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REPUBLIC OF KENYA  
KENYA NATIONAL ASSEMBLY  
TENTH PARLIAMENT - FOURTH SESSION

# REPORT

OF THE  
DEPARTMENTAL COMMITTEE ON FINANCE,  
PLANNING & TRADE

ON THE APPOINTMENT OF THE  
CHAIRPERSON AND MEMBERS OF THE  
SALARIES & REMUNERATION  
COMMISSION

DECEMBER, 2011

## **PREFACE**

**Mr. Speaker Sir,**

On behalf of the Members of the Departmental Committee No. F on Finance, Planning & Trade, and pursuant to the provisions of Standing Order No. 181, it is my pleasure and duty to present to the House, the Committee's Report on the nominees to the Commission on Revenue Allocation.

The Committee membership comprise of the following:-

The Hon. Chrysanthus Okemo, EGH, MP **(Chairman)**

The Hon. (Prof.) Philip Kaloki, MP **(Vice Chairman)**

The Hon. Jakoyo Midiwo, MGH, MP

The Hon. Musikari Kombo, EGH, MP

The Hon. Lucas Chepkitony, MP

The Hon. Sammy Mwaita, MP

The Hon. Lenny Kivuti, MP

The Hon Nelson Gaichuhie, MP

The Hon. Ntoitha M'Mithiaru, MP

The Hon. Shakeel Ahmed Shabbir, MP

The Hon. Nkoidila Ole Lankas, MP

The Finance, Planning & Trade Committee is one of the Departmental Committees established under Standing Order No. 198 whose functions *are inter alia*:-

- (i) to investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
- (ii) to study the programme and policy objectives of the ministries and departments and the effectiveness for the implementation.
- (iii) to investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary and as may be referred to them by the House.
- (iv) to make reports and recommendations to the House as often as possible including recommendations of proposed legislation.

## **Committee mandate**

In accordance with Second Schedule of the Standing Orders, the Committee is mandated to consider:-

- ◆ Public finance;
- ◆ Banking and insurance;
- ◆ National planning and population development;
- ◆ Trade, commerce and industry;
- ◆ Tourism promotion and management.

The line Ministries falling within the purview of the Committee are:-

- (i) Office of the Deputy Prime & Ministry of Finance
- (ii) Ministry of Planning, National Development & Vision 2030
- (iii) Ministry of Industrialization
- (iv) Ministry of Tourism
- (v) Ministry of Trade

## **Nomination to Salaries & Remuneration Commission**

Pursuant to Article 230 of the Constitution and Section 7(2) and (10) of the Salaries and Remuneration Act, 2011 the following thirteen (13) persons were nominated by the different prescribed institutions for consideration by the National Assembly for appointment as Members of the Salaries & Remuneration Commission:-

### **Chairperson**

1. Mrs Sarah Jepkemboi Chumo Serem

### **Members**

### **Nominating Body**

- |                                       |   |
|---------------------------------------|---|
| 2. Mr. Daniel Omondi Ogutu -          | Public Service Commission               |
| 3. Ms Sellestine A. Kiuluku -         | Judicial Service Commission             |
| 4. Mrs Serah Kinyua -                 | Teachers Service Commission             |
| 5. Brg. (Rtd) Samuel Ndururi Kirugi - | Defence Council                         |
| 6. Mr. Isaiah Kubai -                 | Central of Organization of Trade Unions |
| 7. Mrs Jackquiline Mugo -             | Federation of Kenyan Employers          |
| 8. Hon. Peter Oloo Aringo, MP-        | Parliament                              |
| 9. Mr. Jason A. N. Namasake -         | Parliamentary Service Commission        |

10. Mrs Anne Elizabeth Owuor- Association of Professional Societies in East Africa (APSEA)

### **Ex-Officio Members**

11. Mr. Joseph Kinyua, CBS – Permanent Secretary/Treasury- nominated by the Cabinet Secretary responsible for Finance under Article 230(2)(d)(i).
12. Mr. Wanjuki Muchemi, CBS - Solicitor General – nominated by the Attorney General under Article 230(2)(d)(ii).
13. Mr. Titus Ndambuki, CBS– Permanent Secretary, Ministry of State for Public Service- nominated by the Cabinet Secretary responsible for Public Service under Article 230(2)(e).

### **Committee meetings**

The Committee held five Sittings during which twelve (12) of the said thirteen (13) candidates appeared before the Committee and were vetted in accordance with the Public Appointments (Parliamentary Approval) Act No. 33 of 2011 for nomination to the Salaries & Remuneration Commission.

### **Nomination by Central Organization of Trade Unions (COTU)**

The Committee noted that Article 230(2)(c)(i) of the Constitution provides that one of the persons forming the Salaries and Remuneration Commission shall be a person appointed by an umbrella body representing trade unions and that COTU has nominated Mr. Isaiah Kubai under the said Article.

However, the Committee receive through the Clerk of the National Assembly, letter Ref. UKCS/NA/Vol.1/(13) dated 24<sup>th</sup> November, 2011 from the Union of Kenya Civil Servants, KUPPET, and Universities Non-Teaching Staff Union objecting the nomination by COTU to the Commission on the ground that COTU only represents private sector trade unions and not public sector trade unions. They further claimed to have applied, in December, 2010 for registration of an umbrella body to represent public sector trade unions as provided for in Article 41(4)(c) of the Constitution but have not been registered to-date (**Annex 1**). Consequently, they filed a Judicial Review Application in High Court No. 204 of 2011 against the selection Panel for the Appointment of

Members of Salaries and Remuneration Commission and obtained a Court Order on the same on 14<sup>th</sup> September, 2011. (*Annex 2*)

The Committee resolved to defer the vetting of Mr. Isaiah Kubai and to seek further clarification from the Office of the Attorney General regarding the registration of trade unions and in particular which umbrella body represents trade unions.

**National Police Service Commission**

Article 230 of the Constitution provides that the Salaries and Remuneration Commission shall consist of 14 members one of which is to be nominated by the National Police Service Commission. Given that the Commission has not been constituted, the representative of the National Police Service Commission will be nominated and vetted at the appropriate time.

**Mr. Speaker Sir,**

On behalf of the Departmental Committee on Finance, Planning & Trade, I have the honour and pleasure to present the Committee's Report on the nominees to the Salaries & Remuneration Commission for consideration and adoption by the House.

**Mr. Speaker Sir,**

May I take this opportunity to thank all Members of the Committee for their input and valuable contributions during the deliberations on the matter.

Thank you

Signed .....  .....

**Hon. Chrysanthus Okemo, EGH, MP**

**Chairman,  
Departmental Committee on Finance, Planning & Trade**

Date .....  .....

## **BACKGROUND**

### **1. ESTABLISHMENT OF THE SALARIES AND REMUNERATION COMMISSION**

Article 230 of the Constitution provides for the establishment and membership of the Salaries and Remuneration Commission as follows:-

230(1) there is established the Salaries and Remuneration Commission.

(2) The Salaries and Remuneration Commission shall consist of the following person 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.

2. **APPOINTMENT PROCESS FOR THE NOMINEES TO THE SALARIES AND REMUNERATION COMMISSION**

The process for the appointment of the Chairperson and Members of the Salaries and Remuneration Commission commenced by the advertisement by the Public Service Commission in the local daily newspapers in August, 2011 followed by interviews conducted by the Selection Panel for the shortlisted candidates.

A letter from the Office of the Permanent Secretary, Secretary to the Cabinet and Head of Public Service dated 18<sup>th</sup> November, 2011 to the Clerk of the National indicated that His Excellency the President has, in consultation with the Right Honourable Prime Minister, has nominated the following persons to be considered for appointment as the Chairperson and Members of the Salaries and Remuneration Commission.

**Chairperson**

1. Under Article 230(2)(a) - Mrs Sarah Jepkemboi Chumo Serem

**Members**

2. Under Article 230(2)(b)(i) – Hon. Oloo Aringo, MP- nominee of the Parliamentary Service Commission.
3. Under Article 230(2)(b)(ii) - Mr. Daniel Ogutu nominee for Public Service Commission
4. Under Article 230(2)(b)(iii) - Ms Sellestine A. Kiuluku, nominee for Judicial Service Commission
5. Under Article 230(2)(b)(iv) - Mrs Serah Kinyua, nominee for Teachers Service Commission
6. Under Article 230(2)(b)(vi) - Brg. (Rtd) Samuel Ndururi Kirugi, nominee for Defence Council
7. Under Article 230(2)(b)(vii) - Mr. Jason A. N. Namasake, nominee of the Senate
8. Under Article 230(2)(c)(i) -Mr. Isaiah Kubai, nominee for Central of Organization of Trade Unions

9. Under Article 230(2)(c)(ii) - Mrs Jacqueline Mugo, nominee of Federation of Kenyan Employers
10. Under Article 230(2)(iii) - Mrs Anne Elizabeth Owuor- Association of Professional Societies in East Africa (APSEA)
11. Under Article 230(2)(d)(i) - Mr. Joseph Kinyua, CBS - Permanent Secretary/Treasury-nominee of the Cabinet Secretary responsible for Finance.
12. Under Article 230(2)(d)(ii) - Mr. Wanjuki Muchemi, CBS - Solicitor General - nominee representing the Attorney General
13. Under Article 230(2)(e) - Mr. Titus Ndambuki, CBS- Permanent Secretary, Ministry of State for Public Service- nominee of the Cabinet Secretary responsible for Public Service.


On 22<sup>nd</sup> November, 2011 the Honourable Speaker in a Communication to the House referred the names of the thirteen (13) nominees to the together with their curriculum vitae to the Departmental Committee on Finance, Planning & Trade for vetting and directed the Committee to submit its report on the nominees to the House on Tuesday 29<sup>th</sup> November, 2011.

3. **CONSIDERATION OF THE NOMINEES BY THE COMMITTEE**

In conducting the vetting process, the Committee examined the candidates against the following criteria, amongst others, in accordance with the Public Appointments (Parliamentary Approval) Act No. 33 of 2011.

- (i) Academic qualifications
- (ii) Employment record
- (iii) Professional affiliations
- (iv) Potential conflict of interest
- (v) Knowledge of the relevant subject
- (vi) Overall suitability for the position
- (vii) Tax compliance





During its Sittings held on Thursday 1<sup>st</sup>, Friday 2<sup>nd</sup>, and Tuesday 6<sup>th</sup> December, 2011, the Committee orally interviewed twelve (12) nominees to the Salaries and Remuneration Commission and at the conclusion of the vetting exercise, the Committee made the following observations:-

4. **CHAIRPERSON – MRS SARAH JEPKEMBOI SEREM**

The Committee having considered the curriculum vitae of Mrs. Sarah Jepkemboi Serem and having heard her submissions during the interview, made the following observations on her nomination:-

- i) She holds Masters Degree in Human Resource Management (2002) and Bachelor of Arts Degree (1982) both from the University of Nairobi.
- ii) Has over 28 years experience in Human Resource Management in the corporate world, having worked as the Head of Human Resource Department both at Kenya Post & Telecommunication Corporation from 1981-1990 and Kenya Post Office Savings Bank from 1990 to 2010.
- iii) Currently a Board Member of Mumias Sugar Company from January 2011 to-date and a Director of Young Biz Kenya from April 2010 to-date.
- iv) Has attended various management and leadership courses on Human Resource Management at Kenya Institute of Administration, Kenya Institute of Management, Federation of Kenya Employers (FKE) and workshops organized by Manpower Services. Has also attended Strategic Human Resource Conferences abroad.
- v) Member of the Institute of Human Resource Management and has attended the following professional certificate courses locally and abroad.
  - Personnel Functions in Management (KIM)
  - Personnel Practice – IPM(K)
  - Personnel Management & Industrial Relations (London)

- Certificate in Personnel Practice- London
  - Personnel Policy Formulation – ESAMI, Arusha
  - Performance Management – Sweden
  - Industrial Relations - (FKE)
  - Advanced Supervisory Management – FKE & KPTC
  - Total Quality Management – Tips Management
  - Management Challenge- Out Bound Trust
  - Team Building – Out Bound Trust
- vi) Received the Certificate of Long Service award from Kenya Posts Office Savings Bank in 2006.
- vii) Has never been charged in a Court of Law, has no potential conflict of interest and has fully complied with tax obligation.
- viii) The Committee found the nominee qualified

**OTHER NOMINEES (MEMBERS OF THE COMMISSION)**

**5. Hon. Peter Oloo Aringo, MP**

Nominated under Article 230(2)(b)(i) to represent the Parliamentary Service Commission. The Committee having considered the curriculum vitae of Hon. Aloo Aringo, MP and having heard his submissions during the interview, made the following observations on his nomination:-

- i) He holds Masters Degree (Arts) from University of Toronto (1972) and Bachelor of Arts Degree from University of Nairobi (1969).
- ii) Has wealth of experience having served six terms of 35 years as a Member of Parliament between 1974 and 2007 during which he served as a Cabinet Minister in the following ministries:-
- Information & Broadcasting (1980-1982)
  - Environment & Natural Resources (1982)
  - Ministry of Labour (1985-1986)
  - Ministry of Education (1986-1991)
  - Ministry of Manpower (1991)
  - Assistant Minister for Education (1979-1980)

- iii) Founder Commissioner and Vice-Chairman of the Parliamentary Service Commission (1999-2007) during which he initiated the following:-
  - 12 year Strategic Plan of Parliament (2000-2012.)
  - Restructuring of the Parliamentary Service.
  - Creation of the Budget Committee and Office in Parliament.
- iv) Received the Presidential award and honour of the Elder of the Golden Heart (EGH) in 1982.
- v) The Committee found the nominee qualified.

6. **Mr. Daniel Omondi Ogutu**

Nominated under Article 230(2)(b)(ii) to represent the Public Service Commission. The Committee having considered the curriculum vitae of Mr. Daniel Omondi Ogutu and having heard his submissions during the interview, made the following observations on his nomination:-

- i) He holds Masters Degree in Business Administration from Eastern and Southern Africa Management Institute (ESAMI) and Maastricht School of Management (2006) and Bachelor of Arts Degree from Kenyatta University (1992).
- ii) Currently the General Manager, Human Resource & Development at Agricultural Finance Corporation from January, 2011.
- iii) Has professional experience in personnel matters having worked in the public service in the following ministries as Human Resource Management Officer:-
  - Commission for Higher Education (2008-2010)
  - Ministry of State for Public Service (2007-2008)
  - Directorate of Personnel Management (2001-2005)
- v) Has attended various training on Human Resource Management, new labour laws, performance management at the Institute of Human Resource Management, Federation of Kenya Employers and ESAMI.

- v) Has never been charged in a Court of Law, has no potential conflict of interest and has fully complied with tax obligation.
- vi) The Committee found the nominee qualified.

7. **Ms Sellestine Kiuluku**

Nominated under Article 230(2)(b)(ii) to represent the Judicial Service Commission. The Committee having considered the curriculum vitae of Ms Sellestine Kiuluku and having heard her submissions during the interview, made the following observations on her nomination:-

- i) She is a holder of Masters Degree in Public Administration (Netherlands -2003) and Bachelor of Education Degree from Kenyatta University (1989).
- ii) Currently the Director of Human Resources and Administration at Interim Independent Electoral Commission from 2010 to-date. Has wide exposure in Manpower Development having worked in the following organization as Human Resource Manager prior to this appointment:-
  - Nairobi City Water & Sewerage Company (2004-2010)
  - National Water Conservation & Pipeline Company (1999-2004)
  - National Museums of Kenya (1996-1999)
  - Agricultural Development Corporation (1990-1995)
- iii) A Member of the Institute of Human Resource Management and has attended several management courses E.g.
  - Performance contracting and development
  - Management and Leadership Development
  - Training needs assessment
  - Negotiation Skills and Presentation Skills
  - Human Resource Management
  - Strategic Planning and Management
  - Corporate Governance/Effective Director program

- iv) Has professional skills and expertise in the following fields:-
  - Leadership and management skills.
  - Salaries and Remuneration policy development and negotiation skills.
  - Human Resources Management and Labour relations skills.
  - Change initiation and management skills.
  - Negotiations, team building and supervisory skills.
  - Budgeting, strategic planning skills.
  - Customer Care skills.
- v) Has never been charged in a Court of Law, has no potential conflict of interest and has fully complied with tax obligation.
- vi) List of publications include Masters programme dissertation – Civil/Public Service Reforms in Kenya.
- vii) The Committee found the nominee qualified.

8. **Mrs Serah Kinyua**

Nominated under Article 230(2)(b)(iv) to represent the Teachers Service Commission. The Committee having considered the curriculum vitae of Mrs Serah Kinyua and having heard her submissions during the interview, made the following observations on her nomination:-

- i) She holds Masters Degree in Public Administration from University of Connecticut (USA-1980) and Bachelor of Arts Degree from Makerere University in 1972.
- ii) Has wealth of experience in personnel matters having worked in the public service as a Personnel Officer from 1972 in various ministries upto 1982 when she was appointed by the Teachers Service Commission as the Chief Personnel Officer where she retired in 2002 as the Chief Human Resource Manager.
- iii) Has attended several personnel management courses locally at Kenya Institute of Administration and abroad in Harare and Britain.

- iv) Has never been charged in a Court of Law, has no potential conflict of interest and has fully complied with tax obligation.
- v) The Committee found the nominee qualified.

9. **Brig. (Rtd) Samuel Ndururi Kirugu**

Nominated under Article 230(2)(b)(vi) to represent the Defence Council. The Committee having considered the curriculum vitae of Brg. (Rtd) Samuel Ndururi Kirugi and having heard his submissions during the interview, made the following observations on his nomination:-

- i) He holds Masters Degree in International Studies (University of Nairobi) and Bachelor of Education (Kenyatta University-1977).
- ii) Has extensive military experience from 1979 to 2002 and has attended various management courses both at Kenya Institute of Administration and University of Nairobi E.g.
  - Project Development and Management.
  - Disaster Management.
  - Management of Change
  - Defence Resources Management.
- iii) Has attended various military training locally and abroad E.g.
  - International Peacekeeping (Canada)
  - Peace support Operations (United Kingdom)
  - Artillery Employment (Pakistan)
- iv) Has never been charged in a Court of Law, has no potential conflict of interest and has fully complied with tax obligation.
- v) The Committee found the nominee qualified.

10. **Mr. Jason Nambulu Namasake**

Nominated under Article 230(2)(b)(vii) to represent the Senate. The Committee having considered the curriculum vitae of Mr. Jason A. N. Namasake and having heard his submissions during the interview, made the following observations on his nomination:-




- i) He holds Masters Degree in Law (LLM) from University of Dar-es-Salaam (1972) and Bachelor of Law Degree (LLB) from University of London (1974).
- ii) An Advocate of the High Court of Kenya, Lecturer at Catholic University and a consultant in Labour and Industrial Relations.
- iii) Has wealth of experience in labour and industrial relations matters having worked at Kenya Federation of Kenya Employers (FKE) for 26 years from 1980 to 2006 during which he rose through the ranks to head the Legal Services & Industrial Relations Department and representing employers in Industrial Court, Ministry of Labour and other Government Departments.
- iv) Has practical experience on industrial relations, negotiations and arbitration by representing and presenting papers on behalf of FKE in national and international fora (ILO conferences). Has also attended several courses and seminars on labours issues. E.g. Internship Course on ILO Operations – Geneva; Training of Trainers Course – Italy; study tours to USA (1989), Mauritius (1980), Norway (1986), Japan (1995).
- v) Has never been charged in a Court of Law, has no potential conflict of interest and has fully complied with tax obligation.
- vi) The Committee found the nominee qualified.

11. **Mrs Jacqueline Mugo, OGW**

Nominated under Article 230(2)(c)(ii) to represent Federation of Kenya Employers. The Committee having considered the curriculum vitae of Mrs Jacqueline Mugo and having heard her submissions during the interview, made the following observations on her nomination:-

- i) She is a holder of Bachelors in Law (LLB) from the University of Nairobi (1981) and a Higher Diploma in Human Resource Management from the Institute of Personnel Management (2001).

- 
- ii) An Advocate of the High Court of Kenya, Lecturer at Catholic University and a consultant in Labour and Industrial Relations.
- iii) Currently the Executive Director/Chief Executive of Federation of Kenya Employers from 2006 to-date. Has over 20 years wealth of experience in Human Resource Management and industrial/labour relations matters having worked at in the following organizations:
- Federation of Kenya Employers- Legal/Industrial Relations Officer (1989-1996)
  - Unilever Kenya Ltd.- Employees Relations Manager (1996)
  - Unilever Kenya Ltd.- Regional Human Resources Operations Manager (2001)
  - Kenya Airways Ltd. Head of Human Resources (2002-2004)
  - National Aids Control Council – Head of Human Resources and Administration (2004-2005)
  - Federation of Kenya Employers – Deputy Executive Director (September, 2005)
- iv) A Member of the Law Society of Kenya from 1983; Institute of Chartered Arbitrators from 2009; and Institute of Personnel Management from 2002.
- v) Has been appointed to serve in the following Boards:-
- National Social Security Fund;
  - Higher Education Loans Board;
  - Labour Advisory Board;
  - General Wages Council;
  - National Industrial Council;
  - National Health Insurance Fund;
  - Productivity Centre of Kenya;
- Has also been elected to serve in the following Boards:-
- Chairman, East African Employers' Organization
  - Member, Governing Board of ILO
  - Member, International Organization of Employers



- Deputy Secretary, Business Africa (formerly Pan African Employers Confederation)
- vi) Has received the following Honours and Awards:-
- Order of the Grand Warrior of Kenya (OGW)-2008
  - Appreciation of support of YES-MSE programme-2007
  - Outstanding Role in Advocating for Employers' Rights, ILO - 2011
  - Recognition of participation in the United Nations Global Compact – 2009
  - Appreciation of participation in growing sustainable business initiative - UNDP
- vii) Has published several Articles and Editorial pieces in the Business Daily and Daily Nation from 2009 to-date on the varied topics relating to employers obligations, employees rights, safety in work place and labour relations:-
- viii) Has never been charged in a Court of Law, has no potential conflict of interest and has fully complied with tax obligation.
- ix) The Committee found the nominee qualified.

12. **Mrs Anne Elizabeth Owuor**

Nominated under Article 230(2)(iii) to represent the Association of Professional Societies in East Africa (APSEA).

The Committee having considered the curriculum vitae of Mrs Anne Elizabeth Owuor and having heard her submissions during the interview, made the following observations on her nomination:-

- i) She holds Masters Science Degree (2007) and Post Graduate Diploma in Audit Management, Consultancy, and Risk Management from the University of Central England, Birmingham (2006).
- ii) Has extensive professional experience in financial, accounting and auditing matters having worked at Kenya Power & Lighting

Company for over 20 years and as Commercial Services Debt Control Manager both from 1997 -1999 and from 2003 to-date.

- iii) A certified Public Accountant, CPA (K); Certified Internal Auditor, CIA; Certified Internal Auditor Quality Assessor; and Certified Training Instructor. A Fellow of the Institute of Certified Public Accountants of Kenya and a member of both the Institute of Internal Auditors and Association of Women Accountants.
- iv) Has attended several courses, seminars and conferences both locally and internationally on the following-
  - Auditing and Accounting
  - Management and Leadership
  - Corporate Governance
  - Strategic Planning and Risk Management
  - Team Building and Performance Management
  - Leadership Change and Organizational Renewal
- v) Has presented the following Papers:-
  - Accountants' role in Micro Financing Projects.
  - Harnessing Finances in the Corporate Sector.
  - Overview, Trend of the Audit Profession and Risk Based Auditing.
  - Challenges of promotion of internal auditing profession in the public sector.
- vi) Received commendation and Fellowship award from ICPAK for the promotion of professionalism in the accountancy profession. Also received recognition from the Institute of Internal Auditors (Inc.), the global body for the promotion of Internal Auditing in Kenya.
- vii) Has never been charged in a Court of Law, has no potential conflict of interest and has fully complied with tax obligation.
- viii) The Committee found the nominee qualified.

13. **Mr. Wanjuki Muchemi, CBS – Solicitor General**

Nominated under Article 230(2)(d)(ii) to represent the Attorney General.

The Committee having considered the curriculum vitae of Mr. Wanjuki Muchemi and having heard his submissions during the interview, made the following observations on his nomination:-

- i) He holds Masters Degree in Business Administration (2003) and Bachelor of Laws Degree (LL.B- 1975) both from the University of Nairobi.
- ii) Currently the Solicitor General of the Republic of Kenya and the principal assistant to the Attorney-General since 2003 and was in private legal practice from 1977-2003 prior to the appointment.
- iii) Has extensive professional experience on legal matters having been admitted to the Roll of Advocates in 1976, appointed as a Commissioner for Oaths in 1984, admitted both as an Associate of the Chartered Institute of Arbitrators, London in 1999 and a Fellow of the said Institute in 2000.
- iv) Has attended numerous international and regional assignments including leader of various legal delegation to the United Nations General Assembly, especially to the 6<sup>th</sup> Committee of the United Nations, from 2003 to-date. Has also attended numerous courses, seminars and workshops both locally and abroad on relevant fields of law.
- v) A Member of the following from 2003 to-date:-
  - Permanent Public Remuneration Review Board.
  - Ministerial Task Force on the Development of Policy and Legal Framework for Legal Education in Kenya.
  - National Committee on Implementation of International Humanitarian Law.
  - Convenor of key results under the Governance Justice Law and Order Programme (GJLOS).

- vi) A Member of the following Professional Societies:-
- Law Society of Kenya
  - Chartered Institute of Arbitrators, London UK (FCI Arb).
  - Chartered Institute of Arbitrators, Kenya Chapter.
  - Institute of Certified Public Secretaries of Kenya, CPS (K).
- vii) Has never been charged in a Court of Law, has no potential conflict of interest and has fully complied with tax obligation.

14. **Mr. Joseph Kinyua, CBS – Permanent Secretary/Treasury**

Nominated under Article 230(2)(d)(i) as the Permanent Secretary, Treasury to represent the Cabinet Secretary responsible for Finance.

He informed the Committee that:-

- (i) The role of Treasury in the Salaries & Remuneration Commission will be very crucial in term of assisting the government by providing a stable framework for the remuneration of all public officers which is attractive so as to retain quality staff and manage the wage bill.
- (ii) The Treasury's role will be to assist the government by providing broad economic perspective regarding the factors to be taken into account by the Commission when determining the remuneration.
- (iii) Through harmonization of the salary structure, the Commission will assist in minimizing the discrepancies and the differentials in the salaries which has occasioned distortion and caused public institutions quality staff.
- (iv) The Commission should play a greater role in educating the public on fiscal sustainability and competitiveness of the economy.

15. **Mr. Titus Ndambuki, CBS- Permanent Secretary, Public Service**

Nominated under Article 230(2)(e) as the Permanent Secretary, Ministry of State for Public Service to represent the Cabinet Secretary responsible for Public Service.

He informed the Committee that:-

- (i) The Salaries and Remuneration Commission will undertake benchmarking and harmonization of the salaries through job valuation in the public service to ascertain their competitiveness, purchasing power parity, ability to pay the salaries in the country and beyond the region.
- (ii) The Commission has to determine the remuneration package for various government levels as provided for in the new Constitution before the next General Election in 2012.
- (iii) The Commission will determine and set the salary structure so that nobody will be entitled to retain his/her salary package from the previous employer when appointed so as to encourage mobility by transferring services on point of promotion.
- (iv) The Salary Revision for all sub-sectors will be undertaken by the Commission within a legal framework so as to minimize the strikes currently being experienced in the country.
- (v) Performance contracting for all public officers is of necessity so as to measure productivity and for consideration of promotion.

## 16. **COMMITTEE'S OBSERVATIONS**

### (i) **Nomination by Central Organization of Trade Unions (COTU)**

The Committee noted that Article 230(2)(c)(i) of the Constitution provides that one of the persons forming the Salaries and Remuneration Commission shall be a person appointed by an umbrella body representing trade unions and that COTU has nominated Mr. Isaiah Kubai under the said Article.

However, the Committee received through the Clerk of the National Assembly, letter Ref. UKCS/NA/Vol.1/(13) dated 24<sup>th</sup> November, 2011 from the Union of Kenya Civil Servants, KUPPET, and Universities Non-Teaching Staff Union objecting the nomination by COTU to the Commission on the ground that COTU only represents private sector

trade unions and not public sector trade unions. They further claimed to have applied, in December, 2010 for registration of an umbrella body to represent public sector trade unions as provided for in Article 41(4)(c) of the Constitution but have not been registered to-date. Consequently, they filed a Judicial Review application in High Court No. 204 of 2011 against the selection Panel for the Appointment of Members of Salaries and Remuneration Commission and obtained a Court Order on the same on 14<sup>th</sup> September, 2011.

The Committee resolved to defer the vetting of Mr. Isaiah Kubai and to seek further clarification from the Office of the Attorney General regarding the registration of trade unions and in particular which umbrella body represents trade unions.

(ii) **Nomination of Bg.(Rtd.) Samuel Ndururi Kirugi**

The Committee received through the Clerk of the National Assembly, a letter for Capt.(Rtd.) Fredrick Kalumbo objecting to the nomination of Brg.(Rtd.) Samuel Kirugi for appointment to the Salaries and Remuneration Commission. Consequently the Committee invited Capt.(Rtd.) Fredrick Kalumbo to appear before it regarding the same on Thursday 8<sup>th</sup> December, 2011.

The Committee considered the complainant and submissions of Capt.(Rtd) Fredrick Kalumbo and was particularly concerned with establishing if the complainant raised questions as to the personal integrity, competence and suitability of Brg.(Rtd) Samuel Ndururi Kirugi as set out at Article 73(2) in Chapter 6 of the Constitution and made the following observations:-

(a) The complainant did not establish that Brg. (Rtd) Samuel Ndururi Kirugi is unsuitable to be a Commissioner in the Salaries and Remuneration Commission.

(b) His allegations were of a personal nature between him and Brg(Rtd.) Samuel Ndururi Kirugi.

(c) He disclosed that his allegation of nepotism was based on the fact that when he was first placed under Brig (Rtd.) Samuel Kirugi, he was ordered to work under the supervision of an officer who was junior in rank to him. He considered this “nepotism” as he had come from a different Unit while Brg.(Rtd.) Samuel Kirugi and the officer he was to work under came from another Unit and both had worked together for

The Committee did not find any evidence of nepotism and indeed the Committee found that Brg.(Rtd.) Kirugi may well have had operational reasons for first requiring the complainant to work under an officer from the Unit he was joining, even though the officer was junior in rank. The Committee therefore recommends the appointment of Brg.(Rtd,) Samuel Ndururi Kirugi as a Commissioner in the Salaries and Remuneration Commission.

(iii) **National Police Service Commission**

Article 230 of the Constitution provides the Salaries and Remuneration Commission shall consist of 14 members one of which is to be nominated by the National Police Service Commission. Given that the Commission has not been constituted, the representative of the National Police Service Commission will be nominated and vetted at the appropriate time.

17. **COMMITTEE’S RECOMMENDATIONS**

**The Committee recommends that pursuant to Article 230 of the Constitution, this House approves the following persons for the appointment by H.E the President to the Salaries and Remuneration Commission.**

(a) Chairperson of the Salaries & Remuneration Commission

1. Mrs Sarah Jepkemboi Chumo Serem

(b) Members of the Salaries & Remuneration Commission

2. Hon. Oloo Aringo, MP - Parliamentary Service Commission.

3. Mr. Daniel Ogutu - Public Service Commission

4. Ms Sellestine A. Kiuluku - Judicial Service Commission
5. Mrs Serah Kinyua - Teachers Service Commission
6. Brg. (Rtd) Samuel Ndururi Kirugi -Defence Council
7. Mr. Jason A. N. Namasake- The Senate
8. Mrs Jacqueline Mugo - Federation of Kenyan Employers
9. Mrs Anne Elizabeth Owuor- Association of Professional Societies in East Africa (APSEA)
10. Mr. Joseph Kinyua, CBS – Permanent Secretary/Treasury
11. Mr. Wanjuki Muchemi, CBS - Solicitor General
12. Mr. Titus Ndambuki, CBS– Permanent Secretary, Ministry of State for Public Service-

\_\_\_\_\_ 0 \_\_\_\_\_





# UNION OF KENYA CIVIL SERVANTS

Ufundi Co-op. Plaza, 8th Floor  
Moi Avenue, Next to Jeevanjee Gardens  
P.O. Box 48083 - 00100 GPO, Nairobi  
Tel: 020 2212589, 8001514  
Tel-Fax: 020 2240423  
Email: info@ukcs.or.ke

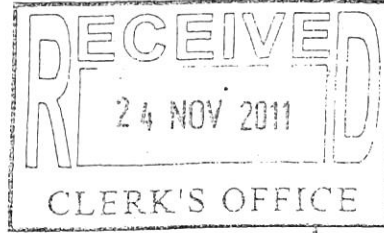
# ANNEX I

213

UKCS/NA/VOL. II (13)

24<sup>th</sup> November, 2011

Clerk to the National Assembly  
Parliament Building  
P. O. Box 41842  
**NAIROBI**



Attn: Chairman - Finance Committee

Dear Sir,

**RE: OBJECTION TO THE NOMINATION AND APPOINTMENT OF A MEMBER TO THE SALARIES AND REMUNERATION COMMISSION BY COTU**

The Union of Kenya Civil Servants (UKCS) together with other unions representing workers in the public service went to court on August 24, 2011 under a Certificate of Urgency regarding the above mentioned matter.

The unions namely: Union of Kenya Civil Servants (UKCS), Kenya National Union of Teachers (KNUT), Kenya Union of Post Primary Education Teachers (KUPPET), the Universities Non-Teaching Staff Union (UNTESU) and the Universities Academic Staff Union (UASU) are the registered and recognized trade unions that filed the Judicial Review Application through their following members:

- William Ochieng Ogolla - UKCS
- Leonard Rufus Ochieng - KUPPET
- Anne Keeru Muli - UNTESU

This was occasioned by an advert appearing in one of the local dailies, The Star of August 11, 2011, in which COTU had advertised for a position in the Salaries and Remuneration Commission as provided for in the constitution. Despite the fact that COTU is an umbrella body representing trade unions, it represents private sector trade unions.

The public service trade unions in Kenya had applied to register their own umbrella body in an application dated December 22, 2010 as provided for in Article 41 (4c) of the Constitution of Kenya. This was a decision reached by the trade unions whose members draw remuneration from the Exchequer.

National Chairman -	Noah Rotich	Secretary General -	Tom M. Odege	National Organising Secretary -	Alisokor M. Ishaq
National Vice Chairman -	John M. Nzau	1st Deputy Secretary General -	Jerry S. Ole Kina	Deputy National Organising Secretary -	Titi M. Mbwana
National Vice Chairman -	Ramadhan Bendera	2nd Deputy Secretary General -	Ruth Barasa	National Treasurer -	Justus K. Mugo
		1st Ass. Secretary General -	Gregory Shikanda	Deputy National Treasurer -	Rehema A. Ibrahim
		2nd Ass. Secretary General -	Joseph Sharon	Women Leader -	Melda Ogutu
				National Young Worker -	Mary Mukiri

ALL CORRESPONDENCE SHOULD BE ADDRESSED TO THE SECRETARY GENERAL

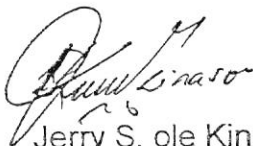
It is worthwhile to note that none of the public service trade unions listed above is affiliated to COTU and as such it (COTU) does not represent any of them. Thus, being appointed into the Salaries and Remuneration Commission defeats the purpose and objectives of the Commission.

Despite the presence of a Court Order (Attached) the Secretary to the selection panel for the appointment of members of the Salaries and Remuneration Commission went ahead to select and forward the name of a nominee by COTU. We view this as absolute disregard and contempt of court.

We are therefore urgently appealing to you to intervene on behalf of the public servants' trade unions to ensure that the rule of law is respected and we are given an opportunity to be heard; for any attempts to impose representation to the public servants will be resisted with all the necessary force.

Thank you.

Yours faithfully,



Jerry S. ole Kina

**For: Secretary General**  
**Union of Kenya Civil Servants**

C. C. - Chairman  
Justice & Legal Affairs Committee

Office copy KEH AG/MW/17/11

# ANNEX 2

STATE LAW OFFICE  
 P.O. BOX 40112-00100,  
 NAIROBI  
 14 SEP 2011  
 RECEIVED  
 Time: .....

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**MILIMANI LAW COURTS**  
**JUDICIAL REVIEW APPLICATION NO. 204 OF 2011**

REPUBLIC ..... APPLICANT  
 VERSUS  
 REGISTRAR OF TRADE UNIONS ..... 1<sup>ST</sup> RESPONDENT  
 THE SECRETARY,  
 SELECTION PANEL FOR THE APPOINTMENT OF MEMBERS  
 OF THE SALARIES AND REMUNERATION COMMISSION ..... 2<sup>ND</sup> RESPONDENT  
 THE ATTORNEY GENERAL ..... 3<sup>RD</sup> RESPONDENT  
 AND  
 CENTRAL ORGANIZATION OF  
 TRADE UNIONS (COTU) ..... 1<sup>ST</sup> INTERESTED PARTY

**EX-PARTE**  
 WILLIAM OCHIENG OGOLLA  
 LEONARD RUFUS OCHIENG  
 ANNE KEERU MULI

RECEIVED  
 14 SEP 2011

**IN CHAMBERS ON 9<sup>TH</sup> SEPTEMBER 2011**  
**BEFORE THE HONOURABLE LADY JUSTICE M.A. NG'AWA**

RECEIVED  
 14 SEP 2011  
 SECRETARY REGISTRY  
 P.O. BOX 8384-00200, NAIROBI

### ORDER

UPON READING the application presented to this Court on 6<sup>th</sup> September 2011 under Order 53 Rules 1, 2, 3 and 4 of the Civil Procedure Rules Chapter 21 Laws of Kenya AND UPON READING the statutory statement and the verifying affidavit of William Ochieng Ogolla, Leonard Rufus Ochieng and Anne Keeru Muli all sworn on 22<sup>nd</sup> August 2011 and the annexures thereto AND UPON HEARING Counsel for the Applicants, Counsel for the 2<sup>nd</sup> and 3<sup>rd</sup> Respondents and Counsel for the Interested Party in the absence of the 1<sup>st</sup> Respondent;

### IT IS HEREBY ORDERED:-

1. THAT the leave granted on 26<sup>th</sup> August 2011 it being Judicial Review proceedings do operate as a stay till the finalization of the Judicial Review Proceedings.
2. THAT there will be costs in the cause.

GIVEN under my hand and the seal of this Court this 9<sup>th</sup> day of September, 2011.

ISSUED at Nairobi this 13<sup>th</sup> day of Sept 2011.

THIS IS TRUE  
 COPY OF THE ORIGINAL  
 13/9/11  
 DEPUTY REGISTRAR  
 HIGH COURT OF KENYA

DEPUTY REGISTRAR  
 HIGH COURT OF KENYA, NAIROBI

J.A. GUSERWA & CO. ADVOCATES  
**RECEIVED**  
 14 SEP 2011  
 Sign: ..... Time: 10:55  
 P.O. Box 8384-00200, NAIROBI

С 2344А

**MINUTES OF THE FORTY-NINTH SITTING OF THE DEPARTMENTAL COMMITTEE ON FINANCE, PLANNING AND TRADE HELD ON THURSDAY 1<sup>ST</sup> DECEMBER, 2011 IN COMMITTEE ROOM ON 5<sup>TH</sup> FLOOR, CONTINENTAL BUILDING AT 10.00 A.M.**

---

**PRESENT**

Hon. Chrysanthus Okemo, EGH, M.P (Chairman)

Hon. Jakoyo Midiwo, MGH, M.P

Hon. Lucas Chepkitony, M.P

Hon. Nelson Gaichuhie, MP

Hon. Ntoitha M'Mithiaru, MP

Hon. Ahmed Shakeel Shabbir, MP

**ABSENT WITH APOLOGY**

Hon. (Prof.) Philip Kaloki, M.P (Vice-Chairman)

Hon. Musikari Kombo, EGH, M.P

Hon. Nkoidila Ole Lankas, MP

Hon. Sammy Mwaita, MP

Hon. Lenny Kivuti, MP

**IN ATTENDANCE**

**NOMINEES TO THE SALARIES AND REMUNERATION COMMISSION**

Brig. (Rtd) Samuel Ndururi Kirugu - Member

Hon. Peter Oloo Aringo, MP - Member

Mrs. Serah Kinyua - Member

Mr. Jason Nambalu Namasake - Member

**KENYA NATIONAL ASSEMBLY**

Florence Atenyo- Abonyo - First Clerk Assistant

Evans Oanda - Third Clerk Assistant

Anthony Njoroge - Legal Counsel

**MIN. NO. 225/2011 VETTING OF NOMINEES TO THE SALARIES AND REMUNERATION COMMISSION**

In conducting the vetting process, the Committee examined the nominees against the following criteria amongst others,

in accordance with the Public Appointments (Parliamentary Approval) Act No. 33 of 2011:-

- (i) Academic qualifications
- (ii) Employment record
- (iii) Knowledge of the relevant subject
- (iv) Overall suitability for the position
- (v) Professional affiliations
- (vi) Potential conflict of interest
- (vii) Tax compliance

**MIN. NO. 226/2011**

**BRIG. (RTD) SAMUEL NDURURI KIRUGU**

He informed the Committee that:-

- He holds Masters Degree in International Studies (University of Nairobi) and Bachelor of Education (Kenyatta University-1977).
- Has extensive military experience from 1979 to 2002 and has attended various management courses both at Kenya Institute of Administration and University of Nairobi E.g.
  - Project Development and Management.
  - Disaster Management.
  - Management of Change
  - Defence Resources Management.
- Has attended various military training locally and abroad E.g.
  - International Peacekeeping (Canada)
  - Peace support Operations (United Kingdom)
  - Artillery Employment (Pakistan)
- Has never been charged in a Court of Law, has no potential conflict of interest and has fully complied with tax obligation.

**MIN. NO. 227/2011**

**HON. PETER OLOO ARINGO, MP**

He informed the Committee that:-

- He holds Masters Degree (Arts) from University of Toronto (1972) and Bachelor of Arts Degree from University of Nairobi (1969).
- Has wealth of experience having served six terms of 35 years as a Member of Parliament between 1974 and 2007 during which he served as a Cabinet Minister in the following ministries:-
  - Information & Broadcasting (1980-1982)
  - Environment & Natural Resources (1982)
  - Ministry of Labour (1985-1986)
  - Ministry of Education (1986-1991)
  - Ministry of Manpower (1991)
  - Assistant Minister for Education (1979-1980)
- Founder Commissioner and Vice-Chairman of the Parliamentary Service Commission (1999-2007) during which he initiated the following:-
  - 12 year Strategic Plan of Parliament (2000-2012.)
  - Restructuring of the Parliamentary Service.
  - Creation of the Budget Committee and Office in Parliament.
- Received the Presidential award and honour of the Elder of the Golden Heart (EGH) in 1982.

**MIN. NO. 228/2011**

**MR. JASON ALLEN NAMBULU NAMASAKE**

He informed the Committee that:-

- He holds Masters Degree in Law (LLM) from University of Dar-es-Salaam (1972) and Bachelor of Law Degree (LLB) from University of London (1974).

- An Advocate of the High Court of Kenya, Lecturer at Catholic University and a consultant in Labour and Industrial Relations.
- Has wealth of experience in labour and industrial relations matters having worked at Kenya Federation of Kenya Employers (FKE) for 26 years from 1980 to 2006 during which he rose through the ranks to head the Legal Services & Industrial Relations Department and representing employers in Industrial Court, Ministry of Labour and other Government Departments.
- Has practical experience on industrial relations, negotiations and arbitration by representing and presenting papers on behalf of FKE in national and international fora (ILO conferences). Has also attended several courses and seminars on labours issues. E.g. Internship Course on ILO Operations – Geneva; Training of Trainers Course – Italy; study tours to USA (1989), Mauritius (1980), Norway (1986), Japan (1995).
- Has never been charged in a Court of Law, has no potential conflict of interest and has fully complied with tax obligation.

**MIN. NO. 229/2011**

**MRS SERAH KINYUA**

She informed the Committee that:-

- She holds Masters Degree in Public Administration from University of Connecticut (USA-1980) and Bachelor of Arts Degree from Makerere University in 1972.
- Has wealth of experience in personnel matters having worked in the public service as a Personnel Officer from 1972 in various ministries upto 1982 when she was appointed by the Teachers Service Commission as the



MIN. NO.253/2011     ADJOURNMENT

The Chairman adjourned the meeting at one O' Clock until  
Tuesday 13<sup>th</sup> December, 2011 at 10.00 a.m.

Signed .....  .....

**Chairman**

Date.....13/12/2011.....

**MIN. NO.251/2011    COMMITTEE'S OBSERVATIONS**

The Committee considered the complainant and submissions of Capt.(Rtd) Fredrick Kalumbo and was particularly concerned with establishing if the complainant raised questions as to the personal integrity, competence and suitability of Brg.(Rtd) Samuel Ndururi Kirugi as set out at Article 73(2) in Chapter 6 of the Constitution and made the following observations:-.

- (i) The complainant did not establish that Brg. (Rtd) Samuel Ndururi Kirugi is unsuitable to be a Commissioner in the Salaries and Remuneration Commission.
- (ii) His allegations were of a personal nature between him and Brg(Rtd.) Samuel Ndururi Kirugi.
- (iii) He disclosed that his allegation of nepotism was based on the fact that when he was first placed under Brig (Rtd.) Samuel Kirugi, he was ordered to work under the supervision of an officer who was junior in rank to him. He considered this "nepotism" as he had come from a different Unit while Brg.(Rtd.) Samuel Kirugi and the officer he was to work under came from another Unit and both had worked together for long.

**MIN. NO.252/2011    COMMITTEE'S RECOMMENDATION**

The Committee did not find any evidence of nepotism and indeed the Committee found that Brg.(Rtd.) Kirugi may well have had operational reasons for first requiring the complainant to work under an officer from the Unit he was joining, even though the officer was junior in rank.

The Committee therefore recommends the appointment of Brg.(Rtd,) Samuel Ndururi as a Commissioner in the Salaries and Remuneration Commission.

he was objecting to the nomination of Brg.(Rtd.) Samuel Nduriuri Kirugi to the Salaries and Remuneration Commission due to the following:-

- (i) Brg. (Rtd.) Samuel Ndururi Kirugi is temperamental, full of personal vendetta and hatred in addition to being non-forgiving.
- (ii) He worked under Brg(Rtd) Samuel Ndururi Kirugi from 1986 to 1999 during which he suffered as follows:-
  - In 1986, while in Nginyang Training Camp, he intimidated him and degraded him in the presence of his juniors and thereafter drafted charges against him which were entered into his personal file.
  - In 1987 at the School of infantry where he as an instructor, he oftenly provoked him so has to cause him problems.
  - In 1997, during a six months course at the School of Artillery, he used the opportunity to intimidate him and eventually failed him on the course for not attending the final military exercise due to ill-health despite having attained the required marks. Consequently he could not be promoted to the rank of Major and was forced to repeat the same course in 1999.
- (iii) In general he was demoralized and suffered emotionally during his service while working under him and he was eventually retired in 2000 at the tender age of 39 years and this affected his capacity to educate his children.

**MINUTES OF THE FIFTY-THIRD SITTING OF THE DEPARTMENTAL COMMITTEE ON FINANCE, PLANNING AND TRADE HELD ON THURSDAY 8<sup>TH</sup> DECEMBER, 2011 IN COMMITTEE ROOM NO. 9, MAIN PARLIAMENT BUILDING AT 10.00 A.M.**

---

**PRESENT**

Hon. Chrysanthus Okemo, EGH, M.P (Chairman)

Hon. Lucas Chepkitony, M.P

Hon. Ahmed Shakeel Shabbir, MP

Hon. Sammy Mwaita, MP

Hon. Nkoidila Ole Lankas, MP

Hon. Lenny Kivuti, MP

**ABSENT WITH APOLOGY**

Hon. (Prof.) Philip Kaloki, M.P (Vice-Chairman)

Hon. Jakoyo Midiwo, MGH, M.P

Hon. Musikari Kombo, EGH, M.P

Hon. Nelson Gaichuhie, MP

Hon. Ntoitha M'Mithiaru, MP

**IN ATTENDANCE**

Capt. (Rtd) Fredrick Kalumbo

**KENYA NATIONAL ASSEMBLY**

Florence Atenyo- Abonyo - First Clerk Assistant

Anthony Njoroge - Legal Counsel

**MIN. NO. 249/2011**

**CONFIRMATION OF THE MINUTES**

Minutes of the Fifty-Second Sitting of the Committee held on Tuesday 6<sup>th</sup> December, 2011 were confirmed by the Members present and signed by the Chairman after being proposed by Hon. Lucas Chepkitony, MP and Seconded by Hon. Sammy Mwaita, MP.

**MIN. NO. 250/2011**

**EVIDENCE BY CAPT.(RTD.) FREDRICK KALUMBO**

Capt. (Rtd) Fredrick Kaumbo informed the Committee that

ADOPTION OF THE REPORT ON THE VETTING OF  
NOMINEES TO THE SALARIES AND REMUNERATION  
COMMISSION

The Committee adopted its report with the recommendation for the appointment of the following nominees to the Salaries and Remuneration Commission pursuant to Article 230 of the Constitution.

(a) Chairperson of the Salaries & Remuneration Commission

1. Mrs Sarah Jepkemboi Chumo Serem

(b) Members of the Salaries & Remuneration Commission

2. Hon. Oloo Aringo, MP- Parliamentary Service Commission.

3. Mr. Daniel Ogutu - Public Service Commission

4. Ms Sellestine A. Kiuluku - Judicial Service Commission

5. Mrs Serah Kinyua - Teachers Service Commission

6. Brg. (Rtd) Samuel Ndururi Kirugi -Defence Council

7. Mr. Jason A. N. Namasake- The Senate

8. Mrs Jacqueline Mugo - Federation of Kenyan Employers

9. Mrs Anne Elizabeth Owuor- Association of Professional Societies in East Africa (APSEA)

10. Mr. Joseph Kinyua, CBS- Permanent Secretary/Treasury

11. Mr. Wanjuki Muchemi, CBS - Solicitor General

12. Mr. Titus Ndambuki, CBS- Permanent Secretary, Ministry of State for Public Service

ADJOURNMENT

The Chairman adjourned the meeting at one O' Clock until Thursday 8<sup>th</sup> December, 2011 at 10.00 a.m.

Signed .....

  
Chairman

Date..... 8/12/2011 .....

Nominated under Article 230(2)(e) as the Permanent Secretary, Ministry of State for Public Service to represent the Cabinet Secretary responsible for Public Service.

He informed the Committee that:-

- (i) The Salaries and Remuneration Commission will undertake benchmarking and harmonization of the salaries through job valuation in the public service to ascertain their competitiveness, purchasing power parity, ability to pay the salaries in the country and beyond the region.
- (ii) The Commission has to determine the remuneration package for various government levels as provided for in the new Constitution before the next General Election in 2012.
- (iii) The Commission will determine and set the salary structure so that nobody will be entitled to retain his/her salary package from the previous employer when appointed so as to encourage mobility by transferring services on point of promotion.
- (iv) The Salary Revision for all sub-sectors will be undertaken by the Commission within a legal framework so as to minimize the strikes currently being experienced in the country.
- (v) Performance contracting for all public officers is of necessity so as to measure productivity and for consideration of promotion.

- (ii) Fiftieth Sitting held on Thursday 1<sup>st</sup> December, 2011 were proposed by Hon. Sammy Mwaita, MP and Seconded by Hon. Lucas Chepkitony, MP.
- (iii) Fifty-First Sitting held on Friday 2<sup>nd</sup> December, 2011 were proposed by Hon. Lucas Chepkitony, MP and Seconded by the Chairman.

**MIN. NO. 245/2011**

**MR. JOSEPH KINYUA, CBS**

Nominated under Article 230(2)(d)(i) as the Permanent Secretary/Treasury to represent the Cabinet Secretary responsible for Finance.

He informed the Committee that:-

- (i) The role of Treasury in the Salaries & Remuneration Commission will be very crucial in term of assisting the government by providing a stable framework for the remuneration of all public officers which is attractive so as to retain quality staff and manage the wage bill.
- (ii) The Treasury's role will be to assist the government by providing broad economic perspective regarding the factors to be taken into account by the Commission when determining the remuneration.
- (iii) Through harmonization of the salary structure, the Commission will assist in minimizing the discrepancies and the differentials in the salaries which has occasioned distortion and caused public institutions quality staff.
- (iv) The Commission should play a greater role in educating the public on fiscal sustainability and competitiveness of the economy.

**MINUTES OF THE FIFTY-SECOND SITTING OF THE DEPARTMENTAL COMMITTEE ON FINANCE, PLANNING AND TRADE HELD ON TUESDAY 6<sup>TH</sup> DECEMBER, 2011 IN COMMITTEE ROOM ON 5<sup>TH</sup> FLOOR, CONTINENTAL BUILDING AT 10.00 A.M.**

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**PRESENT**

Hon. Chrysanthus Okemo, EGH, M.P (Chairman)

Hon. Musikari Kombo, EGH, M.P

Hon. Lucas Chepkitony, M.P

Hon. Ahmed Shakeel Shabbir, MP

Hon. Sammy Mwaita, MP

**ABSENT WITH APOLOGY**

Hon. (Prof.) Philip Kaloki, M.P (Vice-Chairman)

Hon. Jakoyo Midiwo, MGH, M.P

Hon. Nkoidila Ole Lankas, MP

Hon. Lenny Kivuti, MP

Hon. Nelson Gaichuhie, MP

Hon. Ntoitha M'Mithiaru, MP

**IN ATTENDANCE**

**NOMINEES TO THE SALARIES AND REMUNERATION COMMISSION**

Mr. Joseph Kinyua, CBS - Permanent Secretary/Treasury

Mr. Titus Ndambuki, CBS- Permanent Secretary, Ministry of State for Public Service

**KENYA NATIONAL ASSEMBLY**

Florence Atenyo- Abonyo - First Clerk Assistant

**MIN. NO. 244/2011 CONFIRMATION OF THE MINUTES**

Minutes of the following previous Sittings of the Committee were confirmed by the Members present and signed by the Chairman

- (i) Forty-Ninth Sitting held on Thursday 1<sup>st</sup> December, 2011 were proposed by Hon. Lucas Chepkitony, MP and Seconded by Hon. Shakeel Shabbir, MP.



- Human Resources Management and Labour relations skills.
  - Change initiation and management skills.
  - Negotiations, team building and supervisory skills.
  - Budgeting, strategic planning skills.
  - Customer Care skills.
- Has never been charged in a Court of Law, has no potential conflict of interest and has fully complied with tax obligation.
  - List of publications include Masters programme dissertation – Civil/Public Service Reforms in Kenya.

**MIN. NO. 242/2011 COMMITTEE'S RECOMMENDATION**

The Committee having considered the curriculum vitae of the following nominees and having heard their submissions during the interview, found the nominees qualified and recommends their appointment to the Salaries and Remuneration Commission.

1. Mrs Sarah Jepkemboi Serem - Chairperson
2. Mrs Ann Elizabeth Owuor - Member
3. Mrs Jacqueline Mugo - Member
4. Ms Sellestine A. Kiuluku - Member

**MIN. NO.243/2011 ADJOURNMENT**

The Chairman adjourned the meeting at fifteen Minutes past One O' Clock until Tuesday 6<sup>th</sup> December, 2011 at 10.00 a.m.

Signed .....


*[Handwritten Signature]*  
 \_\_\_\_\_  
 Chairman

Date.....

*6/12/2011*

She informed the Committee that:-

- She is a holder of Masters Degree in Public Administration (Netherlands -2003) and Bachelor of Education Degree from Kenyatta University (1989).
- Currently the Director of Human Resources and Administration at Interim Independent Electoral Commission from 2010 to-date. Has wide exposure in Manpower Development having worked in the following organization as Human Resource Manager prior to this appointment:-
  - Nairobi City Water & Sewerage Company (2004-2010)
  - National Water Conservation & Pipeline Company (1999-2004)
  - National Museums of Kenya (1996-1999)
  - Agricultural Development Corporation (1990-1995)
- A Member of the Institute of Human Resource Management and has attended several management courses E.g.
  - Performance contracting and development
  - Management and Leadership Development
  - Training needs assessment
  - Negotiation Skills and Presentation Skills
  - Human Resource Management
  - Strategic Planning and Management
  - Corporate Governance/Effective Director program
- Has professional skills and expertise in the following fields:-
  - Leadership and management skills.
  - Salaries and Remuneration policy development and negotiation skills.

- 
- Higher Education Loans Board;
  - Labour Advisory Board;
  - General Wages Council;
  - National Industrial Council;
  - National Health Insurance Fund;
  - Productivity Centre of Kenya;

Has also been elected to serve in the following Boards:-

- Chairman, East African Employers' Organization
  - Member, Governing Board of ILO
  - Member, International Organization of Employers
  - Deputy Secretary, Business Africa (formerly Pan African Employers Confederation)
- Has received the following Honours and Awards:-
    - Order of the Grand Warrior of Kenya (OGW)-2008
    - Appreciation of support of YES-MSE programme-2007
    - Outstanding Role in Advocating for Employers' Rights, ILO - 2011
    - Recognition of participation in the United Nations Global Compact – 2009
    - Appreciation of participation in growing sustainable business initiative - UNDP
  - Has published several Articles and Editorial pieces in the Business Daily and Daily Nation from 2009 to-date on varied topics relating to employers obligations, employees rights, safety in work place and labour relations.
  - Has never been charged in a Court of Law, has no potential conflict of interest and has fully complied with tax obligation.

She informed the Committee that:-

- She is a holder of Bachelors in Law (LLB) from the University of Nairobi (1981) and a Higher Diploma in Human Resource Management from the Institute of Personnel Management (2001).
- An Advocate of the High Court of Kenya, Lecturer at Catholic University and a consultant in Labour and Industrial Relations.
- Currently the Executive Director/Chief Executive of Federation of Kenya Employers from 2006 to-date. Has over 20 years wealth of experience in Human Resource Management and industrial/labour relations matters having worked at in the following organizations:
  - Federation of Kenya Employers- Legal/Industrial Relations Officer (1989-1996)
  - Unilever Kenya Ltd.- Employees Relations Manager (1996)
  - Unilever Kenya Ltd.- Regional Human Resources Operations Manager (2001)
  - Kenya Airways Ltd. Head of Human Resources (2002-2004)
  - National Aids Control Council – Head of Human Resources and Administration (2004-2005)
  - Federation of Kenya Employers – Deputy Executive Director (September, 2005)
- A Member of the Law Society of Kenya from 1983; Institute of Chartered Arbitrators from 2009; and Institute of Personnel Management from 2002.
- Has been appointed to serve in the following Boards:-
  - National Social Security Fund;

- 
- A certified Public Accountant, CPA (K); Certified Internal Auditor, CIA; Certified Internal Auditor Quality Assessor; and Certified Training Instructor. A Fellow of the Institute of Certified Public Accountants of Kenya and a member of both the Institute of Internal Auditors and Association of Women Accountants.
  - Has attended several courses, seminars and conferences both locally and internationally on the following-
    - Auditing and Accounting
    - Management and Leadership
    - Corporate Governance
    - Strategic Planning and Risk Management
    - Team Building and Performance Management
    - Leadership Change and Organizational Renewal
  - Has presented the following Papers:-
    - Accountants' role in Micro Financing Projects.
    - Harnessing Finances in the Corporate Sector.
    - Overview, Trend of the Audit Profession and Risk Based Auditing.
    - Challenges of promotion of internal auditing profession in the public sector.
  - Received commendation and Fellowship award from ICPAK for the promotion of professionalism in the accountancy profession. Also received recognition from the Institute of Internal Auditors (Inc.), the global body for the promotion of Internal Auditing in Kenya.
  - Has never been charged in a Court of Law, has no potential conflict of interest and has fully complied with tax obligation.

- Member of the Institute of Human Resource Management and has attended the following professional certificate courses locally and abroad.
  - Personnel Functions in Management (KIM)
  - Personnel Practice – IPM(K)
  - Personnel Management & Industrial Relations (London)
  - Certificate in Personnel Practice- London
  - Personnel Policy Formulation – ESAMI, Arusha
  - Performance Management – Sweden
  - Industrial Relations - (FKE)
  - Advanced Supervisory Management – FKE & KPTC
  - Total Quality Management – Tips Management
  - Management Challenge- Out Bound Trust
  - Team Building – Out Bound Trust
- Received the Certificate of Long Service award from Kenya Posts Office Savings Bank in 2006.
- Has never been charged in a Court of Law, has no potential conflict of interest and has fully complied with tax obligation.

**MIN. NO. 239/2011**

**MRS ANNE ELIZABETH OWUOR**

She informed the Committee that:-

- She holds Masters of Science Degree (2007) and Post Graduate Diploma in Audit Management, Consultancy, and Risk Management from the University of Central England, Birmingham (2006).
- Has extensive professional experience in financial, accounting and auditing matters having worked at Kenya Power & Lighting Company for over 20 years and as Commercial Services Debt Control Manager both from 1997 -1999 and from 2003 to-date.

in accordance with the Public Appointments (Parliamentary Approval) Act No. 33 of 2011:-

- (i) Academic qualifications
- (ii) Employment record
- (iii) Knowledge of the relevant subject
- (iv) Overall suitability for the position
- (v) Professional affiliations
- (vi) Potential conflict of interest
- (vii) Tax Compliance

**MIN. NO. 238/2011**

**MRS SARAH JEPKEMBOI SEREM**

She informed the Committee that:-

- She holds Masters Degree in Human Resource Management (2002) and Bachelor of Arts Degree (1982) both from the University of Nairobi.
- Has over 28 years experience in Human Resource Management in the corporate world, having worked as the Head of Human Resource Department both at Kenya Post & Telecommunication Corporation from 1981-1990 and Kenya Post Office Savings Bank from 1990 to 2010.
- Currently a Board Member of Mumias Sugar Company from January 2011 to-date and a Director of Young Biz Kenya from April 2010 to-date.
- Has attended various management and leadership courses on Human Resource Management at Kenya Institute of Administration, Kenya Institute of Management, Federation of Kenya Employers (FKE) and workshops organized by Manpower Services. Has also attended Strategic Human Resource Conferences abroad.

**MINUTES OF THE FIFTY-FIRST SITTING OF THE DEPARTMENTAL COMMITTEE ON FINANCE, PLANNING AND TRADE HELD ON FRIDAY 2<sup>ND</sup> DECEMBER, 2011 IN COMMITTEE ROOM ON 5<sup>TH</sup> FLOOR, CONTINENTAL BUILDING AT 10.00 A.M.**

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**PRESENT**

Hon. Chrysanthus Okemo, EGH, M.P (Chairman)

Hon. Lucas Chepkitony, M.P

Hon. Nelson Gaichuhie, MP

Hon. Ntoitha M'Mithiaru, MP

**ABSENT WITH APOLOGY**

Hon. (Prof.) Philip Kaloki, M.P (Vice-Chairman)

Hon. Musikari Kombo, EGH, M.P

Hon. Jakoyo Midiwo, MGH, M.P

Hon. Nkoidila Ole Lankas, MP

Hon. Sammy Mwaita, MP

Hon. Lenny Kivuti, MP

Hon. Ahmed Shakeel Shabbir, MP

**IN ATTENDANCE**

**NOMINEES TO THE SALARIES AND REMUNERATION COMMISSION**

Mrs. Sarah Jepkemboi Serem - Chairperson

Mrs. Ann Elizabeth Owuor - Member

Mrs. Jacqueline Mugo, OGW - Member

Ms Sellestine A. Kiuluku - Member

**KENYA NATIONAL ASSEMBLY**

Florence Atenyo- Abonyo - First Clerk Assistant

Evans Oanda - Third Clerk Assistant

**MIN. NO. 237/2011 VETTING OF NOMINEES TO THE SALARIES AND REMUNERATION COMMISSION**

In conducting the vetting process, the Committee examined the nominees against the following criteria amongst others,



- Ministry of State for Public Service (2007-2008)
- Directorate of Personnel Management (2001-2005)
- Has attended various training on Human Resource Management, new labour laws, performance management at the Institute of Human Resource Management, Federation of Kenya Employers and ESAMI.
- Has never been charged in a Court of Law, has no potential conflict of interest and has fully complied with tax obligation.

**MIN. NO. 235/2011    COMMITTEE'S RECOMMENDATION**

The Committee having considered the curriculum vitae of the following nominees and having heard their submissions during the interview, found the nominees qualified and recommends their appointment to the Salaries and Remuneration Commission.

1. Brig. (Rtd) Samuel Ndururi Kirugu- Member
2. Hon. Peter Oloo Aringo, MP    - Member
3. Mrs Serah Kinyua                    - Member
4. Mr. Jason Nambalu Namasake- Member
5. Mr. Wanjuiki Muchemi, CBS    - Solicitor General/Member
6. Mr. Daniel Omondi Ogutu        - Member

**MIN. NO. 236/2011    ADJOURNMENT**

The Chairman adjourned the meeting at fifteen Minutes past Four O' Clock until Friday 2<sup>nd</sup> December, 2011 at 10.00 a.m.

Signed .....

**Chairman**

Date.....

- Ministerial Task Force on the Development of Policy and Legal Framework for Legal Education in Kenya.
- National Committee on Implementation of International Humanitarian Law.
- Convenor of key results under the Governance Justice Law and Order Programme (GJLOS).
- A Member of the following Professional Societies:-
  - Law Society of Kenya
  - Chartered Institute of Arbitrators, London UK (FCI Arb).
  - Chartered Institute of Arbitrators, Kenya Chapter.
  - Institute of Certified Public Secretaries of Kenya, CPS (K).
- Has never been charged in a Court of Law, has no potential conflict of interest and has fully complied with tax obligation.

**MIN. NO. 234/2011**

**MR. DANIEL OMONDI OGUTU**

He informed the Committee that:-

- He holds Masters Degree in Business Administration from Eastern and Southern Africa Management Institute (ESAMI) and Maastricht School of Management (2006) and Bachelor of Arts Degree from Kenyatta University (1992).
- Currently the General Manager, Human Resource & Development at Agricultural Finance Corporation from January, 2011.
- Has professional experience in personnel matters having worked in the public service in the following ministries as Human Resource Management Officer:-
  - Commission for Higher Education (2008-2010)


- (ii) Employment record
- (iii) Knowledge of the relevant subject
- (iv) Overall suitability for the position
- (v) Professional affiliations
- (vi) Potential conflict of interest
- (vii) Tax compliance

**MIN. NO. 233/2011**

**MR. WANJUKI MUCHEMI, CBS**

He informed the Committee that:-

- He holds Masters Degree in Business Administration (2003) and Bachelor of Laws Degree (LL.B- 1975) both from the University of Nairobi.
- Currently the Solicitor General of the Republic of Kenya and the principal assistant to the Attorney-General since 2003 and was in private legal practice from 1977-2003 prior to the appointment.
- Has extensive professional experience on legal matters having been admitted to the Roll of Advocates in 1976, appointed as a Commissioner for Oaths in 1984, admitted both as an Associate of the Chartered Institute of Arbitrators, London in 1999 and a Fellow of the said Institute in 2000.
- Has attended numerous international and regional assignments including leader of various legal delegation to the United Nations General Assembly, especially to the 6<sup>th</sup> Committee of the United Nations, from 2003 to-date. Has also attended numerous courses, seminars and workshops both locally and abroad on relevant fields of law.
- A Member of the following from 2003 to-date:-
  - Permanent Public Remuneration Review Board.



**MINUTES OF THE FIFTIETH SITTING OF THE DEPARTMENTAL COMMITTEE ON FINANCE, PLANNING AND TRADE HELD ON THURSDAY 1<sup>ST</sup> DECEMBER, 2011 IN COMMITTEE ROOM ON 5<sup>TH</sup> FLOOR, CONTINENTAL BUILDING AT 2.30 P.M.**

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**PRESENT**

Hon. Chrysanthus Okemo, EGH, M.P (Chairman)  
Hon. Ahmed Shakeel Shabbir, MP  
Hon. Lucas Chepkitony, M.P  
Hon. Nelson Gaichuhie, MP  
Hon. Ntoitha M'Mithiaru, MP  
Hon. Sammy Mwaita, MP

**ABSENT WITH APOLOGY**

Hon. (Prof.) Philip Kaloki, M.P (Vice-Chairman)  
Hon. Jakoyo Midiwo, MGH, M.P  
Hon. Musikari Kombo, EGH, M.P  
Hon. Nkoidila Ole Lankas, MP  
Hon. Lenny Kivuti, MP

**IN ATTENDANCE**

**NOMINEES TO THE SALARIES AND REMUNERATION COMMISSION**

Mr. Wanjuiki Muchemi, CBS - Solicitor General/Member  
Mr. Daniel Omondi Ogutu - Member

**KENYA NATIONAL ASSEMBLY**

Florence Atenyo- Abonyo - First Clerk Assistant  
Evans Oanda - Third Clerk Assistant

**MIN. NO. 232/2011 VETTING OF NOMINEES TO THE SALARIES AND REMUNERATION COMMISSION**

In conducting the vetting process, the Committee examined the nominees against the following criteria amongst others, in accordance with the Public Appointments (Parliamentary Approval) Act No. 33 of 2011:-

- (i) Academic qualifications

Chief Personnel Officer where she retired in 2002 as the Chief Human Resource Manager.

- Has attended several personnel management courses locally at Kenya Institute of Administration and abroad in Harare and Britain.
- Has never been charged in a Court of Law, has no potential conflict of interest and has fully complied with tax obligation.

**MIN. NO. 230/2011**

**MRS. ISAIAH KUBAI**

The Committee was informed that:-

- Article 230(2)(c)(i) provides that one of the persons forming the Salaries and Remuneration Commission shall be a person appointed by an umbrella body representing trade unions and that COTU has nominated Mr. Isaiah Kubai under the said Article.
- The Union of Kenya Civil Servants, KUPPET, and Universities Non-Teaching Staff Union have written to Clerk of the National vide letter Ref. UKCS/NA/Vol.1/(13) dated 24<sup>th</sup> November, 2011 objecting the nomination by COTU to the Commission on the ground that COTU only represents private sector trade unions and not public sector trade unions. Consequently, they have filed a Judicial Review application in High Court No. 204 of 2011 and obtained a Court Order on the same on 14<sup>th</sup> September, 2011.

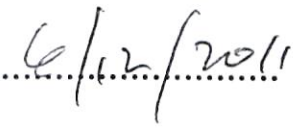
The Committee observed that there is a dispute over the nomination process with respect to Article 230(2)(c)(i) and the issue of whether COTU is the umbrella body envisaged under the said Article.

Consequently, the Committee resolved to defer the vetting of Mr. Isaiah Kubai and to seek legal opinion from the Attorney General regarding his nomination.

**MIN. NO. 231/2011**    **ADJOURNMENT**

The Chairman adjourned the meeting at fifteen Minutes past One O' Clock until this afternoon at 2.30 p.m.

Signed .....  .....  
Chairman

Date.....  .....