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THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT- THIRD SESSION - 2024

DIRECTORATE OF DEPARTMENTAL COMMITTEES

DEPARTMENTAL COMMITTEE ON LABOUR

**REPORT ON THE VETTING OF NOMINEES FOR APPOINTMENT AS
CHAIRPERSON AND MEMBERS OF THE SALARIES AND REMUNERATION
COMMISSION**

**CLERK'S CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI**

NOVEMBER, 2024


 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 26 NOV 2024	DAY: TUE
TABLED BY:	HEA. DEPARTMENTAL COMMITTEE ON HEALTH/LABOUR
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LIST OF ABBREVIATIONS

HELB	Higher Education Loans Board
ICT	Information and Communication Technology
SRC	Salaries and Remuneration Commission
KRA	Kenya Revenue Authority
MDAs	Ministries, Departments and Agencies
OGW	Order of the Grand Warrior
ORPP	Office of the Registrar of Political Parties
TSC	Teachers Service Commission
FKE.	Federation of Kenya Employers
COTU	Central Organization of Trade Unions (COTU)
APSEA	Association of Professional Societies in East Africa

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CHAIRPERSON'S FOREWORD

Pursuant to Articles 230 and 250 of the Constitution and section 7(10) of the Salaries and Remuneration Commission Act, 2011, as read together with sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011, His Excellency the President, through a letter by the Chief of Staff and Head of the Public Service Reference No. EOP/CAB.26/4A VOL.V/ (14) dated **Monday, 11th November 2024**, forwarded to the Speaker of the National Assembly a notification of presidential action, nominating—

- a. Mr. Sammy Chepkwony as the Chairperson of the Salaries and Remuneration Commission; and
- b. The following as members of the Salaries and Remuneration Commission to represent various institutions as indicated—
 - i) Maj. Gen. (Rtd) Martin Kizito Ong'oyi, CBS, nominee of the Defence Council;
 - ii) Mr. Mohamed Aden Abdi, nominee of the Senate on behalf of County Governments;
 - iii) Ms. Jane Gatakaa Njage, nominee of the Teachers Service Commission (TSC);
 - iv) Dr. Gilda Odera, nominee of the Federation of Kenya Employers (FKE);
 - v) Dr. Geoffrey Apollo Omondi, nominee of the Central Organization of Trade Unions (COTU); and
 - vi) Mr. Leonid Ashindu, nominee of the Association of Professional Societies in East Africa (APSEA).

On **Wednesday, 13th November 2024**, the Speaker of the National Assembly relayed the Message from H.E. the President to the House and referred the nominees' names together with their curriculum vitae to the Departmental Committee on Labour for Approval Hearing (Vetting) and reporting to the House on or before **Tuesday, 26th November 2024**.

Consequently, and in accordance with Section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011, the Clerk invited the public to submit memoranda by way of written statements on oath (affidavits) on the suitability or otherwise of the nominees. Submissions of Memoranda were to be received by **Thursday, 21st November 2024 by 5.00 pm**. By close of the deadline, the Committee had received six (6) submissions in support of the suitability of Mr. Leonid Ashindu, nominee of the Association of Professional Societies in East Africa (APSEA).

Further, on **Thursday, 14th November 2024** the Clerk wrote to the nominees notifying them of the date, time and place of the Approval Hearing which was scheduled to be conducted on **Friday 22nd November, 2024**, in the **Committee Room 9, First Floor, Main Parliament Buildings** starting at **8.30am**.

To fulfil the requirement on personal integrity, the Clerk on **Friday, 15th November, 2024** wrote to the Kenya Revenue Authority, the Ethics and Anti-Corruption Commission, the Directorate of Criminal Investigations, the Higher Education Loans Board and the Registrar of Political Parties to ascertain the nominee's integrity and good standing with the said government institutions. The nominee was also required to submit clearance certificates from the said institutions.

The nominees for appointment as Chairperson and members of the Salaries and Remuneration Commission appeared before the Committee on **Friday, 22nd November 2024** and were orally interviewed under oath pursuant to Article 230 (2) (a) (b)(c) of the Constitution, the Public

Appointments (Parliamentary Approval Act, 2011, Salaries and Remuneration Commission Act 2011 and the National Assembly Standing Orders.

The Committee observed that all the nominees met the integrity threshold; demonstrated knowledge of topical, administrative and technical issues touching on the positions to which they had been nominated; and had the requisite abilities, academic qualifications and professional experience to be approved for appointment as Members of the Salaries and Remuneration Commission.

The Committee recommends that the House **approves** the appointment of:

- a. Mr. Sammy Chepkwony as the Chairperson of the Salaries and Remuneration Commission; and
- b. The following as members of the Salaries and Remuneration Commission to represent various institutions as indicated—
 - i)* Maj. Gen. (Rtd) Martin Kizito Ong'oyi, CBS, nominee of the Defence Council;
 - ii)* Mr. Mohamed Aden Abdi, nominee of the Senate on behalf of County Governments;
 - iii)* Ms. Jane Gatakaa Njage, nominee of the Teachers Service Commission (TSC).
 - iv)* Mr. Leonid Ashindu, nominee of the Association of Professional Societies in East Africa (APSEA);
 - v)* Dr. Gilda Odera, nominee of the Federation of Kenya Employers (FKE); and
 - vi)* Dr. Geoffrey Apollo Omondi, nominee of the Central Organization of Trade Unions (COTU);

I take this opportunity to thank all the Members of the Committee for their input and valuable contributions during the approval hearings and writing of this report. The Committee also appreciates the Offices of the Speaker and of the Clerk of the National Assembly for the technical support accorded to it during the exercise.

On behalf of the Departmental Committee on Labour, and pursuant to Article 230(2)(a)(b)(c) of the Constitution, Section 8 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011) and provisions of Standing Orders 45(4) and 199, it is now my duty and privilege to present to the House, the Report of the Committee on Labour on the approval hearings of the nominees for appointment as Chairperson and Members of the Salaries and Remuneration Commission.

Hon. Eric Muchangi Karemba, MP
Chairperson, Committee on Labour

1.0 PREFACE

1.1 Introduction

1. Pursuant to Articles 230 and 250 of the Constitution and section 7(10) of the Salaries and Remuneration Commission Act, 2011, as read together with sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011, His Excellency the President, through a letter by the Head of the Public Service Reference No. EOP/CAB.26/4A VOL.V/ (14) dated **11th November, 2024**, forwarded to the Speaker of the National Assembly a notification of presidential action.
2. Article 124(4)(a) of the Constitution provides that when a House of Parliament considers any appointment for which its approval is required under the Constitution or an Act of Parliament, the appointment shall be considered by a Committee of the relevant House.
3. This report details the proceedings of the Departmental Committee on Labour during the approval hearings of persons nominated for appointment as Chairperson and Members of the Salaries and Remuneration Commission.

1.2 Establishment and Mandate of the Committee

3. The Departmental Committee on Labour is established under Standing Order 216 and is mandated to, among others, **“to vet and report on all appointments where the Constitution or any other law requires the National Assembly to approve, except those under Standing Order 204.**

1.3 Committee Subjects

4. The subject matter of the Departmental Committee on Labour is stated in the Second Schedule of the National Assembly Standing Orders and includes, among others, **“labour, human capita and remuneration, trade union relations and public service”**.
5. In line with the assigned subject matter, and in executing this mandate, the Committee oversees the following Ministries, Departments, and Agencies (MDAs):
 - i) The State Department for Public Service (Under Ministry of Public Service and Human Capital Development) and its Autonomous and Semi-Autonomous Government Agencies which include;
 - a) Kenya School of Government; and
 - b) Institute of Human Resource Management
 - ii) The State Department for Labour and Skills Development (Under the Ministry of Labour and Social Protection) and its Autonomous and Semi-Autonomous Government Agencies, which include;
 - a) National Industrial Training Authority (NITA);
 - b) National Productivity and Competitiveness Centre (NPCC);
 - c) Kenya National Labour Board and the Wages Council;
 - d) National Employment Authority (NEA);
 - iii) Public Service Commission; and
 - iv) Salaries and Remuneration Commission.

1.4 Committee Membership

6. The Departmental Committee on Labour was constituted by the House on 27th October 2022 and comprises the following Members:

Chairperson

Hon. Eric Muchangi Karemba, MP
Runyenjes Constituency
UDA Party

Vice-Chairperson

Hon. Fabian Kyule Muli, MP
Kangundo Constituency
GDDP

Members

Hon. James Onyango K'Oyoo, MP
Muhoroni Constituency
ODM Party

Hon. Ernest Ogesi Kivai Kagesi, MP
Vihiga Constituency
ANC Party

Hon. Richard Kiti Chonga, MP
Kilifi South Constituency
ODM Party

Hon. Joseph Samal Lomwa, MP
Isiolo North Constituency
Jubilee Party

Hon. George Aladwa Omwera,
Makadara Constituency
ODM Party

MP Hon. Catherine Wambiliaga, MP
Bungoma County
FORD-K

Hon. Amina Dika Abdullahi, MP
Tana River Constituency
KANU

Hon. Dorice Aburi Donya, MP
Kisii County
WDM-K

Hon. Patrick Simiyu Barasa, MP
Cherangany Constituency
DAP-K Party

Hon. Mangale Munga Chiforomodo, MP
Lunga Lunga Constituency
UDM Party

Hon. Peter Irungu Kihungi, MP
Kangema Constituency
UDA Party

Hon. Leah Sopiato Sankaire, MP
Kajiado County
UDA Party

Hon. Lilian Chebet Siyoi, MP
Trans Nzoia County
UDA Party

1.5 Committee Secretariat

7. The Committee Secretariat comprises the following technical staff:

Mr. Abenayo Wasike
Principal Clerk Assistant I/Head of Secretariat

Mr. Joseph Ndirangu
Fiscal Analyst I

Mr. Samuel Wanjiru
Clerk Assistant III

Ms. Colletah Sigilai
Senior Legal Counsel

Ms. Josephine Osiba
Hansard reporter III

Ms. Wambui Nyachae
Research Officer III

Mr. Timothy C. Tsungulah
Research Officer III

Ms. Yasmin Hassan
Assistant Serjeant-At-Arms II

Ms. Mercylyn Kerubo
Audio Officer III

Mr. Ambrose Nguti
Media Relations Officer III

Ms. Faith Njiru
Public Communication Officer

2.0 BACKGROUND

2.1 Legal Framework

8. Article 230 of the Constitution provides for the Salaries and Remuneration Commission.
9. Article 230 (2) provides that the Salaries and Remuneration Commission consists of the following persons appointed by the President—
 - (a) **a chairperson;**
 - (b) one person each nominated by the following bodies from among persons who are not members or employees of those bodies—
 - i)* the Parliamentary Service Commission;
 - ii)* the Public Service Commission;
 - iii)* the Judicial Service Commission;
 - iv)* **the Teachers Service Commission;**
 - v)* the National Police Service Commission;
 - vi)* **the Defence Council;** and
 - vii)* **the Senate, on behalf of the county governments;**
 - (c) one person each nominated by—
 - i)* **an umbrella body representing trade unions;**
 - ii)* **an umbrella body representing employers;** and
 - iii)* **a joint forum of professional bodies as provided by legislation;**
 - (d) one person each nominated by—
 - i)* the Cabinet Secretary responsible for finance; and
 - ii)* the Attorney-General; and
 - (e) one person who has experience in the management of human resources in the public service, nominated by the Cabinet Secretary responsible for public service.
10. While conducting the approval hearing, the Committee was guided by the following statutes and articles of the constitution of Kenya-
 - i)* Article 10 of the Constitution on the national values and principles of governance;
 - ii)* Chapter 6 of the Constitution on leadership and integrity;
 - iii)* Article 77 of the Constitution on restriction on activities of State Officers;
 - iv)* Article 78 of the Constitution on dual citizenship;
 - v)* Article 118 of the Constitution on public participation;
 - vi)* Article 230 of the Constitution on Salaries and Remuneration Commission;
 - vii)* Article 250 of the Constitution on Composition, appointment and term of office of Chair and members of Commissions;
 - viii)* The Salaries and Remuneration Commission Act (No. 10 of 2011); and
 - ix)* The Public Appointments (Parliamentary Approval) Act (No. 33 of 2011).

Chapter fifteen of the Constitution provides for Commissions and Independent Offices.

Article 250(2) of the Constitution provides that the chairperson and each member of a commission, and the holder of an independent office, shall be—

- (a) identified and recommended for appointment in a manner prescribed by national legislation;
- (b) approved by the National Assembly; and

(c) appointed by the President.

Further, Article 250(3) provides that to be appointed, a person shall have the specific qualifications required by the Constitution or national legislation.

Article 250(4) provides that appointments to commissions and independent offices shall take into account the national values referred to in Article 10, and the principle that the composition of the commissions and offices, taken as a whole, shall reflect the regional and ethnic diversity of the people of Kenya.

The Public Appointments (Parliamentary Approval) Act (No. 33 of 2011)

11. Section 7 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), provides for issues which the relevant House of Parliament (in this case, the National Assembly) is supposed to consider in relation to any nomination. These issues include:

- i) the procedure used to arrive at the nominee;*
- ii) any constitutional or statutory requirements relating to the office in question; and*
- iii) the suitability of the nominee for the appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which nomination is being made.*

12. Section 6 (7) to (10) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011) provides as follows-

- i) An approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background);*
- ii) The criteria specified in the Schedule shall be used by a Committee during an approval hearing for the purposes of vetting a candidate*
- iii) Any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated; and*
- iv) A candidate may, at any time, by notice in writing addressed to the Clerk, withdraw from the approval process and the candidate's nomination shall end.*

The Salaries and Remuneration Commission Act (No. 10 of 2011)

13. Section 5 (1) provides that a person shall be qualified for appointment as the Chairperson if such person-

- (a) holds a degree from a university recognized in Kenya;
- (b) has knowledge and at least ten years' experience in matters relating to either:
 - i) public management;*
 - ii) finance and administration;*
 - iii) human resource management;*
 - iv) economics; or*
 - v) labour laws;*
- (c) has knowledge of labour market trends in Kenya as relates to income in the public and private sector;

- (d) meets the requirements of Chapter Six of the Constitution; and
 - (e) has had a distinguished career in their respective fields.
14. Section 5 (2) provides that a person shall be qualified for appointment as a member if the person—
- (a) holds a degree from a university recognized in Kenya;
 - (b) has knowledge and at least ten years ‘experience in either—
 - i) finance and administration;
 - ii) public management;
 - iii) economics;
 - iv) human resource management; or
 - v) labour laws;
 - (c) meets the requirements of Chapter Six of the Constitution; and
 - (d) has had a distinguished career in their respective fields.
15. Section 5 (3) provides that a person shall not be qualified for appointment as the chairperson or a member if the person—
- i) *is a member of Parliament or County Assembly;*
 - ii) *is a member of a governing body of a political party;*
 - iii) *is a member of a local authority;*
 - iv) *is an undischarged bankrupt; or*
 - v) *has been removed from office for contravening the provisions of the Constitution or any other law.*

Article 10(2) of the Constitution on national values and principles of governance

16. Article 10(2) of the Constitution provides for the national values and principles of governance which include patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people; human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized; good governance, integrity, transparency and accountability; and sustainable development.

Chapter 6 of the Constitution (Leadership and Integrity)

17. There are important provisions in Chapter 6 of the Constitution worth pointing out. Article 73 of the Constitution provides that the authority assigned to a State officer (a member of a commission to which chapter fifteen applies being a state officer under Article 260 of the Constitution) *“is a public trust to be exercised in accordance to the Constitution, demonstrate respect for the people, bring honour to the nation and dignity to the office and promote public confidence in the integrity of the office. Also, the State officer shall have the responsibility to serve the people, rather than the power to rule them.”*
18. The guiding principles of leadership and integrity are listed as selection based on personal integrity, competence and suitability, objectivity and impartiality in decision making, selfless service based solely on the public interest, accountability and discipline and commitment in service to the people.

Article 77 of the Constitution (Restriction on activities of State officers)

19. Article 77 of the Constitution provides that a full-time State officer shall not participate in any other gainful employment and that any appointed State officer shall not hold office in a political party.

Article 78 of the Constitution on citizenship and leadership

20. Article 78 of the Constitution states that a person is not eligible for election or appointment to a State office unless the person is a citizen of Kenya. It also provides that a State officer or a member of the defence forces shall not hold dual citizenship.

Article 118 of the Constitution on public access and participation

21. Article 118 of the Constitution provides that *Parliament shall*:

- i) conduct its business in an open manner, and its sittings and those of its committees shall be in public; and*
- ii) facilitate public participation and involvement in the legislative and other business of Parliament and its committees.*

2.2 Notification of Nominations

10. Pursuant to Articles 230 and 250 of the Constitution and section 7(10) of the Salaries and Remuneration Commission Act, 2011, as read together with sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011, His Excellency the President, through a letter by the Head of the Public Service Reference No. EOP/CAB.26/4A VOL.V/ (14) (*Annexure 1*), dated **11th November, 2024**, forwarded to the Speaker of the National Assembly a notification of presidential action, nominating for appointment one(1) Chairperson and Six (6) Members of the Salaries and Remuneration Commission.

2.3 Notification to the House and Referral to the Committee

11. Pursuant to the provisions of Standing Order 42(1), on **13th November 2024**, the Speaker of the National Assembly relayed the Message from H.E. the President to the House and referred the nominees' names together with their curriculum vitae to the Departmental Committee on Labour for Approval Hearing (Vetting) and reporting to the House on or before **26th November 2024**.

2.4 Notification to the Public

14. Article 118 of the Constitution provides that Parliament shall facilitate public participation and involvement in the legislative business and other business of Parliament and its Committees. Further, Section 6(4) of the Public Appointments (Parliamentary Approval) Act, 2011 provides that the Clerk shall notify the public of the time and place for holding approval hearings at least seven days prior to the hearings.
15. Further, Section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011 provides that "*any person may, prior to the approval hearings and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated*".
16. In fulfilment of the provisions of Article 118(1)(b) of the Constitution, Section 6(4) of the Public Appointments (Parliamentary Approval) Act and Standing Order 45(3), the Clerk of the

National Assembly on **14th November, 2024** placed of an advert (*Annexure 3*), in the print media notifying the public on the date, time and place of the Approval Hearing of the nominees.

17. In compliance with Section 6(9) of the Public Appointments (Parliamentary Approval) Act, the Clerk invited the public to submit memoranda by way of written statements on oath (affidavits) on the suitability or otherwise of the nominees. Submissions of Memoranda were to be received by **Thursday, 21st November 2024** by **5.00 pm**. By close of the deadline, the Committee had received six (6) submissions in support of the suitability of the Mr. Leonid Ashindu, nominee of the Association of Professional Societies in East Africa (APSEA).

2.5 Notification to the Nominees

18. Further, on **14th November, 2024** the Clerk wrote to the nominees notifying them of the date, time and place of the Approval Hearing which was scheduled to be conducted on **Friday 22nd November, 2024**, in the Committee Room 9, First Floor, Main Parliament Buildings starting at **8.30am**.

2.6 Clearance and Compliance Requirements

19. Section 6(7) of the Public Appointments (Parliamentary Approval) Act provides that an Approval Hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background.
20. To fulfill the requirement on personal integrity, the Clerk on **15th November, 2024** wrote to the Kenya Revenue Authority, the Ethics and Anti-Corruption Commission, the Directorate of Criminal Investigations, the Higher Education Loans Board and the Registrar of Political Parties to ascertain the nominee's integrity and good standing with the said government institutions.
21. Further, the Clerk wrote to the Director of Public Prosecutions requesting for a report on whether there are any active criminal proceedings or previous charges against the nominees and to the Commission for University Education on recognition of the nominees' academic certificates. However, the two agencies did not respond.
22. On ethics and integrity, the Ethics and Anti-Corruption Commission (EACC) through a letter Ref. No. EACC.7/10/5 VOL. XXIX (11) dated 20th November 2024, (*Annexure 6*) stated that it had not undertaken any investigations or recommended prosecution against any of the nominees.
23. On tax compliance, the Kenya Revenue Authority, through a letter Ref. KRA/5/1002/5(11659) dated 20th November 2024 stated that all the nominees were tax compliant.
24. The Directorate of Criminal Investigations (DCI) through a letter Ref. No. DCI/CRO/SEC/6/7/2/A/VOL.XV/86 dated 20th November, 2024 (*Annexure 6*) stated that Mr. Mr. Mohamed Aden Abdi, nominee of the Senate on behalf of County Governments and Maj. Gen. (Rtd) Martin Kizito Ong'oyi, CBS, nominee of the Defence Council had no previous criminal records. The other five (5) nominees were requested to appear at the offices of Directorate of Criminal Investigation for fingerprints analysis.

25. The nominees presented their clearance certificates from the Directorate of Criminal Investigations (DCI).
26. The Higher Education Loans Board (HELB) through a letter dated 18th November, 2024 (*Annexure 6*), stated that all nominees were either compliant, had cleared their higher education loans on various dates or were not beneficiaries of higher education loans.
27. On party affiliation, pursuant to Article 77(2) of the Constitution, the Office of the Registrar of Political Parties (ORPP), through a letter Ref. No. RPP/ORG/34 Vol. VIII (37) dated 18th November, 2024 (*Annexure 6*) indicated that the nominees were not officials of any fully registered political party.

2.7 Issues for Consideration during the Approval Hearings

28. In conducting the approval hearings, the Committee was guided by Section 6(7) and (8) of the Public Appointments (Parliamentary Approval) Act, 2011 which provides that:
 - (7) *An approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background.*
 - (8) *The criteria specified in the Schedule shall be used by a Committee during an approval hearing for the purposes of vetting a candidate.*
29. Additionally, Section 7 of the Act provides that the issues for consideration by the relevant House of Parliament in relation to any nomination shall be:
 - (a) *the procedure used to arrive at the nominee;*
 - (b) *any constitutional or statutory requirements relating to the office in question; and*
 - (c) *the suitability of the nominee for the appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which nomination is being made.*

(a) Procedure for Nomination

30. Article 230 and 250 of the Constitution confers upon the President the power to nominate and with the approval of Parliament, appoint Chairperson and Members of the Salaries and Remuneration Commission.
31. Section 5(1) of the Public Appointments (Parliamentary Approval) Act, 2011 further requires the appointing authority, upon nominating a person for appointment, to notify the relevant House of Parliament.
32. In this regard, pursuant to Article 230 and 250 of the Constitution and section 5(1) of the Public Appointments (Parliamentary Approval) Act, 2011, the President notified the National Assembly of the nomination of one (1) person and six (6) persons for appointment to the offices of Chairperson and Members of the Salaries and Remuneration Commission respectively.

(b) Constitutional and Statutory Requirements

33. In addition, the Constitution and various statutes guide on appointment of persons to public office. In determining the suitability of the nominees, the Committee was guided by the provisions discussed hereunder.

34. The provisions on leadership and integrity as outlined in Chapter Six of the Constitution. In particular, Article 73 (2) of the Constitution provides that the guiding principles of leadership and integrity include:
- (a) selection on the basis of personal integrity, competence and suitability, or election in free and fair elections;
 - (b) objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favouritism, other improper motives or corrupt practices;
 - (c) selfless service based solely on the public interest, demonstrated by —
 - (i) honesty in the execution of public duties; and
 - (ii) the declaration of any personal interest that may conflict with public duties;
 - (d) accountability to the public for decisions and actions; and
 - (e) discipline and commitment in service to the people.
35. Article 75 of the Constitution requires a State Officer, whether in public or private life to behave in a manner that avoids conflict between personal interest and public official duties. This Article further prohibits a State Officer who has been removed from office under it from holding any other State Office.
36. Article 77(1) of the Constitution prohibits a full time State Officer from participating in any other gainful employment.
37. Article 77(2) of the Constitution prohibits an appointed State officer from holding office in a political party. Article 78 of the Constitution disqualifies persons who are not Kenyan Citizens from appointment as State Officers. Further, a State Officer is barred from holding dual citizenship.

2.8 Memoranda from Members of the Public in respect of the Nominees

38. The Clerk of the National Assembly placed an advertisement in the print media on **14th November 2024** (Annexure 3) inviting the public to submit memoranda by way of written statements on oath (affidavit) on the suitability or otherwise of the nominees in conformity with section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011.
39. In this regard, by close of business on **Thursday, 21st November 2024 at 5.00 p.m.** the Clerk of the National Assembly had received 6 submissions in support of the Nomination for appointment of Mr. Leonid Ashindu. The Submissions were from:
- i)* Commission On Administrative Justice
 - ii)* Francis Ndalo Odongo
 - iii)* Institute Of Clerks Of Works- Kenya
 - iv)* Manyala Education Centre
 - v)* Ack Diocese Of Butere
 - vi)* Manyala Aids Resource Centre (CBO)

3.0 APPROVAL HEARINGS (VETTING) OF THE NOMINEES

40. The Committee conducted the approval hearing on Friday, 22nd November, 2024.

41. The Committee noted the following:

- (i) **THAT**, none of the nominees had notified the Clerk of the National Assembly of their withdrawal from the approval process as outlined under section 6(10) of the Public Appointments (Parliamentary Approvals) Act, 2011.
- (ii) **THAT**, the Committee would examine the nominees against the criteria set out in Section 7 of the Public Appointments (Parliamentary Approval) Act, 2011.

- (a) Academic qualifications;
- (b) Employment record;
- (c) Professional affiliations;
- (d) Potential conflict of interest;
- (e) Knowledge of the relevant subject;
- (f) Overall suitability for the position;
- (g) Integrity;
- (h) Vision and leadership; and
- (i) Expectations and key priorities.

44. The seven nominees appeared before the Committee from Friday 22nd November 2024. The proceedings of the appearances are recorded hereunder:

3.1 MR. SAMMY CHEPKWONY, NOMINEE AS CHAIRPERSON OF THE SALARIES AND REMUNERATION COMMISSION

45 Mr. Sammy Chepkwony, the nominee for Chairperson appeared before the Committee on Friday, 22nd November 2024 and was orally interviewed under oath pursuant to Article 230 (2) (a) of the Constitution, the Public Appointments (Parliamentary Approval Act, 2011, Salaries and Remuneration Commission Act 2011 and the National Assembly Standing Orders. The Committee noted the following:

Citizenship, Date and Place of Birth

46. The nominee is a Kenyan Citizen of ID Number 5276082 and was born in Nandi County in 1965.

Academic and Professional Qualifications

47. The nominee holds a Bachelor of Commerce and a Master's in Business Administration from the University of Nairobi. In addition, he has certifications in Senior Management Development, Corporate Governance, Trustee Development, Human Resources Practitioner and Labour Laws Training

Employment Record and Work Experience

48. The nominee is a Certified Human Resources Management Practitioner who is currently a Member of the Insurance Appeals Tribunal, where he has served since 2023. He is also the CEO of People Centric Management Company Ltd.
49. Previously, he served as a member of the National Taskforce on Improvement of the Terms and Conditions and other Reforms for Members of the National Police Service, Kenya Prisons Service, and the National Youth Service (2022-2023).
50. Prior to this, he was the Regional Director for Human Resources in East Africa at Aga Khan University (2018-2022) and Group Human Resources Director at Kenya Airways (June to October 2017). Before this, he was Director of Human Resources at Magadi Soda Company Ltd (2003 - 2008), James Finlay Kenya (2008 - 2012), and Tata Chemical Magadi Ltd (2012-2017), as well as serving as the Human Resources Manager at Coca-Cola Bottling Company (1999 -2003).

Professional Association and Memberships

51. The nominee is a member of the Institute of Directors and a fellow at the Institute of Human Resource Management.

Honors and Awards

52. The nominee was awarded for Best Human Resource Department in Kenya in 2017 by Kenya Institute of Management in their Company of the year programme.

Published Writings

51. In November 2023, the nominee had an article published in the Daily Nation Newspaper on the improvement of Terms and Conditions of Service and other reforms for members of the National Police Service, Kenya Prisons Service, and the National Youth Service.
52. In addition, the nominee was a member and Contributed to the Report on the improvement of Terms and Conditions of Service and other reforms for members of the National Police Service, Kenya Prisons Service, and the National Youth Service.

Public Office, Political Activities and Affiliations

53. The nominee is not an official of any Political Party, but has served part-time on the National Taskforce on improvement of Terms and Conditions of Service and other reforms for the National Police Service, Kenya Prisons Service, and National Youth Service.

Income and Net worth

52. The nominee's income during the calendar year preceding his nomination consists of an employment income of Ksh. 4,645,000 in 2023 and Ksh. 3,445,000 in 2024. He listed his net worth as approximately Ksh. 251,000,000, consisting of Ksh. 293,000,000 in assets (land, homes, vehicles, shares) less liabilities of Ksh. 42,000,000.

Potential Conflict of Interest

53. The nominee declared that he does not have any persons or matter that would present a potential conflict of interest.

Pro-bono/Charity Work/Donation to Charity

54. The nominee's past non-profit board leadership includes serving as a member, Board of Trustees of Magadi Soda Foundation and is currently the Chairperson of the Aldai Boys Secondary School. The nominee has also sponsored needy children in school and community projects.

Integrity

56. The nominee has not been charged in a court or law in the last three years and has not been adversely mentioned in an investigatory report of Parliament or any other Commission of inquiry in the last three years.

3.1. 1 ORAL SUBMISSIONS

57. In order to assess the nominee's overall suitability for the position, the Committee posed questions to the nominee and he responded as recorded hereunder:

On the contradicting two inputs of the dates of employment at Magadi Soda Company Limited

67. The nominee submitted that the correct dates were July 2012 to July 2017.

On his short stint at the Kenya Airways Ltd

68. The nominee submitted that there was an ongoing organization restructuring programme and that he had opted to take an exit package.

On the Mandate of SRC and whether the terms of service of the Commissioners should be part-time instead of full-time

69. The nominee stated that the commission handles salary and remuneration matters for equity, fairness, transparency.
70. He further affirmed that the commission's role is to advise the national and county governments on remuneration matters and set and review salaries and allowances.
71. The nominee argued that the Commission still has a lot of work to do in reviewing salary structures and that it is not yet time for the Commission to transition to a part-time basis.

On how the nominee's experience on human resources can help determine the trajectory of the country in line with Vision 2030 and MTP IV

72. The nominee stated that the country has to focus on achieving the Bottom-Up Economic Model (BETA) plan and that he will propose HR interventions that align with BETA.

73. He noted the need to link the reward systems to the direct achievement of the BETA pillars which include: Universal Health Coverage; Affordable Housing, Digital Superhighway among others

On the of terms of service of SRC Commissioners as proposed in the SRC Amendment Bill of 2024

74. The nominee stated that he was aware of the Bill and that it is not yet time to move commissioners from full-time to part-time basis.

On the tenure of public servants above 60 years with rare expertise

75. The nominee explained that the problem of having public officers above 60 having to be retained because of rare skills emanated from a lapse in succession planning. He stated that there are gaps in succession that should be resolved but for now, the public servants should be retained to keep the country running.

On compliance to the requirement for declaration of incomes, assets and liabilities and methods to improve compliance among public servants

76. The nominee stated that a system must be implemented for compliance. He insisted that compliance has to be part of performance objectives as it may contribute to 100% compliance.

On the public service wage bill ballooning and what measures the nominee will take for a sustainable wage bill

77. The nominee stated that it is important to balance remuneration and rewards and that key performance indicators should be used to reward productivity. He added that it is important to empower public servants through remuneration and also implement the resolution of the 3rd national wage bill conference to achieve the 35% wage bill to revenue ratio.
78. The Nominee also noted the need to empower enterprises and this will in turn generate more revenues for the government.

On Kenya's salary structure

79. The nominee indicated that the salary structure is developing but, noting the important role played by Remuneration in Employees behaviour, there is a need to align it to performance and productivity.
80. The performance appraisal system should be reviewed to allow provisions for flexibility for remote work.

On the strained relationship between the Commission and over institutions including Parliament.

81. The nominee noted the need for continuous engagement with the relevant stakeholders as they seek to deliver their respective mandates.

3.1.2 Observations

58. The Committee, having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, his curriculum vitae and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment as Chairperson, Salaries and Remuneration Commission:

- i) **THAT**, he is a Kenyan Citizen of ID 5276082 and was born in Nandi County in 1965 and does not hold dual citizenship.
- ii) **THAT** the nominee holds a Bachelor of Commerce and a Master's in Business Administration from the University of Nairobi. In addition, he has certifications in

Senior Management Development, Corporate Governance, Trustee Development, Human Resources Practitioner and Labour Laws Training.

- iii) THAT*, the nominee is a Certified Human Resources Management Practitioner who is currently a Member of the Insurance Appeals Tribunal, where he has served since 2023. He is also the CEO of People Centric Management Company Ltd. He has also worked as a Regional Director for Human Resources in East Africa at Aga Khan University (2018-2022) and Group Human Resources Director at Kenya Airways (June to October 2017). Before this, he was Director of Human Resources at Magadi Soda Company Ltd (2003 - 2008), James Finlay Kenya (2008 - 2012), and Tata Chemical Magadi Ltd (2012-2017), as well as serving as the Human Resources Manager at Coca-Cola Bottling Company (1999 -2003).
- iv) THAT*, the nominee had obtained clearance from the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB). He was therefore compliant with the provisions of Chapter Six of the Constitution.
- v) THAT*, the nominee demonstrated extensive knowledge of topical, administrative and technical issues touching on the roles of a Chairperson of the Salaries and Remuneration commission, and therefore has the requisite abilities, qualifications and experience to serve in the office.

3.2 MAJ. GEN. (RTD) MARTIN KIZITO ONG'OYI, CBS, NOMINEE OF THE DEFENCE COUNCIL

82. Maj. Gen. (Rtd) Martin Kizito Ong'oyi, CBS, the nominee for appointment as Member representing the Defence Council appeared before the Committee on Friday, 22nd November 2024 and was orally interviewed under oath pursuant to Article 230 (2) (b)(vi) of the Constitution, the Public Appointments (Parliamentary Approval Act, 2011, Salaries and Remuneration Commission Act 2011 and the National Assembly Standing Orders. The Committee noted the following:

Citizenship, Date and Place of Birth

83. The nominee is a Kenyan Citizen of Identification Card (ID) Number 3513101 and was born in Ndiwa, Homa Bay County in 1964.

Academic and Professional Qualifications

84. The nominee holds a Diploma in International Studies, a Bachelor of Arts (Double Majors in Sociology and Political Science & Public Administration), and a Masters of Arts in Political Science and Public Administration from the University of Nairobi.
85. The nominee also has certification in Job evaluation, public finance management and project management.

Employment Record and Work Experience

86. The nominee is a retired General with over 39 years of experience in leadership, strategic management, and national security. Some of the positions held over the years include the Chairman of the Kenya Defence Forces Pay and Allowance Review (2015), Colonel Defence Forces Job Evaluation Team (DFJET), Chief of Personnel Defence Headquarters, Commandant of Joint Command and Staff College (JCSC), and Managing Director of Kenya Ordnance Factory Corporation (KOFCC).

Honors and Awards

87. The nominee has been bestowed with the following honours and awards:
- i) Chief of the Order of the Burning Spear (CBS)
 - ii) 10th and 20th Great Years of Nyayo Era Medal
 - iii) 25th Anniversary Commemorative Medal.
 - iv) The Constitutional Medal.
 - v) United Nations Medal (Liberia).

Public Office, Political Activities and Affiliations

88. The nominee is not an official of any Political Party.

Income and Net worth

89. The nominee's income during the calendar year preceding her nomination consists of a salary of Ksh. 750,000 and a rental income of Ksh. 533,000. He indicated that his net worth was approximately Ksh. 120,000,000.

Potential Conflict of Interest

90. The nominee has no immediate associations that are likely to present potential conflict of interest when he assumes the position.

Integrity

91. The nominee has never been charged in a court or law in the last three years and has not been adversely mentioned in an investigatory report of Parliament or any other Commission of inquiry in the last three years

3.2.1 ORAL SUBMISSIONS

92. In order to assess the nominee's overall suitability for the position, the Committee posed questions to the nominee and he responded as recorded hereunder:

On challenges faced at the Kenya Ordnance Factory (KOFK)

93. The nominee stated that the major challenge is that the institution is a state corporation and therefore faces the challenges associated with the PFM Act and that suppliers are limited. He also submitted that fluctuations in foreign exchange rate affects the prices of inputs required for the production of ammunition. He further highlighted his achievement at the Corporation, including procurement of ammunition manufacturing equipment. This was one of the critical assignments he undertook involving resource allocation.

On how the nominee will represent the Defence Council the Commission

94. The nominee highlighted the contrast between the military and civilian life and indicated that the Military serves beyond the labour laws and will take whatever remuneration is set.
95. He however retaliated that there are policy issues that need to be reviewed including terminology of the various allowances and the grading of the salary structure

On what drove the nominee to study political science

96. The nominee stated that he believes that in politics, the military is the centre of power and he was interested in knowing the origins of power.

3.2.2 Observations

97. The Committee, having considered the nominee's filled questionnaire pursuant to section 6(8) of the Public Appointments (Parliamentary Approval) Act, his curriculum vitae and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment as a Member of the Salaries and Remuneration Commission.

- i) **THAT**, in accordance with Article 78(1) and (2) of the Constitution, the nominee was eligible for appointment to a State Office since he is a Kenyan Citizen of Identification Card (ID) Number 3513101 and was born in Ndiwa, Homa Bay County in 1964.
- ii) **THAT** the nominee holds a Diploma in International Studies, a Bachelor of Arts (Double Majors in Sociology and Political Science & Public Administration), and a Masters of Arts in Political Science and Public Administration from the University of Nairobi.
- iii) **THAT**, the nominee is a retired General with over 39 years of experience in leadership, strategic management, and national security and has served in various capacities in the Defence Forces.
- iv) **THAT**, the nominee had obtained clearance from the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Education Loan Board (HELB). He was therefore compliant with the provisions of Chapter Six of the Constitution.

- v) **THAT**, the nominee demonstrated extensive knowledge of topical, administrative and technical issues touching on the roles of a Member of the Salaries and Remuneration Commission and therefore has the requisite abilities, qualifications and experience to serve in the office.

3.3. MR. MOHAMED ADEN ABDI, NOMINEE OF THE SENATE ON BEHALF OF COUNTY GOVERNMENTS

98. Mr. Mohamed Aden Abdi, the nominee for appointment as Member representing the Senate on behalf of the County Governments appeared before the Committee on Friday, 22nd November 2024 and was orally interviewed under oath pursuant to Article 230 (2) (b)(vii) of the Constitution, the Public Appointments (Parliamentary Approval Act, 2011, Salaries and Remuneration Commission Act 2011 and the National Assembly Standing Orders. The Committee noted the following:

Citizenship, Date and Place of Birth

99. The nominee is a Kenyan Citizen of Identification Card (ID) number 27512996 and was born in 1988 in Garissa County.

Academic and Professional Qualifications

100. The nominee holds a Diploma in Personnel Management from North Eastern Technical Training Institute (2007); a Higher Diploma in Human Resource Management (HRM) from Railway Training Institute (2010); a Bachelor of Business Management from Moi University (2013); a Masters of Business Administration from the University of Nairobi (2018); as well as an international Diploma in Occupational Health and Safety Management Professionals.

Professional Association and Memberships

101. The nominee is a full member of the Institute of Human Resource Management (IHRM) and graduate member of the Workplace Safety Professionals Association of Kenya.

Employment Record and Work Experience

102. The nominee is a Certified Human Resources Management Professional, a Director at Rightways Consulting Ltd, and a member of the HRM Professionals Examinations Board since 2019.
103. He has also been a Project Supervisor (2008-2009) and an HR and Administration Officer (2010-2011) at Salton Telmec Limited. During this time, he established and implemented a Human Resource Information System to improve service delivery.

Public Office, Political Activities and Affiliations

104. The nominee is not an official of any Political Party.

Income and Net worth

105. The nominee receives income from employment (Ksh. 3,000,000), livestock farming (Ksh. 400,000 per year), and sitting allowances (Ksh. 100,000 per year). The nominee estimated his wealth to be Kes. 38,700,000.

Potential Conflict of Interest

106. The nominee declared that he does not have any persons or matter that would present a potential conflict of interest, and should it arise, he would declare the interest in writing to the appointing authority in accordance with the law.

Integrity

107. The nominee has never been charged in any Court of Law in the last three years, and neither had he been adversely mentioned in any investigatory report of Parliament or any other commission of inquiry in the last three years.

3.3.1 ORAL SUBMISSIONS

108. In order to assess the nominee's overall suitability for the position, the Committee posed questions to the nominee and she responded as recorded hereunder:

On the disparities in salary structures of county employees in various counties across Kenya compared to the mainstream public service employees with similar job groups?

109. The nominee informed the Committee on the need to conduct salary audits and job evaluation to identify the disparities for corrective action. The nominee advocated for harmonisation of the salary structure in counties, standard evaluation framework and regular review and adjustment of salaries.
110. There is also a need for competitive salary structure to retain requisite skills while advocating for fiscally sustainable wage bill.

On his role as a representative of the Senate for county governments

111. The nominee indicated that there is a need for collaborative efforts as the two entities seek to discharge their respective mandates.
112. The nominee reiterated the need to engage county leadership to understand their need and thereby initiate policy changes based on the need.

On potential conflict of interest

113. The nominee declared that he does not have any persons or matter that would present a potential conflict of interest, and should it arise, he would declare the interest in writing to the appointing authority in accordance with the law

On the strained relationship between Parliament and the Commission

114. The nominee noted the need for continuous engagement between the two institutions given their different mandates. The nominee reiterated the need for each institution to understand its mandate.

3.3.2 Observations

115. The Committee, having considered the nominee's filled questionnaire pursuant to Section 6(8) of the Public Appointments (Parliamentary Approval) Act, his curriculum vitae and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment as Member, Salaries and Remuneration Commission.

- i) **THAT**, in accordance with Article 78(1) and (2) of the Constitution, the nominee was eligible for appointment to a State Office since he is a Kenyan Citizen of Identification Card (ID) number 27512996 and was born in 1988 in Garissa County.
- ii) **THAT** the nominee holds a holds a Diploma in Personnel Management from North Eastern Technical Training Institute (2007); a Higher Diploma in Human Resource Management (HRM) from Railway Training Institute (2010); a Bachelor of Business Management from Moi University (2013); a Masters of Business Administration from the University of Nairobi (2018); as well as an international Diploma in Occupational Health and Safety Management Professionals

- iii) **THAT**, the nominee is a Certified Human Resources Management Professional, a Director at Rightways Consulting Ltd, and a member of the HRM Professionals Examinations Board since 2019.
- iv) He has also been a Project Supervisor (2008-2009) and an HR and Administration Officer (2010-2011) at Salton Telmec Limited. During this time, he established and implemented a Human Resource Information System to improve service delivery.
- v) **THAT**, the nominee had obtained clearance from the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Education Loans Board (HELB). He was therefore compliant with the provisions of Chapter Six of the Constitution.
- vi) **THAT**, the nominee demonstrated an extensive grasp of knowledge of topical, administrative and technical issues touching on the roles of a Member and therefore has the requisite abilities, qualifications and experience to serve as a Member of the Salaries and Remuneration Commission.

3.4 MS. JANE GATAKAA NJAGE, NOMINEE OF THE TEACHERS SERVICE COMMISSION (TSC)

116. Ms. Jane Gatakaa Njage, the nominee for appointment as Member representing the Teachers Service Commission appeared before the Committee on Friday, 22nd November 2024 and was orally interviewed under oath pursuant to Article 230 (2) (b)(iv) of the Constitution, the Public Appointments (Parliamentary Approval Act, 2011, Salaries and Remuneration Commission Act 2011 and the National Assembly Standing Orders. The Committee noted the following.

Citizenship, Date and Place of Birth

117. The nominee is a Kenyan Citizen of ID Number 9215747 and was born in 1967 in Tharaka Nithi County. She does not hold dual citizenship.

Academic and Professional Qualifications

118. The nominee graduated from Kenyatta University with a Bachelor of Education and from Egerton University with a Master in Education. The nominee has also received certifications from courses on strategic leadership and development, governance, education management, and financial management.

Employment Record and Work Experience

119. The nominee has served as a TSC Regional Director for Nyanza Region. The nominee has over 26 years' experience in Institutional leadership. She served as an Assistant Teacher and Deputy Principal at Ukai Girls School (1990 – 1996) and as the Principal at St. Marks Secondary School in Embu
120. She later went on to become the Teachers Service Commission (TSC) County Director in Kiambu (2012-2016) and in Muranga (2016-2020). From 2020 -2023 the nominee was the TSC Regional Director in Nairobi.
121. The nominee has held a number of other positions, including.
- i) Member of the Data Governance Council of the Teachers Service Commission; and
 - ii) Served in the Field Service Committee of the Teachers Service Commission;

Honors and awards

122. The nominee was awarded the Order of Grand warrior (OGW) in 2023.

Published Writings

123. The nominee has published or contributed in the following publications:

- i) A report of the ICT training programme for Kenyan teachers in Gangwon Province - South Korea on 17th August, 2018 to 24th August, 2018
- ii) “*Factors affecting the resistance of performance contracting in Kenya*”. Thesis Research project for her Master in Education at Egerton University – 2010

Public Office, Political Activities and Affiliations

124. She is not an official of any Political Party.

Income and Net worth

125. The nominee’s income during the calendar year preceding her nomination consists of:

- i) Salary and Emoluments Approximately; Ksh 7,700,000
- ii) Income from Business; Ksh 880,000
- iii) Rental Income Ksh; 1,052,000/Dividends Ksh; 200,000

126. Her net worth includes:

- i) Residential home; Ksh 16,000,000
- ii) Land and Buildings; Ksh 39,400,000
- iii) Total Assets; Ksh 55,400,000
- iv) Less Liabilities; Ksh 1,400,000
- v) Net Assets Ksh; 54,000,000

Potential Conflict of Interest

127. The nominee declared that she did not have any persons or matter that would present a potential conflict of interest, and should it arise, she would declare the interest in writing to the appointing authority in accordance with the law.

Pro-bono/Charity Work/Donation to Charity

128. The Nominee established a day school in 1997, which she asserts has gone on to benefit the community. She also has participated in charitable works: such as supporting in School Fees Ksh 40,000 in 2024, mentoring youth in schools and conferences regularly, and preaching the gospel to both students and teachers.

Integrity

129. The nominee has never been charged in any Court of Law in the last three years, and neither has she been adversely mentioned in any investigatory report of Parliament or any other commission of inquiry in the last three years.

3.4.1 ORAL SUBMISSIONS

130. In order to assess the nominee’s overall suitability for the position, the Committee posed questions to the nominee and she responded as recorded hereunder:

On the industrial disputes between the teachers and the Teachers Service Commission

131. She noted the need for job evaluations and need to identify gaps in the Collective Bargaining Agreements in the teaching fraternity to ensure learning is not disrupted by the constant industrial disputes.

On her understanding of the role of the Salaries and Remuneration Commission

132. The nominee submitted that the Commission is mandated to set and review salaries and align them with the economy for fiscal sustainability.

133. The Commission is also expected to conduct comparative studies with other nations on matters remuneration.

On inequalities in designation of hardship areas for the payment of hardship allowances for teachers and other public servants

134. The nominee noted the need for review for the criteria of designation and gazettement of hardship areas for alignment with the current state of affairs.

On the need to review the salary structure of teachers given the enactment of the Competency Based Curriculum

135. The nominee noted the need for salary review given the changing role of the teachers in the new model of learning.

136. There's a need for evaluation to determine the need for adjustment of the salary structure.

On her transition from the Teachers Service Commission to the Salaries and Remuneration

137. The nominee submitted that she would bring a wealth of experience into the Commission having been a teacher and a head of institutions and an understanding of the disparities in the various regions.

3.4.2 Observations

138. The Committee, having considered the nominee's filled questionnaire pursuant to Section 6(8) of the Public Appointments (Parliamentary Approval) Act, her curriculum vitae and having heard her oral submission during the approval hearing, made the following observations on her suitability for appointment as Member, Salaries and Remuneration Commission

- i) **THAT**, in accordance with Article 78(1) and (2) of the Constitution, the nominee was eligible for appointment to a State Office since she is a Kenyan Citizen of ID Number 9215747 and was born in 1967 in Tharaka Nithi County. She does not hold dual citizenship.
- ii) **THAT** the nominee holds a Bachelor of Education from Kenyatta University and a Master in Education from Egerton University. The nominee has also received certifications from courses on strategic leadership and development, governance, education management, and financial management.
- iii) **THAT**, the nominee has served as the TSC Regional Director for Nyanza Region. The nominee has over 26 years' experience in Institutional leadership. She served as an Assistant Teacher and Deputy Principal at Ukai Girls School (1990 – 1996) and as the Principal at St. Marks Secondary School in Embu.
- iv) The nominee has held a number of other positions, including:
 - a. Member of the Data Governance Council of the Teachers Service Commission; and
 - b. Served in the Field Service Committee of the Teachers Service Commission
- v) **THAT**, the nominee had obtained clearance from the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Education Loan Board (HELB). She was therefore compliant with the provisions of Chapter Six of the Constitution.

- vi) **THAT**, the nominee demonstrated an impressive grasp of knowledge of topical, administrative and technical issues touching on the office of Members, Salaries Remuneration Commission, and has the requisite abilities, qualifications and experience to serve in the office.

3.5 MR. LEONID ASHINDU, NOMINEE OF THE ASSOCIATION OF PROFESSIONAL SOCIETIES IN EAST AFRICA (APSEA).

139. Mr. Leonid Ashindu, the nominee for appointment as Member representing the Association of Professional Societies in East Africa (APSEA) appeared before the Committee on Friday, 22nd November 2024 and was orally interviewed under oath pursuant to Article 230 (2) (c)(iii) of the Constitution, the Public Appointments (Parliamentary Approval Act, 2011, Salaries and Remuneration Commission Act 2011 and the National Assembly Standing Orders. The Committee noted the following:

Citizenship, Date and Place of Birth

140. The nominee is a Kenyan Citizen of Identification Card (ID) Number 23630771 and was born in 1982 in Manyala, Butere in Kakamega County. The nominee does not hold dual citizenship.

Academic and Professional Qualifications

141. The nominee has a Diploma in Technical Education Building Construction from the Kenya Technical Teachers College in 2010, a Bachelor of Business Management Leadership and Management in 2014 from the Management University of Africa and a Bachelor of Management and Leadership from the same institution this year (2024).
142. The nominee has received training in the areas of occupational and environmental health and safety, energy saving, resource-saving, and sanitation in residential construction.

Employment Record and Work Experience

143. The nominee currently holds the position of Principal Administrative Officer (Clerk of Works/ Occupational Safety and Health) at the Teachers Service Commission (since 2020) as well as an Expert Trainer/ Facilitator at the National Construction Authority (since 2013). Some of the recent positions held by the nominee include- Consulting Clerk of Works at Leonid Ashindu Agencies (2015-2017); Associate Building Engineer at United Nations Officer of Project Services (UNOPS) (2016); and Chief Administrative Officer (Clerk of Works) and later Principal Administrative Officer (Clerk of Works) in Bomet. In addition, he is also currently the Chairman of the Institute of Clerks of Works - Kenya (since 2014).
144. The nominee has held a number of other positions, including:
- i) The current Chairman of the Institute of Clerks of Works - Kenya (since 2014);
 - ii) 1st Vice Chairperson of the Association of Professional Societies in East Africa (APSEA) (2023 - to date);
 - iii) Member of the Multisectoral Committee of the Kenya Leadership and Integrity Forum (2023 - to date);
 - iv) Consulting for Africa Alliance of YMCAs; and
 - v) Member of the National Construction Week Planning Committee at the National Construction Authority.

Honors and awards

145. The nominee received an award for outstanding contribution towards the construction excellence awards in 2023 and was honoured as an expert technical trainer by the National Construction Authority (2022/2023).

Professional Association and Memberships

146. The nominee is /has been a member of the following institutions
- i) Association of Professional Associates in East Africa (1st Vice Chairman, May 2023.to date
 - ii) Institute of Clerks of Works (Chairman, March 2024-date)
 - iii) Architectural Association of Kenya, Technician Member)

Published Writings

147. The nominee has published or contributed in the following publications:
- i) TSC Policy on Work Environment;
 - ii) Synergy Towards Bridging Gaps Between Professionals - KASNEB Conference For Professionals;
 - iii) National Committee on Trades In Services Report;
 - iv) Huduma Ombudsman Awards Report 2023;
 - v) National Construction Authority (NCA) Training and Capacity Building Report 2020/2021.
 - vi) Management University Of Africa Project Report 2024
 - vii) Architectural Association of Kenya (AAK) Safe Learning Handbook 2020

Public Office, Political Activities and Affiliations

148. The nominee is not an official of any Political Party

Income and Net worth

149. The nominee's income during the calendar year preceding his nomination consists of his salary from TSC of Ksh. 1,747,560 a year.
150. His total net worth is Ksh. 20,196,820, consisting of Land and Forest Acres amounting to Ksh. 2,780,000 and home worth Ksh. 18, 750,00. He also noted liabilities from Sacco Loans in the amount of 1,333,180

Potential Conflict of Interest

151. The nominee declared that he does not have any persons or matter that would present a potential conflict of interest, and should it arise, he would declare the interest in writing to the appointing authority in accordance with the law.

Pro-bono/Charity Work/Donation to Charity

152. The nominee is a board member for Manyala Primary School as well as the Young Men Christian Association (YMCA NTI). He is also a Patron of the Manyala AIDS resource Centre.

3.5.1 ORAL SUBMISSIONS

153. In order to assess the nominee's overall suitability for the position, the Committee posed questions to the nominee and he responded as recorded hereunder:

On the question of his experience contributing to his role as a commissioner

154. The nominee stated that throughout his career, he has developed strategic plans and intends to develop a new strategic plan when the Commission begins working. He also stated that he has engaged numerous stakeholders in his career and therefore will bring experience with engagements with stakeholders which is crucial for SRC.

On the roles and mandate of the SRC

155. The nominee stated that the major roles of SRC revolve around job evaluation, and salary reviews and they collect data related to matters of salary and remuneration that they use to make better decisions on remuneration.

On the question on the proposal for SRC Commissioners to on a part-time basis

156. The nominee stated that the roles and mandate of SRC are continuous, which are essential in the current state of the economy and that it is not yet time for SRC to be part-time.

On the question of issues of collaboration between SRC and other entities

157. The nominee explained that stakeholder engagement should be done right and the public should be informed on the decisions taken. He advocated for continuous engagement by SRC with stakeholders to resolve the issues.

On the question of budget cuts affecting operations at SRC

158. The nominee indicated the need for priority budgeting given the scarce resources. He added that the Commission can initiate its own revenue raising measures through offering advisory and training services.

3.5.2 Observations

159. The Committee, having considered the nominee's filled questionnaire pursuant to Section 6(8) of the Public Appointments (Parliamentary Approval) Act, his curriculum vitae and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment as Member, Salaries and Remuneration Commission.

- i) THAT*, in accordance with Article 78(1) and (2) of the Constitution, the nominee was eligible for appointment to a State Office since he is a Kenyan Citizen of Identification Card (ID) Number 23630771 and was born in 1982 in Manyala, Butere in Kakamega County. The nominee does not hold dual citizenship.
- ii) THAT*, the nominee holds a Diploma in Technical Education Building Construction from the Kenya Technical Teachers College in 2010, a Bachelor of Business Management Leadership and Management in 2014 from the Management University of Africa and a Bachelor of Management and Leadership from the same institution this year (2024).
- iii) THAT*, the nominee had The nominee currently holds the position of Principal Administrative Officer (Clerk of Works/ Occupational Safety and Health) at the Teachers Service Commission (since 2020) as well as an Expert Trainer/ Facilitator at the National Construction Authority (since 2013). Some of the recent positions held by the nominee include- Consulting Clerk of Works at Leonid Ashindu Agencies (2015-2017); Associate Building Engineer at United Nations Officer of Project Services (UNOPS) (2016); and Chief Administrative Officer (Clerk of Works) and later Principal Administrative Officer (Clerk of Works) in Bomet. In addition, he is also currently the Chairman of the Institute of Clerks of Works - Kenya (since 2014).
- iv) THAT*, the nominee had obtained clearance from the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB). He was therefore compliant with the provisions of Chapter Six of the Constitution.

- v) **THAT**, the nominee demonstrated an impressive grasp of knowledge of topical, administrative and technical issues touching on the Office of Member of the Salaries and Remuneration Commission and has the requisite abilities, qualifications and experience to serve in the office.

3.6 DR. GILDA ODERA, NOMINEE OF THE FEDERATION OF KENYA EMPLOYERS (FKE);

160. Dr. Gilda Odera, the nominee for appointment as Member representing the Federation of Kenya Employers (FKE) appeared before the Committee on Friday, 22nd November 2024 and was orally interviewed under oath pursuant to Article 230 (2) (c)(ii) of the Constitution, the Public Appointments (Parliamentary Approval Act, 2011, Salaries and Remuneration Commission Act 2011 and the National Assembly Standing Orders. The Committee noted the following:

Citizenship, Date and Place of Birth

161. The nominee is a Kenyan Citizen of Identification Card (ID) number 9010199 and was born on 25th September 1966 in Nairobi County. The nominee does not hold dual citizenship.

Academic and Professional Qualifications

162. The nominee holds a Bachelor's degree in Sociology from the University of Nairobi, a Master of Arts in Leading Innovation and Change in 2012 from the University of York St. John in the United Kingdom and a PhD in 2023 in Public Policy and Administration (specializing in Leadership and Management).

163. Over the years, the nominee has participated in a number of trainings related to governance, marketing, audit committees, business process outsourcing, operations, and most notably, compensation committees.

Employment Record and Work Experience

164. The nominee has a cumulative working experience of over 30 years serving as in senior management, as a chief executive and a board director. She is currently serving as a Lead Consultant at "All About Marketing Limited", which is a consulting company that offers a wide range of services to both corporate organizations as well as small and medium sized enterprises SMEs. She has held this position since 2013.

165. In the past, the nominee has served as a Project Coordinator to Commercial Director in Marketing Support Services Limited (a marketing consultant company) (1990-2002) and Managing Director for Skyweb Technologies Limited (an internet service and Satellite TV provider) (2002 – 2013).

166. The nominee has also held a number of other positions, including:

- i) First female National President of the Federation of Kenya Employers (2024-Current),
- ii) Board Director of the National Industrial Training Authority (2020- Mid August 2024);
- iii) Council Member of the Kenya National Qualification Authority (2016 -2019);
- iv) Board Director at NHIF (2012 - 2018);
- v) Chairperson of the Public Policy Board of the Computer Society of Kenya

Honors and awards

167. The nominee has received various awards, recognition and appreciation:

- i) Africa ICT Achievers' Award and Top ICT Businesswoman Runner-Up (South Africa, 2005);
- ii) best Entrepreneur (Computer Society of Kenya, 2006);

- iii) entrepreneur of the Year (Computer Society of Kenya, 2009); and
- iv) nominee of Africa Prosperity Awards 2008 (ranked among the top 10 female entrepreneurs in Africa with great potential)

Professional Association and Memberships

168. The nominee is /has been a member of the following institutions:
- i) Institute of Director, Member (2018-date)
 - ii) founding Chairperson of the Kenya Business Process Outsourcing Association (KBPOA)
 - iii) Marketing Society of Kenya, Council Member (1999)

Published writings

169. The nominee has published the following:
- i) G. Odera (2023). 'Entrepreneurship in Nairobi's ICT Startup Organizations' (2023). ProQuest
 - ii) G. Odera (2013). 'Women in Leadership, Challenges and Barriers'. Master's Thesis. York St. John University.
 - iii) T. M.Waema, G.Odera, C. Adeya-Weya, P.Were, E.M.Masinde, C.Chepken, E. Kariuki, P.Kenduiywo (2009). 'Development of a Business Process Outsourcing Industry in Kenya': *Critical Success Factors (August 2009)*. Canadian International Development Research (IDRC).
170. The nominee also contributed to the below documents:
- i) Report of the Health Financing Reforms Expert Panel for the Transformation and Repositioning of the National Health Insurance Fund (NHIF) as a Strategic Purchaser of Health Services for the Attainment of Universal Health Coverage by 2022. Chapter 5: Business Process.
 - ii) The Difference between Ethics and Morals, 2014. Presented to Public Policy Class, Walden University

Public Office, Political Activities and Affiliations

171. The nominee is not an official of any Political Party, but has held the below public offices:
- i) National Industrial Training Authority, Board Member (2020-2024)
 - ii) Universities Funds Board, Board Director (2019-2022)
 - iii) Kenya National Qualification Authority, Council Member (2016-2019)
 - iv) Public Procurement Administrative Review Board, Board Member (2013-2019)

Income and Net worth

172. The nominee's income during the calendar year preceding her nomination consists of rental and board allowances amounting to Ksh. 4,160,000. Her net worth is Ksh. 200 Million.

Potential Conflict of Interest

173. The nominee declared that she does not have any persons or matter that would present a potential conflict of interest.

Pro-bono/Charity Work/Donation to Charity

174. The nominee is a member of the Rotary Club of Milimani, where she contributes through material and non-material donations in kind. She also mentors upcoming entrepreneurs and start-ups pro bono.

3.6.1 ORAL SUBMISSIONS

175. In order to assess the nominee's overall suitability for the position, the Committee posed questions to the nominee and she responded as recorded hereunder:

On the proposed minimum wage of ksh.16000 offered to house helps advocated by the Cabinet Secretary in charge of Labour

176. The nominee reiterated that as the Federation of Kenya Employers, they had met the Cabinet Secretary for Labour and Social Protection and agreed on the proposal.

On the need to improve the remuneration for civil servants and workers in the private sector given the challenging economic environment

177. The nominee decried the challenging business environment in the country which has resulted to closure of businesses and the declaration of redundancy. The private sector may not be in a position to readjust the salaries.

On her priority if approved for appointment as a member of the Salaries and Remuneration Commission

178. The nominee stated the need for the Country to achieve the 35% public wage to revenue ratio at both levels of government.

3.6.2 Observations

179. The Committee, having considered the nominee's filled questionnaire pursuant to Section 6(8) of the Public Appointments (Parliamentary Approval) Act, her curriculum vitae and having heard her oral submission during the approval hearing, made the following observations on her suitability for appointment as Member, Salaries and Remuneration Commission.

- i) THAT*, in accordance with Article 78(1) and (2) of the Constitution, the nominee was eligible for appointment to a State Office since she is a Kenyan Citizen of Identification Card (ID) number 9010199 and was born on 25th September 1966 in Nairobi County. The nominee does not hold dual citizenship.
- ii) THAT* the nominee holds a Bachelor's degree in Sociology from the University of Nairobi, a Master of Arts in Leading Innovation and Change in 2012 from the University of York St. John in the United Kingdom and a PhD in 2023 in Public Policy and Administration (specializing in Leadership and Management).
- iii) THAT*, the nominee has a cumulative working experience of over 30 years serving as in senior management, as a chief executive and a board director. She is currently serving as a Lead Consultant at "All About Marketing Limited", which is a consulting company that offers a wide range of services to both corporate organizations as well as small and medium sized enterprises SMEs. She has held this position since 2013.
- iv)* In the past, the nominee has served as a Project Coordinator to Commercial Director in Marketing Support Services Limited (a marketing consultant company) (1990-2002) and Managing Director for Skyweb Technologies Limited (an internet service and Satellite TV provider) (2002 – 2013).
- v)* The nominee has also held a number of other positions, including: First female National President of the Federation of Kenya Employers (2024-Current) and Board Director of the National Industrial Training Authority.

vi) **THAT**, the nominee had obtained clearance from the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Education Loans Board (HELB). she was therefore compliant with the provisions of Chapter Six of the Constitution.

vii) **THAT**, the nominee demonstrated an impressive grasp of knowledge of topical, administrative and technical issues touching on the Office of Member, Salaries and Remuneration Commission and has the requisite abilities, qualifications and experience to serve in the office.

3.7 DR. GEOFFREY APOLLO OMONDI, NOMINEE OF THE CENTRAL ORGANIZATION OF TRADE UNIONS (COTU);

180. Dr. Geoffrey Apollo Omondi, the nominee for appointment as Member representing the Central Organization of Trade Unions (COTU) appeared before the Committee on Friday, 22nd November 2024 and was orally interviewed under oath pursuant to Article 230 (2) (c)(i) of the Constitution, the Public Appointments (Parliamentary Approval Act, 2011, Salaries and Remuneration Commission Act 2011 and the National Assembly Standing Orders. The Committee noted the following:

Citizenship, Date, and Place of Birth

181. The nominee is a Kenyan Citizen of Identification Card (ID) Number 2093123 and was born on 28th November 1959, Nairobi County. The nominee does not hold a dual citizenship.

Academic and Professional Qualifications

182. The nominee holds Bachelor of Arts (Hons) in Political Science and Sociology from the University of Nairobi in 1984 and a Masters of Arts in Labour and Development Studies from the International Institute of Social Studies in Amsterdam in 1993.

Employment Record and Professional Experience

183. In terms of work and professional progression, the nominee served in the Ministry of Labour and Social Protection for 35 years as a Labour Administrator and also commissioner for Labour. The nominee has also served as a District Labour Officer, a Deputy Provincial Labour Officer and a Provincial Labour Officer in Nairobi as well as surrounding districts. Between 2005 and 2009, the nominee was a Principal Counsellor on labour matters and liaison officer at the International Labour Organization (ILO).

184. The nominee earned a diploma in Training and Evaluation of Training Systems, allowing him to offer training at FKE and COTU, as well consult with the ILO. He also held the position of Chief Examiner in the Employee Relations course at the Kenya National Examination Council (KNEC).

185. The nominee has held a number of other positions, including:

- i) Coordinator of the African group of the ILO (2005 - 2008).
- ii) Sat on the Committee on Freedom of Association (CFA) as a representative of all African Member of the ILO.
- iii) Technical expert in the Kenya delegation during the ILO Centennial Conference and was a representative in the Tripartite Working Group of the ILO on Standards Review Mechanisms (SRM).

- iv) Secretary to the National Tripartite Consultative Committee of Government, Federation of Kenya Employers (FKE) and Central Organization of Trade Unions (COTU).

Honours and Awards

186. The nominee was bestowed with a Certificate from the President of the African Union Commission as a group coordinator.

Professional Associations and Membership

187. The Nominee is a certified Conciliator/ Mediator from the International Training Centre of the ILO and an officer in the governing body of the ILO. He is also a member of the International Labour and Employment Relations Association, as well as the Institute of Human Resources Management of Kenya.

Published Writings

188. The nominee published the following documents:
- i) Establishment of the Kenya Migrant Workers Fund (KMWF) 2022
 - ii) Social Dialogue for Improving Labour Relations in the Health Sector in Kenya (2022)
 - iii) Developing and Piloting a Code of Practice (Voluntary) for Employers and Workers on Industrial Relations and Dispute Resolution in the tea and Textile Sectors in Kenya 2023.

Public Office, Political Activities and Affiliations

189. The nominee is not an official of any Political Party but he has been a district and provincial labour officer, a chief industrial relations officer, a labour commissioner, and labour attaché in Geneva, Switzerland.

Income and Net worth

190. The nominee stated that his net worth is approximately Ksh. 20 Million, and includes a house and undeveloped land in Syokimau.

Potential Conflict of Interest

191. The nominee stated that he has no immediate associations that are likely to present potential conflict of interest.

Pro-bono/Charity Work/Donation to Charity

192. The nominee stated that he trains students and interns on land laws, industrial relations and dispute resolutions.

Integrity

193. The nominee had neither been charged in a court of law nor mentioned in any investigatory reports of Parliament or any Commission of Inquiry in the last three (3) years. He had also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

3.7.1 ORAL SUBMISSIONS

194. In order to assess the nominee's overall suitability for the position, the Committee posed questions to the nominee and he responded as recorded hereunder:

On the Mandate of the Salary Commission

195. The nominee stated that Salaries and Remuneration Commission Act defines the mandate of the Commission that is to set salaries for state officers, to advice on remuneration for public servants and to ensure salaries payable are sustainable.

On the question of collaboration and communication among stakeholders when enacting reviews of employee's remuneration

196. The nominee highlighted the concept social dialogue indicating the need for continuous engagement with the tripartite stakeholders i.e the employers, trade unions and the employees.

On the question of the salary remuneration process being transparent to the public and trade unions

197. The nominee stated that collective bargaining agreements are important for trade unions and the public as they promote transparency and members involved in the agreements should communicate the agreements with members in their trade unions.

On instances where the umbrella trade union body has taken a different stand from affiliate unions

198. The nominee indicated that COTU is the most representative of workers in Kenya and there is need to ensure harmony between the employers and employees. There is a need for the umbrella organisation to engage the affiliate unions.

On disparities on his net worth

199. The nominee indicated that he had not assigned a value to his ancestral land, homes and a car. The nominee undertook to submit a detailed statement on net worth.

3.7.2 Observations

200. The Committee, having considered the nominee's filled questionnaire pursuant to Section 6(8) of the Public Appointments (Parliamentary Approval) Act, his curriculum vitae and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment as Member, Salaries and Remuneration Commission:

- i) **THAT**, in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to a state office since he is a Kenyan citizen of Identification Card (ID) Number 2093123 and was born on 28th November 1959, Nairobi County. The nominee does not hold a dual citizenship.
- ii) **THAT**, the nominee holds a holds Bachelor of Arts (Hons) in Political Science and Sociology from the University of Nairobi in 1984 and a Masters of Arts in Labour and Development Studies from the International Institute of Social Studies in Amsterdam in 1993.
- iii) **THAT**, the nominee served in the Ministry of Labour and Social Protection for 35 years as a Labour Administrator and also commissioner for Labour. The nominee has also served as a District Labour Officer, a Deputy Provincial Labour Officer and a Provincial Labour Officer in Nairobi as well as surrounding districts. Between 2005 and 2009, the nominee was a Principal Counsellor on labour matters and liaison officer at the International Labour Organization (ILO).
- iv) **THAT**, the nominee meets the requirements of Chapter Six of the Constitution on leadership and integrity having obtained clearance from the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the

Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB).

- v) **THAT**, the nominee demonstrated an impressive grasp of knowledge of topical, administrative and technical issues touching on the Office of Member of the Salaries and Remuneration Commission and has the requisite abilities, qualifications and experience to serve in the office.

3.8 OVERALL COMMITTEE OBSERVATIONS

201. The Committee, having considered the nominees' filled questionnaires pursuant to Section 6(8) of the Public Appointments (Parliamentary Approval) Act, their curricula vitae and having heard their oral submissions during the approval hearings, made the following general observations:
- a. All the nominees are Kenyan citizens and do not hold dual citizenship. Thus, they satisfy the dictates of Article 78(1) and (2) of the Constitution which bars state officers from holding dual citizenship.
 - b. All the nominees presented their academic credentials and professional certificates and, during the approval hearings, demonstrated their suitability in accordance with the provisions of Section 6(7) of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011.
 - c. None of the nominees held office in any political party, a requirement under Article 77(2) of the Constitution and the Schedule to the Public Appointment (Parliamentary Approval) No. 33 of 2011.
 - d. None of the nominees had been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75 (1) (conflict of interest), 76 (financial probity), 77 (restriction of State officers) and 78 (2) (dual citizenship) of the Constitution;
 - e. The nominees meet the requirements of Chapter Six of the Constitution on leadership and integrity having obtained clearance from the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB).
 - f. By close of business on Thursday, 21st November 2024 at 5.00 p.m. the Clerk of the National Assembly had received 6 submissions in support of the Nomination for appointment of Mr. Leonid Ashindu. The Submissions were from:
 - i) Commission on Administration of Justice;
 - ii) Mr. Francis Ndalo Odongo;
 - iii) Institute of Clerks of Works- Kenya;
 - iv) Manyala Education Centre;
 - v) Ack Diocese of Butere; and
 - vi) Manyala Aids Resource Centre (CBO).
 - g. The nominations align with the Two-Third Gender Principle. Article 27(8) of the Constitution provides that the State shall take legislative and other measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender. In this regard, not more than two thirds of the nominees are of the same gender.
 - h. The nominees demonstrated an impressive grasp of knowledge of topical, administrative and technical issues touching on the Office of Chairperson and Members of the Salaries and Remuneration Commission and that they have requisite abilities, qualifications and experience to serve in the offices.

4.0 COMMITTEE FINDINGS ON THE SUITABILITY OF THE NOMINEES FOR APPOINTMENT AS CHAIRPERSON AND MEMBERS OF THE SALARIES AND REMUNERATION COMMISSION.

202. After conducting the approval hearings, the Committee made the following findings on the nominees:

Mr. Sammy Chepkwony as the Chairperson of the Salaries and Remuneration Commission

- i) The nominee has the requisite academic qualifications recognized in Kenya.
- ii) The nominee has vast knowledge and experience which qualify him for appointment to the position of Chairperson of SRC.
- iii) According to the records and information availed to the Committee, the nominee meets the requirements of chapter six of the Constitution on leadership and integrity.
- iv) The candidate exhibited extensive knowledge on topical issues including public management, finance and administration and the status of the labour sector.
- v) The Committee did not receive any written statement on oath contesting suitability of the nominee as required under section 6(9) of the Public Appointments (Parliamentary Approval) Act (Cap.7F)
- vi) The Committee exercised due diligence and contacted vetting bodies for confidential information but did not receive any adverse report on the nominee.
- vii) The nomination of Mr. Sammy Chepkwony was in compliance with the Constitution, the Salaries and Remuneration Commission Act (Cap.412D) and the Public Appointments (Parliamentary Approval) Act (Cap.7F).

Maj. Gen. (Rtd) Martin Kizito Ong'oyi, CBS, nominee for appointment as Member, representing the Defence Council

- i) The nominee has the requisite academic qualifications recognized in Kenya.
- ii) The nominee has vast knowledge and experience which qualify him for appointment as a member of SRC.
- iii) According to the records and information availed to the Committee, meets the requirements of chapter six of the Constitution on leadership and integrity.
- iv) The nominee exhibited impressive knowledge on topical issues including public management, finance and administration and the status of the labour sector.
- v) The Committee did not receive any written statement on oath contesting suitability of the nominee as required under section 6(9) of the Public Appointments (Parliamentary Approval) Act (Cap.7F)
- vi) The Committee exercised due diligence and contacted vetting bodies for confidential information but did not receive any adverse report on the nominee.
- vii) The nomination of Maj.Gen. (Rtd) Martin Kizito Ong'oyi was in compliance with the Constitution, the Salaries and Remuneration Commission Act (Cap.412D) and the Public Appointments (Parliamentary Approval) Act (Cap.7F).

Mr. Mohamed Aden Abdi nominee for appointment as Member, representing the Senate on behalf of County Governments

- i) The nominee has the requisite academic qualifications recognized in Kenya
- ii) The nominee has knowledge and experience which qualify him for appointment as a member of SRC.
- iii) Mr. Mohamed Aden Abdi, according to the records and information availed to the Committee, meets the requirements of chapter six of the Constitution on leadership and integrity.

- iv) The nominee exhibited extensive impressive knowledge regarding the mandate of SRC.
- v) The Committee did not receive any written statement on oath contesting suitability of the nominee as required under section 6(9) of the Public Appointments (Parliamentary Approval) Act (Cap.7F).
- vi) The Committee exercised due diligence and contacted vetting bodies for confidential information but did not receive any adverse report on the nominee.
- vii) The nomination of Mr. Mohamed Aden Abdi was in compliance with the Constitution, the Salaries and Remuneration Commission Act (Cap.412D) and the Public Appointments (Parliamentary Approval) Act (Cap.7F).

Ms. Jane Gatakaa Njage, nominee for appointment as Member, representing the Teachers Service Commission

- i) The nominee has the requisite academic qualifications recognized in Kenya.
- ii) The nominee has vast knowledge and experience which qualify her for appointment as a member of SRC
- iii) Ms. Jane Gatakaa Njage, according to the records and information availed to the Committee, meets the requirements of chapter six of the Constitution on leadership and integrity.
- iv) The nominee demonstrated knowledge in matters relating to public management, finance and administration, human resource management and labour sector challenges
- v) The Committee did not receive any written statement on oath contesting suitability of the nominee as required under section 6(9) of the Public Appointments (Parliamentary Approval) Act (Cap.7F).
- vi) The Committee exercised due diligence and contacted vetting bodies for confidential information but did not receive any adverse report on the nominee.
- i) The nomination of Ms. Jane Gatakaa Njage was in compliance with the Constitution, the Salaries and Remuneration Commission Act (Cap.412D) and the Public Appointments (Parliamentary Approval) Act (Cap.7F).

Mr. Leonid Ashindu, nominee for appointment as Member, representing the Association of Professional Societies in East Africa (APSEA).

- i) The nominee has the requisite academic qualifications recognized in Kenya.
- ii) The nominee has knowledge and experience which qualify him for appointment as a member of SRC.
- iii) Mr. Leonid Ashindu, according to the records and information availed to the Committee, meets the requirements of chapter six of the Constitution on leadership and integrity.
- iv) The nominee displayed extensive knowledge regarding the mandate of SRC.
- v) The Committee did not receive any written statement on oath contesting suitability of the nominee as required under section 6(9) of the Public Appointments (Parliamentary Approval) Act (Cap.7F).
- vi) The Committee exercised due diligence and contacted vetting bodies for confidential information but did not receive any adverse report on the nominee
- vii) The nomination of Mr. Leonid Ashindu was in compliance with the Constitution, the Salaries and Remuneration Commission Act (Cap.412D) and the Public Appointments (Parliamentary Approval) Act (Cap.7F).

Dr. Gilda Odera nominee for appointment as Member, representing Federation of Kenya Employers (FKE)

- i) The nominee has the requisite academic qualifications recognized in Kenya.
- ii) The nominee has knowledge and experience which qualify her for appointment as a member of SRC.

- iii) Dr. Gilda Odera, according to the records and information availed to the Committee, meets the requirements of chapter six of the Constitution on leadership and integrity.
- iv) The nominee demonstrated knowledge in matters relating to public management, finance and administration, human resource management and labour sector challenges.
- v) The Committee did not receive any written statement on oath contesting suitability of the nominee as required under section 6(9) of the Public Appointments (Parliamentary Approval) Act (Cap.7F).
- vi) The Committee exercised due diligence and contacted vetting bodies for confidential information but did not receive any adverse report on the nominee.
- vii) The nomination of Dr. Gilda Odera was in compliance with the Constitution, the Salaries and Remuneration Commission Act (Cap.412D) and the Public Appointments (Parliamentary Approval) Act (Cap.7F).

Dr. Geoffrey Apollo Omondi, nominee for appointment as Member, representing the Central Organization of Trade Unions (COTU)

- ii) The nominee has the requisite academic qualifications recognized in Kenya.
- iii) The nominee has vast knowledge and experience which qualify him for appointment as a member of SRC.
- iv) Dr. Geoffrey Apollo Omondi, according to the records and information availed to the Committee, meets the requirements of chapter six of the Constitution on leadership and integrity.
- v) The nominee demonstrated impressive knowledge in matters relating to public management, finance and administration, human resource management and labour sector challenges.
- vi) The Committee did not receive any written statement on oath contesting suitability of the nominee as required under section 6(9) of the Public Appointments (Parliamentary Approval) Act (Cap.7F).
- vii) The Committee exercised due diligence and contacted vetting bodies for confidential information but did not receive any adverse report on the nominee.
- viii) The nomination of Dr. Geoffrey Apollo Omondi was in compliance with the Constitution, the Salaries and Remuneration Commission Act (Cap.412D) and the Public Appointments (Parliamentary Approval) Act (Cap.7F).

5.0 COMMITTEE RECOMMENDATION

203. Having conducted the approval hearings pursuant to Article 230 of the Constitution; Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011; Salaries And Remuneration Commission Act, 2011 and Standing Order 216 (5) (f), the Committee recommends that the House **approves** the appointment of:


- a) Mr. Sammy Chepkwony as the Chairperson of the Salaries and Remuneration Commission; and
- b) The following nominees as members of the Salaries and Remuneration Commission to represent various institutions as indicated—
 - i) Maj. Gen. (Rtd) Martin Kizito Ong'oyi, CBS, nominee of the Defence Council;
 - ii) Mr. Mohamed Aden Abdi, nominee of the Senate on behalf of County Governments;
 - iii) Ms. Jane Gatakaa Njage, nominee of the Teachers Service Commission (TSC);
 - iv) Dr. Gilda Odera, nominee of the Federation of Kenya Employers (FKE);
 - v) Dr. Geoffrey Apollo Omondi, nominee of the Central Organization of Trade Unions (COTU); and
 - vi) Mr. Leonid Ashindu, nominee of the Association of Professional Societies in East Africa (APSEA).

SIGNED: DATE:



25/11/2020

HON. ERIC MUCHANGI KAREMBA M.P.
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON LABOUR

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 26 NOV 2024	
DAY: TUESDAY	
TABLED BY:	DEPARTMENTAL COMMITTEE ON LABOUR
CLERK-AT THE TABLE:	MERICI CATHMID