



REPUBLIC OF KENYA

Public Service Commission

**GUIDELINES ON SECONDMENT IN
THE PUBLIC SERVICE**

OCTOBER 2016

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1.0 Introduction

The current policy on secondment is provided in Section B.33 of the Human Resource Policies and Procedures Manual for the Public Service (2016). The Policy provides a framework for sharing of the existing critical skills and competencies within the Public Service. It acts as a stop-gap measure as well as builds capacity for newly created Public Service organizations at the initial stage of their set up. The policy also allows officers to be exposed to fields and experiences that are new to the Service for purposes of transferring skills.

Over the years, there has been increase in secondment of officers to various Public Service organizations and donor-funded projects and programmes in different professional areas.

The above notwithstanding, some challenges have been experienced in the implementation of the policy. Secondment of officers with critical skills to other Public Service organizations has led to skills gap and shortage of human resources in key areas in the civil service. This has been compounded by the fact that critical positions could not be filled due to scarcity of such skills in the labour market thereby compromising service delivery. Officers on secondment continue to be held against their substantive positions thereby denying other officers opportunity for promotion to those positions.

Further, the management of secondment has not been streamlined leading to officers exceeding the approved period of secondment while others lose their pension rights. It has also been observed that officers on secondment who have committed acts which are a breach of discipline have been released back to the parent Ministry/organization without preferring any disciplinary action.

Secondment, however, still remains a viable tool of management of critical skills that need to be shared within the service, providing opportunity for exposure and capacity building while preserving the employees' pension and career progression rights. It has

however, become necessary to review the secondment policy in the Public Service.

1.1 Purpose

To ensure proper management of secondment arrangements, together with providing clarity on the obligations, expectations and accountabilities of all parties to secondment arrangements; this guidelines sets out to ensure a structured, systematic and consistent approach to be adopted in relation to secondment arrangements. It sets out the arrangements to be followed where an employee is seconded to an external organization and outlines principles to be adhered.

Overall, secondment is recognized as a valuable tool for development, offering career development for employees, and the opportunity for the Service to develop its skills base.

1.2 Definition

Secondment is a temporary movement or ‘loan’ of an employee to a different organization. Secondment means an arrangement in which a pensionable employee is temporarily released from an organization within the public service to another organization which does not have reciprocal pension arrangements, to provide critical skills or acquire new skills while preserving the pension rights of the employee.

2.0 General provisions

The following general provisions on secondment shall apply:

- i) Secondment shall be restricted to officers on permanent and pensionable terms of service who have been confirmed in their appointments, and shall be authorized only in cases where an officer is joining an institution that has not been declared ‘Public Service’ for pension purposes;
- ii) Secondment shall be restricted to officers in Job Group ‘M’ (or its equivalent) and above. Secondment of officers at lower levels shall be considered on a case by case basis;

- iii) Secondment of officers to other Public Service organizations shall be for a period not exceeding three (3) years, non-renewable;
- iv) Officers who have attained fifty five (55) years and above shall not be eligible for secondment. They will be required to retire under the '50 year rule' or resign from the Service;
- v) Secondment from the Civil Service to other Public Service organizations shall be approved by the Ministry responsible for Public Service, while secondment of officers from other organizations to the Civil Service shall be approved by the Public Service Commission;
- vi) Officers or organizations to which officers are seconded shall remit pension contribution to the Director of Pensions at 31% of their Civil Service basic salary, or the prevailing rates during the period of secondment, to avoid loss of pension or delays in processing of pension dues upon retirement. Where the organization pays the pension contribution for the officer, such amount shall be recovered from the officer's service gratuity;
- vii) Staff of newly established organizations who continue to be paid salary by the parent ministry at the Civil Service salary levels, will be deemed to be on deployment and will not be required to remit the 31% of their Civil Service basic salary or the prevailing rate as pension contribution until a new salary structure is approved for the entity and the officer is formerly seconded;
- viii) Where an officer on secondment commits an act which is a breach of discipline, the case shall be handled by the organization to which the officer is seconded and the recommendations and decisions thereof forwarded to the parent Ministry/Organization for further action in line with the prevailing regulations;
- ix) Officers on secondment to other organizations shall be eligible for promotion in the Civil Service; and
- x) Officers appointed to international organizations shall be considered for unpaid leave in accordance with the prevailing regulations.

3.0 Areas for Secondment

Secondment may be recommended for the following areas:

- i) A new project;
- ii) On reciprocal arrangements for bilateral or multilateral government programmes;
- iii) Introduction of a new initiative;
- iv) Establishment of a public service organization;
- v) Policy development;
- vi) A specific task of limited duration or with an uncertain future (normally up to two years);
- vii) A short-term appointment to start a new work area prior to making a permanent appointment; and
- viii) Research work.

This is not an exhaustive list and secondment may be considered for other purposes as may be approved by the Public Service Commission.

3.1 Initiating Secondment

Secondment arrangements may be initiated by:

- i) Individual employees; and
- ii) Notification from an public service agency seeking secondment of civil service staff

3.2 Benefits of Secondment

3.2.1 Benefits for the seconded officer include:

- i) The opportunity of wider career and personal development;
- ii) To acquire valuable experience in project management;
- iii) The ability to test and apply specific skills in a different organizational environment; and
- iv) To gain new skills and experiences in challenging areas.

3.2.2 Benefits for the seconding organization include:

- i) The opportunity to gain enhanced employee skills, team working and cross-functional communications;

- ii) Enhance service to clients;
- iii) Improvement in workforce morale and motivation;
- iv) The development of wider networks and contacts; and
- v) The opportunity to build a reputation as an employer of choice.

3.2.3 Benefits for the host organization include:

- i) To gain assistance with projects;
- ii) To gain an external perspective; and
- iii) To gain skills wider than those currently available within its own workforce.

4.0 Roles and Responsibilities

4.1 Line Manager/Head of Department (HoD)

- i) To ensure that the individual is aware of, and understands the Secondment policy and procedure;
- ii) To give due consideration to requests for secondment;
- iii) To recommend approval of the individual's application to the Ministerial Human Resource Management Advisory Committee (MHRMAC). Recommendation for approval will be subject to the over-riding requirement that there would be no adverse impact on the capacity to meet operational requirements;
- iv) To liaise with Human Resource (HR) to agree on start date, secondment period, and related terms and conditions of service;
- v) To make arrangements to cover the seconded officer's work during the secondment period;
- vi) To maintain contact with the seconded officer throughout the period;
- vii) To liaise with HR to ensure that the payroll section are advised of the secondment arrangement; and
- viii) To ensure that the individual is supported on their return to their substantive post (if appropriate).

4.2 Head of Human Resource/MHRMAC

- i) To give due consideration to requests for secondment. Approval will be subject to the over-riding requirement that

there would be no adverse impact on the capacity to meet operational requirements;

- ii) To liaise with the host organization to agree on start date, secondment period, and related terms and conditions of service; and
- iii) To ensure that secondment agreements are carefully monitored throughout the length of the existence of the arrangements.

4.3 Employee's requesting secondment

Prior to making an application for secondment, the employee must consult their line manager/HoD and obtain their agreement to the application. Applications will be given due consideration and approval will be subject to meeting the exigencies of service. Should the employee feel that they have been unjustly refused support for an application for secondment they may seek redress through the relevant channels.

4.4 Host organization

- i) To provide a clear rationale and need for secondment, identifying specified outcomes along with an appropriate job description and personal specification, setting out the skills and competencies required;
- ii) To identify the terms and conditions that will apply to the seconded officer during the period of secondment that do not currently apply to the employee;
- iii) To identify the period of secondment, normally lasting no less than three months and no greater than three years;
- iv) To identify whether indemnity insurance will need to be provided and if so, to make the necessary arrangements for provision;
- v) To liaise with the releasing MDA to agree on start date, secondment period, related terms and conditions of service; and extension of secondment period (if required).

5.0 Terms and conditions during the secondment period

- i) Seconded staffs are entitled to maintain their terms and conditions of employment except where mutually agreed otherwise;
- ii) Enhanced salary payments will only be paid if applicable in accordance with current terms and conditions;
- iii) Where the terms and conditions for the secondment opportunity are more favorable than those in the substantive post, the appropriate terms and conditions of the secondment post would apply for the period of secondment only;
- iv) Superannuation entitlements/pensions will continue to be based on the basic salary of the substantive post;
- v) Any salary 'top up' will be non-pensionable;
- vi) Annual leave entitlements will remain unchanged, but granting of public and statutory holiday entitlements may be in accordance with the working practices of the host organization (this will need to be agreed on an individual basis depending on the host organization);
- vii) For certain staff, the statutory requirements for maintenance of professional registration must be explicit within the secondment arrangements;
- viii) Day to day management of the seconded officer's performance, attendance and conduct will be the responsibility of the receiving manager in the host organization;
- ix) Time spent on secondment with another organization will not affect continuity of service;
- x) Requests for extensions to the secondment period from the host organization must be made to the Authorized Officer in writing at least one month before the end of the scheduled expiry date, setting out the reasons for the extension;
- xi) A seconded officer returning from secondment will normally return to his or her substantive post within the service. Where the substantive post is no longer available, the seconded officer will be assigned the next appropriate approved vacancy to arise within the grade formerly held by the employee. Therefore the seconded officer is not guaranteed a

return to his or her previous job/location and may be assigned to a post within the relevant areas in the service;

- xii) The Authorized Officer reserves the right to recall staff prior to the end of the secondment period if required;
- xiii) Termination of secondment arrangements prior to the expiry of the secondment period will normally be subject to a notice period not less than one month. However, secondment arrangements may be terminated without notice where serious misconduct issues arise, or where emergency or exceptional circumstances dictate that it is necessary;
- xiv) The host organization will be responsible for payment of all travelling, subsistence and other relevant expenses incurred during the course of the secondment period; and
- xv) The host organization will supply training and equipment necessary for the seconded officer to perform the duties and responsibilities effectively and efficiently

6.0 Reporting of Secondment

Reports of secondment will be maintained within each State Department / Ministry and will be forwarded to the Ministry responsible for Public Service on quarterly basis. The report will include: the start date of the secondment, the name, grade, and location, purpose of the secondment, remuneration arrangements, the proposed date of termination of secondment and any reported adverse incidents pertaining to the seconded officer since the previous monthly report. The Ministry responsible for Public Service will submit biannual reports on secondment to the Commission

These guidelines shall be implemented with effect from **November 2016**. Any secondment arrangements entered into on or after that date must comply with the procedures set out herein.