

PARLIAMENTARY SERVICE COMMISSION

PARLIAMENTS
OF KENYA
LIBRARY

COMMISSION PAPER No. 196

ON

**REPORT OF MEMBERS' WELFARE PRESENTED
TO THE COMMISSION**

ON

OCTOBER 02, 2006

**PARLIAMENT BUILDINGS
NAIROBI**

SEPTEMBER, 2006

INTRODUCTION

On September 04, 2006 the, Committee of the Commission on Welfare of Members held its twentieth meeting. The deliberations of the aforementioned meeting form the contents of this Paper.

1. IMPLEMENTATION OF THE COCKAR REPORT

(a) Pension/Ex-gratia for Ex-Members of Parliament

The Committee was informed that a letter was written to the Vice-President requesting him to present this issue to the Cabinet, he then requested for a Cabinet paper which was compiled and submitted to him.

The Committee reiterated that the mandate of the Commission is the Welfare of sitting members while the welfare of the former members is an executive affair.

It was recommended therefore that follow-up be made to find out if this Cabinet Paper has been presented to the Cabinet or not.

The Committee recommended that a copy of the Cabinet Paper be availed to the Commissioners for their perusal.

(b) Speaker and the Vice-President Package

The Committee noted that this package is contained in the Miscellaneous Bill which has reached the Second reading.

(c) Increasing the Allowances for Commissioners and Members of the Chairmen's Panel

The issue of the responsibility allowance paid to Ministers and their Assistants was raised.

The Committee noted that;

- i) the Remuneration Act declares that all allowances payable to the Commissioners must be enacted by law. Therefore payment of additional allowances would be illegal even though the Ministers and Assistant Ministers have been getting this allowance for almost a year now.
- ii) this issue could have been included as amendments in the review of the Miscellaneous bill but was not.
- iii) the domestic allowance was paid on authority from the Commission following its resolution; and based on this, there is no reason as to why the

other top up allowance referred to as Ministerial allowance can not be paid to various office bearers in the Kenya National Assembly.

The Commissioners are entitled to Kshs.100,000/= as their counterparts, the Assistant Ministers get this amount. Minister receive responsibility allowance of Kshs.200,000/= .The Vice-president earns Kshs.300,000/=.

(d) Severance allowance

The committee reiterated that the Severance Allowance was not included in the Miscellaneous Amendment Bill.

The Deputy Clerk/Administration indicated that the Severance Allowance would form part of the remuneration package and as such, needs to be incorporated in the Remuneration Act.

The Committee **RECOMMENDED** that;

A special meeting of the Commission be held and invitations be extended to the Attorney General and Minister from Finance to legal advice on the following:-

- (i) Severance Allowance
- (ii) Commissioners' allowance (equivalent of Ministerial Allowance)
- (iii) National Assembly Fund
- (iv) Ex-gratia for former Hon. Members who were not liable for pensions award.

2. CONSIDERATION OF COMMITTEE PAPER NO. 25 ON SECONDMENT OF STAFF DEPLOYED IN THE GOVERNMENT CHIEF WHIP'S OFFICE

The Committee acquainted itself with contents of this Paper relating to the request by the Directorate of Personnel Management, Mr. Titus Ndambuki, to standardize staff salaries for two members of staff deployed in the Office of the Government Chief Whip. A letter from DPM detailing this request to the Clerk/Secretary to the Commission stipulates as follows:-

- (i) Early this year the Government Chief Whip, Honourable Nyaga made a request to the Directorate of Personnel Management that two administrative staff who had been working for him be recruited by the government.
- (ii) In response, the Government approved the recruitment of two (2) Assistant Secretaries the Office of the President (Provincial Administration and Internal Security) who were deployed in the office of the Government Chief Whip. The Directorate of Personnel management also recruited a subordinate staff and deployed him in the same office.

- iii) In May, this year the Government Chief Whip wrote to the Director of Personnel Management, Office of the President requesting that the three officers be granted salaries equivalent to what their counterparts are earning in the Parliamentary Service Commission.
- iv) Cognizant of the fact that the officers are not likely to be posted to Ministries and the field in the near future and in order to address this situation, the Permanent Secretary, Directorate of Personnel Management, proposed that the officers be seconded to the Parliamentary Service Commission so that they can be paid the difference between their Civil Service scales and those applicable to the Parliamentary staff. This will facilitate the motivation of the officers who are called upon to work beyond the normal working hours.

Observations were made as follows:

- (i) Secondment of staff is supposed to be done only when posts exist in the establishment.
- (ii) The request by the Government Chief Whip should be considered in the light of the issue of whether or not posts exist in the establishment.
- (iii) Complying with the request will result in over establishment; and
- (iv) Secondment of staff has financial implications on the budget on personal emolument.

The Committee recommended that;

The matter be deferred and be considered when a policy paper on secondment of staff is approved by the Commission.

3. CONSIDERATION OF PAPER NO. 26 ON EX-GRATIA

The Committee considered the contents of Paper No. 26 as follows:-

- (i) Hon. Prof. Ruth K. Oniang'o, MP.

The Hon. Prof. Ruth K. Oniang'o made a written request to the Parliamentary Service Commission for financial assistance to cover a surgical procedure on her jaw. The surgery will help prevent her jaw from getting deformed.

The dentist advised Prof. Oniang'o that her lower posterior missing teeth would cause her a problem with her temporomandibular joint as well as loss of her upper teeth due to over eruption.

The dentist has proposed that she gets implants placed in surgically and crown reduction of her upper teeth to accommodate the lower implants supported prosthesis. This treatment is not for any aesthetic enhancement but to benefit her long term health of her masticating system.

The Insurance entitlement for dental treatment is only Kshs.20,000/= per annum which is of little assistance as the dental surgeon treating her has given her quotation of Kshs.480,000/= for performing the treatment.

Deliberations ensued.

The Committee recommended that Hon. Ruth Oniang'o be advised to undertake treatment and request for ex-gratia assistance for the actual monies spent.

(ii) Hon. Charity Ngilu, MP.

A request has been made to the Commission to assist Hon. Charity Ngilu with ex-gratia to defray bills incurred when her late husband (Michael Ngilu) ailed in hospital.

AON Minet Insurance Brokers Limited (Medical Division) wrote to the Clerk of National Assembly/Secretary to the Commission advising him on the position regarding the payments made from the National Assembly Medical Fund with regard to bills incurred by the Hon. Charity Ngilu on her late husband.

The letter indicated as follows:-

- (a) The pro-rata in patient benefit for the policy extension period 4th April to 3rd July, 2006 was Kshs.2,500,000 per family.
- (b) Since the Member had incurred bills in excess of this, the Clerk authorized that the insurance cater for the excess bills based on the annual benefit of Kshs.10, 000,000 per family.
- (c) The Insurance has therefore settled the excess bills of Kshs.1,209,203 under the Recoverable Account.
- (d) The brokers asked the Clerk to indicate whether the brokers should reduce the current year in-patient benefit limit with this excess expenditure, or whether the same will be given as ex-gratia consideration.

RECOMMENDATION

The Committee recommended that :-

The AON Minet Insurance brokers Ltd. be advised to reduce the current year in-patient benefit limit with this excess expenditure of Kshs. 1,209,003 /= and

4. DISBURSEMENT TO CONSTITUENCY OFFICES

The Committee noted that some Members have just recently claimed their monies and that Kshs.600,000/= was allocated for purchase of furniture, and this amount will be spent by every office at whatever time is opened.

It was reported that no funds were set aside for rent payment for Constituency offices.

The Committee recommended that the rent for the Constituency Offices be set at a maximum of Kshs.30,000/= per month.

5. TRAVELLING WITH SPOUSE

The Committee was informed that in many advanced Commonwealth Countries, members were provided a ticket to travel anywhere in the world with their spouses at the expense of Parliament.

The Committee recommended that provision be made to all Commissioners to travel on National Assembly paid ticket to any part of the world accompanied by their spouse at least once per year.

6. MEMBERS WELFARE MILEAGE RATES

The Committee noted with concern that despite getting approval for increased mileage claim rates, new rates had not yet been implemented.

RESOLUTION

The Commission is requested to consider the aforementioned deliberations and resolve accordingly.