

KENYA NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT

THIRD SESSION

THE DEPARTMENTAL COMMITTEE ON LABOUR AND SOCIAL WELFARE

REPORT ON
THE PETITION REGARDING THE REMOVAL OF THE CHAIRPERSON OF THE
NATIONAL GENDER AND EQUALITY COMMISSION

February, 2015

Clerk's Chambers
Parliament Buildings
NAIROBI

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1.0 PREFACE

On behalf of the Departmental Committee on Labour and Social Welfare and pursuant to the provisions of Standing Order No.227, it is my pleasure and duty to present the Committee's report on the petition regarding the removal of the Chairperson of the National Gender and Equality Commission by Mr. Erastus O. Odiyo.

1.1 THE COMMITTEE MEMBERSHIP

The Departmental Committee on Labour and Social Welfare was constituted on Thursday 16th May, 2013 and comprise of the following Members:

1. Hon. David Were, MP - **Chairperson**
2. Hon. Tiyah Galgalo, MP - **Vice Chairperson**
3. Hon. Janet Teyiaa, MP
4. Hon. George Muchai, MP
5. Hon. Peris Tobiko, MP
6. Hon. John Ndirangu Kariuki, MP
7. Hon. Winnie Karimi Njuguna, MP
8. Hon. Janet Nangabo, MP
9. Hon. John Serut, MP
10. Hon. Samuel Gichigi, MP
11. Hon. Elijah Lagat, MP
12. Hon. Comelly Serem, MP
13. Hon. Abdi Noor Ali, MP
14. Hon. Daniel Wanyama, MP
15. Hon Regina Nyeris, MP
16. Hon. Wesley Korir, MP
17. Hon. Kinoti Gatobu, MP
18. Hon. Elijah Mosomi Moindi, MP
19. Hon. James Onyango K'Oyoo, MP
20. Hon. Omondi John Ogutu, MP
21. Hon. Aisha Jumwa Karisa, MP
22. Hon. Patrick Wangamati, MP

23. Hon. Rose Museo Mumo, MP
24. Hon. Silvanse Onyango Osele, MP
25. Hon. Mustafa Idd, MP
26. Hon. Nyasuna Gladys Wanga, MP
27. Hon. John Owuor Onyango Kobado, MP
28. Hon. Mwanyoha Hassan Mohammed, MP
29. Hon. Mlolwa Jones Mwangogo, MP

1.2 Mandate of the Committee

As set out in standing order 216 (5), the Committee is mandated 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;*
- *Study the programme and policy objectives of ministries and departments and the effectiveness of the implementation;*
- *Study and review all legislation referred to it;*
- *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;*
- *Vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments); and*
- *Make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.*

1.4 Acknowledgements

The Committee wishes to sincerely thank the Offices of the Speaker and the Clerk of the National Assembly for the necessary support extended to it in the execution of its mandate.

I take this opportunity to thank all Members of the Committee for their patience, sacrifice, endurance and commitment to Public Service under tight schedules which enabled us to complete the task within the stipulated period.

The Committee wishes to record its appreciation for services rendered by the staff of the National Assembly attached to the Committee. Their efforts and input made the work of the Committee and production of this Report possible.

On behalf of the Departmental Committee on Labour and Social Welfare and pursuant to the provisions of Standing Order No.227(2), it is my pleasure and duty to present the Committee's report on the petition by Mr. Erastus Odiyo regarding the removal of the Chairperson National Gender and Equality Commission.

Thank you.

SIGNED.......... DATE.....17-02-2015.....

Hon David Were, MP
(Chairperson)

Departmental Committee on Labour and Social Welfare

2.0. PETITION BY MR.ERASTUS ODIYO REGARDING THE REMOVAL OF THE CHAIRPERSON OF THE NATIONAL GENDER AND EQUALITY COMMISSION MS.WINFRED LICHUMA.

2.1 INTRODUCTION

Pursuant to Standing Order 225 (2) (b), the Speaker of the National Assembly conveyed to the House that his office had received a petition by Mr. Erastus Odiyo regarding the removal of the Chairperson of the National Gender and Equality Commission Ms. Winfred Lichuma.

The Petition was filed by Mr. Erastus Odiyo and presented by Hon. Silvance Osele, MP. The said petition was tabled on 31st October, 2014.

Prayers sought in the Petition were that:-

- a) The National Assembly resolves that the petition discloses grounds for removal of the Chairperson under Article 251(a), (b) and (d) of the Constitution.

- b) The National Assembly recommends to the President to form a Tribunal to investigate the Chairperson of the Commission.

Pursuant to Standing Order 227, the petition was committed to the Departmental Committee on Labour and Social Welfare.

2.2. TERMS OF REFERENCE

The Committee was to ascertain whether the Petition:-

- a) Disclosed grounds for removal of the named Chairperson under Articles 251(a), (b) and (d) of the Constitution of Kenya.

- b) There is need for the formation of a tribunal to investigate the said Chairperson by His Excellency the President.

The grounds which the Petitioner relied on were:-

- (i) Serious violation of the law by the Chairperson of the Commission herein referred to as 'Respondent'
- (ii) That the respondent was guilty of abuse of office
- (iii) That the respondent demonstrated gross incompetence

2.3 COMMITTEE MEETINGS

In considering the petition, the Committee invited and held meetings with both the Petitioner Mr. Erastus Odiyo and the respondent Ms. Winfred Lichuma, the Chairperson NGECE. The Committee also held meetings with Prof. Rose Odhiambo the former CEO National Gender and Equality Commission, Juliana Mutisya Deputy CEO, Christopher Keter the former procurement Officer at NGECE, Mr. John Kirowo, Mr. Otiende Amollo, the Chairperson Commission on Administrative Justice and Ms. Kagwiria Mbogoria, the Chairperson Kenya National Commission on Human Rights. The Committee received memoranda on the subject. The views of the witnesses are captured in the Report.

3.0. OVERVIEW OF THE CONSTITUTION AND THE NATIONAL GENDER AND EQUALITY COMMISSION ACT.

Removal from office of a member of a Constitutional Commission under the Constitution

Article 251 provides that:

1. A member of a commission (other than an *ex officio* member), or the holder of an independent office, may be removed from office only for:—
 - (a) Serious violation of the Constitution or any other law, including a contravention of Chapter Six of the Constitution on leadership and integrity.
 - (b) Gross misconduct, whether in the performance of the member's or office holder's functions or otherwise;
 - (c) Physical or mental incapacity to perform the functions of office;
 - (d) Incompetence; or
 - (e) Bankruptcy.
2. A person desiring the removal of a member of a commission or of a holder of an independent office on any ground specified in Clause (1) may present a petition to the National Assembly setting out the alleged facts constituting that ground.
3. The National Assembly shall consider the petition and, if it is satisfied that it discloses a ground under Clause (1), shall send the petition to the President.
4. On receiving a petition under Clause (3), the President—
 - (a) May suspend the member or office holder pending the outcome of the complaint; and
 - (b) Shall appoint a tribunal in accordance with Clause (5).

FUNCTIONS OF THE CHAIRPERSON UNDER THE NATIONAL GENDER AND EQUALITY COMMISSION ACT

The Chairperson shall—

- (a) Preside over all meetings of the Commission;
- (b) Be the spokesperson for the Commission; and
- (c) Supervise and direct the work of the Commission

APPOINTMENT AND TERM OF THE SECRETARY/ CHIEF EXECUTIVE OFFICER OF THE COMMISSION

SECTION 22(3) AND (4) OF THE ACT.

- (3) The secretary shall be the chief executive officer of the Commission and head of the secretariat and shall be responsible to the Commission.
- (4) The secretary shall hold office for a term of five years and shall be eligible for re-appointment for a further term of five years.

3.0 MEETING WITH THE PETITIONER-MR ERASTUS ODIYO

The Petitioner appeared before the Committee and gave evidence as follows:

a) On serious violation of the law

The petitioner alleged that:-

- i. The Chairperson employed four staff from her tribe/county without embracing diversity which is the Key Pillar of the Commission. The Employees were listed to be:
 - a) Khabongo Comfort Mwaitisi
 - b) Matikho Jemima Makuba
 - c) Anne Judy Odero
 - d) Awori Sydney Baraza
- ii. The Chairperson swore her Personal Assistant Dona Mokeira Anyona as taking minutes of the Board on the 21st July 2014 whereas the Secretary to the Commission was the Chief Executive Officer Mrs. Rose Odhiambo. The petitioner stated that Ms. Mokeira took minutes of the Commission usurping the domain of the C.E.O.
- iii. The Chairperson rejected Procurement staff that had been seconded from the National Treasury on unexplained grounds that they were unqualified, whereas the actual reason for removal was ethnicity.

(b) On gross misconduct

- i. The Petitioner alleged that the Respondent signs all the Commission cheques and irregularly orders suppliers to pick cheques directly from her office. The

Petitioner alleged that this was the role of the Chief Executive Officer and not the Chairperson's role

- ii. The Petitioner further alleged that the Respondent ordered the Procurement officer to single source the services of a lawyer at a cost of Ksh. 3 Million which is contrary to the Public Procurement and Disposal Act 2005. Further that the services of the officer were declined after he declined to honour the intentions of the Respondent.
- iii. The petitioner alleged that the Chairperson issues cheques in her own Office to suppliers who must part with cash as a prerequisite to receiving the cheques. He further alleged that the Chairperson signs pay slips thus usurping the role of the Chief Executive Officer.
- iv. The petitioner also alleged that the Respondent collected a bribe of Ksh. 100,000/= (one hundred thousand) from one Mr. John Kirowo after he was given a contract for partitioning of the Commissions' Offices.

(c) On gross incompetence

- i. The Petitioner alleged that the Chairperson had been constantly interfering with the smooth running of the activities of the Secretariat by supervising staff at the Lower cadre and giving instructions to junior officers not to respect their immediate supervisors.
- ii. The Petitioner further alleged that the Chairperson is at loggerheads with other Commissions including the Ombudsman's Office, the Kenya National Commission on Human rights, and the National Cohesion and Integration Commission.
- iii. The Chairperson contravened the approved established structure by the Salaries and Remuneration Commission in consultation with the Directorate of Personnel Management.

3.1 MEETING WITH MR. JOHN KIROWO

Mr. John Kirowo appeared before the Committee to adduce evidence. He informed the Committee that:-

- i. He was contracted by the Commission to Partition the Commissions Offices. The tender was for Ksh. 24 M which was later revised to Ksh.30 M, the work

took longer than expected because of the Commissions change of mind on the specifications agreed upon during the commencement of the work.

- ii. The Chief Executive Officer had put in place an implementation committee to supervise the partitioning process, the chair ordered that the work he had already done be demolished and be redone again.
- iii. The identification number cited in the petition was his but denied to have ever given the chairperson a bribe as stated in the petition.
- iv. He gave money to some emissaries who alleged to have been sent by the Chairperson however he could not ascertain that it was the Chairperson of the Commission who actually sent them and did not also name the emissary.

3.2 MEETING WITH PROF ROSE ODHIAMBO (FORMER NGECE CEO)

Prof. Rose Odhiambo appeared before the Committee and informed that:-

On gross violation of the law:

- i. She was recruited competitively by the Commission as the Chief Executive Officer and had served as such until 6th October 2014 when she was dismissed summarily, she had sued the Commission in Court and could not dwell on issues of her dismissal since it was a matter pending in Court.
- ii. The four (4) staff members mentioned in the petition: Khabongo Comfort Mwaitisi, Matikho Jemima Makuba, Anne Judy Odero and Awori Sydney Baraza all worked at the Chairperson's office and are from the same county/tribe. This excludes the driver/security person, who is also from the same tribe as the Chairperson.
- iii. The approved staffing level for the Chairperson's office is six (6) staff members and at the time she left office all the five staff members were recruited to work at the Chairperson's office.
- iv. She requested the Commission to assist her with someone who will be taking minutes on grounds that she could not take minutes at the same time participate in the meeting.
- v. The Chairperson swore in her Personal Assistant Dona Mokeira Anyona to take minutes for the Board on 21st of July 2014 contrary to the provisions of the Act. The swearing in was done by the Chairperson in her office in the presence

of the CEO. She informed the Committee that she was summoned to the Chairpersons office only to be informed of the swearing in which was about to start, this created conflict and confusion at Commission meetings due to alterations made to minutes.

- vi. Mrs. Saida Atikiya, a supply chain officer, job group K, was returned after working for a month in the Commission without payment of salary. Further Mrs. Saida had been among three (3) procurement staff sent from the office of Director of Procurement at Treasury, and NGEK management had been asked to pick one from the three. Since all had the same qualifications and experience, the management had resolved that since the NGEK procurement manager is Luhya, they should pick the non-Luhya (Mrs. Saida). The other two officers were Luhyas. It therefore seemed Mrs. Saida's return to Treasury was more to do with her not being from the Chairperson's tribe, yet NGEK was in need of a procurement officer.
- vii. The Chairperson signs cheques at the Commission contrary to common practice that Commissioners do not perform day to day duties of management. The Chairperson keeps the cheques since she is the last signatory and the same are collected by suppliers from her office.
- viii. The Chairperson holds staff meetings and deliberations with junior officers without the knowledge of the CEO and senior management, and directs junior officers to inform the CEO on the outcome of the meetings thus undermining the chain of command and structure in the organization.
- ix. The approved structure that was developed vide the advice of the Salaries and Remuneration Commission and the Directorate of Personnel Management was discarded by the Commissioners.

3.3 MEETING WITH MR. CHRISTOPHER KETER

Mr. Christopher Keter appeared before the Committee and informed the Committee as follows, that:-

- i. He was seconded to the then Commission in 2009 for a period of three years which expired and was further extended for a period of six months under the request of the Commission.
- ii. The procurement of services at the Commission was done regularly and within the prescribed manner save for when the Commission was Procuring services of a lawyer to handle a case in which the Attorney General had sought advisory opinion from the Supreme Court on the one third gender rule.

- iii. They obtained a prequalified list of Law Firms from the Commission on Implementation of the Constitution which he thereafter invited bids from about ten firms to enable the Tender Committee to deliberate on the same and arrive at one firm to represent the Commission. It was when the process was still on that they found out through a Mr. Ouma, a Program Officer (Gender) that instructions had already been given to the firm of Mohamed Muigai and Nyaoga Comapny Advocates.
- iv. The procurement of the firm brought conflict between the Tender Committee and the Chairperson, concerning the manner in which the provision of legal services was acquired; hence the reason why the Ksh.3 Million request by the Chairperson could not be honored.
- v. He informed the Committee that he left the Commission when his extension of the secondment period expired and that he does not know whether the Chairperson solicits for bribes from the Suppliers.

3.4 MEETING WITH JULIANA MUTISYA

As the former deputy Chief Executive Officer in charge of Accounts and Administration, she served the Commission from 1st October 2012 to 6th October 2014 when her services were terminated. She informed the Committee that:-

- i. The issue of Procurement of the services of a lawyer as alluded in the submissions of Mr. Christopher Keter were true. The procurement process was still on when she learnt that instructions had already been given to the firm of Mohamed Muigai and Nyaoga Company advocates.
- ii. The issue of signing of cheques by the Chairperson is true, and according to her, it's contrary to good accounting practice. Currently the Commission is using IFMIS.
- iii. The Chairperson only signs the pay slip of the C.E.O and if there is any other pay slip she has signed then she was not aware of it.
- iv. There was lack of clarity of roles at the Commission which contributed to constant squabbles between the Chairperson and the Secretary to the Board. The Chairperson's function of supervision and directing is unclear and this was the source of conflict between the Chairperson and senior management.

3.5 MEETING WITH THE CHAIRPERSON OF THE NATIONAL GENDER AND EQUALITY COMMISSION, Ms. WINFRED LICHUMA.

Ms. Winfred Lichuma appeared before the Committee and informed it as follows, that:-

a) On serious violations of the Law

- i. The Constitution and the National Gender and Equality Commissions Act has not been violated and that all the allegations in the petition were not true, none of the allegations meets the threshold of removal under Article 251 of the Constitution.
- ii. The Commission has a total of 52 members of staff, 3 Commissioners and the Chairperson. The staff diversity was as follows: Kikuyu-12, Luhya-11, Luo-9, Kamba-7, Meru-3, Kisii-3, Borana-3, Taita-2, Gabra-1 and Keiyo-1.
- iii. The officers in her officer are Luhyas but do not hail from her County:
 1. Ms. Comfort Khabongo Mwaiti hails from Vihiga County,
 2. Mr. Sydney Barasa Awori hails from Busia County
 3. Mrs. Ann Judy Mapeni hails from Busia County
 4. Mrs. Mokeira P.A. hails from Kisii
 5. Ms Jemima Makuba
- i. All the above staff were employed through a competitive process and some of them were inherited from the former Commission. Mr. Sidney Barassa used to work in her office but the Commission subjected him to an interview and was deployed to the Information Technology Department.
- ii. The Commission held a retreat on board competence between 30th June, 2014 and 2nd July, 2014 and notes of the reflection after the corporate governance training on 3rd of July 2014. Upon request by the CEO to have her assisted in minute writing, it was agreed by the commissioners that the Personal Assistant to the Chairperson would be sworn in to take minutes in the commission meetings.
- iii. Treasury had seconded Mrs. Saida Atikiya as Supply Chain Management Officer (Job Group K) and Mr. Okal Narkisho as Senior Accountant to work in the Commission. The Commission's decision as minuted was that the two officers

were junior to the level the Commission required and were returned to the National Treasury.

b) On gross Misconduct

i. Allegation on signing all commission cheques.

She signed all Commission cheques as she did not see a problem with the signing of cheques since a resolution had been arrived at and passed by the Commission that the Chairperson and one other Commissioner would sign cheques for purposes of control. However, it was confirmed that this practice stopped as the Commission now uses IFMIS.

ii. The allegation of signing of Pay roll

She signs the payroll and only the CEOs pay slip as a control mechanism since there is no policy forbidding the same. In absence of the chairperson, the vice chairperson signs. At the hearing, she was shown a pay slip of March 2014 for one officer namely Nzioka Nzomo bearing her signature and having been signed by herself for the CEO. The Chairperson denied having signed the same but sought time to find out if indeed she signed. In her written submission she demonstrated that the payslips of the month of March 2014 were signed by the CEO including that of Nzioka Nzomo allegedly signed by her.

iii. Chairperson usurping the role of the CEO

The role of the Chairperson is in Section 13(2) of the NGECA Act includes supervision and directing. On the other hand, the law does not specify the role of the CEO. Section 21 of NGECA Act provides for the appointment of the Secretary. Section 21 (3) states that: the Secretary shall be the Chief Executive Officer of the Commission and Head of the secretariat and shall be responsible to the Commission hence the role of the Chief Executive officer is clearly spelled in her letter of appointment.

iv. On the issue of a bribe of Ksh.100,000 from a contractor

The Chairperson informed the Committee that she has never received a bribe from anyone and sought for better particulars.

c) On gross Competence

i. On the allegation that chairperson is constantly at loggerheads with senior staff of the Commission and other agencies and departments.

She responded by seeking for better particulars from the petitioner and informed the Committee that the Commission relates well with the Office of the Ombudsman and the National Cohesion and Integration Commission.

- ii. On the allegation that the Chairperson contravened approved institutional structures established by the Commission in consultation with Salaries and Remuneration Commission (SRC) and Directorate of Personnel Management (DPM).

She responded that the SRC does not have the function of setting institutional structures. Directorate of Personnel Management (DPM) was engaged by NGECE as a consultant to propose a structure. They proposed a structure which the Commission acting as an independent body adopted with amendments.

This was done in a Commission meeting of 15th April, 2014 on consultation with the Treasury and further consultations were still ongoing.

3.6 MEETING WITH MR. OTIENDE AMOLLO THE CHAIRPERSON COMMISSION ON ADMINISTRATIVE JUSTICE

The allegations against the Commission of Administrative Justice (the Ombudsman) were that the Chairperson National Gender and Equality Commission was at constant loggerheads with other Commissions especially Ombudsman, National Cohesion and Integration Commission and Kenya National Human Rights Commission. He informed the Committee that:

1. The National Gender and Equality Commission has never been at logger heads with his Commission, the Chairperson of NGECE is her deputy at a forum of Chairpersons of all commissions.
2. The Commission on Administrative Justice is a full time Commission. To avoid conflict of roles with the Chief Executive Officer of the Commission, the roles of the Commissioners and those of the Secretariat have been clearly defined and understood by all, thus no one oversteps the mandate of the other.
3. The Roles of the Chairperson under the CAJ Act are well defined to include supervisory, directing and being the spokesperson of the Commission.
4. By virtue of handling complaints and administration of Justice, he has been called to many Commissions to mediate between their secretariats and the Commissioners. The conflicts always emanate from comparison of management in parastatals and full time Commissions which are executive in nature. He had never been called to mediate in conflicts at NGECE.
5. In the course of his duties at the Commission on Administrative Justice he does not sign cheques for money they receive from Government because of IFMIS, however for funds from donors he signs them together with the C.E.O, head of Finance and has an alternate signatory who is a Commissioner. As for the case

of NGEK he could not be able to explain because he did not know their arrangement.

6. On the swearing in of Dona Ms. Mokeira he stated that:
 - (a) The oath of office under the Act is for Commissioners only; there is no provision in the Act or the Constitution requiring administration of oath. However, if it was for purposes of confidentiality then any oath could be lifted from any statute.
 - (b) If the secretary to the Commission did not oppose the swearing in of MsDona Mokeira then there was no problem, if the Commission swore in another person to take minutes and in the process oversteps the role of the Secretary to the Commission then the same would be an impropriety

3.7 MEETING WITH MS. KAGWIRIA MBOGORIA, THE CHAIRPERSON KENYA NATIONAL COMMISSION ON HUMAN RIGHTS.

The allegations against the National Commission on Human Rights were that the Chairperson National Gender and Equality Commission was at constant loggerheads with other Commissions especially Ombudsman, National Cohesion and Integration Commission and Kenya National Human Rights Commission. She informed the Committee that:

1. She had a meeting with all the Chapter 15 Commissions, NGEK being included but had never been at logger heads with the Chairperson NGEK.
2. She had been reading in the newspapers about alleged conflict or misunderstanding between KNHC and NGEK but wondered where the media got the allegations from.
3. Signing of cheques at KNHC is done by the Secretariat and none of the Commissioners is involved.
4. Division of roles between the secretariat and Commissioners is well defined; Commissioners are limited to oversight, supervision and giving direction.
5. Minutes of the Commission are done by the secretary or the deputy in his/her absence.
6. Commissioners play no role in tender committees.
7. The structure that the Commission uses was approved by the Directorate of Personnel Management.

3.8. THE SUBMISSION OF MEMORANDA RECEIVED BY THE COMMITTEE

The Committee received several submissions from those who supported and those that were against the petition.

Those who supported the petition included the following:

1. Lydia W. Gachoya (The Vice President of the Regional Women Forum of the International Conference of the Great Lakes Region.(ICGLR)and a former commissioner in the NGEC).

She stated that Ms.Lichuma;

- Declined a nominee who had been nominated to attend the a conference organized by the International Conference on the Great Lakes Region in Khartoum, Ms. Gachoya nominated Shantal Odera to attend the conference on behalf of NGEC.
- Is unable to differentiate personal differences from official duties.
- Is combative in her approach of issues, very unforgiving once you cross her path, intimidates NGEC stakeholders thus creating apathy.
- Has an attitude that “nothing is right unless sanctioned by me”
- Instills fear and as a Chair she has failed NGEC.

Under the leadership of Ms. Lichuma, NGEC is missing in action on its mandate to ensure compliance of Regional treaties ratified by the State in the Great Lakes.

2. Tache Bonsa Gollo(Former Commissioner of NGEC.)

He stated as follows:-

- Ms. Lichuma had a restive impatient and dictatorial character that made it very hard to work with her even for the fellow Commissioners. A case in point is when she was appointed the NGEC chairperson she took over without being introduced by the acting chair.
- Fellow Commissioners had to intervene severally when Ms. Lichuma was getting directly involved in duties that ought to be those of the Chief Executive Officer (CEO) and literally micro-managing the operations of the CEO.
- Ms. Lichuma never allowed the CEO to freely discharge her duties and always tried to dictate terms to her and if the CEO resisted then there would be a conflict.
- When the probation period of the CEO came to an end the other Commissioners had no problem with her confirmation but Ms. Lichuma insisted she had to be terminated for alleged incompetence.
- Ms. Lichuma usually insisted on signing all Cheques having all incoming letters go to her office and not to the CEO and various staff reporting directly to her.

- Her trusted informants would always give her full intelligence regarding all that went on at the Commission.

3. Naomi Wambui Wangai (Former Commissioner at NGEC)

She stated as follows, that:-

- Ms. Lichuma was involving herself in the day to day operations of the Commission as if she was the CEO hence causing conflicts and confusion.
- On several occasions the Commissioners had to restrain the Chair from certain conducts of day to day operations which would bring confusion and conflicts.
- Ms. Lichuma was intimidating while working with her, she never missed a point to show who the boss was and to remind the Commissioners of her legal training hence able to look at issues with a “legal eye” better than other Commissioners.
- Ms. Lichuma threatened to sack the C.E O over the payment of a legal fees to a legal firm whose services had not been procedurally procured, and it was through intervention of other Commissioners that CEO was not sacked.

4. Peterlis Ojwang Nyaguta (Former Director defunct National Commission on Gender and Development.)

He stated as follows, that:-

- There is no single operation he could undertake in his professional capacity without interference by the Chairperson as she micro manages every operation undertaken by his office
- Ms Lichuma was advised against being one of the signatories but defied making the Commissions operations difficult.
- She directed the recruitment of all staff and any objection to the same would lead in threats and intimidation. For example, she directed Mr Peter to employ Ms Comfort as a casual labourer and later directed him to confirm her as permanent staff.
- Data entry of the applications for the position of the CEO was being done at the Chairpersons office. She later brought in Mr. Baraza who worked as a clerk for close to two months after which Mr. Peter was ordered by Ms Lichuma, to offer Mr. Baraza a five year contract for the position of office assistant despite the fact that he was overqualified.
- Board minutes that he had drafted were altered at the behest of the Chairperson to reflect the position that appealed to her and not to give the true and fair views of the discussions.

5. Emily Moraa Ongaga (Former NGECE employee).

She stated as follows;

- Mrs. Lichuma ordered her that cheques should be picked from the Chairperson's office.
- Under Mrs. Lichuma's leadership most donors were forced to stay away from funding Commission activities. For example, the UN women reduced their funding from 50M to 13M in 2014.
- The show cause letter and letter requiring staff to appear before the Commission for disciplinary action and dismissal were signed by the Chairperson instead of the CEO.
- Contrary to the Employment Act 2007, Board minutes were not attached to their termination letter to show reasons for termination.
- That Chairperson is fond of sacking people from the Commission eg;
 - a) Sacked the CEO on grounds of incompetence after working with him (Peter Nyatuga) for only three months.
 - b) Dismissed a procurement officer
 - c) Irregularly terminated the contract of six employees.

Those that were against the petition included the following:-

1. Reproductive Health Workers; Charles Waka, James mwenda, Riungu, Margaret N. Kilonzo, Rael Kube Odenyo, Kenneth Owino Onyango, Rose Annella Mulindi, Tom Marwa, Raymond Mutisa Mutisya and Mary Gorrety Oginga were sworn in by Lydia A. Owuor and stated as follows, that Ms. Winfred Lichuma:-

- Has served Kenyans without prejudice or discrimination.
- Has been a Kenyan of high integrity, professionalism with strong command and understanding on issues of equality and inclusion in Kenya, Africa and beyond.
- Has a track record of upholding the rule of law.
- Motivates and protects national values.
- Played a significant role in the development of the 2010 Constitution of Kenya.

Her contributions in protecting the bill of rights for women, children, youth and vulnerable populations in Kenya is evident in her appointment and leadership of the NGECE and her past appointment in KNHRC and the Judiciary.

2. Peter Muchiri Mwangi (Board Member, National Council for Persons With Disabilities), Paul Kihugu Kuria (NGECE Employee) and Edward Miano Munene (Executive Director, Health Rights Advocacy Forum) were sworn in by Lydia A. Owuor and stated as follows, that Ms. Winfred Lichuma:-

- Is very passionate on the rights of persons with disabilities.

- Has ensured a smooth working relationship between the NGEC and the National Council for Persons with Disabilities
 - Is very keen on matters of transparency and accountability in management of public resources.
 - Has the ability to compromise, self-control, a team builder and is committed to establishing and building teams that can deliver the tasks ahead.
 - Is passionate about human rights, gender and equality issues.
 - Has insight and gifts that surpass her years, a competitive nature and determination that cannot be beaten and has earned the respect of community members.
3. Ellyjoy Karimi, Lydia Kagwiria, Evans kakai, Edith M. Nambisia, Roselyne Shigoli Matilani, Evelyn Opondo (Advocate of the High Court of Kenya), University Students and Nairobi University Students were sworn in by Mr. Donald Wekesa Muyundo. They stated as follows, that Ms. Lichuma:-
- Is a mentor to the students
 - Is passionate towards matters of gender, law and human rights.
 - Has developed several programs that benefit the youth in her leadership in the Commission.
 - Stands out as a person of integrity who is committed to providing selfless service for the good of the Nation.
 - Is impartial and displays a high degree of professionalism in conducting the affairs of the Commission.
 - Provided steady leadership which has enabled the Commission to fully establish and consolidate the execution of its mandate.
 - Has intelligently steered the Commission to focus on core issues on gender equality, marginalized communities and groups.
4. Nzioka John Nzomo (Program Officer with the NGEC), Josephine Otieno, Wilson Kisiero Mein (Gender Specialist), Jerim Obure, Fredrick Kereri Lumiti (Monitoring and Evaluation officer at NGEC) and Peter Muhati Mukhutsi (Monitoring and Evaluation Consultant with the Swedish Institute of Public Administration) were sworn in by Ms. Edna Ameyo Nyaloti. They stated as follows, that Ms. Lichuma:-
- Is a champion of gender issues in Kenya and has proved to be transparent and accountable.
 - Is likeable, has good interpersonal skills and team player.
 - Has managed to rally for funds and support from donors and well-wishers to fight FGM.
 - Has served the KNCHR and NGEC in her capacity as an expert in Human rights and Gender issues.
 - Is a great legal mind, hard worker and great advisor on commission activities.

- Has a wealth of knowledge and expertise in gender mainstreaming and in human rights promotion and programming.
 - Has demonstrated a high level of professionalism, dedication and commitment to the rights of the vulnerable.
 - Leadership has enabled the Commission to undertake critical interventions that have secured the rights of the vulnerable in Kenya.
 - Is a key icon in the field of Human rights, gender equality and non-discrimination
5. John Wafula, Mary Okutoyi (Advocate of the High Court of Kenya and Legal & Investigation Officer at NGEC) and Dona Mokeira Anyona were sworn in by Mr. Benson Millimo. They stated as follows, that Ms. Lichuma:-
- Is dedicated to gender equality is unequivocal.
 - Has demonstrated a high level of professionalism, dedication and commitment to the rights of the vulnerable.
 - Has enabled the Commission through her leadership to undertake critical interventions that have secured the rights of the vulnerable in Kenya.
 - Is a key icon in the field of Human rights, gender equality and non-discrimination
 - Is open minded pragmatic and down to earth.
 - Is knowledgeable, professional, dedicated, and competent and results based person.
 - Is a resource mobilizer which is demonstrated through development of the National Monitoring and Evaluation Framework.
 - Launched NGEC strategic plan which is a clear demonstration of strategic thrust of the Commission in upholding gender equality.
 - Has ensured a clear sense of professionalism among staff serving at the Commission.
6. Moi University students were sworn in by Delmas L Mwinamo and they stated as follows, that Ms. Lichuma:-
- Is a mentor to the students
 - Is passionate towards matters of gender, law and human rights
 - Has developed several programs that benefit the youth in her leadership in the Commission.
 - Followed through the investigations of the unfortunate case in Busia where a 16yr old girl was raped and her assailants still walked free.
7. Cyprian Orina Nyamwamu(Consultant)Works and consult with governmental, private sector, non -governmental, political parties and Faith based organization and agencies in Kenya Africa and beyond was sworn in by Geoffrey Monari Orina stated as follows, that:-

- He has known Ms. Lichuma for more than seven years including while she was working at Kenya Commission on Human Rights.
 - Mrs. Lichuma is a leader who has demonstrated compassion, clarity capacity, competence and a great communicator.
 - Mrs. Lichuma is suitable to hold the office of Chair of NGEC given her education, Training and extensive knowledge in matters of Gender, Human Rights and Public affairs.
8. Boaz Kidiga Mbaya (Executive Director, Centre for Policy Analysis, a retired Ambassador and a former PS) was sworn in by B.M. Eboso. He stated that Ms. Lichuma:
- Stands out as a person of integrity who is committed to providing selfless service for the good of the Nation.
 - Is impartial and displays a high degree of professionalism in conducting the affairs of the Commission.
 - Provided steady leadership which has enabled the Commission to fully establish and consolidate the execution of its mandate.
 - Has intelligently steered the Commission to focus on core issues on gender equality, marginalized communities and groups.
9. George Wanjala Wanyonyi (Program Officer in NGEC) was sworn in by Majune Krajdo stated as follows, that:-
- Has known her since Aug 2012.
 - Ms. Lichuma always insisted that interns be recruited on the basis of gender and diversity.
 - If this petition is allowed then the vulnerable persons would have lost a pillar of hope and a voice of the voiceless in advancing the rights of the most vulnerable persons in this Country.
10. Dr. Ruth Aura (Chairperson Federation of Women Lawyers-Kenya).
- She stated that FIDA;
- Champions the promotion and protection of the space of women in leadership.
 - Is not against disciplinary actions on failed leadership but they are alive to the tenets of patriarchy that keep subduing women leadership in Kenya.
 - Enjoys great working relationship with all officials of NGEC hence interested in a favorable conclusion to the matter.

4.0. COMMITTEE OBSERVATIONS.

Having heard the prayers by the petitioner, evidence by witnesses and the Respondent, as well as written memoranda/submissions, the Committee made the following observations:

1. The allegation of employment of four staff in the Chairperson's office from her tribe/county was not proven. All the staff in the Chairperson's office were employed competitively. Further, it was found that out of the four staff at her office, one was not from her community.
2. The general composition of staff at the Commission is wanting in terms of ethnicity. It was evident in the documents presented before the Committee that majority of the staff were predominantly Kikuyus, Luos, Luhyas and Kambas whereas the Commission is an Equality Commission which should be a champion of equity in terms of regional representation and ethnicity in the Public service and embracing the principles of diversity. However, it was established that the aforesaid staff were employed through a competitive process and most of them were inherited from the former Commission.
3. The allegation by the Procurement officer, Mr. Christopher Keter that he had been sent away by the Chairperson was not proven. The Committee found out that Mr. Keter served his secondment period in the Commission for a period of three years and a further six months which was extended by the Ministry upon a request by the Commission (**Appendix 2**).
4. The allegation in the petition that the Chairperson single sourced the procurement of a law firm was not proven. There were no documents tendered before the Committee to substantiate the allegation laid against the Chairperson.
5. On allegation of constant conflict between the Chairperson and the Secretariat, the Committee established that this was due to lack of clarity of roles at the Commission as provided in the NGECA Act. The Act gives the Chairperson a role of supervision and directing but does not define the extent to which the Chairperson is to direct. On the other hand, the same Act does not provide the roles of the C.E.O.
6. The allegation of NGECA being at logger head with other Commissions was not proven.

7. Mr. Kirowo who is alleged to have given a bribe of Ksh.100, 000/= to the Chairperson stated that he gave the bribe to an emissary whom he could not identify.
8. The allegation of changing the internal organization structure (**Appendix 7**) of the Commission was not proven. The Committee established that consultations were still on going with the National Treasury upon approval by the Commission.
9. The swearing in of Ms. Dona Mokeira to take minutes on behalf of the C.E.O was a resolution of the Board for purposes of confidentiality upon request by the C.E.O to be assisted in taking minutes. The Committee however observed that good governance require that the holder of the duty delegates it (**Appendix 3**).
10. The signing of cheques by the Chairperson and one other Commissioner was vide a Commission resolution and that the C.E.O was a mandatory signatory to every account in the Commission (**Appendix 4**).
11. Two different pay slips for the Month of March, 2014 for one officer namely Mr. Nzioka Nzomo bearing the signature of the Chairperson in one (**Appendix 5**) and signature of the C.E.O in another (**Appendix 6**) were presented before the Committee thus the allegation of the Chairperson usurping the role of the C.E.O was not proven.
12. The Constitution and the National Gender and Equality Commissions Act have not been violated by the Chairperson.
13. The petition does not disclose grounds for the removal from office of a person under Article 251 (a), (b) and (d) of the Constitution of Kenya.

5.0. COMMITTEE RECOMMENDATIONS:

The Committee recommends that:-

1. The petition for the removal of the Chairperson of National Gender and Equality Commission be dismissed for it does not disclose grounds for the removal of Mrs. Winfred Lichuma as Chairperson of NGEC under Article 251 (a), (b) and (d) of the Constitution.

2. The Commission should strive towards embracing ethnic diversity in employment and placement of staff in its future recruitments to reflect the face of Kenya.
3. The Criminal Investigation Department should investigate the source of the two pay slips for the month of March 2014 belonging to one Mr. Nzioka Nzomo an employee of the Commission which was tabled during the proceedings which bore the signature of the Chairperson and the C.E.O.
4. The National Gender and Equality Commission Act be amended to provide for clear roles of the Secretariat and the full time Commissioners to ensure that Commissioners performs oversight roles while the secretariat performs the day to day operations. This will address the conflict attributed to mandates.

APPENDICES

APPENDIX- 1
MINUTES

MINUTES OF THE 3RD SITTING OF THE DEPARTMENTAL COMMITTEE ON LABOUR
AND SOCIAL WELFARE HELD AT NEW MEMBERS LOUNGE, MAIN PARLIAMENT
BUILDING ON 12TH FEBRUARY, 2015 AT 10.00 A.M.

PRESENT

1. Hon. David Were, MP - Chairperson.
2. Hon. Tiyah Galgalo, MP- Vice Chairperson
3. Hon. Peris Tobiko, MP
4. Hon. Janet Nangabo, MP
5. Hon. Jones Mlolwa, Mp
6. Hon. Janet Teyiaa, MP
7. Hon. John Ndirangu Kariuki, MP
8. Hon. John B. Serut, MP
9. Hon. Winnie Njuguna, MP
10. Hon. Samuel Gichigi, MP
11. Hon. Mwanyoha H. Mohammed, MP
12. Hon. Patrick Wangamati, MP
13. Hon. Mosomi Moindi, Mp
14. Hon. Cornelly Serem, Mp
15. Hon. Kinoti Gatobu, MP
16. Hon. Regina Nyeris, MP
17. Hon. Abdinoor Mohamed Ali, MP
18. Hon. Dan Wanyama, MP
19. Hon. John Omondi Ogutu, Mp

ABSENT

1. Hon. John Owuor Onyango Kobado, MP
2. Hon. Mustafa Idd, MP
3. Hon. Wesley Korir, MP
4. Hon. James Onyango K'oyoo, MP
5. Hon. Elijah Lagat, MP
6. Hon. Silvanice Onyango Osele, MP
7. Hon. Aisha Jumwa Karisa, MP
8. Hon. Gladys Wanga, MP
9. Hon. Rose Museo Mumo, MP

NATIONAL ASSEMBLY SECRETARIAT

- | | |
|-------------------------------|------------------------------------|
| 1. Mr. Erick Nyambati | Third Clerk Assistant (Lead Clerk) |
| 2. Mr. Abdirahman Gele Hassan | Third Clerk Assistant |
| 3. Ms. Ella Kendi Mwenda | Third Clerk Assistant |
| 4. Ms. Clarah Kimeli | Legal Counsel I |

MINUTE NO.09/2015 PRELIMINARIES

The meeting was called to order at 10.20 a.m. and prayers were said by the Chairperson.

MINUTE NO. 10/2015 CONFIRMATION OF MINUTES

Confirmation of minutes were deferred to the next meeting.

MINUTRE NO.11/2015 CONSIDERATION OF REPORT REGARDING THE PETITION ON THE REMOVAL OF THE CHAIRPERSON NATIONAL GENDER AND EQUALITY COMMISSION

The Committee considered the National Gender and Equality Commission report and made amendments to the observations and recommendations to read as follows:

(I) Observations

1. The allegation of employment of four staff in the Chairperson's office was not proven. All the staff in the Chairperson's office were employed competitively. Further, it was found that out of the four staff at her office, one was not from her community.
2. The general composition of staff at the Commission is wanting in terms of ethnicity. It was evident in the documents presented before the Committee that majority of the staff were predominantly Kikuyus, Luos, Luhyas and Kambas whereas the Commission is an Equality Commission which should be a champion of equity in terms of regional representation and ethnicity in the Public service and embracing the principles of diversity. However, it was established that the aforesaid staff were employed through a competitive process and most of them were inherited from the former Commission.
3. The Procurement Officer Mr. Christopher Keter alleged to have been sent away by the Chairperson was not proved. The Committee found out that Mr. Keter served his secondment period in the Commission for a period of three years and a

further six months which was extended by the Ministry upon a request by the Commission.

4. The allegation in the petition that the Chairperson single sourced the procurement of a law firm was not proven. There were no documents tendered before the Committee to substantiate the allegation laid against the Chairperson.
5. There is constant conflict between the Chairperson and the Secretariat. The Committee however established that this was due to lack of clarity of roles at the Commission as provided in the NGECA Act. The Act gives the Chairperson a role of supervision and directing but does not define the extent to which the Chairperson is to direct. On the other hand, the same Act does not provide the roles of the C.E.O.
6. The allegation of NGECA being at logger head with other Commissions was not proven.
7. Mr. Kirowo who is alleged to have given a bribe of Ksh.100,000/= to the Chairperson stated that he gave the bribe to an emissary whom he could not identify.
8. The allegation of changing the internal organizational structure of the Commission was not proved. The Committee established that consultations were still on going with the National Treasury upon approval by the Commission.
9. The swearing in of Dona Mokeira to take minutes on behalf of the C.E.O was a resolution of the board for purposes of confidentiality upon request by the C.E.O to be assisted in taking minutes. The Committee however observed that good governance require that the holder of the duty delegates it.
10. The signing of cheques by the Chairperson and one other Commissioner was vide a commission resolution and that the C.E.O was a mandatory signatory to every account in the Commission.
11. Two different pay slips for the Month of March, 2014 for one officer namely Mr. Nzioka Nzomo bearing the signature of the Chairperson in one and signature of the C.E.O in another were presented before the Committee thus the allegation of the Chairperson usurping the role of the C.E.O was not proven.

12. The Constitution and the National Gender and Equality Commissions Act have not been violated by the Chairperson.

(II) Recommendations:

1. The Commission should strive towards embracing ethnic diversity in employment and placement of staff in its future recruitments to reflect the face of Kenya.
2. The Criminal Investigation Department should investigate the source of the two pay slips for the month of March 2014 belonging to one Mr. Nzioka Nzomo an employee of the Commission which was tabled during the proceedings which bore the signature of the Chairperson and the C.E.O.
3. There is need to amend the National Gender and Equality Commission Act to provide for clear roles of the Secretariat and the full time Commissioners to ensure that Commissioners performs oversight roles as this will solve the role conflict which was witnessed.
4. The Committee resolves that the petition does not disclose grounds for the removal of Mrs. Winfred Lichuma as the Chairperson of NGENC under Article 251 (a), (b) and (d) of the Constitution of Kenya and should therefore be dismissed.

MINUTE NO.12/2015 ADOPTION OF REPORT REGARDING THE PETITION ON THE REMOVAL OF THE CHAIRPERSON NATIONAL GENDER AND EQUALITY COMMISSION

The Committee members present unanimously adopted the report regarding the petition on the removal of the Chairperson of the National Gender and Equality Commission.

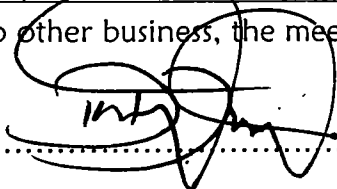
MINUTE NO.13/2015 CONSENSUS BUILDING ON THE TASSIA REPORT

The Committee members built consensus on the Tassia report that was adopted on 16th October, 2014 and agreed to forward the report for tabling.

MINUTE NO.14/2015 ADJOURNMENT

There being no other business, the meeting was adjourned at 12.20 p.m.

Signed



(Chairperson)

Hon. David Were, MP

Date..... 17-02-2015

APPENDIX- 2



MINUTES OF THE 24th COMMISSION MEETING HELD ON WEDNESDAY 31st MARCH 2014 AT THE NGEC CHAIRPERSON'S BOARD ROOM STARTING 2.30 PM

Responsibility

PRESENT

1. Chairperson Winfred Lichuma, EBS. – Chairing
2. Vice Chairperson Joni Ndubai
3. Commissioner Gumato Ukur
4. Prof. Rose Odhiambo, HSC. – Commission Secretary/CEO

IN-ATTENDANCE

1. Juliana Mutisya – DCEO, Finance & Administration - Taking Minutes

MIN/199/2014: Preliminaries

The Chairperson called the meeting to order at 2.51pm and a word of prayer said by Commissioner Ndubai.

MIN/200/2014 Introduction and Adoption of the agenda

The meeting had one agenda but an amendment was made to add the agenda on annual leave of Commissioners. The agenda was then proposed by Commissioner Gumato and seconded by Commissioner Joni Ndubai as follows:-

1. Prayers
2. Adoption of agenda
3. Seconded Staff
4. Annual Leave Commutation for Commissioners

MIN/201/2014 SOCONDED STAFF

Following the freeze on employment by the Cabinet and subsequent communication from the National Treasury, the Commission requested for a seconded staff for the procurement and finance units of the Commission on 28th of February 2013. The request was for a Procurement Officer and a Senior Accountant.

A: PROCUREMENT OFFICER

The National Treasury seconded Mrs Saida Atikiya, a Supply Chain Management Officer I (Job Group K). She reported to the Commission on 10th of February 2014. This was communicated to the Commission through a letter dated 5th January 2014 indicating that she was serving as a Supply Chain Management Officer I job Group K. The same requested that the Commission sends an appointment letter showing clear terms of secondments to enable processing of her secondment. The same was sent on 6th of February 2014. The offer to Mrs. Saida was at Officer II in the Commission at a gross salary of KES 176,000. She signed the contract on 7th of February 2014.

The following issues were raised by the Commission on this matter:-

1. That job group K was too low for the position of Procurement Officer in the Commission and that a Supply Chain Management Officer I, is a junior officer in Government. The Commission required a Procurement Officer at the same level.
2. The salary attached to her position was a gross of KES 31,020 as at 17th April 2013. This was a further indicator of her level in GOK, thus confirming that she was too junior for the position of Procurement Officer in the Commission.

B: SENIOR ACCOUNTANT

Mr. Okal Narkisho was seconded to the Commission as Senior Accountant on 21st of February 2014. He reported to the Commission on 5th March 2014. He did not assume duties in the Commission.

The following issues were raised:-

1. A circular released from the National Treasury with a list of all seconded and transferred officers in the accounting field listed Mr.

Narkisho as an accountant and not a Senior Accountant as the Commission had requested.

2. That the officer had been working in Laikipia district. The Commission was concerned that the kind of exposure to financial management and IFMIS administration requested may not be met through the officer selected by the National Treasury.

Conclusion

In Line of the issues raised about the two officers, the Commission upon deliberation resolved that the two officers were not at the level the Commission had required the seconded officers to be.

Commission Decision

1. The Commission resolved to return the officers to the National Treasury as they did not meet the requirements of the Commission.
2. That the Commission will not pay the salary earned by the Procurement Officer as she was paid by the National Treasury.
3. The Commission resolved to advertise for the Accountant and Senior Procurement Officer alongside those of secretaries (- 4), PAs (2) to new Commissioners, drivers (2), sign language interpreter, and hire competitively.
4. That the advertisement for the positions be done immediately.

MIN/202/2014 ANNUAL LEAVE COMMUTATION FOR COMMISSIONERS

The Commission noted that due to a heavy work load, the Commissioners had not utilized all the leave days for the year 2013-2014. Upon deliberation it was agreed that a claim for commutation is put to the National Treasury as follows:-

- a) Chairperson 20 days as she had only utilized 10 days;
- b) Commissioner Gumato, 20 days as she had only utilized 10 days; and
- c) Commissioner Ndubai, 30 days as he had not utilized any of is leave days.

Decision

That the Commissioners will commute the balance of leave days not utilized.

MIN/203/2014 ADJOURNMENT

There being no other business, the meeting adjourned at 4pm with a word of prayer by

MINUTES SIGNED FOR CIRCULATION: *ROA*

Prof. Rose Odhiambo, HSC.
Commission Secretary / CEO.

MINUTES CONFIRMED THIS *2nd* DAY OF *April* 2013 *4*

SIGNED BY: *W. Lichuma*
Comm. Winfred Lichuma, EBS.
Chairperson

ROA
Prof. Rose Odhiambo, HSC.
Commission Secretary/CEO

APPENDIX- 3

Winfred Lichuma

From: Dr Florence Wachira
Sent: 03 July 2014 17:48
To: Commissioners; Winfred Lichuma; Winfred Lichuma; gumatoukur@yahoo.com; Gumato Ukur; ndubainjoni@yahoo.com; Florence Wachira
Subject: commission meeting on 13th July 2014
Attachments: COMMISSION MEETING ON 3RD JULY.docx; NGECE ORGANIZATION STRUCTURE AND STAFFING- MAY 2014 (2).doc

Chairperson and commissioners,

Please find attached notes of what we agreed on today(13th July) in our meeting to enable you start on what you were to do before the next meeting.

I have also emailed the structure document to all of you as agreed.

Kindly confirm receipt of both documents

I will appreciate

Kind regards and a good evening to you all

Comm.(Dr) Florence Nyokabi Wachira, MBS.

NOTES ON COMMISSION MEETING OF 3RD JULY, 2014

Note: These are not minutes but a reminder of what was agreed on today in our meeting.

PRESENT: Chairperson and all Commissioners

AGENDA

- Reflection on the training on corporate Governance held between 30th June and 2nd July 2014
- Key areas of Consideration in Improving how we do things as a Commission

1. REFLECTION ON THE TRAINING ON CORPORATE GOVERNANCE HELD BETWEEN 30TH JUNE AND 2ND JULY 2014

TAKE HOME MESSAGES

- i) We need to put our house in order
- ii) To work harmoniously by deciding how we shall communicate between ourselves and with the staff/ enhance team work
- iii) We need to re-think how we run the programs to avoid compartmentalization
- iv) Re-think about how to ensure the experience we get is useful for future careers / the role of the Chairperson in this?
- v) The need for the commission to take charge of what goes on in this organization
- vi) Need to think about our independence as a Commission vis a vis Government controls
- vii) Our vision, Mission to guide us
- viii) Need to refocus on our roles in Budgeting; work plans
- ix) How do we evaluate ourselves as a Commission?
- x) Need to Review / Finalize/ develop policy documents-follow up on approved ones for implementation
- xi) Commission should be the originator of programs
- xii) Commissioners are full time-how do we engage ourselves fully?
- xiii) What is our strategy and how do we firm up on an appropriate structure to implement / Finalize review of our organization structure/ suitability interviews? / possibility of replacing those not performing?
- xiv) Setting up of controls

2. KEY AREAS OF CONSIDERATION IN IMPROVING HOW WE DO THINGS AS A COMMISSION

- i) **Development of a Board Manual to contain:**
 - ✓ The Board Charter
 - ✓ Code of Conduct
 - ✓ Self-Evaluation as a Commission
 - ✓ Continuing Professional Development
 - (There is need for commissioners to check what others have included in Board Manuals-Benchmark)

ii) Communication Strategy

- ✓ -For internal and external Stakeholders
- ✓ -Commissioners to read the draft submitted by Management- TORs of the Consultancy to be availed to Commissioners
- ✓ -Chair to get in touch with Consultant to get him present to the Commission

iii) Commission Meetings

- ✓ To be held Monthly
- ✓ On last Thursday of the month
- ✓ Between 9.00 am-1.00pm
- ✓ Control of meeting to include that each commissioner will get at least 2 chances to respond to an issue under discussion
- ✓ Agenda to originate from the Chairperson in consultation with CEO but a Commissioner is free to propose an item of agenda to the Chair as need be

Monthly, the meeting will have

- reports on planned monthly activities
- reports of what has taken place (updates)

Quarterly, meetings will have : Committee reports/ management reports

- ✓ Important for Commissioners to remain respectful during the meeting especially in regard to language/ deal with issues not persons
- ✓ **Minute taking:**
The commission agreed the PA to the Chair to take minutes in Commission meetings
PA to be sworn to confidentiality
 - Minutes to be ready for distribution 3 days after the meeting
 - time lines for implementation of decisions by Commission to be decided in the Meeting
 - Chair to follow up as part of her supervision of CEO

IV Internal Controls

These to include Policies on:

- ✓ HR- Training/ discipline/leave/ induction(Commission to finalize on HR manual)
- ✓ Finance
- ✓ Procurement
- ✓ Risk- to cover IT/Finance/HR/Programs
- ✓ Audit

V) Budget

Commission to:

- ✓ get the GOK budget calendar ASAP
- ✓ Study the current budgetary provisions and donor money available for the year
- ✓ Reorganize budget to reflect activities to be undertaken in each program.
- ✓ decide on priority programs for this year
- ✓ Consider making heads of programs AIE holders(internally)

vi) Final accounts for the year 2013/2014 to be ready by end of July

-Commission to approve before 15th August, 2014

vii) Restructuring of NGE

- -Comm. Nyokabi to forward the structure agreed in commission meeting to commissioners
- -Commissioners to study it and think of how it can be improved and strategy for implementation
- to be discussed in commission meeting in the week beginning 14th July, 2014

viii) Internal Audit report to be discussed in next Commission meeting

- This is the report done by the audit committee on request by Chairperson

ix) Committees

The Commission proposed the following Committees. Each to be chaired by a Commissioner.

Suitable secretarial staff to be co-opted as Secretaries of the Committees

a) AUDIT Committee : Chair- Comm. Ndubai

Members: -Comm. Gumato
-Comm. Nyokabi

b) Finance and HR: Chair: Comm. Nyokabi

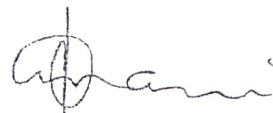
Member: Comm. Gumato

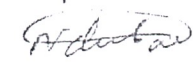
b) Programs Committee: Chair-Comm. Gumato

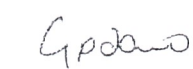
Member: Comm. Lichuma

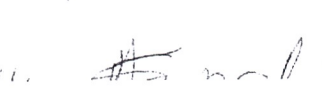
AGREED:

- Each committee to develop their TORs by 7th July, 2014 but these to be discussed in a 2 day meeting to be scheduled in the week beginning 14th July, 2014.
- The same meeting will finalize on the Budget allocations for the agreed priority activities for the year 2014/ 2015 and a work-plan for the Commissioners

WINEBOD LICHUMA 13/7/2014 

SIMON NDUBAI 13/7/2014 

Gumato UKW 13/7/2014 

~~Simon Ndubai~~ LICHUMA 13/7/2014 



MINUTES OF THE 28TH COMMISSION MEETING HELD ON MONDAY 21ST JULY, 2014 AT THE NGEC BOARDROOM.

Responsibility

PRESENT:

1. Commissioner Winfred Lichuma EBS. – Chairing
2. Commissioner Simon Ndubai – Vice Chairperson
3. Commissioner Gumato Ukur
4. Commissioner Dr. Florence Nyokabi MBS
5. Prof. Rose Odhiambo, HSC - Commission Secretary /CEO

IN ATTENDANCE:

1. Paul Kuria – Deputy Commission Secretary, Programs and Research
2. Juliana Mutisya - Deputy Commission Secretary, Finance, HR and Administration
3. Dona Anyona - Taking Minutes

WELCOMING REMARKS.

The meeting was called to order at 9.30 am by the Chairperson followed by a word of prayer from the Commission Secretary. The Personal Assistant to the Chairperson was introduced to the members having been sworn in on 21st July 23, 2014, to uphold utmost confidentiality in undertaking her new role of taking minutes for the Statutory Commissioners meetings.

MIN/ 236/2014: ADOPTION OF THE AGENDA.

The agenda below was adopted with proposals to include Committees of the Commission and regional offices. The approvals of programme activities for the 1st quarter and the procurement plan were removed from the agenda. The Deputy CEO's for Research and Programmes and Finance and Administration were to join the meeting during discussions on programmes and Finance.

APPENDIX- 4



Responsibilit

MINUTES NO2 OF 2012 OF COMMISSION MEETING ON 8TH NOVEMBER 2012 AT NGEAC BOARDROOM NSSF BUILDING 24TH FLOOR AT 10.00 AM

PRESENT

- 1. Winfred Lichuma - Chairperson
- 2. Tache Bonsa Gollo – Vice Chairperson
- 3. Naomy Wangai – Commissioner
- 4. Simon Joni Ndubai – Commissioner
- 5. Dr. Rose Odhiambo – CEO – Taking Minutes

OPENING REMARKS

The Chairperson called the meeting to order at 10.00am followed by a word of prayer from Commissioner Naomy.

MIN. 131/2012: AGENDAS

The following Agendas were tabled for discussion.

- 1. Apologies
- 2. Procurement
- 3. Staff training
- 4. Human resource policy
- 5. Commissioner Tache’s allowance
- 6. Work plan and budget 2012
- 7. Change of signatories
- 8. AOB

MIN. 132/2012: CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETING

Minutes were proposed by Comm. Tache and seconded by Comm. Naomy and confirmed as true record of the discussions

R.A.O.

The Chairperson informed commissioners on the following:

- The Commission will have to change some of the activities for Ford Foundation budget to realign them with NGEK work plan.
- IPAS alliance gave Commission Ksh.3 million and NGEK will be offering training on 12th -13th on ECOSOC rights. IPAS are procuring hotel and paying consultants while the Commission is paying for dinner and transport to and from the venue.
- UNFPA has not given funding, including handing over the vehicle to NGEK.
- Finish embassy have proposed funding Article 59 Commissions separately from the previous UNDP arrangement where money was pooled together in a basket and administered by Kenya National Commission on Human Rights.
- Ford Foundation funding will come in January 2013.
- DSW programme - Margaret Muthee will replace the late Charity Oduk who was on this program for further remainder of the period.
- Deaf person from Finnish embassy has proposed to visit the Commission on 26th November 2012, and the Commission is to be involved in facilitating a programme for the same with financial support from the Finnish Embassy.
- Disability money from office of High Commission on Human Rights has not been found because they have closed the year, we shall resubmit the proposal.

MIN. 133/2012: MATTERS ARISING FROM THE MINUTES

Office space: It was reported that earlier Abcorn House situated around Nyayo Stadium had been identified by the Commission, but the Tender Committee rejected it on security grounds. Procurement Office and the Commission Secretary are now working on acquiring Crescent Business Centre. So far, the Commission has secured the third floor of the same building and only a few issues remain before we can proceed to draw the contract for six year lease. The three issues being sorted out between the Commission, Ministry of Housing and Crescent Business managers are:-

1. **Deposit on rent:** The Land lord is seeking a three months deposit or a commercial bank bond of an equivalent amount. However, the government was insisting that they usually don't pay deposit on rent
2. **Legal fees:** The landlord further insists that the legal fees should be covered by the Commission. However, the Government has indicated that the GOK does prepare lease agreements including registration of lease at no cost to both the Commission and the landlord will not pay the legal fees.
3. **Guarantors:** The Landlord wanted the Commission (and for this matter, the government) to provide at least three guarantors to guarantee in case of default in payments. The government however indicates that they do not give guarantors and no institution or person can guarantee the Government.

The office space is at Crescent Business Center in Parklands. It is 13,852 SQ feet with 18 parking slots. The Commission approved this move and requested for this process to be fast tracked and facilitated as a matter of urgency.

Mr. Nyatuga's Party:

It was reported by the CEO that Mr. Nyatuga came and handed over, and the handing over report which was forwarded to the Chairperson. It was also reported that the SEWELA Lodge sent a cheque of Ksh 500,000/= in a postdated form. It was proposed that the Commission wait for the cheque to mature before paying final benefits to Mr. Nyatuga since he was in charge of the transaction at the time the double payment was made.

Audit of Accounts:

The Commission was informed that Audit of NGEC Government Account is ongoing at the National Audit Office and the Chairperson had not been notified. UNFPA Account had been Audited and the report will be communicated officially to the Commission Secretary. The CEO was asked to fast track this and report accordingly.

CEO

Recruitment of NGEC Commissioner:

It was reported that the Chairperson is following on the recruitment of the Commissioner but there is no timeframe for the appointment. Interviews had been done but the Office of the President in consultation with the Prime Minister has not submitted the same for approval by Parliament.

Chair

Interview updates:

The interviews for the Deputy Secretary Programmes and Research, Internal Auditor and Procurement Officer were conducted successfully on 5th, 6th and 7th of November 2012 respectively, by Commissioners Lichuma, Tache, Naomy and Ndubai

MIN. 134/2012: PROCUREMENT

The Commission was informed that the Deputy Commission Secretary Finance and Administration, Ms. Juliana Mutisya was temporarily appointed to Chair the Tender Committee as the Commission reorganized various Committees. The Commission agreed that Ms Juliana will chair the Tender Committee temporarily till the Deputy Commission Secretary, Programmes and Research reports.

MIN. 135/2012: STAFF TRAINING:

The Commission was informed that retreat with the Ministry of Gender, Children and Social Development and the National Gender and Equality Commission had been proposed and the dates for the meeting will be reconciled with strategic plan meeting. The CEO and Chairperson consult on this and inform the Commissioners.

CEO and Chair

MIN. 136/2012: HUMAN RESOURCE POLICIES

Consultants from the Department of Personnel Management currently Ministry of State for Public Service who have been recruited to develop the NGEN Human Resource Manual have engaged Commission Staff at various levels to enable them come up with the Human Resource Manual. It was reported that the Consultants have requested to meet with Commissioners individually to share with the Commissioners the Human Resource Policy issues on 9th November, 2012, as follows:

- ❖ Comm Naomy- 9:00am
- ❖ Comm Tache - 10:00am
- ❖ Comm Ndubai - 11:00am

It was further noted that the team had already met with the Chairperson.

MIN. 137/2012: COMMISSIONER TACHE'S ALLOWANCES

Report on payment of accommodation allowance to Commissioner Tache Bansa Gollo while on official duty between 1st September 2011 to 6th August 2012 :Reference was made to the letter Ref. NGEN/208/2012, dated 22nd August 2012 addressed to the Chairperson of NGEN The details of the pending payments are stated below:

- 1) 14th November 2008: With reference to the minutes for the Special Board meeting held on Friday 14th November, 2008 at NSSF building NCGD Board room at 9.00 a.m- Min 15/2008 on review of sitting and accommodation allowance for Commissioners, the Board approved an increase of accommodation allowance from Kshs, 4,000 to Kshs. 8,000, which was paid in arrears effective 1st July, 2008. Reference Document - (Guidelines on terms and conditions of service for state corporations' Chief Executive Officers, Chairmen and Board Members, Management staff and Unionisable staff – pg 41)
- 2) On 28th June 2010, the then Board of NCGD approved the payment of accommodation allowance of kshs. 13,000 per day to Commission staff effective 1st July 2010. The only Commissioner then who served on full time term basis was the Chairperson of the Commission. This rate was also used whenever any of the other Commissioners who were on part time terms accompanied the Commission

READ



staff for field activities.

- 3) However Commissioner Tache's accommodation rate while on official duty in Nairobi was not adjusted from Kes. 8,000 to kshs.13,000 with effect from 1st July 2010, since minute 13/2010 on the Director's report was not clear on whether the adjustment of the accommodation allowance included Commissioners or not. Reference document (Director's report presented to the Board meeting held on 28th June, 2010 – 7.8). However on all other occasions when the Commissioner was on official duty he was paid accommodation allowance at Kes. 13,000.
- 4) On 6th August 2012, the Board of National Gender and Equality Commission approved payment of accommodation allowance of Kshs. 13,000 to Commissioner Tache while on official duty both in and outside Nairobi based on a circular from Salaries and Remuneration Commission ref. no. SRC/AG/VOL.1(19) dated 25th June 2012.

The Commission Secretary noted that the claim was for a period when she was not at the Commission. Enclosures: The supporting documents are annexed for confirmation.

This has been a Commission's pending issue for some time. The Commission Secretary sought the approval of Commissioners to pay Commissioner Tache Ksh.780,000, which was pending allowances for the previous year, 2011 as stated above.

Way forward

It was discussed and agreed that the documents produced showed there was underpayment. The Commission authorized the Commission Secretary to pay sum of Kshs.780, 000/= (seven hundred and eighty thousand only) to Commissioner Tache.

Pending statutory deductions

The Commission discussed and endorsed payment of the late statutory deductions amounting to KES-1,776,816, (PAYE on board allowances, KES 1,227,000, PAYE on Commissioners mobile allowances, KES 9,000, PAYE on staff gratuity, KES 322, 736, withholding tax on consultancies, KES 218,080). The Commission directed that there should be no more claims on errors on payments given to Commissioners for previous years. The Commissioners proposed inclusion of Financial Management System on NGECE finances which will be discussed by the Deputy Commission Secretary, Finance and Administration on 26th November, 2012. The Commission also directed that Ms. Emily Moraa who was the Accountant during the last financial year be given a warning letter to show cause why statutory deductions for last financial year delayed.

CEO

RAO



MIN. 138/2012: WORK PLAN AND BUDGET FOR 2012/2013

It was reported that the Commission was directed by Treasury to reduce most of its activities in the work plan, and align them with the available funds allocated to NGEC of Ksh.280,000,000 (two hundred and eighty million only) and resubmit the work plan and budget to Treasury.

It was proposed that the Chairperson go to Treasury to meet with the Permanent Secretary on budget reallocation on Tuesday 13th November, 2012. The purpose of meeting with the Permanent Secretary Ministry of Finance will be to ask for more money for County offices, rents, recruitments of more staff, programmes, office space and vehicles.

MIN. 139/2012: CHANGE OF SIGNATORIES

The Commission Secretary raised concerns on whether the Commissioners should be signatories to the accounts. The Secretary suggested that only the Commission Secretary/CEO and Deputy Commission Secretary Finance and Administration be signatories to the NGEC bank accounts and that if more signatories are needed then the Commission will decide. It was noted that Commissioners and Chairpersons in other Commissions are appointed signatories to bank accounts and NGEC need to adopt best practices from other Commissions. The Commission discussed and resolved that Chairperson Winfred Lichuma, Commissioner Simon Ndubai, Dr. Rose Odhiambo and Juliana Mutisya be signatories to the Bank Accounts as listed below: -

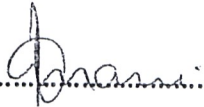
Account Name	Bank	Branch	Account Number	Previous Signatories	Current Signatories
National Gender and Equality Commission	Equity Bank	Community Corporate Branch	'0180293747588	<ul style="list-style-type: none"> • Emily Ongaga • Chairperson Winfred Lichuma • Comm. Simon Ndubai 	<ol style="list-style-type: none"> 1. Chairperson: Winfred Lichuma 2. Dr. Rose Odhiambo 3. Comm. Simon Ndubai 4. Juliana Mutisya
National Gender and Equality Commission	Kenya Commercial Bank	Milimani Branch	'1103269267	<ul style="list-style-type: none"> • Emily Ongaga • Chairperson Winfred Lichuma • Comm. Simon Ndubai 	<ol style="list-style-type: none"> 1. Chairperson: Winfred Lichuma 2. Dr. Rose Odhiambo 3. Comm. Simon Ndubai 4. Juliana Mutisya
National Gender and	Commercial Bank of Africa	Westlands Branch	6606470017	<ul style="list-style-type: none"> • Emily Ongaga • Chairper 	<ol style="list-style-type: none"> 1. Chairperson: Winfred Lichuma 2. Dr. Rose

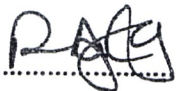
Equality Commission				son Winfred Lichuma • Comm. Tache Bonsa Gollo	Odhiambo 3. Comm. Simon Ndubai 4. Juliana Mutisya
National Gender and Equality Commission	Commercial Bank of Africa	Milimani Branch	6606470025	• Emily Ongaga • Chairperson Winfred Lichuma • Comm. Tache Bonsa Gollo	1. Chairperson: Winfred Lichuma 2. Dr. Rose Odhiambo 3. Comm. Simon Ndubai 4. Juliana Mutisya

There being no other business the meeting closed at 6.15 p.m. and the next date for special meeting to discuss finance was proposed to be on 26/11/2012 at 2.30 p.m. at the Commission's Boardroom.

MINUTES CONFIRMED THIS 28TH DAY OF DECEMBER 2012

SIGNED BY:


.....
Comm. Winfred Lichuma
Chairperson


.....
Dr. Rose Odhiambo
Commission Secretary/CEO



APPENDIX- 5

NATIONAL GENDER AND EQUALITY COMMISSION
PAYROLL FOR THE MONTH OF MARCH 2014



PAY MONTH	Mar-14
PIROLL NO.	
NAME	Nzioka John Nzomo
DEPT	Programme Officer
BASIC(Monthly)	110,000.00
House Allowance	30,000.00
Responsibility Allowance	30,000.00
Telephone allowance	6,000.00
Domestic Servant	
Tranport Allowance	25,000.00
Entertainment Allowance	
Leave Allowance	
ARREARS/GRATUITY	
Overtime Allowance	
Leave	
Total Emoluments	201,000.00
TAX FREE DEDUCTION	-00
Less Tax Free Amount	
OWNER OCCUPIER INTEREST	
PERSONS WITH DISABILITY TAX EXEMPTION	150,000.00
Pension Contribution to be Taxed	51,000.00
GROSS	51,000.00
TAX CHARGED	10,394.40
MONTHLY PERSONAL RELIEF	1,162.00
INSURANCE RELIEF	
TAX DEDUCTED	9,232.40
PENSION	
NSSF	200.00
NHIF	320.00
PENSION	
SACCO CONTRIBUTION	
LIFE ASSURANCE PREMIUMS	
TAX UNDERPAYMENT	
SALARY ADVANCE	
STAFF WELFARE FUND	750.00
HELB	
Co-operative Bank	
Commercial Bank of Africa	
TOTAL DEDUCT.	10,502.40
NET PAY	190,497.60
P/MENT (0=BANK,1=CHEQUE)	
O/T 1 x2	-00
SACCO BENEVOLENT FUND YTD	
SACCO LOAN REPAYMENTS YTD	
PENSION YTD	
BANK TRANSFER	190,497.60

Nzioka John Nzomo

Prof. Rose Ogwang Odhiambo
Commission Secretary/CEO

APPENDIX- 6

NATIONAL GENDER AND EQUALITY COMMISSION
PAYROLL FOR THE MONTH OF MARCH 2014



PAY MONTH	Mar-14
PIROLL NO.	
NAME	Nzioka John Nzomo
DEPT	Programme Officer
BASIC(Monthly)	110,000.00
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Tranport Allowance	25,000.00
Entertainment Allowance	
Leave Allowance	
ARREARS/GRATUITY	
Overtime Allowance	
Leave	
Total Emoluments	201,000.00
TAX FREE DEDUCTION	-00
Less Tax Free Amount	
OWNER OCCUPIER INTEREST	
PERSONS WITH DISABILITY TAX EXEMPTION	150,000.00
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GROSS	51,000.00
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MONTHLY PERSONAL RELIEF	1,162.00
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NSSF	200.00
NHIF	320.00
PENSION	
SACCO CONTRIBUTION	
LIFE ASSURANCE PREMIUMS	
TAX UNDERPAYMENT	
SALARY ADVANCE	
STAFF WELFARE FUND	750.00
HELB	
Co-operative Bank	
Commercial Bank of Africa	
TOTAL DEDUCT.	10,502.40
NET PAY	190,497.60
PIMENT (0=BANK,1=CHECKUE)	
O/T 1 x2	-00
SACCO BENEVOLENT FUND YTD	
SACCO LOAN REPAYMENTS YTD	
PENSION YTD	
BANK TRANSFER	-00

Nzioka John Nzomo

Prof. Rose Ogwang Odhiambo
Commission Secretary/CEO

APPENDIX- 7



MINUTES OF THE 25TH COMMISSION MEETING HELD ON TUESDAY 15TH APRIL, 2014 AT THE NGEC BOARD ROOM.

PRESENT

1. Chairperson Winfred Lichuma, EBS – Chairing the meeting
2. Commissioner Simon Joni Ndubai
3. Commissioner Dr. Florence Nyokabi MBS
4. Commissioner Gumato Ukur
5. Prof. Rose Odhiambo, HSC – Commission Secretary/CEO – Taking Minutes

Preliminaries

The Chairperson called the meeting to order at 9.30am followed by a word of prayer from Prof. Rose Odhiambo, Commission Secretary.

MIN/200/2014 Adoption of Agenda

The agenda was to approve Commission documents which was adopted following proposal by Comm. Dr. Florence Nyokabi and seconded by Comm. Gumato.

MIN/201/2014 Chairpersons Communication

The Chairperson welcomed members to the meeting and Commissioner Dr. Florence Nyokabi to the Commission, since it was her first meeting after her swearing in and gave highlights of the NGEC target groups and strategic Plan.

Reported:

- i) That Commissioners are conveners of different programs giving strategic direction, fundraising while secretariat to do actual implementation as technical people.

- ii) That operation of the Commission is guided by NGEC Act, 2011 and the Constitution through leadership of the Chairperson.
- iii) That Commission programs are divided in thematic areas and that each area is convened by a Commissioner as follows: -

S/NO.	CONVENOR	THEMATIC AREA
1.	Chairperson Winfred Lichuma	i) Gender and Women Department ii) Legal and Investigations Department iii) ECOSOC Department
2.	Comm. Simon Ndubai	i) Disability and Elderly Department ii) Youth and Children Department
3.	Comm. Gurnato Ukur	i) Minority and Marginalized Department

Noted:

- i) That there is need to re-define NGEC structure and get senior staff on board since the earlier recruitment conducted was done at lower level. That staff placement has not been concluded due to different views and opinions on the entry levels.
- ii) That there is need to streamline the relationship between the Commission and Secretariat since respect, tolerance and value for each other is vital to the relationship between Commissioners and the Secretariat while focusing on the agenda of the Commission.
- iii) That there is need to respect and implement resolutions by the Commission, which are implemented by the Secretariat with the supervision of the chairperson.

MIN/202/2014 Approval of Documents

i) Organizational Structure and Staffing

The Commission approved the document with corrections to be effected by Commissioner Dr. Florence who requested for a soft copy to be availed by DPSM.

Agreed Staffing Levels:

Discussed & Agreed

- That there will be two main divisions:
 - i. Research and Programmes Division
 - ii. Corporate Affairs Division
- That there will be seven programmes each with eight officers and which shall be structured as tabled below:

a) Head Offices

S/NO.	DEPARTMENT	DESIGNATION	NO. OF POSTS	TOTAL NO. OF OFFICERS
1.	Office of the Chairperson	i) Senior Programme Officer (PA to the Chairperson) ii) Personal Secretary 1 / Senior Personal Secretary / Executive Secretary iii) Senior Driver iv) Office Assistant I/Senior /Chief	1 2 1 2	6
2.	Office of a Commissioner	i) Senior Programme Officer (PA to the Commissioners) ii) Personal Secretary 1 / Senior Personal Secretary / Executive Secretary iii) Senior Driver iv) Office Assistant	1 1 1 1	4
3.	Office of the Commission Secretary	i) Senior Programme Officer (PA to the CEO) ii) Personal Secretary 1 / Senior Personal Secretary / Executive Secretary iii) Senior Driver iv) Office Assistant I/Senior	1 2 1 2	6
4.	Information Communication Technology & Documentation Department	i) Manager ii) ICT Officers	1 3	4

5.	Supply Management Department	Chain	i) Manager ii) Senior Supply Chain Mgt Officer iii) Supply Chain Mgt. Officers iv) Stores Clerk	1 1 2 2	6
6.	Internal Audit Unit		i) Manager ii) Internal Auditors	1 3	4
7.	Finance Unit		i) Director, Cooperate Affairs ii) Finance Manager iii) Finance Officer iv) Senior Accountant v) Accountants I/II/III vi) Accounts Clerk	1 1 1 1 3 5	12
8.	Human Resource Unit		i) Manager ii) Assistant Manager iii) Assistant Admin. Officer	1 1 1	3
9.	Communication Public Unit (Under Cooperate Affairs)		i) Manager ii) Front Office iii) Librarian	1 2 2	5
10.	Administration Unit		i) Administration Manager ii) PRO-Assistant Manager iii) Secretarial Assistants II/I/Senior/Executive iv) Drivers II/I/Senior v) Office Assistants vi) Security Officers III/II/I vii) Clerical Officers	1 1 11 11 6 2 5	37
11.	Programmes Research Division	&	i) Director ii) Programme Manager iii) Asst. Programme Mgr iv) Programme Officers v) Assistant Programme Officers vi) Legal & Investigation Manager vii) Asst. Legal & Invest Manager viii) Legal & Investigation Officer ix) Assistant Legal &	3 7 7 21 21 21 1 1 4	69

[Handwritten signature]

	Investigation Officer	4	
TOTAL NO. OF PROPOSED OPTIMAL STAFFING LEVELS AT HQs			163

b) Regions/County Offices

The Commission proposed operation in the 47 counties each with 10 officers;

S/NO.	AREA	DESIGNATION	NO. OF POSTS	TOTAL NO. OF OFFICERS
1	Regions	i) Chief Programme Officer ii) Senior Legal Officer iii) Programme Officer II/I/Senior iv) Accountant III/II/I v) Supply Chain Management Officer III/II/I vi) Secretarial Assistant II/I/Senior vii) Driver II/I/Senior	1 1 3 1 1 1 1	9
2.	Counties	i) Assistant Programme Manager ii) Legal Officer iii) Programme Officer II/I iv) Accountant III/II v) Supply Chain Management Officer III/II vi) Secretarial Assistant II/I vii) Driver II/I/Senior	1 2 3 1 1 1 1	10
NB. TOTAL NO. OF PROPOSED OPTIMAL STAFFING LEVELS IN COUNTIES IS 470 @ 10 PER COUNTY.				

Agreed:

That the total number of officers to be deployed in counties would be 470 in



a progressive manner.

Attached is the agreed structure of NGECC.

ii) Career Progression Guidelines

Noted;

That seniority had not been reflected in the career progression guideline document and that job descriptions had not been well described.

Agreed;

- i) That the two documents (career progression guidelines and organizational structure and staffing) be merged with salaries progressing with no progression in job titles.
- ii) That one document containing organizational structure and staffing levels be merged with job descriptions, which will hence be used in staff placement.

MIN/203/2014 AOB

There being no other business, the meeting ended at 8.45pm with a word of prayer from Prof. Rose Odhiambo, the Commission Secretary.

MINUTES CONFIRMED THIS 21st DAY OF July 2014

SIGNED BY:



.....
Comm. Winfred Lichuma, EBS
Chairperson



.....
Prof. Rose Odhiambo, HSC
Commission Secretary/CEO