies without specific approval from the Managing Director.
- b) An employee, whether on duty or on leave, shall not do the following without the permission of the Managing Director:
 - i. Act as the editor of any newspaper or take part directly or indirectly in the management thereof;

- ii. Publish in any manner anything which may be reasonably regarded as of a political or administrative nature, whether under his own name, under a pseudonym or anonymously;
 - iii. Allow himself to be interviewed on questions of public policy or on matters affecting the Service without the permission of the Managing Director.
- 
- c) While it is not desired to interfere with the liberty of free speech, any lack of discretion on the part of an employee in expressing an opinion that may embarrass KEPHIS, may result in disciplinary action being taken against him.
 - d) An employee may however, publish matters relating to other subjects.

12.23 Private Agencies

No employee may undertake any private commission in any matter connected with the exercise of his public duties. No employee shall in any manner that may be detrimental to the security interests of KEPHIS and Kenya at large, be an agent for or further the interests of a foreign Government, organization or individual.

12.24 Political Views

- a) Though an employee as a Kenyan is entitled to his own political views on political matters, he shall ensure that his utterances do not implicate or compromise the Service and the Government at large.
- b) An employee shall not, in connection with the performance of his duties, do the following:
 - i. Act as an agent for a political party or so as to further the interest of the party or
 - ii. Indicate support for or opposition to any political party or candidate in an election or

- iii. Engage in political activity that may compromise or be seen to compromise the political neutrality of his office or
- iv. Use his political stand to intimidate others perceived to be of a different view.

12.25 Trading

- a) Trading on official premises is strictly forbidden except where official permission has been received.
- b) Away from official premises no employee may act as an agent for the sale of any articles or merchandise whilst on duty or in uniform.

12.26 Borrowing and Lending Money

An employee is strictly forbidden:

- a) To become an agent for a moneylender.
- b) To borrow money from KEPHIS's stakeholders or members of staff of any Organization doing business with the service, with whom his official duties bring him into contact.
- c) To accept premiums from other staff of the Service as consideration for instructing them on how to perform their duties.

12.27 Harassment

- a) Harassment is generalized as insulting and degrading behavior or statements, which could be verbal, physical, deliberate, unsolicited and unwelcome.
- b) Harassment in any form is prohibited. Examples of harassment include but not limited to: -
 - i. Verbal harassment in the form of derogatory comments or slurs.
 - ii. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature.

- iii. Physical harassment in the form of assault, impeding or blocking movement, any physical interference with normal work or movement.
- iv. Visual harassment through derogatory posters or drawings.
- c) If an employee encounters such behavior from anyone, including supervisors, fellow employees or other external parties, he should report the incident immediately to the supervisor or to the HOFA Human Resource Management.
- d) If the harassment is from the Managing Director, an employee will be at liberty to report the incident directly to a member of the Board or to the Chairperson.

12.28 Nepotism

An officer shall not practice undue favoritism to their relations and close relatives at the expense of the service.

12.29 Acting through others

- a) An officer contravenes the code if he causes anything to be done through another person that would constitute a contravention of the code if done by the officer, or allows or directs a person under their supervision or control to do anything that is in contravention of Code of conduct and ethics.
- b) Contravention shall not apply where anything is done without the officer's knowledge or consent or if the officer has taken reasonable steps to prevent it.
- c) An officer who acts under unlawful direction shall be responsible for his action.

12.30 Absence from Duty

- a) An employee shall not absent himself from duty during working hours, leave his appointed place of work or proceed to a place other than which he is usually employed, without due permission of his immediate supervisor.
- b) An employee who absents himself from duty due to ill health shall be required to produce within forty-eight (48) hours a medical certificate signed by a certified Medical Officer. If such a certificate is not forthcoming, the employee will be regarded as having been absent from duty without leave and may be liable to disciplinary action, which may include summary dismissal.
- c) Where an officer is absent from duty without leave or reasonable or lawful cause for a period exceeding forty-eight (48) hours, and is not traced within a period of seven (7) days from the commencement of such absence, the officer's salary shall be stopped and action to dismiss the officer initiated.
- d) An employee who, without leave or reasonable cause, absents himself from duty for more than seven (7) days shall be regarded as having vacated his office and is liable to summary dismissal.

12.31 Newspapers and Publications

- a) An employee must not, except with the express written permission of the Service, act as an editor of any newspaper, or take part directly or indirectly in the management thereof, nor publish in any manner anything which may reasonably be regarded as being of a political or administrative nature, whether under his own name, under a pseudonym or anonymously.
- b) An employee may, however, publish in his own name, matters relating to subjects of professional or general interests not involving public matters, politics, KEPHIS or Government affairs.

- c) An employee who wishes to publish an article or deliver a speech, the substance of which may subsequently be published, or the substance of which may reasonably be regarded as being of political or administrative nature, shall seek permission to do so from the Managing Director and a draft of the proposed article or speech submitted for approval.

12.32 Pecuniary Embarrassment

- a) Pecuniary embarrassment from whatever cause will be regarded as impairing the efficiency of the employee and may render him liable to disciplinary action.
- b) Employees who may be in financial difficulty will be given assistance to extricate themselves from their problems. However, there is a limit beyond which an employee may be assisted and it may be necessary to terminate the services of anyone who is persistently in financial difficulties to the extent that he either becomes a risk to KEPHIS.

12.33 Security Measures

- a) Employees shall be required to safeguard sensitive documents from unauthorized persons by ensuring that documents are not carelessly left on their tables in their absence. Such records shall at all times be kept under lock and key.
- b) The Service's employee in charge of security shall have KEPHIS to regulate entry of all visitors into the offices.
- c) Articles brought in and out of the Service's premises shall be limited and the employee in charge of security shall be obliged to check on such articles or luggage as he may deem appropriate.

12.34 Whistle Blowing

- a) Any employee or stakeholder having well founded suspicion of proven fraud, corruption, misuse of Service's and assets, or any irregularities under the

Code of conduct and ethics or governing laws of the Service is encouraged to report such irregularities.

- b) Any person who makes a report will be afforded the protections under the Witness Protection (Amendment) Act, 2010, KEPHIS's Whistle-blower Policy and this Code of conduct and ethics.

12.35 Former Employees acting in KEPHIS's Matter

- a) A former employee shall not be engaged by or act for a person or KEPHIS, in a matter in which the officer was originally engaged in as an officer of the service.
- b) Such engagement may only be considered at least two (2) years after leaving KEPHIS's service.

12.36 Defence of Officers in Criminal and Civil Suits

- a) When criminal or civil proceedings are instituted against an officer as a result of an act of omission by him in the course of his official duties, he may apply to the Managing Director for assistance in his defense. If the latter is satisfied that the officer acted in good faith in the execution of his official duties and that it is in the public interest that the officer should be defended, the Managing Director shall immediately report the matter to the Attorney General will decide whether or not the officer will be defended.
- b) Unless the proper procedure is followed, the Service may decline to provide support to the officer. It is further emphasized that speed is of essence in reporting such cases to KEPHIS.

12.37 Civil Proceedings by Officers for Defamation

Where an officer has been defamed in respect of matters arising out of his official position, e.g. in the press or at a political meeting, it may be that the Government is also defamed by implication, and may, therefore, agree to give legal aid to the officer. Where such a

case occurs, the officer may apply for legal aid through the Managing Director to the Board. Legal aid will not be granted unless:

- i. The Service has a substantial interest in seeing that the defamatory statement is repudiated;
- ii. There is, in the opinion of KEPHIS, a good prospect of success in the action;
- iii. The consent of KEPHIS shall be obtained before proceedings are commenced.

12.38 Lodging of Complaints and Investigations

- a) A person who alleges that an employee has committed a breach of the Code of conduct and ethics may lodge a complaint with the Managing Director and he/she shall register and inquire into the complaint.
- b) The Managing Director may assign any of his or her officers or a competent Service employee to inquire into a complaint on his or her behalf and determine whether an employee has contravened the Code of conduct and ethics.
- c) The Managing Director may initiate an investigation pursuant to a complaint by any person.
- d) An employee being investigated under this section shall be informed by the investigating Service, of the complaint made against him or her and shall be given a reasonable opportunity to make a representation relating to the issue, before the investigation is concluded.
- e) A person who has lodged a complaint against an employee shall be entitled to be informed of any action taken or to be taken in respect of the complaint and shall be afforded a hearing.
- f) Where an investigation under this section is initiated while an employee is in office, it may be continued even after the employee under investigation has ceased to be a public officer.
- g) Subject to the Constitution and any laws and regulations for the enforcement of the Code of conduct and ethics, an employee may be suspended from office pending the investigation and determination of allegations made against the employee where such suspension is considered necessary.

12.39 Investigations

- a) The following principles will be observed when carrying out investigations:
 - i. The Service will investigate all allegations made in good faith to determine if any complaint made against an employee of the Service is valid.
 - ii. The Service reserves the right to refer the investigation to any Service committee or body it deems fit.
 - iii. Investigations may be carried out even though the subject of the investigation has ceased to be an employee of the service.
- b) If after investigations the reported officer is found to be liable of any action that may be subject to criminal or civil proceedings, KEPHIS shall refer the matter to:
 - i. Ethics and Anti-Corruption Commission on corruption allegations;
 - ii. Attorney-General, with respect to civil matters;
 - iii. Director of Public prosecutions, with respect to criminal matters;
 - iv. Police or any other appropriate Board.

12.40 Promotion of Compliance

The Service shall promote compliance with the provisions of this code by regularly sensitizing employees on the standards and principles prescribed in the Code and after every two years thereafter, require the employees to complete the Code of Conduct and Ethics Commitment Form.

SECTION 13: EMPLOYEE DISCIPLINE

13.1 Introduction

- a) Disciplinary procedures shall be used as a corrective measure to foster improvement of individual conduct. It is expected that no punishment shall be inflicted on an officer if it would be contrary to any provision of the law.
- b) In this manual "discipline" means conforming to Service rules and regulations which prescribe expected conduct and behavior of individual officers. It is intended to contribute to performance improvement and productivity.
- c) The purpose of rules and regulations is to ensure compliance and discipline in the Service and to correct any conduct that may not conform to such rules. KEPHIS is obligated to impartially administer discipline and the employee has the right to be granted a fair hearing.

13.2 Policy Statement

The principles and values expressed by KEPHIS in the Code of Conduct and Ethics describe the standards of behavior expected of those working for the Service. KEPHIS expects its employees to display high standards of conduct, accountability and ethical behavior. The Disciplinary Policy is therefore an integral part of setting the expected standards and providing a structured framework for dealing with any circumstances where actions and conduct may fall short of these expectations.

13.3 Scope

This Manual provides general guidelines and instruments to be used by KEPHIS in handling discipline cases and shall apply to all types of employment categories in the service.

13.4 Objectives of the Manual

- a) The Service is empowered to make regulations for better carrying out of its functions, the Service has therefore developed regulations including these

that govern disciplinary control in an effort to enhance the processing and presentation of discipline cases.

- b) The objectives of the Manual are to:
 - i. Define discipline and understand its meaning in the context of the existing Public Service regulations;
 - ii. Define standard procedures for uniformity in handling disciplinary cases;
 - iii. Outline the steps in disciplinary procedures and processes;
 - iv. Create understanding on the roles and responsibilities of the Board of Directors and Managing Director in handling of the disciplinary cases.
- c) Further, the manual provides guidelines on the following:
 - i. Proper framing of charges;
 - ii. Investigation of cases;
 - iii. Analysis and evaluation of cases;
 - iv. Making comprehensive comments and recommendations on cases;
 - v. Application of other forms of punishment other than dismissal;
 - vi. Prompt handling of cases including implementation of decisions.

13.5 Disciplinary Powers and Appeal

- a) The Managing Director will handle and determine disciplinary matters of members of staff in grades KEPHIS 4 to KEPHIS 10. Appeals from these cases shall lie with the Board.
- b) The discipline of members of staff in Grades KEPHIS 1 to KEPHIS 3 shall fall under the purview of the Board.
- c) All appeals on disciplinary matters falling under the purview of the Board shall lie to the Public Service Commission (PSC) or as otherwise delegated.
- d) Any such appeal (to the Managing Director or Board or Public Service Commission) shall be in writing within six (6) weeks from the date of the letter conveying the disciplinary decision.

13.6 Disciplinary Procedure

The disciplinary procedure provides a framework for dealing with instances where employees are alleged not to have met the required standards of conduct. The aim is to ensure prompt, consistent and fair treatment for all staff.

13.7 Guiding Principles for disciplinary

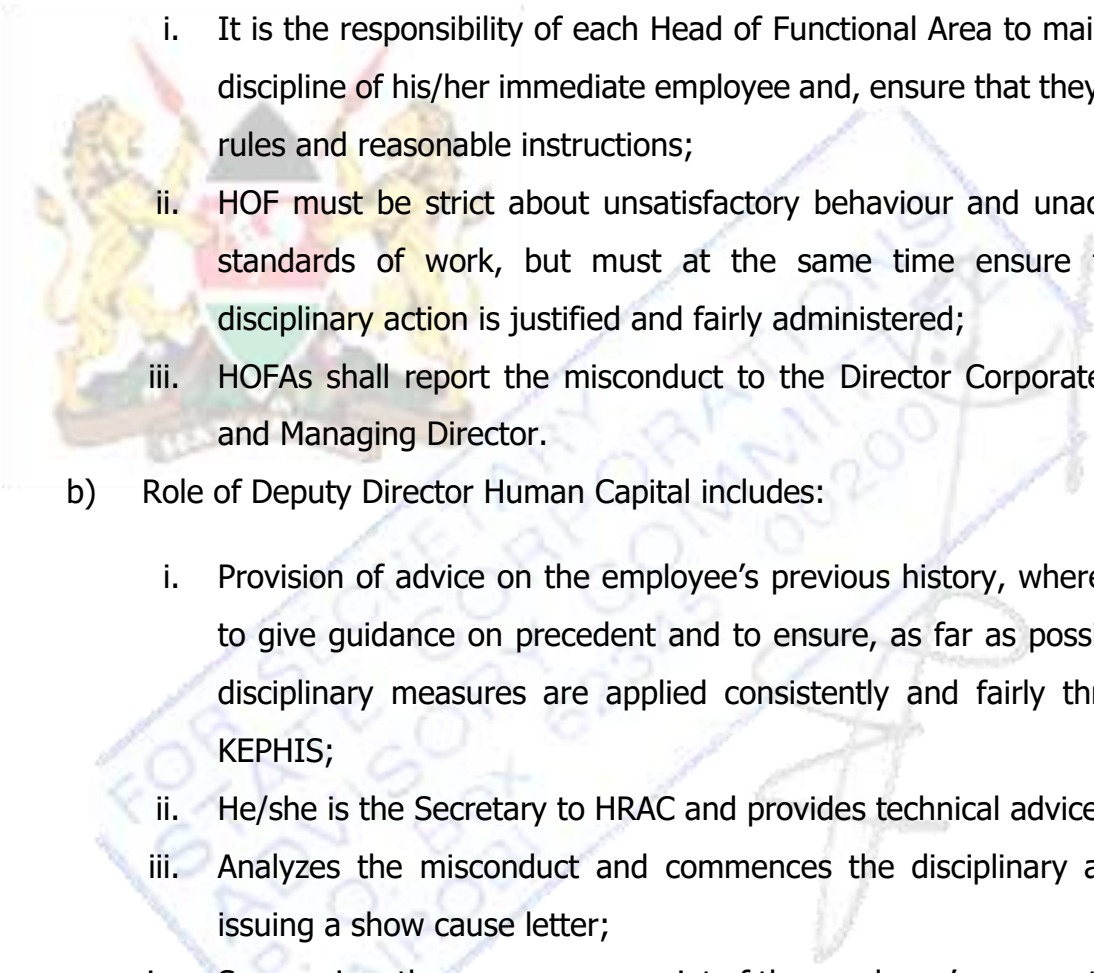
The Service shall be guided by the following principles in handling disciplinary matters:

- a) The rules of natural justice;
- b) Procedural fairness, where an officer must be allowed adequate opportunity to prepare and present his/her case;
- c) The deciding Panel/Committee must be unbiased when hearing and making decisions;
- d) Decisions must be based upon logical proof or evidential material;
- e) Fair administrative action which is expeditious, efficient, lawful, reasonable and procedurally fair;
- f) Every officer to whom disciplinary action is taken has a right to:
 - i. Written reasons for any disciplinary action that is taken against him;
 - ii. Prior and adequate notice of the nature and reasons for the intended disciplinary action;
 - iii. An opportunity to be heard and to make representations in that regard in line with the Employment Act;
 - iv. An opportunity to attend the proceedings in person, cross examine persons who give adverse evidence against him and request for adjournment of proceedings where necessary;
 - v. Notice of a right to an appeal or review against a disciplinary decision;
 - vi. Information, materials and evidence to be relied upon in making a decision or taking a disciplinary action.

13.8 Institutional Framework

The institutional framework for handling disciplinary cases is as follows in respect of all employees in the Service:

a) Head of Functional Areas / Division:

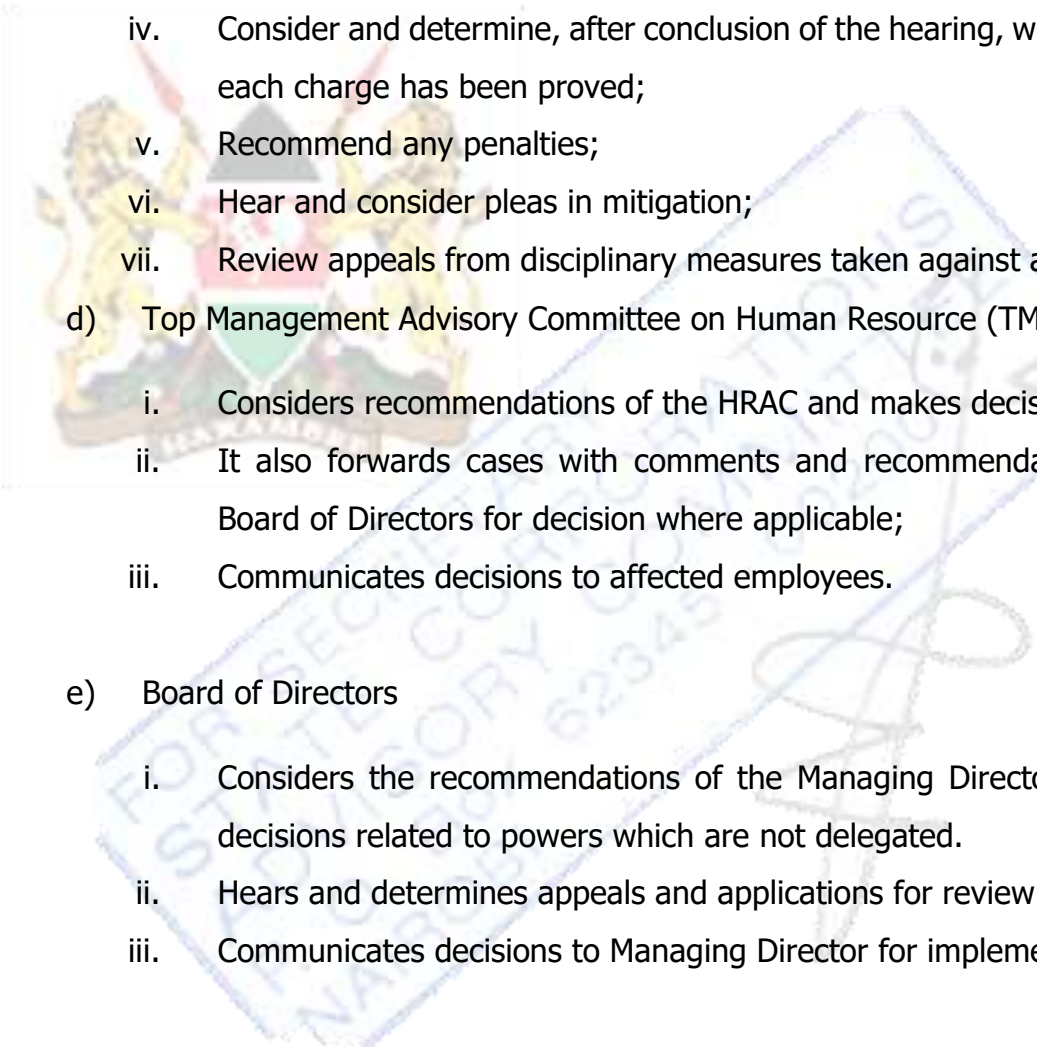
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- i. It is the responsibility of each Head of Functional Area to maintain the discipline of his/her immediate employee and, ensure that they observe rules and reasonable instructions;
 - ii. HOF must be strict about unsatisfactory behaviour and unacceptable standards of work, but must at the same time ensure that any disciplinary action is justified and fairly administered;
 - iii. HOFAs shall report the misconduct to the Director Corporate Service and Managing Director.

b) Role of Deputy Director Human Capital includes:

- i. Provision of advice on the employee's previous history, where known, to give guidance on precedent and to ensure, as far as possible, that disciplinary measures are applied consistently and fairly throughout KEPHIS;
- ii. He/she is the Secretary to HRAC and provides technical advice;
- iii. Analyzes the misconduct and commences the disciplinary action by issuing a show cause letter;
- iv. Summarizes the cases upon receipt of the employee's representations, if any, and submits the case to HRAC;
- v. Implements the decisions of the Board of Directors/Managing Director.

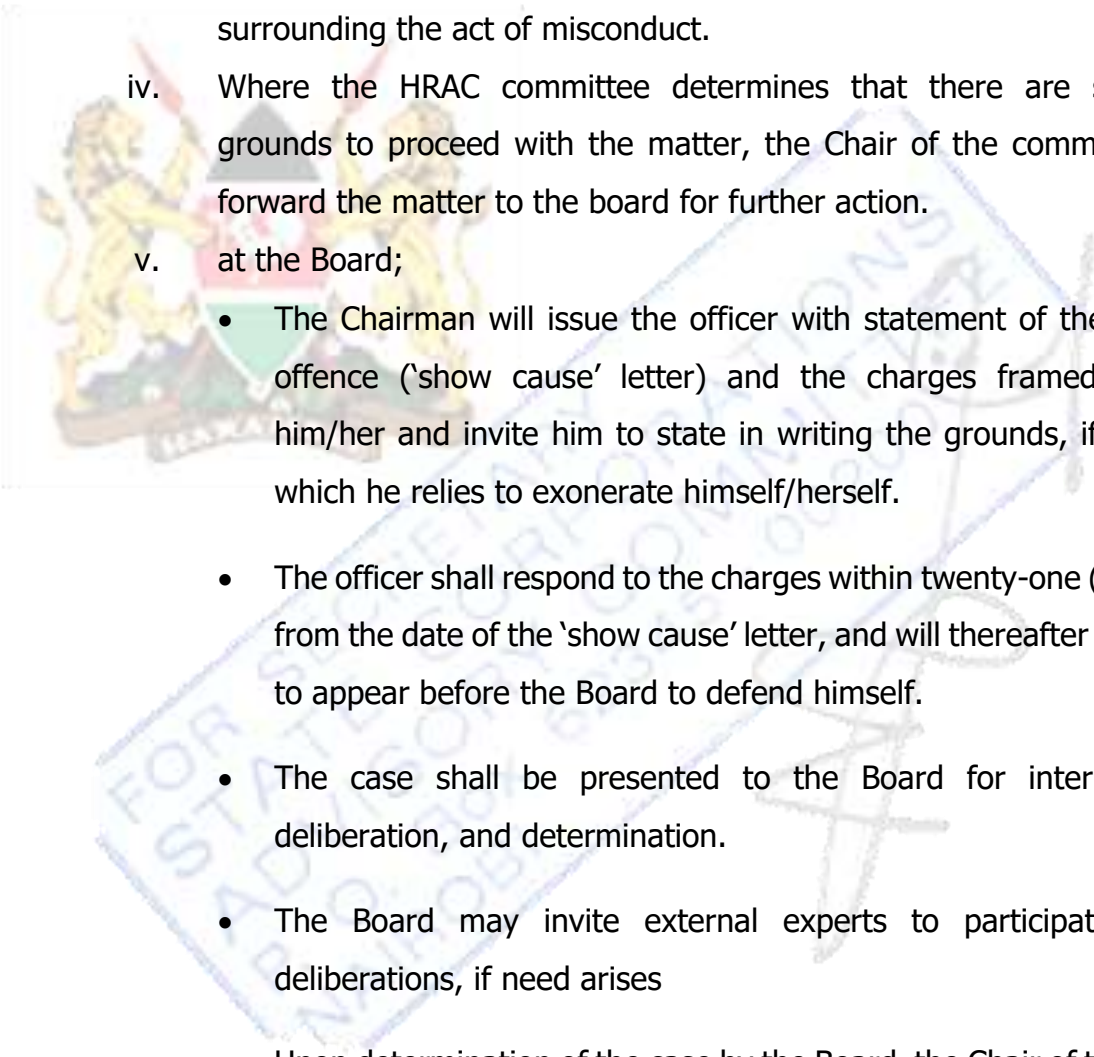
c) Human Resource Advisory Committee (HRAC)

The HRAC shall deliberate and advise the Managing Director to impose a warning, suspension, ban on, or take appropriate action against errant employees. Specifically, it shall:

- 
- i. Hear charges brought against any employee;
 - ii. Summon and hear any witnesses or consider any documents produced as evidence;
 - iii. Summon the employee charged to attend before it, to give his/her defence in relation to the charges made against him/her.
 - iv. Consider and determine, after conclusion of the hearing, whether or not each charge has been proved;
 - v. Recommend any penalties;
 - vi. Hear and consider pleas in mitigation;
 - vii. Review appeals from disciplinary measures taken against an employee.
- d) Top Management Advisory Committee on Human Resource (TMACH)
- i. Considers recommendations of the HRAC and makes decisions;
 - ii. It also forwards cases with comments and recommendations to the Board of Directors for decision where applicable;
 - iii. Communicates decisions to affected employees.
- e) Board of Directors
- i. Considers the recommendations of the Managing Director and make decisions related to powers which are not delegated.
 - ii. Hears and determines appeals and applications for review.
 - iii. Communicates decisions to Managing Director for implementation.
- f) Specific Provisions

The procedures to be followed by in dealing with discipline cases are as follows: -

- 1) In respect of officers in Top Management (Grades KEPHIS 1 to KEPHIS 3):
 - i. The Disciplinary Committee shall be the Board of Directors.

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- ii. In the first instance, a report on the alleged misconduct will be made to the Chair of the board
 - iii. KEPHIS's Human Resource Advisory Committee (HRAC) who will carry out a preliminary investigation and in consultation with HRAC committee (and external experts if deemed necessary) as to the circumstances surrounding the act of misconduct.
 - iv. Where the HRAC committee determines that there are sufficient grounds to proceed with the matter, the Chair of the committee will forward the matter to the board for further action.
 - v. at the Board;
 - The Chairman will issue the officer with statement of the alleged offence ('show cause' letter) and the charges framed against him/her and invite him to state in writing the grounds, if any, on which he relies to exonerate himself/herself.
 - The officer shall respond to the charges within twenty-one (21) days from the date of the 'show cause' letter, and will thereafter be called to appear before the Board to defend himself.
 - The case shall be presented to the Board for interrogation, deliberation, and determination.
 - The Board may invite external experts to participate in its deliberations, if need arises
 - Upon determination of the case by the Board, the Chair of the Board shall relay the outcome to the concerned staff.
 - The officer, if not satisfied, may request for review of the case by the Board, or appeal to SCAC or any other relevant organ.

2) In respect of officers in Job Group KEPHIS 4 to KEPHIS 5:

- i. The TMACH/TMT.
- ii. In the first instance, a report on the alleged misconduct will be made to the Chair of the TMACH/TMT, through the Director Corporate Services
- iii. The Chair of the TMACH/TMT will carry out a preliminary investigation and in consultation with TMACH (excluding HoDs) and external experts if deemed necessary, as to the circumstances surrounding the act of misconduct.
- iv. Where TMACH (excluding HoDs) determines that there are sufficient grounds to proceed with the matter, the Chair of the committee will initiate the process for disciplinary.
- v. TMACH Committee;
 - The Chair of TMACH Committee will issue the officer with statement of the alleged offence ('show cause' letter) and the charges framed against him/her and invite him to state in writing the grounds, if any, on which he relies to exonerate himself/herself.
 - The officer shall respond to the charges within twenty-one (21) days from the date of the 'show cause' letter, and will thereafter be called to appear before the Service to defend himself.
 - The case shall be presented to TMACH Committee for interrogation, deliberation, and determination.
 - The committee may invite external experts to participate in its deliberations, if need arises.
 - Upon determination of the case by TMACH Committee, the Chair or Secretary of the TMACH Committee shall relay the outcome to the concerned staff.

- The officer, if not satisfied, may request for review of the case by the TMACH, may appeal to Board.

3) In respect of officers in Job Group KEPHIS 6 to KEPHIS 10:

- i. The Disciplinary Committee shall be the HRAC.
- ii. In the first instance, a report on the alleged misconduct will be made to the Director Corporate Services, through the relevant Deputy Directors.
- iii. The Director Corporate Services will carry out a preliminary investigation and in consultation with the Human Resource Advisory Committee (HRAC) (and external experts if deemed necessary), as to the circumstances surrounding the act of misconduct.
- iv. Any member of HRAC whose rank is not higher than the officer under investigation will not participate in deliberations or consultations concerning the case.
- v. Where HRAC determines that there are sufficient grounds to proceed with the matter,
- vi. At the HRAC;
 - The Director Corporate Services shall issue the officer with statement of the alleged offence ('show cause' letter) and the charges framed against him/her and invite him to state in writing the grounds, if any, on which he relies to exonerate himself/herself.
 - The officer shall provide a written response to the charges within twenty-one (21) days from the date of the 'show cause' letter, and will thereafter be called to appear before the HRAC Committee.
 - The case shall be presented to the HRAC for interrogation, deliberation, and determination.

- The HRAC may invite internal staff of higher rank than the officer under investigation, or external experts to participate in its deliberations, if need arises.
- Upon determination of the case by HRAC, the Chair of the HRAC shall relay the outcome to the concerned staff.
- The officer, if not satisfied, may appeal to the TMACH or the Board.

4) Conduct of investigations

While carrying out initial investigations, the designated or investigating officer shall observe the following conditions: -

- i. Constitute a team of not less than three (3) officers to investigate the matter (where the team is more than three members, the team shall consist of an odd number).
- ii. The officers conducting the investigation shall be senior to the accused officer and should not have dealt with the case before.
- iii. The report of the investigation shall be submitted to the relevant person or organ and shall contain:
 - evidence collected by the team, including any statements by witnesses;
 - analysis of the evidence and statements;
 - a statement on whether the charges against the officer have been proved; and
 - details on any matter that may affect the gravity of the case, if any.
- iv. The report shall not contain any recommendation on the form of punishment to be inflicted on the accused officer.

13.9 General Provisions

The following shall be observed while processing discipline cases:

- a) Disciplinary cases shall be processed through the Service's HRAC.
- b) If criminal proceedings are instituted against an officer or where an officer has been acquitted of a criminal charge in a court of law, the Managing Directors shall not be prevented from dismissing him or otherwise punishing him on any other charge arising out of his conduct in the matter.
- c) Where an officer has been charged with desertion of duty, the letter shall be addressed to his/her last known address by registered mail.
- d) There should be proper framing of charges with full particulars of the case including the applicable provision of the Constitution, legislation or code of conduct alleged to have been breached.
- e) The officer should be notified in writing, be given the particulars of the misconduct as preferred and reasonable opportunity to respond to the allegations.
- f) Thorough investigation of an alleged offence shall be undertaken before any disciplinary action is taken.
- g) Application of other interventions in resolving discipline cases such as counseling and dispute resolution mechanisms.
- h) Disciplinary cases shall be dealt with promptly and finalized within a period of six (6) months.

13.10 Alternative Interventions in the Discipline Process

- a) Alternative interventions are an effort, undertaken by an employer, to address employee misconduct using a method other than traditional disciplinary action.
- b) Alternative discipline interventions in the Service can take many forms such as counseling, guidance, training or dispute resolution.

- c) The first step in a disciplinary procedure for all minor offences should be counsel. The supervisor should discuss the matter with the employee and advise the employee to reform.

13.11 Disciplinary Offences

There are three types of offences - minor, major and gross misconduct:

- a) Minor Offences - Any of the following, among others, shall amount to a minor offense:
- i. Continued lateness to work;
 - ii. Idling and loitering during working hours;
 - iii. Misuse of telephone and other Resources;
 - iv. Causing unnecessary commotion in Service's premises or in public places;
 - v. Giving false information;
 - vi. Hawking goods and wares in offices.
- b) Major Offenses - Any of the following, among others, shall amount to a major offense:
- i. Absence from work for a period of more than two days without permission or acceptable excuse;
 - ii. Repetition of minor offences;
 - iii. Dressing provocatively or inappropriately;
 - iv. Contravention of traffic laws while using Service's vehicles;
 - v. Deliberate negligence, go-slow or obstructive work;
 - vi. Dishonesty reflecting adversely on the honesty and moral integrity of an employee's duties;
 - vii. Deliberate mis-posting of payments;
 - viii. Inefficiency in work performance;
 - ix. Misuse of Service's vehicles;
 - x. Any other conduct in breach of policies, procedures and set regulations.

- c) Gross Misconduct Offences - Any of the following, among others, shall amount to gross misconduct:
- i. Negligence of duty;
 - ii. Being under the influence of alcohol or harmful drugs during working hours;
 - iii. Use of abusive language or behavior deemed inappropriate to both KEPHIS and the public;
 - iv. Insubordination;
 - v. Criminal conviction;
 - vi. Making a false statement or declaration in any matter on which he is required to respond to by KEPHIS;
 - vii. Unauthorized use or disclosure of confidential information;
 - viii. Sexual harassment;
 - ix. Willful misuse or damage of Service's property;
 - x. Soliciting, giving or accepting bribes;
 - xi. Misappropriation and theft of Service's property;
 - xii. Fraud and obtaining money by false pretense;
 - xiii. Writing or publishing any official information which has not been cleared for publication by the Managing Director;
 - xiv. Acceptance of any bribe, secret profit or unauthorized Agency;
 - xv. Colluding with accused persons to defeat the cause of justice;
 - xvi. Tampering with files and other official documents;
 - xvii. Tampering with and destroying evidence;
 - xviii. Irregular awarding of tenders;
 - xix. Tampering with tender documents;
 - xx. Irregular payments;
 - xxi. Financial embezzlement;
 - xxii. Fraud;
 - xxiii. Infractions of the GoK and Code of Ethics.

13.12 Disciplinary Actions

The following forms of punishment may be meted out by the Service against an employee who commits an offence. Disciplinary actions include but are not limited to:

- i. Warning - both verbal and written;
- ii. Reduction in rank/demotion;
- iii. Reduction in seniority;
- iv. Stoppage of increment of pay;
- v. Withholding of increment of pay;
- vi. Deferment of increment;
- vii. Reprimand;
- viii. Severe reprimand;
- ix. Recovery of cost of loss or surcharge Discipline;
- x. Deferment of promotion;
- xi. Interdiction;
- xii. Suspension;
- xiii. Dismissal;
- xiv. Retirement in public interest;
- xv. Termination of employment.

13.13 Formal Procedure

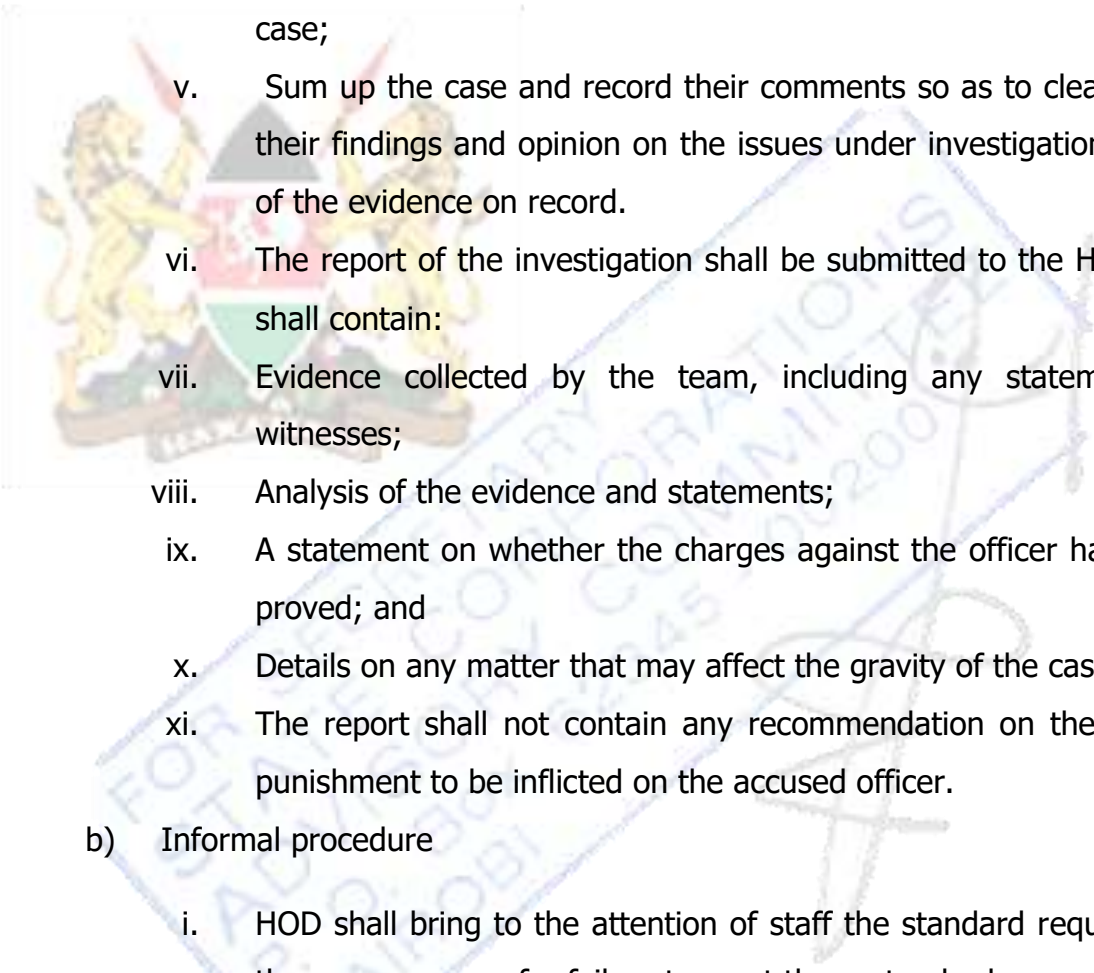
- a) In the event an officer commits a minor offence, a first warning letter should be given to the officer by his or her immediate supervisor. The employee will be required to signify in writing that he has read and understood the contents of the letter.
- b) A warning letter shall be in force for six (6) months.
- c) The warning letter should state the exact nature of offence(s) and indicate future disciplinary action which will be taken against the officer if the offence is repeated within a specified time limit.
- d) A copy of the written warning, signed by the officer upon receipt, should be placed in the officer's personal file.

- e) A second written warning shall be given to an employee who having committed a minor offence earlier, shall repeat a similar offence during the period when a first warning shall still be in force.
- f) A third written and final warning shall be issued when the employee commits the same or another offence of similar severity, during the period when a second warning shall still be in force.
- g) The warning will be deemed invalid after six (6) months from the date of the third and final warning and following satisfactory improvement in performance or behavior, but will not be removed from the employee's file.
- h) Where an officer fails to reform despite or where he or she commits an offence of similar severity even after receiving the third and final warning letter the supervisor shall report in writing to HOFA who shall then forward the report to the Deputy Director Human Capital. The report shall state the nature of the offence, the date and time of occurrence, place and persons involved.
- i) In event of major vent or gross misconduct, the misconduct might be serious enough to justify dismissal without any warning. In such a case, the HRAC may direct that the culprit be required to show cause why a severe disciplinary action should not be meted against him.
- j) The Deputy Director Human Capital shall issue the officer with a show cause letter stating the particulars of the alleged misconduct and invite him/her to respond in writing to the allegations and the grounds, if any, on which he/she relies to exonerate himself/herself.
- k) Where an employee deserts duty or his whereabouts are unknown, the "show cause" letter will be addressed to the employee's last known contact address by registered mail and he will be given at least seven days to respond.
- l) An officer shall be given reasonable opportunity to respond to the charges against him/her and the period within which to respond shall be specified in the statement.

- m) On expiry of the period specified above, whether or not the officer has responded, the case shall be presented to KEPHIS's HRAC to deliberate, conduct disciplinary hearing and make recommendations.
- n) If in the opinion of HRAC there is need for investigation prior to the hearing, the Managing Director will constitute a committee to investigate the matter.
- o) While constituting a team the Managing Director shall observe the following conditions:
 - i. Constitute a team of not less than three (3) officers to investigate the matter (where the team is more than three members, the team shall consist of an odd number).
 - ii. The officers conducting the investigation shall be senior to the accused officer and should not have dealt with the case before.
- p) The disciplinary hearing shall be conducted expeditiously, efficiently, lawfully, reasonably and in a procedurally fair manner in accordance with article 47 of the constitution and the Fair Administrative Action Act No 4 of 2015.
- q) The HRAC after hearing the matter shall prepare a report consisting of the following:
 - i. Background information leading to the relevant incident;
 - ii. Input from the witness or witnesses;
 - iii. The employee's response to the allegation(s);
 - iv. An analysis of the facts;
 - v. A statement that all the entitlement of employee facing the disciplinary action have been observed;
 - vi. Recommendations.

13.14 Conduct of investigations

- a) In investigating an alleged misconduct, the investigation team shall:
 - i. Establish and record the issues for investigation;

- 
- ii. Give every party involved especially the affected officer a chance to produce relevant documents, call and examine witnesses, and, peruse documents produced against him;
 - iii. Record all relevant material oral and documentary evidence;
 - iv. Record details of any matter which may aggravate or mitigate the case;
 - v. Sum up the case and record their comments so as to clearly show their findings and opinion on the issues under investigation in view of the evidence on record.
 - vi. The report of the investigation shall be submitted to the HRAC and shall contain:
 - vii. Evidence collected by the team, including any statements by witnesses;
 - viii. Analysis of the evidence and statements;
 - ix. A statement on whether the charges against the officer have been proved; and
 - x. Details on any matter that may affect the gravity of the case, if any.
 - xi. The report shall not contain any recommendation on the form of punishment to be inflicted on the accused officer.
- b) Informal procedure
- i. HOD shall bring to the attention of staff the standard required and the consequences for failure to meet those standards;
 - ii. Cases of minor misconduct shall be dealt with by an employee's immediate supervisor informally without delay. The supervisor may speak to the employee in private and encourage them to conduct themselves in accordance with the required standards;
 - iii. The purpose of the discussion is to ensure the employee understands the nature of the concerns, and expectations of improvement in his/her conduct;

- iv. The supervisor shall confirm the outcomes of any discussions to the staff in writing and retain any note of this informal discussions or meetings;
- v. Following satisfactory outcome, the matter shall be deemed resolved. However, in case of unsatisfactory outcome where the problem persists; required improvement in conduct has not been achieved; and further information becomes available during discussions which make the matter sufficiently serious, the formal procedure shall be invoked.

13.15 Interdiction

- a) An officer may be interdicted to allow investigations to be conducted in a case where proceedings may lead to dismissal.
- b) An officer who is interdicted shall be eligible for half ($\frac{1}{2}$) of his/her basic salary with full allowances and medical benefits.
- c) An officer on interdiction should report to his supervisor at agreed intervals.
- d) Where disciplinary or criminal proceedings have been taken or instituted against an officer under interdiction and such an officer is neither dismissed nor otherwise punished under these regulations, any salary withheld shall be restored to him upon the termination of such proceedings with effect from the date the salary was stopped.
- e) Where an employee has been charged with corruption or economic crime, such officer shall stand suspended from exercise of his duties pending determination of the case. Such an officer shall be entitled to payments as stipulated in the Anti-corruption and Economic Crimes Act.

13.16 Suspension

- a) An officer may be suspended from duty under the following circumstances:
 - i. When disciplinary proceedings have been instituted against the officer as a result of where, The Board or the Managing Director through the advice of HRAC considers that the officer ought to be dismissed;

- ii. When he has been convicted of a serious criminal offence.
- b) Where an officer is suspended from the exercise of the functions of his public office, he shall be entitled to half of basic salary, house allowance and medical benefits.
- c) An officer on suspension will be required to report to his supervisor weekly.
- d) Where disciplinary or criminal proceedings have been taken or instituted against an officer under suspension and such an officer is neither dismissed nor otherwise punished under these provisions, the whole or any salary withheld shall be restored to him upon the termination of such proceedings with effect from the date the salary was stopped.
- e) Where an employee has been charged with corruption or economic crime, such officer shall stand suspended from exercise of his duties pending determination of the case. Such an officer shall be entitled to payments as stipulated in the Anti-corruption and Economic Crimes Act.

13.17 Criminal Proceedings

Where an employee has been charged with a criminal offence related to his employment:

- a) Disciplinary action, including summary dismissal may be taken against an employee who has been charged with a criminal offence and has not been released on bail or bond or lawfully set at liberty, without having to wait for the outcome of the criminal case in court. In all cases the correct procedures must be followed.
- b) Care must, however be taken to ensure that procedures, including the framing of charges, are not interpreted to be in contempt of the court process. In all such cases, the advice of the Head of Legal will be sought.
- c) In the event that criminal proceedings are preferred against an employee for offences which do not directly relate to the service, the Managing Director or his authorized officer may interdict the employee, pending internal investigations whether KEPHIS's rules and procedures have been breached and appropriate action taken.

13.18 Requirements for Carrying Out Investigations

- a) Accurate evidence is the foundation of fairness in discipline cases and this can be achieved through investigation of alleged offences. Such investigations should be carried out by committees appointed in writing by the Managing Director stating the terms of reference and specific timeline within which to carry out the investigation.
- b) While carrying out the investigations the following shall be observed:
 - i. Investigating committee should comprise employee's senior to the accused employee and should not have dealt with the case before.
 - ii. The team should comprise of not less than three (3) employees (where the team is more than three members, the team shall consist of an odd number).
 - iii. The employee under investigation must be interviewed by the investigating committee.
 - iv. The investigating committee shall record details of any matters which may aggravate or mitigate the case.

- v. After listening to all witnesses and studying all the documents, the committee shall sum up the case and record its findings as evaluated against the evidence.
- vi. The investigation report submitted to the relevant HR Committee of the Board/HRAC and shall not contain any recommendation on the form of punishment to be inflicted on the accused officer but should contain:
 - A statement on whether the charges against the employee have been proved.
 - evidence collected by the team, including any statements by witnesses;
 - analysis of the evidence and statements; and
 - Details on any matter that may affect the gravity of the case if any.
 - Where further investigations are required as provided for in the regulations, such investigations shall be conducted in accordance with the process described above.

13.19 Surcharge

- a) The Service may resolve to surcharge an employee on account of misappropriation of money, loss of property, malicious damage or misuse of the same.
- b) The HRAC may resolve to surcharge the employee in full or an amount proportionate to the offence.
- c) In all surcharge cases, a show cause letter must be issued and the employee allowed to submit his defense.
- d) Surcharge cases should be implemented as follows:
 - i. In monthly installments that shall not exceed one third of employee's monthly basic salary;
 - ii. At termination or expiry of contract, any outstanding amount of surcharge will be settled from the employee's terminal dues; and
 - iii. The employee will sign an undertaking to the effect that on termination or expiry of the contract period, any outstanding amount will be recovered from his terminal dues. The undertaking will remain in force after the separation of the employee from KEPHIS, until the full amount of surcharge is paid.

13.20 Dismissal

- a) In the event of failure to heed a final written warning, an employee will be advised that he may face summary dismissal.
- b) Summary dismissal shall be considered in the event that an employee displays gross misconduct as defined under the Constitution 2010, Employment Act 2007, Public Officers Ethics Act 2003 and Leadership and Integrity Act 2012.Or as may be amended.
- c) A letter narrating the facts of the case and giving reasons why dismissal is recommended will be sent to the employee and a copy of the letter placed in his or her personal file. The employee will be provided with an opportunity to respond within twenty-one (21) days.
- d) In conveying the decision of the dismissal, the employee shall be informed of his right of appeal within six (6) weeks from the date of the letter signifying dismissal.
- e) An employee whose termination is through summary dismissal will be entitled to payment of any terminal benefits in accordance with the provisions of the pension scheme and prevailing laws.

13.21 Checklist for Submission of Cases to the Board of Directors

- a) The Director Corporate Services shall present cases to the Board of Directors in the format prescribed.
- b) When submitting cases to the Board of Directors, the following must be provided:
 - i. The employee's personal files;
 - ii. HR Committee of the Board/HRAC comments on each and every issue raised by the accused officer and recommendations;
 - iii. Investigation report and material evidence where applicable;
 - iv. Signed HR Committee of the Board/HRAC minutes;
 - v. All correspondence related to the matter;
 - vi. Details of any matter which may aggravate or alleviate the gravity of the case.

13.22 Lodging an Appeal or Application for Review

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

- a) All appeals and applications for review shall be in writing and made within a period of forty-two (42) calendar days and one (1) year respectively, from the date of the letter conveying the decision.
- b) The Board of Directors or Managing Director may entertain an appeal or application for review out of time if, in the opinion of the Board of Directors or Managing Director, the circumstances warrant it.
- c) All appeals and reviews shall be addressed to the Board of Directors, through the Managing Director who shall give comments and a recommendation on issues raised.
- d) While forwarding his/her appeal or application for review, an employee may submit an advance copy to the Board of Directors.
- e) An appeal shall be accompanied by copies of all material evidence or documents that the appellant wishes to rely on.
- f) All appeals and applications for review shall be forwarded to the Board of Directors even where they are made out of time.
- g) Decisions on appeals shall be promptly conveyed and the employee informed of the right of application for review.
- h) A second or third appeal as the case may be can be made to the Public Service Commission or delegated Agency.

SECTION 14: HANDLING GRIEVANCES

14.1 Introduction

- a) The Service is committed to ensuring fair treatment of all employees when dealing with grievances with a view to addressing concerns in the best manner possible. The grievances may include but not limited to; management deficiency, recruitment, promotion, conditions of service, unfair treatment of staff, sexual harassment and concerns about possible improprieties in financial reporting in internal control.
- b) In handling grievances, the Service shall be guided by the following principles:
 - i. Fairness in regard to treatment and hearing;
 - ii. Right of appeal;
 - iii. Right to channel grievances;
 - iv. Confidentiality;
 - v. Prompt action;
 - vi. Involvement of all parties.

14.2 Grievance Handling procedure

- a) Where an employee has an individual problem or grievance not being a matter of discipline, he should in the first instance approach his immediate supervisor with a view to solving it.
- b) The immediate supervisor shall carefully consider any submission made to him and endeavour to settle the matter or refer the case to the Head of Functional Area for appropriate action.
- c) If the employee is not satisfied with the proposed decision, he may appeal to the Managing Director through the Deputy Director Human Capital.

- d) It is stressed that employees should desist from presenting their individual problems or grievances to colleagues, other members of staff or members of the public not in a position to solve them.
- e) In handling Appeals arising from grievances or the grievances dropped in a suggestion box, the officer responsible for the suggestion box shall record the details of the grievances in a grievance recording form and forward to the Managing Director.
- f) The Managing Director, after considering the nature of the grievance, shall at his/her discretion:
 - i. Directly deal with the matter;
 - ii. Channel to the HRAC to conduct further investigations on the complaint and submit a report within a specified period.
- g) Upon receipt of the investigation report, the Managing Director shall prepare a written response to the aggrieved employee giving the reason for the decision.
- h) Where an offence has been found to have occurred, the necessary disciplinary procedure shall be instituted against the concerned party.
- i) Where the aggrieved party is dissatisfied with the decision made, he/she shall be accorded the right to appeal to the Board

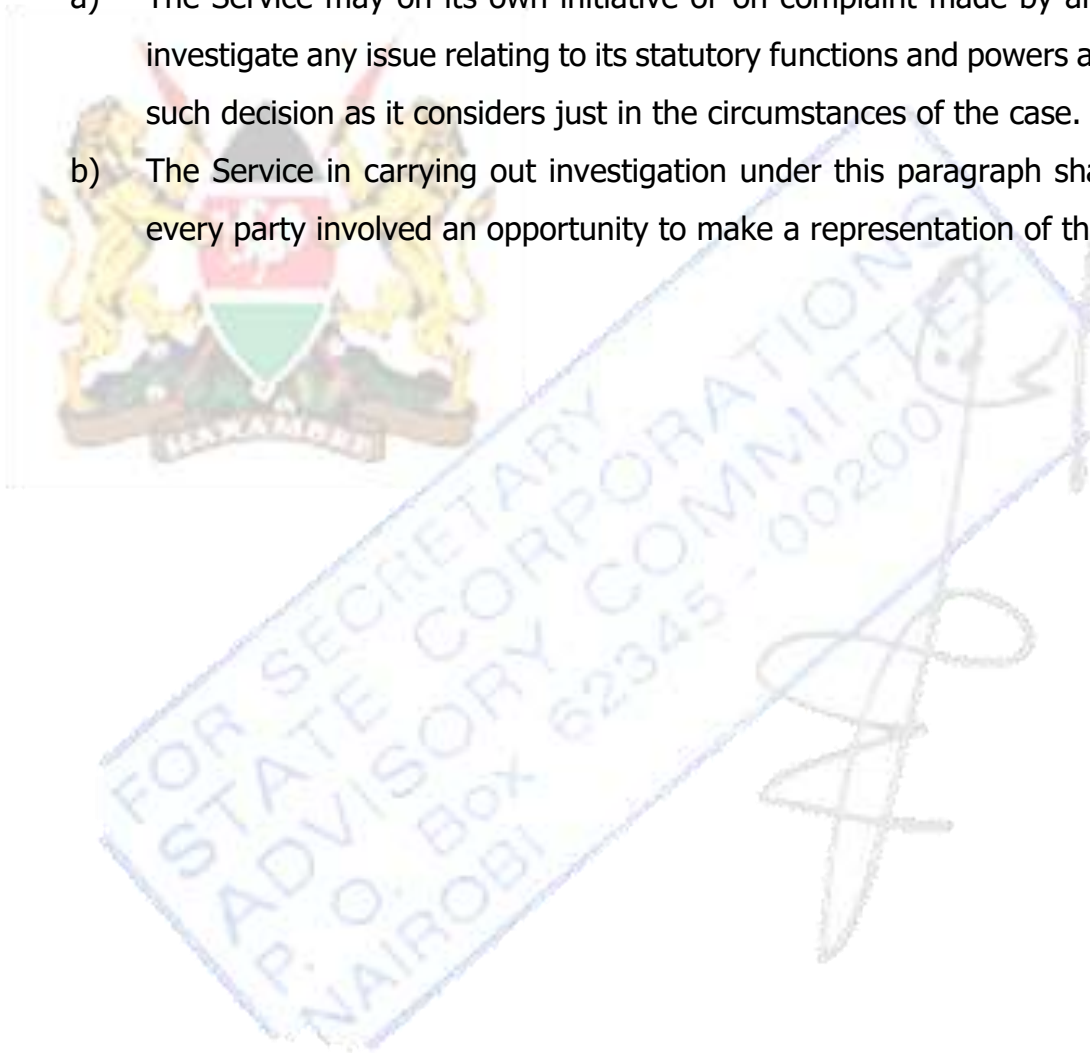
14.3 Negotiation, Conciliation, Mediation and Arbitration

- a) The Service may on its own initiative or on request made by any person undertake or facilitate negotiation, conciliation, mediation and arbitration of any issue relating to its statutory functions and encourage the parties to arrive at an amicable decision that may be just in the circumstances of the case.

- b) The Service in carrying out negotiation, conciliation, mediation and arbitration under this paragraph shall accord every party involved an opportunity to make a representation of their case.

14.4 Complaints and Grievances

- a) The Service may on its own initiative or on complaint made by any person investigate any issue relating to its statutory functions and powers and, make such decision as it considers just in the circumstances of the case.
- b) The Service in carrying out investigation under this paragraph shall accord every party involved an opportunity to make a representation of their case.



SECTION 15: EMPLOYEE SEPARATION

15.1 Introduction

- a) The Service recognizes that from time to time, and for various reasons, employees will leave employment and that it is important to provide for a smooth and fair separation process.
- b) This policy is to provide a process for discharging employees who leave KEPHIS by:
 - i. Ensuring equitable and consistent application of the policy to all employees;
 - ii. Ensuring balance between support for individual in transition and interests of the Service;
 - iii. Ensuring compliance with applicable laws;
 - iv. Ensure benefits due are discharged within the required timelines.
- c) Except in the case of death, only formal written communication from either employee or KEPHIS will constitute intention to separate.
- d) All employees leaving the services of KEPHIS will be required to complete a clearance form, an exit interview form and the prescribed declaration of wealth form, the official secret acts form and KRA clearance and submit the same to the Deputy Director Human Capital.
- e) Prior to the last day of service, the employee will be expected to clear and handover to the immediate supervisor.
- f) The Deputy Director HC in liaison with Deputy Director ICT and Innovation will ensure that all applicable information communication and technology system authorizations, access control are deactivated, internal and external

financial authorizations, demobilized access to Service safes is withdrawn (where applicable) with effect from the last working day.

- g) Upon termination of an employee's services from KEPHIS, the immediate supervisor will ensure that the employee has surrendered the following among others:
- i. Medical card, employee identity card and any other official card(s) in their possession;
 - ii. Office and desk keys and other keys in their possession;
 - iii. Tools, equipment, user manuals, including CD's, DVDs and external storage devices if any;
 - iv. Laptops, mobile phones, modems, and any other portable communication devices;
 - v. Safe codes and transaction codes if any;
 - vi. Settle any outstanding Service debts.
- h) The Service will issue a certificate of service to all employees leaving the services of KEPHIS upon complete clearance.
- i) Benefits including pension contributions under the Retirement Benefits Scheme will be paid in accordance with this manual, the Trust Deed and Rules and provisions of Retirement Benefits Act.
- j) In all cases of separation (except death), the Managing Director shall always ensure that exit interviews are conducted.

15.2 Forms of Exit

There are various forms of exiting from the employment. These could be occasioned by any of the following: Retirement; Resignation; Termination of employment; Expiry of

contract; Dismissal; Death or Redundancy/abolition of office. In all cases of separation (except death), it shall be required that exit interviews are conducted.

a) Retirement

An employee can retire on the following grounds:

- i. On attainment of mandatory-60 years or statutory-Under 50 Year;
- ii. Under 50 Years on the following grounds; Medical grounds, Re-organization and abolition of office.

b) Resignation

- i. Employees may resign voluntarily from service by giving at least one (1) month notice or paying equivalent one-month gross salary in lieu of notice. Any employee wishing to resign should submit his intention to resign in writing indicating the effective date of resignation to the Managing Director. Resignation is subject to acceptance. Employees whose resignation has been accepted as explained above will be entitled to benefits, accrued leave, and pension/gratuity as may be applicable.
- ii. On resignation, an employee will be required to refund all outstanding monies/liabilities owed to KEPHIS. Any amount due to the employee may be withheld and applied towards any sums due to him.
- iii. The Service shall not accept a resignation if the resignation is aimed at avoiding anticipated or ongoing disciplinary case.
- iv. Where an officer resigns from the service, the officer shall be entitled to benefits in accordance with terms and conditions applicable or contained in the contract of service or Provisions of the relevant law or regulations governing payment of terminal benefits.
- v. The Managing Director will accept or decline resignation in writing for all other employees while the Service will accept/decline resignation in respect of the Managing Director.

c) Death

The termination of a deceased employee's employment will be effective from the date of death. Upon the death of an employee, next of kin of the deceased will be paid death benefits.

d) Early Retirement

The early retirement age shall be fifty (50) years. Employees at this age can opt to retire with full benefits without assigning any reason.

e) Mandatory Retirement Age

The mandatory retirement age shall be sixty (60) years, however, persons living with disabilities will retire on attainment of sixty-five (65) years. The mandatory retirement age shall be guided by prevailing Government guidelines as may be issued from time to time.

f) Retirement on Medical Grounds

- i. Where it has been brought to the Managing Director's attention that an officer is unfit for continued service due to ill-health, the officer may be considered for retirement on medical grounds in terms of clause (ii) below;
- ii. Where it is necessary to convene a Medical Board to determine an officer's fitness for further service or otherwise, the Managing Director shall refer the case to the Director of Medical Services;
- iii. The Director of Medical Services shall forward a report to KEPHIS within a period of one (1) month after appearance of the Officer before the Medical Board;
- iv. Retirement on medical grounds will be ratified by the Board.

g) Retirement on Abolition/Re-organization of Office

An employee may be retired either on the abolition of the office he holds or upon the re-organization of the office for efficiency in service delivery. Such action shall be approved by the Board.

h) Dismissal due to non-performance as described in the Section of Performance management.

i) Dismissal due to misconduct as described in the Section on Disciplinary.

15.3 Notification of Retirements

- a) In cases where the retiring employee is eligible for retirement benefits under the RBA Act, a claim for such benefits should be submitted to KEPHIS's Pensions scheme administrator, nine (9) months before the date of retirement.

- b) The Director Corporate Services will ensure that notices of retirement have been duly authorized by the Board and the relevant service records submitted, to facilitate the submission of an acceptable retirement benefits claim, to the Pensions Administrator, within the time limit specified in the sub-section (1) of this regulation.

15.4 Clearance Certificate

Prior to the payment of final dues all employees will be required to obtain a clearance certificate confirming that they have returned all assets to the Service and cleared all outstanding liabilities.

15.5 Certificate of Service

At the request of an employee exiting service, a Certificate of Service shall be issued.

15.6 Indemnity Certificate

On processing of terminal benefits, the employee leaving the employment will be required to sign an Indemnity Certificate confirming that he has received his final dues and that there are no outstanding obligations on the part of KEPHIS.

15.7 Exit Interviews

- a) Where an employee resigns from KEPHIS voluntarily, a panel of at least three (3) senior employees shall conduct an exit interview. The employee may request a senior staff member to attend or replace a member of the appointed to undertake the interview. An exit questionnaire will be issued to all staff leaving the employment of the service.
- b) The purpose of the exit interview is to seek information from the employee as to their experience of employment with KEPHIS and to identify areas for improvement.
- c) The results of the interview shall be documented and kept in the Staff Exit Interviews file for reference by the service.

SECTION 16: HEALTH, SAFETY AND ENVIRONMENT

16.1 Introduction

The Service will recognize and commit itself to the achievement of the highest standards of health and safety in the workplace, and the elimination or minimization of health and safety hazards and risks that may affect its employees. In this regard, it will implement policies and programs that assure their protection from such hazards and disasters. The policies and programs will be implemented in compliance with the provisions of Occupational Safety and Health Act, 2007 and other Labour Laws.

16.2 Guidelines to General Safety

- a) The Service shall obtain work place certificate from the Director of Occupational safety and health (DOSH).
- b) The Service will maintain healthy and safe working conditions to ensure there is no personal injury caused by accidents.
- c) Employees will always consider safety to themselves and others when performing their duties. They will not compromise on quality, cause injury, ill health, loss or environmental damage at all times.

16.3 Emergency Preparedness

- a) The Service will put in place adequate plans for foreseeable incidents such as accidents, explosions, fires, floods and bomb threats, prepare and outline procedures to be followed in such events.
- b) Heads of functional areas will have a responsibility of ensuring that all employees and visitors are informed of and are fully conversant with the emergency procedures.

16.4 Fire Precautions

- a) The Service will ensure that adequate fire detection alarm and fighting facilities are provided in the various stations and are maintained as advised by Fire employees and Occupational Safety and Health employees.

- b) The Service will enforce all necessary fire precaution measures.
- c) Precautionary notices shall be displayed in relevant areas and necessary training provided to staff.

16.5 Fire Prevention

- a) No hazardous or highly inflammable materials should be stored in stations without the approval of the Managing Director.
- b) Positions of firefighting equipment must not be interfered with nor should firefighting equipment such as hose reels and extinguishers be used for purposes other than firefighting.
- c) The Service will ensure that:
 - i. Health and Safety Committees are formed in all premises used by employees;
 - ii. The Committee members and all employees are trained;
 - iii. Firefighting drills are conducted in all premises used by employees in accordance with the requirement of the Occupational Safety and Health Act, 2007;
 - iv. The Fire Precaution signs and the Health and Safety Policy will be conspicuously displayed in all offices.

16.6 Notification of Fires

- a) All fires, however small, must be reported to the HR or other Government agencies such as Police or any Administrative employee within a period of twenty-four (24) hours. The premises so affected by fire must be guarded and no evidence should be interfered with until investigations are over.
- b) It is the responsibility of whoever detects a fire to initiate alarm, inform the Police and fire brigade and try to control the fire during its initial stages.
- c) All Stations must be fitted with adequate fire detection, alarms, water storage tanks and pumps dedicated to firefighting only and separate from the normal water supply.

16.7 Compensation to Employees in case of Injury or Death

- a) The Service will procure a Group Personal Accident Insurance for all the employees.
- b) Only accidents arising out of and in the course of an employee's employment resulting to injury or diseases arising from occupational hazards or death are compensable.

16.8 Reporting of Accident and Occupational Diseases

- a) Immediately the supervisor is informed of an accident or an occupational disease resulting in death or injury to an employee under whom he is directly deployed, he should make a claim for compensation in accordance with the procedure set out below:
 - i. In case of an accident resulting in the injury or death of an employee, Part I of the Occupational Safety and Health Services, Accident Notification form (Form DOSH 1) should be completed in triplicate.
 - ii. The forms should then be dispatched to the Occupational Safety and Health employee of the region in which the accident occurred and for

non-fatal accident to the Medical Practitioner who is attending to the injured employee.

- iii. The detailed procedures are contained in the relevant forms which are obtainable from the Director of Occupational Safety and Health Services in the State Department responsible for Labour.
- b) Where the Director of Occupational Safety and Health Services finds anomalies or that the percentage given in the medical report is not in conformity with the provisions of the Work Injury Benefits Act, 2007 (WIBA), he will decline to process the compensation. The Director will inform the Managing Director of that decision giving reasons as to why he has taken the decision and if the employee qualifies for compensation, he will advise on the action that should be taken to enable the employee's compensation to be processed.
- c) The Managing Director may either request the Director of Medical Services to convene a Medical Board for reassessment of KEPHIS's liability to pay compensation or may request the Director of Occupational Safety and Health Services to appoint a medical panel for reassessment on the employee's diagnosis or injury.

16.9 Approval and Distribution of Compensation

- a) If it is considered by the Director of Occupational Safety and Health Services that KEPHIS is liable to pay compensation, he will send a demand note to the Managing Director indicating the amount of money to be paid to the injured or sick employee, or the dependent(s) of a deceased employee.
- b) The payment of the money due for compensation to the injured or deceased employee shall be made within ninety (90) days of lodging of the claim.
- c) The injured employee or the dependent(s) of deceased employee will sign a certificate of acknowledgement of payment and complete agreement form in

triplicate.

- d) Copies of such certificate and of the appropriate agreement form should then be distributed as follows:
 - i. One copy to be handed to the employee or, in case of fatal accident, to the dependent (s);
 - ii. One copy to be returned to the CEO/Managing Director;
 - iii. The other copy to be retained by the Director of Occupational Safety and Health Services.

16.10 Recourse to Court

- a) Where the employee or the Managing Director is not satisfied with the amount of compensation computed by the Director of Occupational Safety and Health Services they may raise an objection to the said Director.
- b) In case the employee or the Managing Director is not satisfied with the decision of the Director of Occupational Safety and Health Services in response to the objection raised, the aggrieved party may appeal to the Industrial court.

16.11 Compensation Payable during Sick Leave under WIBA

An employee on sick leave as a result of an accident or occupational disease will be entitled to full pay.

16.12 Source of Funds

The Managing Director will also budget for Service's to pay Work Injury Benefits to the injured employees in compliance with Section 26(4) of the Work Injury Benefits Act, 2007.

16.13 Risk Assessment

There shall be formed a Safety Committee with representatives from all functional units under the Chairmanship of a person appointed by the Managing Director. This Committee

will periodically carry out risk assessment of all Stations with the purpose of identifying hazards, analyzing the risk attached to them and initiate preventive action.

16.14 Security

- a) The Service will always put in place measures to ensure adequate security for all employees and equipment.
- b) Employees leaving the office should ensure that all the windows are locked; the office equipment and lights are off before leaving.
- c) Keys to filing cabinets, safes and offices containing classified materials shall be kept safely. Any loss or misplacement of keys must be reported to the employee responsible for security.
- d) Employees will be issued with identification cards to facilitate their entry into their work station.
- e) The Service will not be responsible for loss of money or valuables left unattended while in its premises.
- f) Employees have a responsibility to ensure a safe and secure environment at all times.

SECTION 17: EMPLOYEES WELFARE

17.1 Introduction

- a) The Service recognizes that, in addition to offering pay benefits, and a healthy working environment to employees, their emotional and social needs should also be catered for as they discharge their duties.
- b) The Service will undertake social responsibility to promote welfare amongst its employees.
- c) The Service will pursue a policy that addresses the various social and health challenges confronting employees in the workplace.

17.2 HIV/AIDs at the Work Place

The Service recognizes the impact of HIV/AIDS in the workplace and it's far reaching effects on productivity. The Service is therefore committed to developing a programme to mitigate the effects of the pandemic. It shall develop a workplace policy on HIV and AIDS. The main objective of the policy will be to provide a framework to address HIV and AIDS issues in KEPHIS.

17.3 Counselling Services

Management will ensure that arrangements are made to provide counseling services to the employees for their well-being and in order to develop a psychologically healthy workforce as per the Public Service Policy on Guidance and Counseling. Employees who have reservations working with a colleague who has a health condition may contact their supervisors or the Deputy Director Human Capital who will cause appropriate counseling.

17.4 Drug and Substance Abuse

Addiction to drugs or substance will be treated like any other disease. An employee who is determined to deal with drug and substance abuse problem by engaging in rehabilitation services will be referred to a Medical employee for evaluation.

The Service will provide both inpatient and outpatient rehabilitation services within the limits that will be provided in the medical insurance scheme.

17.5 Working Environment

Management will ensure maintenance of a clean and smoke-free working environment. Accordingly, no person shall be permitted to smoke any tobacco or tobacco products while on KEPHIS's premises except in the designated smoking area if any. Each employee is duty-bound to maintain a clean and healthy working environment.

17.6 Funeral Expenses

The Service shall procure a comprehensive medical cover for members of staff which shall include last expense cover of not less than KShs. 100,000.00 for the employee, one spouse and up to four (4) dependent children.

17.7 House Purchase Scheme

The Service runs a mortgage scheme for its employees to encourage employees to own residential houses as in clause 6.26 above.

17.8 Vehicle Purchase Scheme

The Service may establish a Car Loan and Mortgage Scheme as in clause 5.11 above.

17.9 Social Club

- a) KEPHIS is committed to providing a conducive work environment through programmes that will enhance work life balance, where employees can engage socially, exercise their leadership skills, acquire team skills and develop healthy lifestyles through recreational activities such as sports and fitness.
- b) KEPHIS will endeavour to establish recreational facilities for its employees.

17.10 Newspapers

Newspapers will be provided to employees in KEPHIS 3 and above. However, they will be restricted to two (2) newspapers per day. This restriction does not apply to the Managing Director.

17.11 Compensation in case of Injury or Death

The Work Injury Benefits Act (WIBA) provides for compensation for accidents and occupational diseases arising out of and in the course of an officer's employment. In this regard, the Service shall procure Group Personal Accident (GPA) and Group Life Assurance (GLA) schemes which shall be administered by an approved Service provider.

17.12 Medical Insurance Scheme

- a. KEPHIS will provide a comprehensive medical cover for all its employees at public hospitals and specified private hospitals through a medical insurance scheme.
- b. The ex-gratia will be provided in case the medical cover is exhausted or condition not covered upon request, approval and subject to availability of funds.

17.13 Medical Treatment outside Kenya

- a) Employees are advised to utilize locally available medical services before seeking medical treatment abroad.
- b) An employee will not be considered for medical treatment abroad except where it is confirmed by a certified medical practitioner that such specialized services are unavailable within the country.
- c) Where authority is granted for medical treatment abroad, the costs of the treatment shall be made in accordance with the provisions of the medical insurance cover.

SECTION 18: OFFICIAL COMMUNICATION

18.1 Introduction

The Service is committed to open and timely communication, establishment and maintenance of clear and appropriate channels of communication across the whole range of its activities. This Communication Policy is intended to establish sound principles of communication within KEPHIS and to ensure that members of staff and stakeholders understand the importance of the communication modes, format and channels.

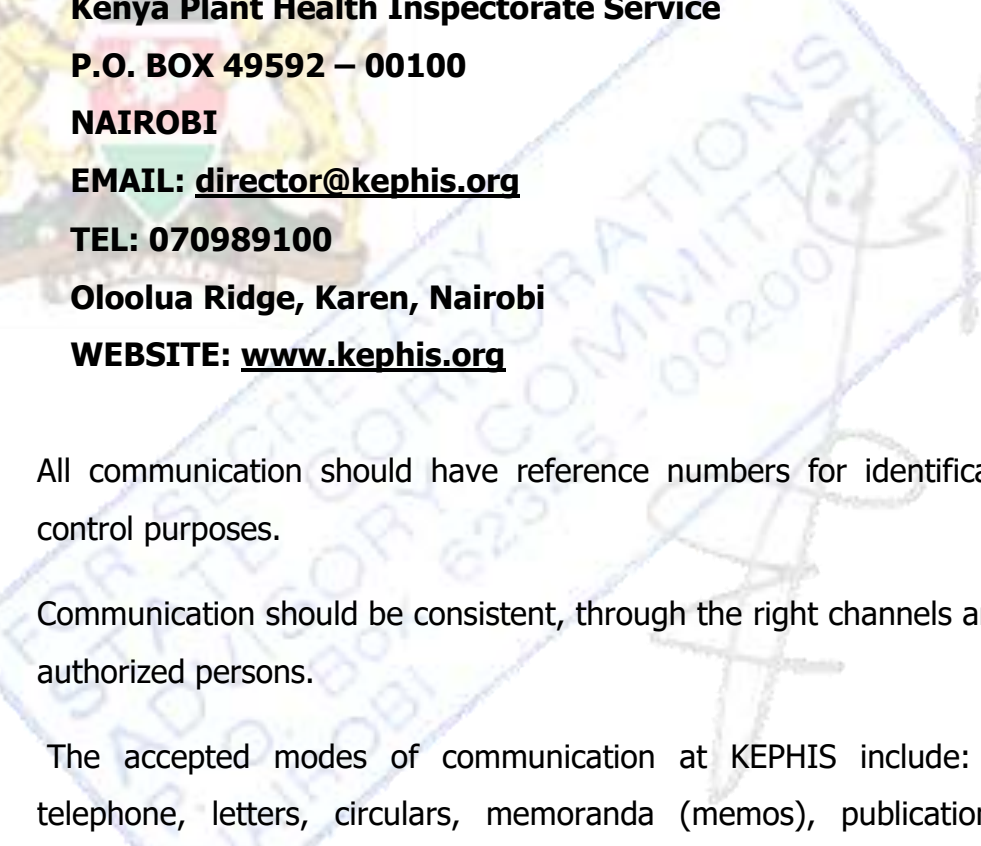
18.2 General Guidance on Correspondences

- a) Both sides of the paper should be used and a reasonable margin should be left blank on the left-hand side.
- b) Enclosures, unless of exceptional importance, should be avoided whenever practicable, and copies, not originals, be sent.
- c) Enclosures in foreign languages should be accompanied by a translation.
- d) Documents received in foreign languages should be referred to the Ministry of Foreign Affairs and International Trade for official translation, if necessary.
- e) Great importance is attached to the expeditious treatment of all communication received by the Service. Every communication requiring a response but which cannot be addressed at once should be acknowledged promptly on receipt. The necessary consultations should then be finalized and appropriate response dispatched in not more than 7 days unless it can genuinely be established that such consultations require a longer period.
- f) When decisions of KEPHIS have to be conveyed to the non-Governmental bodies or to members of the public, they should be communicated as the decisions of the service, and not as those of an individual employee.
- g) All communication touching on matters of the Service shall be through the Managing Director.

- h) An employee 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 employee personally.
- i) The use of courier services is encouraged, where available.
- j) All external communication to KEPHIS should be addressed to: -



**The Managing Director/ Managing Director,
Kenya Plant Health Inspectorate Service
P.O. BOX 49592 – 00100
NAIROBI
EMAIL: director@kephis.org
TEL: 070989100
Ololua Ridge, Karen, Nairobi
WEBSITE: www.kephis.org**



- k) All communication should have reference numbers for identification and control purposes.
- l) Communication should be consistent, through the right channels and by the authorized persons.
- m) The accepted modes of communication at KEPHIS include: - email, telephone, letters, circulars, memoranda (memos), publications, short message service (sms), social media (on general public awareness issues) and deliberations at meetings.
- n) Indulgence by members of staff in communication sites and modes that are of no benefit to KEPHIS during working hours should be avoided.
- o) Heads of functional areas shall ensure the policy is implemented within their jurisdictions. They shall also ensure dissemination of relevant information to

their members of staff and relevant stakeholders.

18.3 Classified correspondence

- a) The Service shall adopt the Government of Kenya Security Manual which contains instructions regarding classified correspondence.
- b) The appropriate classification shall be clearly marked at the top and bottom of every page of all classified documents.
- c) The Managing Director will be held responsible for ensuring that the most careful attention is paid to security matters in all offices under his control.

18.4 Internal Communication

- a) The Service shall use the following channels when communicating with members of staff: -
 - i. Internal memos/circulars/letters;
 - ii. Emails and Short Messaging Service (SMS);
 - iii. Telephone calls;
 - iv. Notice Boards;
 - v. E-bulletins;
 - vi. Regular staff meetings;
 - vii. Internal newsletters/publications;
 - viii. Internet;
 - ix. Website.

- b) Memos and Circulars - With regards to memos and circulars, the following shall apply: -
- i. All memos/letters/circulars shall be done using relevant subject file and folioed accordingly;
 - ii. Internal memos shall be used for communication within;
 - iii. Circulars shall be used for communication with external stakeholders to inform on policies and new developments;
 - iv. Members of staff shall be briefed on the contents of such memos/circulars through regular staff meetings, visible notice boards, internet, bulletins and internal publications;
 - v. Any memo/letter/circular should be initialed by the person drafting it to allow ownership and traceability;
 - vi. Circulars will be issued only by the Managing Director;
 - vii. The action and receiving employees shall sign off the relevant files in use to allow for traceability;
 - viii. All correspondences shall be channeled through the immediate supervisors.

18.5 External Communication

Communication with the large public shall include the use of:

- a) Print media-newspapers, periodicals, journals, magazines, circulars, letters, pamphlets, brochures, fliers and posters;
- b) Electronic Media-Radio, TV, Internet, emails, and Website;
- c) Social Media- including social networks and group Short Message Service (SMS);
- d) Spoken word comprising of formal presentations in meetings, seminars, conventions, workshops and speeches;
- e) Bill Boards and publicity posts; and

- f) Other communication channels including exhibitions, displays and sponsorships.

18.6 Economy in use of Stationery

- a) Utmost economy shall be exercised in the ordering and use of official stationery. Official stationery must not be used for private correspondence.
- b) Printing should be reduced to a minimum. Comparative cost of using duplicating/photocopying machines and printing should be considered before any orders are given to print.
- c) All stocks of official stationery should be kept under lock and key and issued by a responsible employee only when required.

18.7 Official Seal

The use of the official seal must be confined strictly to official requirements. Applications by private persons for impressions of official seals shall not be allowed.

18.8 Corporate Identity/Image

With regards to corporate identity/image, the following shall apply: -

- a) The Service shall maintain a recognizable and consistent corporate identity throughout the offices, assets, publications and presentations;
- b) Corporate identity is enhanced by the logo, letter head and the corporate colors;
- c) The Service shall use its seal on Contracts and all other documents as required by the law;
- d) The use of the corporate logo for private purposes is strictly prohibited.

18.9 Media Relations

With regards to media relations, the following shall apply: -

- a) The Service shall cultivate a positive relationship with the media to promote public awareness and understanding of its mandate, initiatives, service and activities; and
- b) All communication with the media shall be approved by the Managing Director, to ensure uniformity, accuracy and accountability.

18.10 Spokesperson

The Managing Director shall be the principal spokesperson of the Service on operational matters.

18.11 Complaints Management

- a) The Service shall handle public complaints through the Managing Director's office. Clients/Customers are advised to address complaints or suggestions to the Managing Director through KEPHIS's physical address, post, telephone or designated e-mail address.
- b) The Service shall establish suggestion boxes within KEPHIS's offices and prescribe regulations for the handling of complaints.

18.12 Inventions and Innovations

- a) Where an invention or innovation is in all respect alien to the employment of an employee, he shall normally be granted the full rights in such invention in accordance with Intellectual Properties Act.
- b) Where an invention or innovation is connected with facilities arising out of the employment of an employee, the question of his rights and those of the Government shall be referred to the relevant Government body/bodies.

18.13 Telephone Facilities/Benefit

- a) It is KEPHIS's policy to maintain an appropriate telephone strategy/technology that will facilitate operational excellence. Members of

staff shall use telephone facilities in a prudent and wise manner and limit such usage to official purposes only.

- b) This policy advocates for wise use of the telephone and therefore vests responsibility/accountability in members of staff but with mechanisms to check on excesses.



SECTION 19: MISCELLANEOUS

19.1 Communication of Board's Decision

- a) Operational decisions of the Board shall be communicated by the Managing Director.
- b) Any decision of the Board affecting an individual employee shall be communicated to the employee through the relevant head of functional area provided that the affected employee or the employee's representative shall be entitled to receive information about the decision or the reasons for the decision from the Board, if a request is made by the employee or such representative.
- c) Notwithstanding the provisions of this paragraph, any decision of the Board may be communicated by the Board Chairperson if circumstances warrant it.

19.2 Board Prescription of Forms

The Service may prescribe forms for the better carrying out of the provisions of these Regulations.

19.3 Gender and Disability Issues

The Service shall establish a Gender and Disability Mainstreaming Committee. All Gender and Disability mainstreaming guidelines shall be as per the Gender and Disability Mainstreaming Policy.

APPENDIX 1: FORMAT FOR PRESENTING DISCIPLINARY CASES

DISCIPLINARY CASES, APPEALS AND REVIEWS BY THE MANAGING DIRECTOR TO THE SERVICE

- (i) Name.....
Date of First Appointment.....
Personal Number.....
Current designation.....
Job group/Grade.....
Terms of service.....

- (ii) Date of Birth.....

Nature of Charge, Offence or Misconduct against the officer

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

(Set out the particulars in full)

Discipline case/Appeal/Reviews

.....
.....

(Specify)

Previous charge or offences or misconduct and punishments (if any)

Charge

Decision.....

Date.....