



Tel: (020) 2223901/2227471
Fax: (020) 214284
Email: chairperson@publicservice.go.ke

OFFICE OF THE CHAIRPERSON

COMMISSION HOUSE
P.O. BOX 30095-00100
NAIROBI KENYA

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All Authorized Officers

DELEGATION OF PUBLIC SERVICE COMMISSION HUMAN RESOURCE POWERS AND FUNCTIONS

1.0 PREAMBLE

Pursuant to Article 234(5) of the Constitution of Kenya, Section 31 of the Public Service Commission Act, 2017 and the PSC Regulations, the Public Service Commission delegates the Human Resource powers and functions as spelt out in this delegation instrument to the Authorized Officer.

The Delegation Instrument provides the scope of delegated authority and norms including standards for Human Resource Management in the Civil Service. It is expected to enhance efficiency, effectiveness and accountability in the management of the Human Resource by ensuring that public officers are accountable to you as the Authorized Officer.

2.0 DELEGATED AUTHORITY

The scope of delegated authority covers recruitment, promotion, re-designation, declaration of income, assets and liabilities, transfers and disciplinary control at designated levels spelt out in this instrument. In addition, the delegated authority extends to promotion of values and principles, training and other human resource management and development related functions.

2.1 DISCHARGE OF DELEGATED AUTHORITY

In exercising these powers and functions, the Authorized Officer shall act in accordance with applicable legislation, regulations, policies and guidelines which may be issued by the Commission from time to time. The Commission shall undertake periodic reviews to ascertain compliance with the laws and regulations in the discharge of delegated functions and take remedial action where necessary.

3.0 INSTITUTIONAL FRAMEWORK FOR DISCHARGE OF DELEGATED POWERS AND FUNCTIONS

3.1 DELINEATION OF ROLES

The roles and responsibilities of the various institutions responsible for management of the HR function include:

3.1.1 The Public Service Commission

The Public Service Commission retains the oversight, regulatory and appellate roles with regard to the delegated powers and functions and shall provide norms and standards to guide Human Resource Management in Ministries.

3.1.2 Head of the Public Service

The Head of Public Service will be the Chairperson of the Central Human Resource Management Posting Committee (CHRMPC).

3.1.3 Ministry Responsible for Public Service

The Ministry responsible for Public Service will in addition to the powers and functions contained in this instrument perform such other human resource management and development related functions as may be delegated by the Commission.

3.1.4 Authorized Officer

The Authorized Officer shall be responsible for:

- (i) Implementation of the policy on Decentralization of Human Resource Management;
- (ii) Oversee development and execution of Strategic Human Resource Plans;
- (iii) Account for the exercise of the delegated powers and functions;
- (iv) Constitute Human Resource Management Advisory Committee (HRMAC) and Performance Management Committee (MPMC);
- (v) Administration of the declaration of income, assets and liabilities and the public officer code of conduct and ethics for officers in job group 'M' and below;
- (vi) Promotion of National Values and Principles of Governance and Values and Principles of Public Service in Articles 10 and 232 of the Constitution and ensuring compliance; and
- (vii) Performing any other human resource function as directed by the Commission.

In discharging the delegated functions, the Authorized Officer shall be assisted by the Director responsible for Human Resource Management and Development and the functional line managers.

3.1.5 Principal Secretary

The Principal Secretary shall be responsible to the Authorized Officer for:

- (i) Development and implementation of Strategic Human resource plans for the State Department;
- (ii) The administration and management of Human Resource functions in the State Department;
- (iii) Co-ordination of the State Department's performance management;
- (iv) Proper functioning of HRMAC and PMC;

4.0 HUMAN RESOURCE MANAGEMENT ADVISORY COMMITTEE (HRMAC)

To ensure effective Human Resource management, each State Department shall constitute a Human Resource Management Advisory Committee. The committee shall have a membership of nine (9) and the quorum shall be five (5) members. The committee shall meet at least once in each month. The decisions of the Committee shall be by consensus or majority vote of those present.

4.1 Establishment and Composition of HRMAC

The Members of HRMAC will be:

- a) Principal Secretary – Chairperson (Head of Administration, not below Job Group 'R' as Alternate)
- b) Director Human Resource Management and Development – Secretary
- c) Seven other members in Job Group 'Q' and above representing core Departments.

The Committee may co-opt such members, in writing, as necessary from time to time with the approval of the Cabinet Secretary.

4.2 Functions of the Committee

- (a) The functions will include:
 - (i) Recruitment, selection and appointment;
 - (ii) Promotions;
 - (iii) Confirmation in appointment;
 - (iv) Training and Development;
 - (v) Training Impact Assessment;
 - (vi) Management of skills inventory;

- (vii) Establishment and Complement control;
- (viii) Payroll management;
- (ix) Deployment;
- (x) Promotion of Values and Principles of Public Service and ensuring compliance;
- (xi) Administration of the declaration of income, assets and liabilities and the public officer code of conduct and ethics for officers in job group 'M' and below;
- (xii) Report quarterly on the initial and final declaration of income, assets, and liabilities for all public officers;
- (xiii) Monitor and report quarterly on compliance with National Values and Principles of Governance and Values and Principles of Public Service;
- (xiv) Monitor and report quarterly on the discharge of human resource function;
- (xv) Recommendation for Waiver of requirements of the Schemes of Service;
- (xvi) Recommendation for review of career guidelines;
- (xvii) Recommendation for secondments and unpaid leave;
- (xviii) Recommendation for retirement under 50 years' rule;
- (xix) Recommendation for retirement on medical grounds;
- (xx) Recommendation for retirements on voluntary grounds;
- (xxi) Recommendation for engagement of interns;
- (xxii) Recommendation for re-designation;
- (xxiii) Recommendation for engagement and renewal of contract;
- (xxiv) Recommendation for Public Service Excellence Awards;
- (xxv) Disciplinary control;
- (xxvi) Pensions management; and
- (xxvii) Staff welfare, health and safety.

The Director of Human Resource Management and Development shall facilitate the operations of the Committee.

4.3 Submission of Recommendations to the Authorized Officers

The Committee shall make recommendations for consideration and approval to the Authorized Officer. In the event the Authorized Officer does not approve the recommendations of the Human Resource Management Advisory Committee, this shall be referred back to the Committee with guidance for review. The Committee shall review and submit to the Authorized Officer for consideration.

4.4 Approval by Public Service Commission

All matters that do not fall under delegated authority shall be submitted to the Commission for decision.

5.0 STAFF ESTABLISHMENT

The Public Service Commission shall be the custodian of the staff establishment data and shall establish and abolish offices in the Public Service in accordance with Article 234(2)(a)(i) of the Constitution and Part IV of the Public Service Commission Act. Proposals on review of the staff establishment shall be approved by the Public Service Commission in consultation with the Authorized Officer.

Ministries/Departments/Agencies shall be responsible for the following roles in management of staff establishment data:

- (i) Cleansing and reconciliation of data.
- (ii) Disaggregation of posts that do not form common establishment.
- (iii) Harmonization of designations in line with career progression guidelines.
- (iv) Maintenance of establishment records and complement data through the Staff Establishment Database.

6.0 CAREER PROGRESSION GUIDELINES

- (a) The Public Service Commission in consultation with relevant stakeholders shall develop career progression guidelines which will be administered by the relevant career progression administrators. The schemes of service shall continue to apply and be administered by relevant career progression Administrators until the transition to career progression guidelines is complete.
- (b) The Authorized Officer shall in consultation with relevant professional bodies make proposals after every three years to the Public Service Commission for review of qualifications relating to a public office, category of public offices or all public officers in a Ministry.
- (c) The Commission shall after every three years, review and publish qualifications relating to all public offices established by the Commission or under the authority of the Commission.

7.0 RECRUITMENT

- a) Recruitment at entry level for lower cadres at Job Groups 'A' to 'G' is delegated to the Authorized Officer.

- b) Recruitment at entry levels for diploma holders and graduates at Job Groups 'H', 'J', 'K',/'L' will however be undertaken by the Public Service Commission.

7.1 Procedure in the Delegated Recruitment

Recruitment process shall be guided by the following procedure:

7.2 Declaration of Vacant Posts

The Public Service Commission shall consider requests to fill vacant positions declared by each Ministry. Such requests shall be submitted by the Authorized Officer upon recommendation by the HRMAC.

7.3 Advertisement of Vacant Posts

- (a) The Ministry will advertise all vacant posts in a manner that reaches the widest pool of potential applicants and allow for at least twenty-one (21) days before closing the advert. The advert shall have the following details: name of institution, title of the post, terms of service, mode and deadline of transmitting applications, number of vacancies, job description, person specification, any considerations that may occasion disqualification, any consideration of affirmative action, proposed remuneration and an indication that only shortlisted and successful candidates will be contacted.
- (b) The advert shall be delivered in soft copy to the Public Service Commission to be posted on its website.
- (c) The advert should also be placed in at least one daily newspaper and radio of national coverage and circulated to the County Commissioners' offices and County Public Service Boards (CPSBs).

7.4 Managing Applications

Each Ministry shall be required to upload PSC 2 form on their websites so that information provided by applicants may be harmonized. Each State Department shall maintain a record of all applications received for every post advertised in a database that can be accessed for audit purposes. Such records may be disposed of upon expiry of a period of three (3) years from the date of completion of the exercise.

7.5 Short Listing

- (a) For every advertised position, the Ministry shall form a short listing panel made up of a sub-committee of HRMAC appointed by the Authorized Officer.

- (b) A profile for each applicant shall be prepared to include: the Name, National Identity number, KRA PIN number, Birth Certificate number, age, gender, ethnic group, disability status, vacancy number, job group, date of substantive appointment (for serving officers), qualifications and experience. This profile shall be scrutinized by the panel and a short list prepared in line with criteria established beforehand; derived from the job advertisement. The shortlist must comply with Articles 10, 27, 54, 55, 56, 232 and Chapter Six (6) of the Constitution.
- (c) Each panel shall set criteria for use during short listing. The final short list shall take into consideration merit, Kenya's diverse communities, gender, youth, ethnicity, marginalized and minority communities and persons with disabilities in accordance with the Public Service Commission Diversity policy.
- (d) For promotional positions, all qualified serving officers as per the advert shall be short listed and given an opportunity to compete for available vacancies.
- (e) The decision of the sub-committee shall be forwarded to HRMAC for consideration and recommendation to the Authorized Officer for submission to the Commission for approval.
- (f) The short listing report shall be submitted to the Commission within Seven days (7) for scrutiny and approval.
- (g) The Commission shall within Twenty-One (21) days approve the shortlist before proceeding with selection.

7.6 Selection

- (a) A selection panel composed of a sub-committee of HRMAC, composed of different members from the short listing panel, shall be appointed by the Authorized Officer to conduct selection interviews; provided that the Committee shall have power to co-opt any person whose expertise shall be required during the interview.
- (b) The panel shall develop a scoring criteria and an agreed way of ranking candidates.
- (c) The decision of the sub-committee shall be forwarded to HRMAC for consideration and recommendation to the Authorized Officer for onward submission to the Commission for approval.

7.7 Maintenance of Records

- (a) HRMACs shall preserve a full and accurate record of all its proceedings including applications, shortlisting criteria, score sheets and minutes for a period of three (3) years;
- (b) The State Department shall upload the list of successful applicants on its website and post the same on all notice boards of the State Department across the Country within fourteen (14) days of conclusion of the exercise. The Authorized Officer shall forward to the Commission quarterly reports for recruitment which shall include the following: name, date of birth, gender, ethnic group, disability (if any), whether the officer is from a minority or marginalized community and persons with disabilities.

7.8 Appeals on Recruitment at the Ministry

Any person dissatisfied with recruitment in the Ministry may appeal to the Authorized Officer with a copy to the Public Service Commission. Such an appeal shall:

- (i) Be in writing;
- (ii) Provide detailed and adequate reasons for dissatisfaction with the process; and
- (iii) Be made within thirty (30) days of posting of the decision in the Ministry's website.

8.0 PROMOTION

- (a) The Authorized Officer will ultimately be responsible for promotion of officers in Job Groups 'A' to 'N' within their jurisdiction subject to the guidelines issued by the Commission from time to time.
- (b) Promotions under delegated authority shall be processed taking into account the officer's demonstrable performance in addition to fulfilling other requirements prescribed in the Schemes of Service and or Career guidelines.

8.1 Promotion to Posts in Common Establishment

Common establishment shall form the first Two (2) grades at entry level as follows:

Qualification	Job Groups
Professional Degree holders	- 'K' / 'L' or 'L' / 'M' (as appropriate)
General Degree holders	- 'J' / 'K'
Diploma holders	- 'H' / 'J'

Certificate holders - 'G'/H'

Any positions outside these provisions should be filled competitively subject to availability of vacancies. Officers on common establishment shall not draw any special duty or acting allowance.

8.2 Effective Date of Promotion

The date of promotion will be the date of the HRMAC meeting subject to the approval of the meeting's recommendations by the Authorized Officer. For promotions dependent on examinations administered by the Commission, the date of promotion will be the date of passing the examination. The date of passing the examination is the date of release of the results.

9.0 HUMAN RESOURCE DEVELOPMENT

The Ministry shall conduct training and development of staff in compliance with the Constitution, relevant legislation, policies and regulations. In particular, they shall ensure fairness and equity in awarding training opportunities to employees, training programs are effective and efficient and are conducted in an impartial, inclusive, transparent and accountable manner.

9.1 Training procedure

- (a) All training in public service organizations shall be based on comprehensive Training Needs Assessments (TNA) to identify the training needs of individual employees that impact on their performance.
- (b) Training Projections
The Ministry shall be required to prepare annual training projections to guide the HRMAC in nominating and selecting officers for training.

10.0 PAYROLL MANAGEMENT

The Authorized Officer shall ensure prudent utilization of the Personal Emoluments budget. The Director of Human Resource Management and Development shall submit monthly reports to the Authorized Officer. No new staff should be introduced in the payroll without approval of the Public Service Commission.

11.0 TRANSFER

- (a) The posting of officers from one station to another in their substantive capacity within the Ministry will be undertaken by the Authorized Officer on recommendation of HRMAC.

- (b) The Central Human Resource Management Posting Committee (CHRMPC) shall consider and recommend transfer of officers on Job Group 'Q' and above for approval by the Public Service Commission.
- (c) The administrators of Schemes of Service shall be responsible for transfer of common cadre staff across State Departments in consultation with the Authorized Officer.

12.0 RE-DESIGNATION

The Authorized Officer shall have powers to re-designate officers at Job Group 'A' to 'H' upon recommendation of Human Resource Management Advisory Committee. Re-designation of staff in Job Group 'J' and above shall remain the responsibility of the Public Service Commission.

13.0 SECONDMENT, TRANSFER OF SERVICE AND UNPAID LEAVE

- (a) Secondment of officers to and from the Service vests in the Public Service Commission. Requests for secondment shall be forwarded by the Authorized Officer to the Commission for approval.
- (b) Transfer of service to or from the Service shall be done with the approval of the Commission.
- (c) Unpaid leave may be granted by the Authorized Officer on recommendation of the respective HRMAC.

14.0 APPOINTMENT ON CONTRACT TERMS

Appointments on Job Groups 'S' and above, shall be on Contract terms of service, provided that serving officers appointed to Job Group 'S' and above shall continue to serve in their existing terms. Advertisement for the posts shall clearly indicate all the terms of engagement. The Contract will be for a period of at least twelve months but not exceeding five (5) years, and may be renewable, subject to annual performance review.

The following guidelines on appointment on contract terms shall apply:

- a) Appointments and renewals of contracts shall be made on authority of the Public Service Commission;
- b) All cases of appointment on contract terms which require renewal shall be forwarded to the Commission for approval at least three (3) months before expiry and be supported by a performance review;

- c) An officer serving on contract shall express the wish to renew the contract at least three (3) months before the expiry of the contract; and
- d) An officer serving on contract, and whose services are still required, will be informed in writing at least three (3) months before the expiry of the contract.

15.0 CONFIRMATION IN APPOINTMENT

- (a) The power to confirm public officers in appointment at all levels vests with the Authorized Officer;
- (b) Confirmation of officers to permanent and pensionable service shall strictly be based on the officer's proven performance and good conduct during probation;
- (c) Officers on probation shall be confirmed after six (6) months subject to the provisions of the Employment Act. Where an officer has not been confirmed as required by law, the officer shall be deemed to have been confirmed.

16.0 STAFF PERFORMANCE MANAGEMENT

- (a) Authorized Officer will be answerable for the performance of staff in the Ministry. Staff Performance Management will be based on measurable performance targets. Individual performance will be linked to organizational performance/performance contract and officers will be guided by the provisions of the Rewards and Sanctions Policy.
- (b) The administration of staff performance management in each Ministry will be undertaken through the Performance Management Committee (PMC). The Authorized Officer shall constitute the Committee which will include:
 - (i) The Principal Secretary – Chairperson (Head of Administration, not below Job Group 'R' as Alternate Chairperson)
 - (ii) Directors of Technical Departments - Members
 - (iii) Head of Central Planning Unit
 - (iv) Director of Human Resource Management and Development - Secretary

16.1 Functions of the Performance Management Committee (PMC)

The functions of the Committee shall be as follows:

- (i) Undertake quarterly review of implementation of Strategic Plans and Performance Contracts;
- (ii) Ensure linkage between Institutional Performance Contract and Staff Performance Appraisal System;
- (iii) Ensure that the overall assessment of employee performance is within the context of institutional performance as evaluated through Staff Performance Appraisal System;

- (iv) Ensure that the performance of all officers is evaluated and feedback on performance is relayed in writing at the end of the year;
- (v) Hold quarterly performance review meetings;
- (vi) Consider performance reports from various departments within the State Department and make recommendations for improvement;
- (vii) Review cases of appeals on appraisal ratings between supervisors and appraisees;
- (viii) Make recommendations to the Authorized Officer on the application of Rewards or Sanctions;
- (ix) Develop and implement the internal monitoring and evaluation and reporting system; and
- (x) Ensure that the integrity and credibility of the overall process of rewards and sanctions system is safeguarded and maintained at all times.

16.2 Rules of Conduct for the Performance Management Committee

- (i) Members of the Performance Management Committee shall be expected to perform their duties with diligence, integrity, impartiality and confidentiality;
- (ii) A member of the Performance Management Committee will not discuss or participate in making recommendations in respect of his/her own performance report(s); and
- (iii) A member of the Performance Management Committee may be eligible for awards, provided that one does not participate in any decision-making regarding award for which consideration is being made.

17.0 HUMAN RESOURCE INFORMATION SYSTEM

- (a) The Authorized Officer in the performance of the delegated Human Resource Management and Development functions shall utilize modules developed in the Government Human Resource Information System (GHRIS) including:
 - (i) Staff Establishment and Complement Control;
 - (ii) Recruitment and Selection;
 - (iii) Personal number generation and management;
 - (iv) Deployment and Transfers;
 - (v) Payroll management;
 - (vi) Staff Performance Appraisal;
 - (vii) Training and Development;
 - (viii) Leave Management; and
 - (ix) Discipline Management.
- (b) The Ministry responsible for Public Service shall conduct monitoring and evaluation status of GHRIS and report to the Public Service Commission on quarterly basis.

18.0 PROMOTION OF NATIONAL VALUES AND PRINCIPLES OF GOVERNANCE AND VALUES AND PRINCIPLES OF PUBLIC SERVICE

The Authorized Officer shall be responsible for the promotion of Values and Principles in Articles 10 and 232 of the Constitution and submit quarterly reports to the Commission on the extent to which the Values and Principles have been complied with in the Ministry. The Authorized Officer will also be responsible for the administration of the declaration of income, assets and liabilities for officers in Job Group 'M' and below and the Public Officer Code of Conduct and Ethics for all officers in the Ministry.

19.0 REMOVAL OF PUBLIC OFFICERS FROM OFFICE OTHER THAN BY DISCIPLINARY PROCESS

19.1 Retirement on Abolition of Office

Where an office in the Public Service has been abolished, the Authorized Officer shall submit to the Commission a recommendation on retirement of the holder of such office for decision.

19.2 Retirement on Attainment of the Mandatory Retirement Age

An officer who has attained the mandatory retirement age shall be notified of the retirement at least nine (9) months before the retirement date. Authorized Officers shall expedite the processing of pension papers for such officers.

19.3 Retirement under '50 Year' Rule

- (i) An officer on attaining the age of 50 years may opt to retire any time thereafter and the provisions of the Pensions Act Cap 189 shall apply.
- (ii) An officer will be required to give at least One (1) month notice of intention to retire under the '50 Year' Rule. Applications from officers to retire under the '50 Year' rule will be approved by the respective Authorized Officer.

19.4 Retirement on Grounds of ill Health

- (i) Where it appears that a public officer is incapable, by reason of infirmity of mind or body of discharging the functions of office, one may be called upon by the Authorized Officer to appear before a Medical Board appointed by the Director of Medical Services with a view to ascertaining whether the officer is incapable as stated.

- (ii) On receipt of the Medical Board Report recommending retirement on grounds of ill health, the officer shall be requested to make representations on the intended retirement within a specified period. The report will be presented to HRMAC for recommendation.
- (iii) The medical report together with the Authorized Officer's recommendations and any representations made by the officer shall be forwarded to the Public Service Commission for decision.

20.0 DISCIPLINE

In handling discipline matters, consideration should be made to the provisions of Articles 41 (1), 47 and 50 (1) of the Constitution, the Fair Administrative Action Act, 2015, the Employment Act and the Discipline Manual as shall be issued by the Commission. To ensure administrative action that is expeditious, efficient, lawful, reasonable and procedurally fair:

- (a) Each discipline case, except where a public officer has been convicted of a criminal offence, shall be investigated either by a public officer(s), who are senior to the officer, appointed by the Authorized Officer or by any other lawful authority. The investigating officer(s) or authority shall not directly or indirectly have been involved in the case as a witness or complainant or otherwise as interested party nor have power to inflict penalty.
- (b) Discipline cases shall be processed through the HRMAC and CHRAC in accordance with existing laws and Public Service Commission Regulations; and any officer who fails to observe the provisions shall be held accountable.
- (c) Discipline cases of staff in Job Group 'A' to 'N' shall be finalized by the Cabinet Secretary except where proceedings for dismissal or reduction in rank or seniority of a public officer who has served for an aggregate of fifteen years or more, which shall be forwarded to Public Service Commission after investigation for determination.
- (d) Where a public officer is convicted of a criminal offence and in the opinion of the Authorized Officer, it warrants imposition of a penalty, a copy of the charge sheet, judgment on conviction and where applicable, judgment or order made on appeal or revision shall be forwarded to the Commission for consideration and determination.
- (e) Authorized Officers will take initial disciplinary measures against officers in Job Groups 'P' and above, including interdiction and suspension in accordance with the existing laws and the Public Service Commission

Regulations. Such cases shall be forwarded to the Public Service Commission for determination.

- (f) All appeal and review cases shall be processed through the HRMAC and forwarded to the Commission for consideration and determination.

21.0 ADMINISTRATION OF THE PUBLIC OFFICER ETHICS ACT

- (a) The administration of the Public Officer Ethics Act in respect of officers falling in Job Group 'M' and below shall be handled by the Authorized Officer.
- (b) Authorized Officers shall ensure officers file initial, bi-annual and exit financial disclosures in accordance with the Act.

22.0 NATIONAL GOVERNMENT STAFF IN COUNTIES

- (a) The Authorized Officer shall be responsible for staff in the line State Departments. However, County Commissioners will co-ordinate National Government programmes and projects and give reports to the respective Authorized Officers.
- (b) The County Human Resource Advisory Committee (CHRAC) shall undertake initial human resource action relating to discipline and performance management of National Government staff in the County and make recommendations to the relevant State Department for decision. The County Commissioner will receive all Human Resource matters from the Sub-County Commissioners for deliberation by the County Human Resource Advisory Committee (CHRAC).

22.1 Composition of CHRAC

The membership of CHRAC includes:

- a) County Commissioner – Chairperson
- b) Heads of Departments
- c) Head of Human Resource – Secretary (Not below Job Group 'P')

A Deputy County Commissioner, not below Job Group 'Q' may be appointed alternate Chairperson to CHRAC. The Committee shall have a membership of nine (9) and the quorum shall be five (5) members. The committee may co-opt other members as may be necessary for its operations.

2.2 Functions of CHRAC

The functions of the Committee shall include recommendations to line State Departments on the following HR issues:

- (i) Promotions;
- (ii) Performance appraisal;
- (iii) Deployment;
- (iv) Training and Development;
- (v) Retirement on medical grounds;
- (vi) Discipline;
- (vii) Promotion of Values and Principles of Public Service and ensuring compliance;
- (viii) Processing of the declaration of income, assets and liabilities and administration of the Public Officer Code of Conduct and Ethics.
- (ix) Supervision and coordination of performance of National Government functions at the County; and
- (x) Prepare regular, quarterly and annual reports or as may be required.

22.3 Operations of the CHRAC

- a) The Committee shall regulate its own procedure in accordance with the Leadership and Integrity Act and Norms and Standards issued by the Public Service Commission;
- b) The Chairperson shall convene and preside over the meetings of the Committee;
- c) In the absence of the Chairperson, the alternate Chairperson shall chair the meeting;
- d) The Committee shall meet at least once in every month and at such other time as it shall consider necessary for the conduct of its functions;
- e) Decisions of the Committee shall be by consensus. In the event that the committee does not arrive at a consensus on any matter under discussion, the decision of the County Commissioner shall prevail;
- f) Where such decision is made by the County Commissioner, a report shall be made to the Authorized Officer responsible for relevant Ministry; and
- g) All records or Minutes of the Committee shall be kept by the Secretary to the Committee.

23.0 INVESTIGATION AND MONITORING OF DELEGATED POWERS

- (a) The Commission may at any time, institute an audit, investigation, inquiry or visit to determine whether the delegated powers are properly exercised by the Authorized Officer.

- (b) Where the audit, investigation, inquiry or visit establishes that an Authorized Officer has breached any condition or improperly exercised delegated powers, the Commission shall take corrective measures including revoking the delegation.
- (c) The Commission shall retain the power to take corrective measures on its own motion or upon a complaint or request on appeal or on review.

24.0 REPORTS TO THE COMMISSION

On the 10th day of the beginning of each quarter in a financial year (in the Month of July, October, January and April of every year, with respect to the preceding quarter of the financial year), the Authorized Officer shall submit a report to the Public Service Commission and copy to Head of Public Service.

The report on the exercise of the delegated functions and powers should also show the extent to which the Ministry has complied with Articles 10, 27, 54, 55, 56 and 232 and Chapter 6 in recruitment undertaken under delegated authority.

The Commission shall prescribe the necessary reporting formats and templates.

25.0 DISCLOSURE OF INFORMATION

Management of information under delegated powers shall be in accordance with the provisions of Article 35 of the Constitution and Section 99 of the Public Service Commission Act.

26.0 IMPLEMENTATION OF COMMISSION'S DECISIONS

Any person who refuses, fails or neglects to implement Commission's decisions is liable to disciplinary or such other action(s) as the case may be, in accordance with the applicable laws, including recommendation for removal from office.

27.0 WITHDRAWAL OF DELEGATED POWERS AND FUNCTIONS

- (a) Nothing in this instrument shall be construed to limit the powers of the Public Service Commission to exercise its powers delegated herein. Notwithstanding this delegation, the Commission shall at any time be at liberty to exercise the powers conferred upon it in Article 234 of the Constitution.
- (b) In the event of breach of powers delegated herein, the Commission reserves the right to withdraw the delegated authority.

28.0 REVOCATION OF DELEGATION

This delegation instrument supersedes Instrument Ref. No. PSC/SEC/93/37/(92) August, 2015 on Delegation of Public Service Commission Human Resource Functions which is hereby revoked.

ISSUED BY PUBLIC SERVICE COMMISSION



Amb. Peter O. Ole Nkuraiya, CBS
ACTING CHAIRPERSON
PUBLIC SERVICE COMMISSION

Copy to: Dr. Joseph K. Kinyua, EGH
Head of the Public Service
Executive Office of the President
Harambee House
NAIROBI