



OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

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# HUMAN RESOURCE POLICIES AND PROCEDURES MANUAL

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APRIL 2022

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Second edition



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OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

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# **HUMAN RESOURCE POLICIES AND PROCEDURES MANUAL**

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April, 2022

## FOREWORD

The Office of the Director of Public Prosecutions (ODPP) was established under Article 157 of the Constitution of Kenya 2010, to offer professional, efficient, and effective prosecution services that draw public confidence and meet the best international standards, principles, and practices.

The Director of Public Prosecutions (DPP) exercises State Powers of Prosecution including the power to institute and undertake criminal proceedings before any court other than a Court Martial. The prosecution powers are vested in the DPP and the officers working under him. The DPP remains accountable to the public regarding the performance of his mandate.

In this regard, the ODPP strives to serve the public by providing quality, impartial and timely prosecution services anchored on the values and principles enshrined in the Constitution.

The ODPP is a critical player in the criminal justice system. There is, therefore, a strong need to draw public confidence by ensuring that integrity and accountability are upheld in the discharge of its mandate.

Recent times have seen the emergence of new and complex forms of crimes such as terrorism, cybercrime, human trafficking, organized crimes and economic crimes, among others. This therefore, requires a modern, efficient and effective prosecution service with a high degree of professionalism, dedication, well-compensated personnel, continuous capacity building and a conducive working environment.

The Human Resource Policies and Procedures Manual has been reviewed to enable the ODPP achieve its mandate. The Manual incorporates all relevant provisions and guidelines that are applicable in the management of Human Resource issues. In this regard it is important that the Manual should be read along with other relevant provisions and legislations where applicable.

The ODPP is committed to the implementation of this Manual which will go a long way in enhancing our ability to attract, retain and motivate our staff who are our most valued resource.

This Manual is applicable to all employees of the ODPP and will be reviewed from time to time to reflect the changing social and economic conditions. Clarifications on any provision should be sought from this office.



**NOORDIN M. HAJI, CBS, OGW**  
**DIRECTOR OF PUBLIC PROSECUTIONS**

## ACKNOWLEDGEMENT

The ODPP Human Resources Policies and Procedures Manual has been developed through a participatory approach and is a result of concerted efforts and collaboration between various members of the ODPP senior management team, members of staff, and the HR Policies review Committee under the overall leadership and guidance of the Director of Public Prosecutions, Noordin Haji, CBS, OGW.

I extend my gratitude to all those who worked hard to finalize the development of this manual that will play a significant role in helping the ODPP to operationalize our Excellence Charter and align our practices to the ever-changing work environment.

In particular, I appreciate the leadership and support of the DPP for his vision and stewardship. I am also grateful to the Heads of Departments and Deputy Directors for their input and feedback in the review and development of the policies and procedures.

The Office is also grateful to our development partners particularly the European Union and the United Nations Office of Drugs and Crime (UNODC) who provided a consultant who assisted in the preparation of the policies and provided guidance on best practices.

Lastly, I thank the HR Policies Manual Review Committee members led by Mrs. Jacinta Nyamosi, OGW for their commitment in the whole process of finalizing the revised policies.

To those who contributed directly or indirectly to the successful preparation of this HR Policies and Procedures Manuals and have not been mentioned in this short statement you are appreciated most sincerely.



**DORCAS ODOUR, EBS, OGW, SC  
SECRETARY, PUBLIC PROSECUTIONS**

## DEFINITION OF TERMS

The following terms will have the meanings specifically assigned to them in this manual as follows:

<b>Affirmative Action:</b>	Action taken on temporary basis in favour of a disadvantaged group so as to enhance equity.
<b>Basic Salary:</b>	Monthly rate of pay excluding allowances.
<b>Bullying:</b>	Behavior of a persistent nature (verbal or physical), which is offensive, abusive, intimidating, malicious or insulting which ultimately aims to undermine and harass the victim.
<b>Career development:</b>	A lifelong process of managing learning, work, leisure and transitions in order to move toward a personally determined and evolving preferred future. Career Path means the various positions an employee moves as they grow in an organization.
<b>Common cadre:</b>	Progression scales in the service where employees progress without necessity of an interview provided, they meet the requirements as provided for in the scheme of service.
<b>Conflict of Interest:</b>	Any interest, financial or otherwise, in any business or professional service or activity or any obligation which may interfere with the ability to objectively perform, or impair, or appear to impair, independent judgement and decision making in carrying out job duties and/or other assigned responsibilities or obligations of the ODPP.
<b>Consolidated Salary:</b>	Gross Salary which is basic salary and all other allowances payable to the employee.
<b>Child:</b>	Biological offspring or legally adopted child under the age of 25 years who is unmarried and unemployed and are wholly dependent on the employee.
<b>Disability:</b>	Means a physical, sensory or mental impairment including any visual, hearing, learning or physical incapability which impacts negatively on social, economic or environmental participation.
<b>Disability</b>	Mainstreaming: Disability mainstreaming means a strategy through which concerns, needs and experiences of Persons with disabilities are made an integral part or dimension of the design, budgetary allocation, implementation, monitoring and evaluation, and reporting of policies and programmes in all political, economic and societal spheres so that Persons with disabilities benefit equally and inequality is not perpetuated.
<b>Discrimination:</b>	Means actual behavior towards an individual or group which involves excluding or restricting them from opportunities that are available to others on the basis of gender, race, tribe, color, religion or creed, national origin, political persuasion, disability, history of disability, pregnancy and HIV/AIDS status.
<b>Disciplinary Proceedings:</b>	Mean quasi-judicial proceedings which commence with the service of the show-cause letter to the employee being disciplined.
<b>Disciplining Authority:</b>	Means the designated officer competent to impose any of the penalties on the employee facing disciplinary action.
<b>Diversity:</b>	Means recognising and embracing the contribution of people with differences in background, experience and perspectives.
<b>Employee:</b>	Means a person employed for wages or a salary and includes an apprentice and trainees undergoing the ODPP induction course.
<b>Family:</b>	Means the employee's spouse, children and immediate parents.
<b>Financial year:</b>	Means the period from 1st July to 30th June of the following year.
<b>Fixed-Term Contract:</b>	Means the engagement of a person for a fixed duration.

<b>Human Resources Advisory Committee (HRAC):</b>	Unless otherwise specified, HRAC shall mean HRAC at the National level.
<b>Increment:</b>	Means an increase of salary granted on the basis of satisfactory job performance at regular intervals until the maximum salary point of the Job Group is reached.
<b>Line Manager:</b>	A employee who directly manages other employee(s) and is responsible for the administrative and functional supervision and management of employees.
<b>Marginalized group:</b>	As defined in Article 260 of the Constitution is - a group of people who, because of laws or practices before, or after the effective date, were or are disadvantaged by discrimination on one or more of the grounds in Article 27 (4) of the Constitution.
<b>Misconduct:</b>	To be construed in the light of the ODPP Code of Conduct and Ethics as improper behaviour, intentional wrong doing, deliberate violation of rules or standard of behaviour or culpable neglect of duty.
<b>Persons with disabilities:</b>	Includes those who have long term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.
<b>Preliminary Inquiry/ Investigation:</b>	A fact-finding inquiry to ascertain the truth or otherwise of the allegations contained in the information or complaint.
<b>Principles of natural justice:</b>	Not defined in any Code or Law or Rules but the concept is fairly crystalized through judicial pronouncements and covers three important principles:  No one shall be a judge in his or her own cause.  No one shall be condemned unheard, which is a right of either party to be heard.  Justice should not only be done but it should appear to be manifestly done.
<b>Probationary period:</b>	Means a period during which a new employee's suitability to serve in the ODPP is observed.
<b>Public Holidays:</b>	Means holidays declared as such by the Constitution and the Government of Kenya.
<b>Relative:</b>	Means spouse, children, father, mother, father in-law and mother in-law, brothers, sisters, step brothers/sisters, uncle, aunt, grandparent, grandchildren.
<b>Remunerative Allowance:</b>	Means those allowances paid to an employee, in addition to a salary as a form of compensation for additional responsibilities.
<b>Secondment:</b>	Means permitting an employee to serve in another public organization and vice versa for a specific period of time.
<b>Secretary:</b>	Means the Secretary of Public Prosecution in the ODPP.
<b>Sexual Harassment:</b>	Means any person, who being in a position of authority or holding a public office, persistently makes any sexual advances or requests which she or he knows, or has reasonable grounds to know, are unwelcome.
<b>Show-cause letter:</b>	A formal document communicating the charges framed against an employee who is alleged to have committed a misconduct.
<b>Spouse:</b>	Means a wife or husband of an employee.
<b>Staff Establishment:</b>	Means approved number of positions, designations and departments.
<b>Staff member:</b>	Means any person engaged in the service of the ODPP including contractors and volunteers who may not necessarily hold legal employment positions.
<b>Staff upgrading:</b>	Means upgrading of positions resulting from review of scheme of service, restructuring or job evaluation.
<b>Note:</b>	Unless otherwise stated or implied, words in the masculine gender include the feminine gender; words in the plural include the singular and words in the singular include the plural.

## ACRONYMS AND ABBREVIATIONS

<b>AA</b>	Automobile Association
<b>AIDS</b>	Acquired Immunodeficiency Syndrome
<b>ART</b>	Anti Retroviral Therapy
<b>DEI</b>	Diversity, Equity and Inclusion
<b>DPP</b>	Director of Public Prosecutions
<b>EAP</b>	Employee Assistance Program
<b>GLA</b>	Group Life Assurance
<b>GPA</b>	Group Personal Accident
<b>HoD</b>	Head of Department
<b>HRAC</b>	Human Resource Advisory Committee
<b>HRD</b>	Human Resource Development
<b>HRM</b>	Human Resource Management
<b>ICT</b>	Information and Communications Technology
<b>ICU</b>	Internal Compliance Unit
<b>KRA</b>	Kenya Revenue Authority
<b>KSL</b>	Kenya School of Law
<b>MLA</b>	Mutual Legal Assistance
<b>NCPWD</b>	National Council for Persons with Disabilities
<b>NHIF</b>	National Hospital Insurance Fund
<b>NSSF</b>	National Social Security Fund
<b>ODPP</b>	Office of the Director of Public Prosecutions
<b>PAS</b>	Performance Appraisal System
<b>PAYE</b>	Pay As You Earn
<b>PIP</b>	Performance Improvement Plan
<b>PTI</b>	Prosecution Training Institute
<b>PWD</b>	Persons With Disabilities
<b>WIBA</b>	Work Injury Benefits Act



## ODPP MANDATE AND CORE FUNCTIONS

The ODPP is Kenya's national prosecuting authority established under Article 157 of the Constitution 2010. Prosecution is guided by the Constitution, the ODPP Act 2013, the Criminal Procedure Code and the National Prosecution Policy and Guidelines. The mandate of the ODPP is to exercise state powers of prosecution and may institute, undertake, take over and terminate criminal proceedings against any person before any court apart from a court martial. In addition, the Director of Public Prosecutions (DPP) may also direct the Inspector General of the National Police Service to investigate any information or allegation of criminal conduct.

The core functions of the ODPP include prosecution of those charged with criminal offences while upholding, protecting and promoting human and constitutional rights. Specifically, the functions are: -

- (i) To institute and undertake criminal proceedings against any person before any court of law other than a court martial in respect of any offences alleged to have been committed by that person;
- (ii) To direct investigation and supervise the conduct of criminal investigations;
- (iii) To handle matters relating to international relations including extradition and Mutual Legal Assistance (MLA);
- (iv) To advise Government Ministries, Departments and State Corporations on matters pertaining to the application and development of criminal law;
- (v) To monitor, train, appoint, and gazette public prosecutors;
- (vi) To facilitate victims of crime and witnesses during prosecution; and
- (vii) To contribute and influence to policy, procedure and law reform.

## VISION, MISSION AND CORE VALUES

**Vision:** A just, fair, independent and responsive prosecution service.

**Mission:** To provide an impartial, effective and efficient prosecution service to all.

**Clarion Call:** *Mashtaka yenye haki na usawa.*

**Core Values:** The ODPP is committed to providing high quality prosecution service guided by the following Core Values:

1. **Integrity:** We shall uphold high levels of honesty, ethics and confidentiality in all our operations.
2. **Independence:** The DPP's decisions will not be subject to influence and/or interference from any person or institution but will be only guided by the rule of Law.
3. **Transparency:** We shall be open in provision of our services and shall endeavor to share relevant information through our official communication channels.
4. **Accountability:** We shall be answerable to the public while executing our mandate.
5. **Professionalism:** Excellence, efficiency and effectiveness shall be the guiding pillars in the delivery of prosecution services.
6. **Innovativeness:** We shall strive to ensure timeliness, continual improvement, individual initiative and innovation.
7. **Team Spirit:** The ODPP shall promote unity and respect for diversity amongst its staff and stakeholders to achieve its mandate.

**CONTENTS**

**FOREWORD ..... iv**

**ACKNOWLEDGEMENT ..... v**

**DEFINITION OF TERMS ..... vi**

**ACRONYMS AND ABBREVIATIONS ..... viii**

**ODPP MANDATE AND CORE FUNCTIONS ..... ix**

**VISION, MISION AND CORE VALUES ..... x**

**SECTION A: INTRODUCTION ..... 1**

    1.1 Purpose..... 1

    1.2 Objectives of the Manual ..... 1

    1.3 Policy review and circulation ..... 1

    1.4 Institutional Framework..... 2

**SECTION B: DIVERSITY EQUITY AND INCLUSION ..... 8**

    2.1 Introduction .....8

    2.2 Mechanisms for Institutionalizing Diversity at the ODPP.....8

    2.3 Gender Policy ..... 10

    2.4 Disability Policy..... 12

    2.5 Minorities and Marginalised Groups..... 15

    2.6 Age Diversity ..... 15

**SECTION C: TERMS AND CONDITIONS OF SERVICE..... 16**

    3.1 General Provisions ..... 16

    3.2 Workforce Planning ..... 16

    3.3 Appointments.....17

    3.4 Recruitment and Selection Policy..... 19

    3.5 Induction, Orientation and Onboarding Policy.....26

    3.6 Banding of Prosecutors .....29

**SECTION D: REMUNERATION AND BENEFITS ..... 33**

    4.1 Policy Statement..... 33

    4.2 Basis for pay determination..... 33

    4.3 Grades..... 33

    4.4 Salary Scales ..... 33

    4.5 Commencement of Salary ..... 33

    4.6 Payment of Salary ..... 34

    4.7 Salary Increments ..... 34

    4.8 Salary deductions ..... 34

    4.9 Salary Advance ..... 35

    4.10 Allowances..... 35

    4.11 Benefits.....40

    4.12 Retirement Benefits .....40

<b>SECTION E: LEAVE MANAGEMENT .....</b>	<b>42</b>
5.1 Policy Statement.....	42
5.2 Introduction .....	42
5.3 Categories of Leave .....	42
5.4 Annual Leave.....	42
5.5 Maternity Leave .....	43
5.6 Paternity Leave.....	43
5.7 Sick and Convalescence Leave .....	43
5.8 Rates of Sick Leave/Convalescence Leave.....	44
5.9 Compassionate Leave.....	44
5.10 Leave for Sportsmen /Women.....	44
5.11 Unpaid Leave.....	44
5.12 Terminal Leave.....	45
5.13 Paid Study Leave/Unpaid Study Leave .....	45
5.14 Leave for Examination .....	45
5.15 Sabbatical Leave.....	45
5.16 Adoption Leave .....	45
5.17 Compulsory Leave.....	45
5.18 Emergency Leave .....	46
5.19 National Days and Public Holidays .....	46
5.20 Working Remotely .....	46
<b>SECTION F: WORK RELATED TRAVEL .....</b>	<b>48</b>
6.1 Introduction .....	48
6.2 Eligibility for Transport .....	48
6.3 Drivers .....	48
6.4 Transport Work Ticket.....	48
6.5 Use of ODPP Vehicles .....	48
6.6 Accident Procedure .....	49
6.7 Use of a Personal Vehicle.....	49
6.8 Travel by Air .....	49
6.9 Rail Transport .....	49
6.10 Use of taxis .....	49
6.11 Travelling for Interview .....	49
6.12 Transport Facilities on Bereavement.....	49
<b>SECTION G: TRAINING AND DEVELOPMENT .....</b>	<b>50</b>
7.1 Introduction .....	50
7.2 Training Objectives .....	50
7.3 Job Rotation and Mentoring.....	50
7.4 Sponsorship for Educational and Professional Training .....	50
7.5 Eligibility for Training and general guidelines.....	50
7.6 Refund of Tuition and Examination Fees.....	51
7.7 Selection for training.....	51
7.8 Conditions Applicable to Staff on Training .....	51
7.8.15 Coordination of Internship and Pupilage.....	54

<b>SECTION H: PERFORMANCE MANAGEMENT .....</b>	<b>55</b>
8.1 Introduction .....	55
8.2 Objectives .....	55
8.3 Scope of Application.....	55
8.4 Guiding Principles.....	56
8.5 Appraisal System.....	56
<b>SECTION I: SUCCESSION PLANNING .....</b>	<b>64</b>
9.1 Introduction .....	64
9.2 Succession Planning Accountabilities .....	65
9.3 Succession Planning guidelines .....	65
<b>SECTION J: CONDUCT AND DISCIPLINARY PROCESS .....</b>	<b>66</b>
10.1 Introduction .....	66
10.2 Guidelines on Personal Conduct.....	66
10.3 Disciplinary Process.....	70
10.4 Disciplinary Procedure.....	72
<b>SECTION K: GRIEVANCE PROCEDURE .....</b>	<b>76</b>
11.1 Introduction .....	76
11.2 General guidelines.....	76
11.3 Guiding Principles.....	76
11.4 Grievance resolution procedures .....	77
11.5 Outcomes of the grievance resolution process .....	79
11.6 Privacy and disclosure .....	79
<b>SECTION L: SEPARATION .....</b>	<b>80</b>
12.1 Introduction .....	80
12.2 Grounds for separation .....	80
12.3 Certificate of Service and recommendation letters .....	83
12.4 Clearance Certificate .....	83
12.5 Return of ODPP property.....	83
<b>SECTION M: HEALTH, SAFETY AND SECURITY .....</b>	<b>85</b>
13.1 Introduction .....	85
13.2 Guidelines to General Safety.....	85
13.3 Emergency Preparedness.....	85
13.4 Fire Precautions .....	85
13.5 Compensation to Employees in case of Injury or Death .....	87
13.6 Reporting of Accident and occupational Diseases .....	87
13.7 Compensation Payable during Sick Leave under WIBA .....	87
<b>SECTION N: EMPLOYEE WELLNESS .....</b>	<b>88</b>
14.1 Introduction .....	88
14.2 HIV/AIDS Policy .....	89
14.3 Benevolence.....	90
14.4 Guidance and Counseling .....	90
14.5 Alcohol, Drug and Substance Abuse.....	90
14.6 Employee Assistance Programmes.....	91

<b>SECTION O: HARASSMENT AT THE WORKPLACE .....</b>	<b>92</b>
15.1 Policy Statement.....	92
15.2 Guiding Principles.....	92
15.3 Discrimination .....	92
15.4 Harassment .....	92
15.5 Sexual Harassment .....	93
<b>SECTION P: RECORDS MANAGEMENT .....</b>	<b>96</b>
16.1 Introduction .....	96
16.2 Principles of Good Records Management .....	96
16.3 Types of Records .....	96
16.4 Security of Records .....	96
16.5 Records Management Unit .....	96
16.6 Control of records .....	96
16.7 Records Management Units .....	97
16.8 Mail Management .....	97
16.9 Filing and Maintenance of Records.....	97
16.10 Records Control System.....	97
16.11 Storage Facilities and Equipment.....	97
16.12 Records Survey and Disposal.....	98
16.13 Records Retention and Disposal Schedule.....	98
16.14 Access Rules and Regulations.....	98
<b>SECTION Q: INFORMATION AND COMMUNICATION TECHNOLOGY .....</b>	<b>99</b>
17.1 Introduction .....	99
17.2 Implementation of ICT systems.....	99
17.3 Emails.....	99
17.4 Internet.....	100
17.5 Social media .....	100
17.6 Confidentiality.....	101
17.7 ODPP Information, Communication and Technology Systems.....	101
<b>SECTION R: STATIONERY, EQUIPMENT AND ASSETS .....</b>	<b>102</b>
18.1 Introduction .....	102
18.2 Guidelines on Usage of ODPP Property .....	102

## SECTION A: INTRODUCTION

### 1.1 Purpose

The ODPP Act 2013 empowers the ODPP to recruit professional, technical, administrative officers and support staff to discharge its mandate.

The ODPP Human Resource Policies and Procedures Manual is a collection of human resource policies and procedures that act as a guide and reference for ODPP staff in the management of human resource activities for the achievement of the ODPP goals and objectives.

The Manual is derived from provisions of the Constitution of Kenya, 2010 and legislation governing various aspects of the public employee and employer relationship.

Communication, decisions and notices to staff will generally be in line with the provisions of the manual unless they are expressly changing or adjusting the policy to align to changing operating needs.

### 1.2 Objectives of the Manual

The objective of the HR Manual is to provide policies, procedures and other administrative requirements and processes to ensure consistency and for reference by the staff and those responsible for managing the human resource function. It expresses the basic principles, mutual rights and responsibilities; and the relationship between the ODPP and its employees. Specifically, it is intended to:

- (i) Ensure that ODPP employees are guided and provided with a clear understanding of expectations including the powers, rights and responsibilities;
- (ii) Ensure that day-to-day HR decisions are made in an effective and efficient manner and in alignment to relevant legislation;
- (iii) Guarantee that ODPP employee related practices are fair and consistent across the board;
- (iv) Ensure attraction and retention of qualified personnel;
- (v) Provide for competitive remuneration and benefits for staff;
- (vi) Provide appropriate staffing levels;
- (vii) Provide guidelines for objective appraisal system;
- (viii) Provide a basis for succession planning and management;
- (ix) Strengthen the process of identifying staff for training opportunities;
- (x) Ensure that training and capacity building activities advance the goals and priorities of the ODPP;
- (xi) Enhance equity and inclusivity;
- (xii) Provide guidelines for staff welfare; and
- (xiii) Provide guidelines for discipline and grievance management.

### 1.3 Policy review and circulation

For these policies to be effectively implemented it is necessary to secure the full commitment of all employees. In this regard, the following guidelines will be followed with regard to circulation and updates to the HR policies:

- (i) The Manual will be accessible for reference by all ODPP employees;
- (ii) The ODPP may at its own discretion, amend or repeal these policies in whole or in part as may be deemed necessary. Any amendments of the provisions of the manual will be dated and circulated to all employees and such amendments shall be binding to all;
- (iii) The Head of HRM Division shall be responsible for making the manual available to employees, communication of changes to employees and sensitization of employees upon appointment and from time to time
- (iv) Amendments in the policies may arise from changes in the strategic views of the DPP, feedback from stakeholders, new legislation, government policies or emerging international practices aimed at ensuring effectiveness. Any changes and amendments to the Manual shall only be made with the approval of the DPP.

## 1.4 Institutional Framework

### 1.4.1 The Director of Public Prosecutions

The DPP will be responsible for:

- (i) The day-to-day operations of the ODPP and oversee implementation of programmes;
- (ii) Overseeing the administration and management of Human Resource functions in ODPP;
- (iii) Chairing the Advisory Board, monitoring and evaluating the Committee and High-Level Meetings;
- (iv) Ensuring efficient utilization of funds and other public resources placed at their disposal;
- (v) Provide overall strategic direction of the ODPP;
- (vi) Provide professional and managerial leadership;
- (vii) Spearhead Resource mobilization;
- (viii) Spearhead institutional reforms;
- (ix) Provide legal advice to the Government on criminal matters; and
- (x) Promote and strengthen collaborative partnership and interagency cooperation.

### 1.4.2 Advisory Board

There is established an Advisory Board to the Office as provided in section 16 (1) of the ODPP Act 2013. The principal functions of the Board shall be to provide advice and recommendations to the ODPP on:

- (i) Recruitment and appointment of members of staff;
- (ii) Promotions;
- (iii) Discipline; and
- (iv) Recommendations on any other matters that may be referred to the Board by the DPP.

### 1.4.3 Human Resource Advisory Committee

The functions of Human Resource Advisory Committee (HRAC) shall entail making recommendations to the DPP regarding:

- (i) Recruitment, selection and appointment;
- (ii) Performance management;
- (iii) Promotions;
- (iv) Confirmation in appointment;
- (v) Training and Development;
- (vi) Training Impact Assessment;
- (vii) Management of skills inventory;
- (viii) Establishment and Complement control;
- (ix) Payroll management;
- (x) Deployment;
- (xi) Promotion of values and Principles of Public Service;
- (xii) Recommendation for re-designation;
- (xiii) Discipline, Recognition and Reward; and
- (xiv) Pension administration.

In line with the decentralized model of service delivery, there shall be regional HRACs established in all regions. The role of the regional HRACs includes handling of disciplinary issues and other HR matters requiring the input and advise of HRAC at the regional office level.



#### 1.4.4 Other Management Committees

The DPP may establish other management committees to ensure efficient and effective service delivery.

#### 1.4.5 The organizational structure

The DPP is responsible for overseeing the day-to-day operations and provision of policy and strategic direction for the ODPP. The DPP shall be assisted by the Secretary Public Prosecutions (SPP). The ODPP is organized into Six (6) departments, namely;

- (i) Department of Economic, Organized and International Crimes
- (ii) Department of Conventional and Related Crimes
- (iii) Department of County Affairs and Prosecutions Services
- (iv) Prosecutions Training Institute
- (v) Department of Inspectorate and Quality Assurance
- (vi) Department of Corporate Services

#### 1.4.6 Regional Offices

- (i) The ODPP is organized into nine regional offices, 47 counties and respective sub-counties. The table below provides an overview of the classification of regional offices.

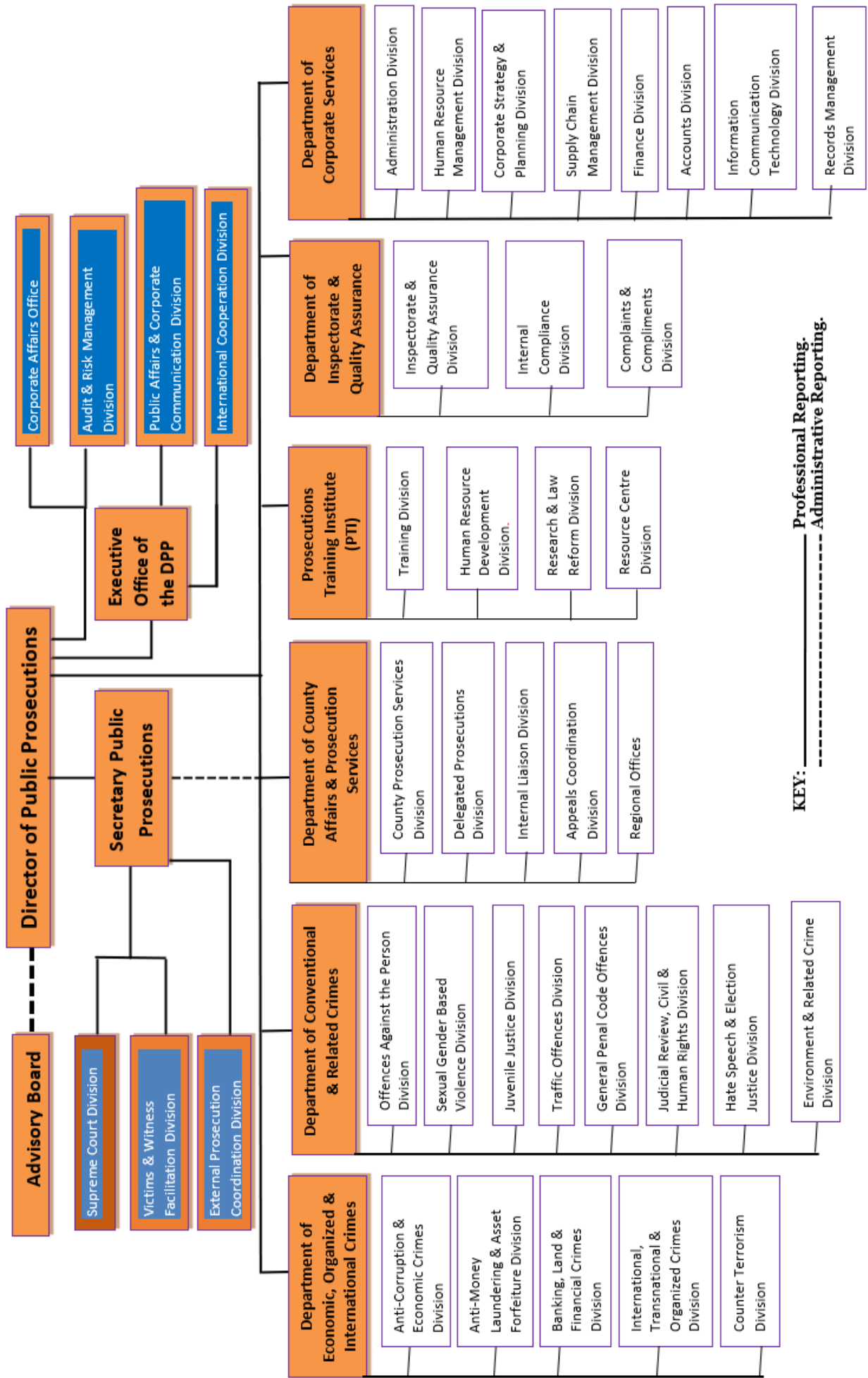
S/No.	Region	Counties	Sub-Counties	Regional Office/Headquarters
1.	Coast	Mombasa	<ul style="list-style-type: none"> <li>• Tononoka</li> <li>• Mariakani</li> <li>• Shanzu</li> </ul>	Mombasa
		TaitaTaveta	<ul style="list-style-type: none"> <li>• Wundanyi</li> <li>• Taveta</li> <li>• Voi</li> </ul>	
		Kwale	<ul style="list-style-type: none"> <li>• Msambweni</li> </ul>	
		Lamu	<ul style="list-style-type: none"> <li>• Lamu</li> <li>• Mpeketoni</li> </ul>	
		Tana River	<ul style="list-style-type: none"> <li>• Garsen</li> <li>• Hola</li> </ul>	
		Kilifi	<ul style="list-style-type: none"> <li>• Kaloleni</li> <li>• Kilifi</li> <li>• Malindi</li> </ul>	
2.	Lower Eastern	Kitui	<ul style="list-style-type: none"> <li>• Mutomo</li> <li>• Mwingi</li> <li>• Kyuso</li> </ul>	Embu
		Embu	<ul style="list-style-type: none"> <li>• Runyenjes</li> <li>• Siakago</li> </ul>	
		Meru	<ul style="list-style-type: none"> <li>• Nkubu</li> <li>• Maua</li> <li>• Githongo</li> <li>• Tigania</li> </ul>	
		Tharaka Nithi	<ul style="list-style-type: none"> <li>• Marimanti</li> </ul>	
3.	North Eastern	Isiolo		Garrissa
		Marsabit	<ul style="list-style-type: none"> <li>• Moyale</li> </ul>	
		Wajir		
		Mandera		
		Garissa	<ul style="list-style-type: none"> <li>• Daadab</li> </ul>	

S/No.	Region	Counties	Sub-Counties	Regional Office/Headquarters
4.	Central	Nyeri	<ul style="list-style-type: none"> <li>• Othaya</li> <li>• Karatina</li> <li>• Mukurweini</li> </ul>	Nyeri
		Kirinyaga	<ul style="list-style-type: none"> <li>• Baricho</li> <li>• Gichugu</li> <li>• Wanguru</li> <li>• Kerugoya</li> </ul>	
		Muranga	<ul style="list-style-type: none"> <li>• Kangema</li> <li>• Kigumo</li> <li>• Kandara</li> </ul>	
		Laikipia	<ul style="list-style-type: none"> <li>• Nyahururu</li> <li>• Nanyuki</li> </ul>	
5.	Nairobi	Kiambu	<ul style="list-style-type: none"> <li>• Thika</li> <li>• Gatundu</li> <li>• Githunguri</li> <li>• Kikuyu</li> <li>• Limuru</li> <li>• Ruiru</li> </ul>	Nairobi
		Nairobi	<ul style="list-style-type: none"> <li>• Milimani</li> <li>• Makadara</li> <li>• Kibera</li> <li>• City Court</li> <li>• JKIA Court</li> </ul>	
		Machakos	<ul style="list-style-type: none"> <li>• Kithimani</li> <li>• Kangundo</li> <li>• Mavoko</li> </ul>	
		Kajiado	<ul style="list-style-type: none"> <li>• Loitokitok</li> <li>• Ngong</li> </ul>	
		Makueni	<ul style="list-style-type: none"> <li>• Tawa</li> <li>• Kilungu</li> <li>• Makindu</li> </ul>	
6.	South Rift	Narok	<ul style="list-style-type: none"> <li>• Kilgoris</li> </ul>	Nakuru
		Kericho		
		Bomet	<ul style="list-style-type: none"> <li>• Sotik</li> </ul>	
		Nakuru	<ul style="list-style-type: none"> <li>• Molo</li> <li>• Naivasha</li> </ul>	
		Baringo	<ul style="list-style-type: none"> <li>• Eldama Ravine</li> <li>• Kabarnet</li> </ul>	
		Nyandarua	<ul style="list-style-type: none"> <li>• Engineer</li> </ul>	

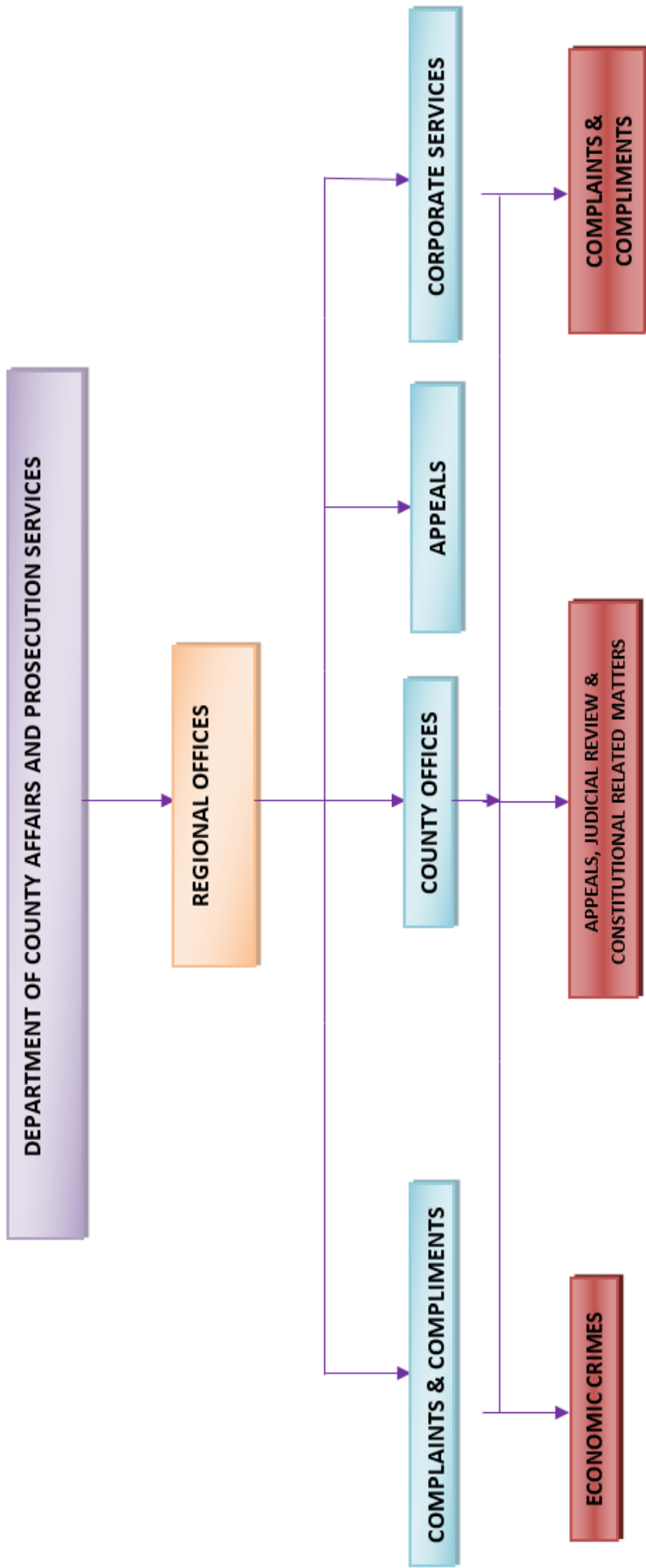
S/No.	Region	Counties	Sub-Counties	Regional Office/Headquarters
7..	North Rift	Turkana	• Kakuma	Eldoret
		West Pokot		
		Uasin-Gishu		
		Trans-Nzoia		
		Nandi		
		Elgeyo Marakwet		
		Samburu		
8.	Western	Kakamega	• Mumias • Butere • Butali	Kakamega
		Bungoma	• Webuye • Kimilili • Sirisia	
		Busia	• Port Victoria	
		Vihiga	• Hamisi	
9.	Nyanza	Migori	• Rongo • Kehancha	Kisumu
		Kisii	• Ogembo	
		Nyamira	• Keroka	
		Kisumu	• Winam • Maseno • Nyando • Tamu	
		Siaya	• Bondo • Ukwala	
		Homabay	• Oyugis • Ndhiwa • Mbita	

- (ii) To ensure that the ODPP delivers services to all employees efficiently and equally irrespective of their work locations, the ODPP shall establish corporate services functions at all the regional offices. These will include but not limited to HRM, Finance, Accounts, Administration and Supply Chain Management.
- (iii) The corporate services functions shall be represented in the regional HRACs. Where there is a regional HR focal point, the HR representative shall be the secretary to the regional HRACs. In the absence of a HR department representative, then the person carrying the responsibility for Administration services shall serve in this role.

## ODPP Organizational Structure



## Organizational Structure for Regional and County Offices



## SECTION B: DIVERSITY, EQUITY AND INCLUSION

### 2.1 Introduction

Managing Diversity, Equity and Inclusion (DEI) is aimed at creating and sustaining an environment where everyone can contribute fully and achieve his or her full potential. The ODPP is committed to building and fostering a fair and inclusive workplace which values diversity and encourages respect and dignity; beliefs and ideas consistent with the principles outlined in the Constitution of Kenya.

#### 2.1.1 Policy Statement

The ODPP shall foster, cultivate and preserve a culture of respect for diversity by embracing and encouraging an inclusive workforce in terms of age, color, minority and marginalized, disability, ethnicity, family or marital status, gender, language, physical and mental ability, race, religion, socio-economic status, and other characteristics that make its human resource unique.

#### 2.1.2 Scope

This policy applies to all ODPP employees and is particularly relevant for employees in supervisory and managerial positions with the capacity to make or influence decisions of the ODPP.

- (i) Third parties who have business dealings with ODPP are also expected to comply with this policy.
- (ii) In the context of the ODPP, DEI shall cover the following dimensions:
- (iii) Persons with Disabilities
  - (a) Gender diversity
  - (b) Minorities and marginalised groups
  - (c) Age Diversity

#### 2.1.3 Responsibilities

- (i) The DPP Shall:
  - (a) Implement national government guidelines and decisions on diversity, equity and inclusion;
  - (b) Mainstream the Diversity Policy in all human resource policies, procedures and practices;
  - (c) Promote respect for diversity in the business processes of the ODPP; and
  - (d) Progressively apply government-wide principles on appointments of persons with disabilities, gender and ethnic representations.
- (ii) Individual ODPP employees shall:
  - (a) Observe respect for diversity in all their undertakings;
  - (b) Report cases of discrimination in the work place; and
  - (c) Provide timely information required in the evaluation of the implementation of this policy.

### 2.2 Mechanisms for Institutionalizing Diversity at the ODPP

The implementation of diversity, equity and inclusion shall be guided by the principles of non-discrimination, equality and equity, integrity and confidentiality, affirmative action, safe and healthy work environment; and care and support.

The following mechanisms shall be implemented by the ODPP to institutionalize Diversity, Equity and Inclusion at the workplace:

- (i) Leadership and Management Commitment
  - (a) The DPP and members of Senior Management shall champion for diversity by infusing it into all organizational processes and integrating it into the core values of the ODPP.
  - (b) The DPP shall communicate the ODPP vision, provide visibility and commit time and resources in regard to DEI.

- (c) DEI will be both a top priority and a personal responsibility for Managers and ODPP employees.
- (ii) Employee Involvement
  - Employee involvement is critical for the success in managing diversity which shall be achieved through an inspired workforce operating in an environment based on mutual trust, respect, openness, empowerment, teamwork, innovation, risk taking, integrity, and encouraging and valuing diversity.
- (iii) Diversity as Part of ODPP's excellence charter
  - ODPP shall ensure development of a DEI strategy and plans that are aligned with the excellence charter.
- (iv) Linked to Performance Appraisal
  - Diversity shall be mainstreamed in the ODPP Performance Appraisal System and its instruments developed in a format accessible to all groups.
- (v) Promotion and Career Development
  - (a) The ODPP shall focus on the talents and experiences of employees when making decisions on promotions and career development;
  - (b) The ODPP shall take deliberate steps to ensure that all groups of employees are afforded an equal opportunity in terms of skills, competencies and experiences to advance their careers.
  - (c) Where, for instance a role has been undertaken mainly by one of the identified groups in this policy, efforts shall be made to encourage other groups to develop and apply their competencies.
- (vi) Training and Capacity Building
  - (a) The focus of ODPP training and capacity building initiatives shall be on the developmental needs of both the individual and the organization.
  - (b) All training materials shall be in a language and image that reflects the diversity of the employees and clients.
  - (c) Every effort should be made to accommodate specific training needs of employees with disability and other under-represented groups.
- (vii) Monitoring, Evaluation and Reporting
  - (a) The ODPP shall carry out audits periodically to establish levels of compliance with the standards and guidelines on DEI.
  - (b) The HRM division shall prepare annual reports to the DPP for record keeping purposes.
  - (c) The ODPP may conduct regular baseline surveys to establish the levels of attainment of set targets on various DEI themes.
- (viii) Communication and Awareness
  - (a) The HRM Division shall be responsible for communicating the ODPP's strategy for mainstreaming diversity in the workplace
  - (b) Such communication shall be in a language which can be easily understood including using modern technology, braille, Kenyan sign language, large prints and other modes of communication.
- (ix) Review of HR Policies and Procedures Manual
  - (a) The ODPP shall review all policies to ensure that they do not contain elements of discrimination against any group.
  - (b) The ODPP shall evaluate the effectiveness of its workplace strategy for mainstreaming and entrenching DEI; and make improvements where necessary.

## 2.3 Gender Policy

### 2.3.1 Objectives

The Gender policy provides a framework for ensuring that the ODPP provides for equal rights and opportunities for men and women. The Gender Policy aims at achieving the following objectives;

- (i) Mainstreaming gender at all levels, regions, programmes and activities, planning, implementation and budgeting processes.
- (ii) Facilitating the creation of an enabling environment for full development of individual potentials of men and women at the ODPP, by ensuring that the work environment is gender responsive and eliminates sexual and gender-based violence.
- (iii) Provide guidelines to facilitate equality and equity of opportunities for women and men in accessing knowledge, employment opportunities, training and development, career growth prospects, services and resources.
- (iv) Ensuring equity and equality in treatment of all stakeholders.
- (v) Capacity building on gender issues for employees.

### 2.3.2 Scope

The gender policy provisions will apply to all activities and programmes at the ODPP. The policy guidelines, proposals and provisions will apply specifically and directly to all departments, divisions, regions and stations of the ODPP.

### 2.3.3 Guiding Principles

- (i) Gender equity and equality will be enforced as a cross-cutting theme in all programs and activities at the ODPP.
- (ii) Gender Policy has the mandate to address gender inequalities whether this exists in favour of male or female employees.
- (iii) The policy affirms the right to equitable employment opportunities, deployment, transfers, promotions, development and allocation of resources to male and female employees.
- (iv) The policy shall pay special attention to employees with special needs and minority groups.
- (v) Affirmative Action will be used as a corrective measure for gender imbalances.
- (vi) The ODPP will use gender mainstreaming to enhance attainment of gender equity and equality.
- (vii) Gender responsiveness and inclusiveness will be upheld to ensure equal participation of male and female employees in governance and management.
- (viii) Empowerment of male and female employees will be used as the main strategy for the achievement of gender equity and equality in ODPP.
- (ix) Partnership and collaboration in the realization of gender equity and equality will be maintained, while developing people's awareness, knowledge and skills on gender issues is reinforced.

### 2.3.4 Gender Policy themes

- (i) Gender in Recruitment, Selection and Deployment:
  - (a) The ODPP will consider gender equity, equality and diversity in harmonizing staffing levels and deployments during workforce planning processes.
  - (b) The ODPP will ensure equal opportunity in employment and institutionalize affirmative action so that the gender disparity gaps across all departments regional offices and ranks are reduced; in order to attain a ratio of no more than two-thirds (2/3) of the same gender.
- (ii) Gender in training and career development:
 

The ODPP shall ensure:

  - (a) equal distribution of training opportunities;



- (b) engendered training and career development for both local and international opportunities; and
  - (c) capacity building workshops for senior managers on gender management skills and building gender awareness for all employees, to improve their understanding of gender issues.
- (iii) Gender in performance appraisal and promotion processes.
- (a) The ODPP will take all necessary steps to promote fair performance evaluation and promotion.
  - (b) The ODPP will treat all employees including women equally with regard to pay, benefits, transfers, training, education and social programs.
- (iv) Gender and the work environment:
- (a) The ODPP is committed to maintaining a safe and productive work environment that is responsive to employees' gender needs such as responsiveness to cases of verbal or physical harassment, sexual harassment and other forms of gender-based violence.
  - (b) To promote a gender-responsive work environment, the ODPP will enhance the budgetary allocation for the provision of gender-responsive facilities such as private rooms and breastfeeding facilities for lactating mothers and user-friendly facilities, responsive to the needs of men and women.
  - (c) The ODPP will institute gender-responsive monitoring and evaluation; and accountability, for progress and impact assessment.
  - (d) The ODPP will prohibit the imposition of sanctions or dismissal on the grounds of pregnancy, maternity/paternity leave, or marital status and observe the requirement of maternity and paternity leave with pay.
  - (e) The ODPP shall equip staff with relevant gender skills and capacity.
- (v) Gender and governance:
- (a) The ODPP will put in place mechanisms to ensure increased participation of both men and women in governance and management processes.
  - (b) The ODPP shall establish a central gender mainstreaming committee and regional gender committees will be undertaken.
  - (c) The ODPP will appoint gender focal persons among employees across the country.
- (vi) Gender based violence and Sexual harassment.
- The ODPP will:
- (a) mainstream policies that address Sexual and Gender Based Violence (SGBV) at all levels and regions;
  - (b) establish modalities for dealing with Sexual and Gender- Based Violence (SGBV); and
  - (c) develop and implement a Workplace Sexual and Gender Based Violence Policy.

### 2.3.5 Responsibilities and accountabilities

- (i) The HRAC shall be responsible for:
  - (a) Directing the gender mainstreaming initiatives at the ODPP; and
  - (b) Implementing gender budget allocations in close consultation with the HRM division.
- (ii) The Gender Mainstreaming Committee shall:
  - (a) provide a physical presence and be the secretariat for coordination and implementation of ODPP Gender Policy and initiatives;
  - (b) provide organizational capacity for the implementation of all gender activities as outlined in the Gender Policy or as directed by the DPP from time to time;
  - (c) conduct gender analyses to assess the development impact of men and women and design strategies to mitigate the negative impact of development on the affected gender;

- (d) ensure that gender needs and concerns are integrated into the implementation plan for ODPP initiatives; and evaluate the effectiveness of the policies and programs;
  - (e) coordinate the collection, analysis, and updating of relevant gender disaggregated data within the ODPP for development of HR Policies on gender-based intervention programs;
  - (f) develop gender sensitive performance indicators to monitor the progress of Gender equality and women empowerment;
  - (g) identify gender capacity needs and design appropriate gender specific capacity building programs; and
  - (h) develop annual work plans for gender mainstreaming in line with the ODPP and Government-wide strategies, policies and programmes.
- (iii) Regional gender committees shall:
- (a) implement Policy Themes at regional offices/local level; and
  - (b) provide feedback from time to time as may be required.

## 2.4 Disability Policy

### 2.4.1 Introduction

Persons with Disabilities (PWD) are a distinct group whose needs, capacities and aspirations require special attention. The ODPP is committed to the provision of necessary opportunities and services to persons with disabilities.

### 2.4.2 Purpose

The purpose of this policy is to promote, protect and ensure full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity within the ODPP.

### 2.4.3 Policy Statement

The ODPP shall provide an environment where there is equity of opportunities and where Persons with Disability can enjoy a quality work experience.

### 2.4.4 Objectives

The main objectives of the policy include:

- (i) To create awareness on disability issues amongst staff and clients.
- (ii) To create accessibility to the institution's services for PWDs.
- (iii) To provide equal opportunities at the workplace for PWDs.
- (iv) To create a conducive work environment for PWDs.

### 2.4.5 Scope and definition

This policy sets standards for mainstreaming disability issues at the ODPP's projects, programmes and activities. The policy applies to all ODPP employees, management and clients.

- (i) Persons with Disabilities shall include those with physical, sensory, mental or other impairment, including any visual, hearing, learning or physical incapability, which impacts adversely on their social, economic or environmental participation.
- (ii) All persons with Disabilities must be registered with the National Council for Persons with Disabilities (NCPWD).

### 2.4.6 Policy areas and responses

- (i) **Accessibility and mobility:** The ODPP shall endeavor to provide a barrier-free and disability friendly work environment across all the offices, to enable PWDs to have access to buildings and services.

- (ii) **Access to information:** The ODPP shall endeavor to provide information in accessible formats to PWDs.
- (iii) **Recruitment, Appointment and Promotion:** The ODPP shall endeavor to accord equal employment, appointment and promotion opportunities to qualified PWDs. The ODPP shall therefore undertake to:
  - (a) Advertise available job vacancies in a format accessible to persons with disabilities including using established Government channels, print, large print, Braille, television, radio and the internet, including circulation to the NCPWD.
  - (b) Adopt shortlisting criteria that do not in any way disadvantage candidates with disabilities either directly or indirectly.
  - (c) Provide reasonable accommodation for candidates with disabilities to attend and participate effectively in the interview process. This includes use of assistive and support mechanisms such as sign language interpreters, braille, presence of a personal aide or service animal.
  - (d) Shortlist adequate numbers of persons with disabilities to progressively achieve a representation of at least 5% of PWDs in appointments within the ODPP.
  - (e) Take affirmative action measures to ensure representation of persons with disabilities which may include ring-fencing jobs for priority employment and promotion.
  - (f) Induct every interview and selection panel on disability etiquette and sensitivity to issues of disability while conducting interviews.
  - (g) Conduct orientation and induction programmes for persons with disabilities and provide them with information essential for performance of their jobs.
  - (h) Provide a return-to-work programme and a systematic integration process for those who have acquired disability while in office.
  - (i) Afford persons with disabilities with special opportunities for attachment and internship.
- (iv) **Compensation:** The ODPP shall endeavor to accord equal compensation, privileges, benefits, incentives and allowances to all PWDs among its workforce.
- (v) **Taxation:** The ODPP shall exempt all employees registered with NCPWD from tax as provided in the Act, upon receiving the requisite Tax Exemption Certificate from KRA.
- (vi) **Responsibilities and Duty allocation:** The ODPP shall consider every disability case individually and assign appropriate responsibilities and duties with a view to enabling PWDs to maximize their full potential.
- (vii) **Training:** The ODPP shall accord equal training opportunities to PWDs. To facilitate education and training for employees with Disabilities, the ODPP shall:
  - (a) Promote special needs education at all levels.
  - (b) Provide opportunities for lifelong skills, research and innovation to staff with disabilities.
  - (c) Endeavor from time to time to participate in disability mainstreaming training and activities at both national and international forums.
  - (d) Rehabilitate, re-train, re-deploy (where necessary) and provide assistive means to staff who graduate to disability status.
  - (e) Make provisions for collaboration with other stakeholders in training and development.
  - (f) Apply affirmative action on training and development as appropriate.
- (viii) **Deployment and transfers:** The ODPP shall consider individual circumstances of PWDs before effecting any transfers and deployment.
- (ix) **Termination of Employment:** Termination of employment terms shall apply to all employees regardless of their disability status.
- (x) **Retirement:** The retirement age for PWDs shall be as provided by the government from time to time.

- (xi) **Records on Disability:** The ODPP shall maintain records and a data base of PWDs for planning and related purposes.
- (xii) **Awareness:** The ODPP shall regularly carry out disability awareness programmes amongst its employees and stakeholders to promote positive attitudes and ensure appropriate inclusion of disability issues in the provision of services. To this end the ODPP shall:
  - (a) Sensitize staff on disability etiquette.
  - (b) Undertake annual awareness training and sensitization of staff on the rights and privileges of PWDs.
  - (c) Promote inclusion of PWDs in all social activities within the ODPP.
  - (d) Undertake personal mentoring of PWDs for motivation purposes.
- (xiii) **Rights and Privileges:** The ODPP shall maximize its available resources to achieve full actualization and
  - (a) realization of rights and privileges of its PWDs. To this end, the ODPP shall:
  - (b) Procure goods, services and works that observe and uphold the principle of universal design and reasonable accommodation in the work environment.
  - (c) Implement the 30% Access to Government Procurement Opportunities policy, where 10% on value shall be allocated for Persons with disabilities.
- (xiv) **Confidentiality:** The ODPP shall not disclose any information related to issues affecting employees who have disability without their permission and or consent.
- (xv) **Harassment and Abuse:** The ODPP shall not tolerate sexual harassment, any form of abuse or exploitation of PWDs at the workplace.

#### 2.4.7 Roles and Responsibilities

- (i) The DPP shall:
  - (a) Constitute a Disability Mainstreaming Committee with membership as follows:
    - A member of the senior management team who should be the Chairperson.
    - An Officer from the Human Resource Management Division.
    - At least 30% representation in membership from persons with disabilities.
    - Representatives from all departments.
    - An officer from the Administration Division.
    - Disability mainstreaming Focal person or secretary of the Committee.
    - A representative from the regional offices.
  - (b) Provide necessary resources and support for implementation of the Policy.
- (ii) The disability Mainstreaming Committee Shall be responsible for:
  - (a) Creating awareness among employees on the needs of PWDs.
  - (b) Implementing the disability workplace policy.
  - (c) Liaising with the National Council of PWDs on all matters concerning disabilities.
  - (d) Advising the DPP on emerging issues and matters Concerning PWDs.
  - (e) Coordinating and providing care and support to employees and clients with special needs.
- (iii) The HRM Division shall be responsible for:
  - (a) Maintaining a data base on Employees with Disabilities.
  - (b) Affording equal employment and internship opportunities and promotions to qualified PWDs.
  - (c) Promoting the use of sign language, braille/tactile during employment/promotion interviews.
- (iv) Policy Compliance - It is the responsibility of all the employees to comply with this policy.

#### 2.4.8 Monitoring and Evaluation

- (i) Monitoring and evaluation of this policy shall be done on a continuous basis by the ODPP through the Disability Mainstreaming Committee.
- (ii) The ODPP shall report the progress on disability mainstreaming (both internal and external) based on the monitoring and evaluation reports carried out to the NCPWD on an annual basis.

#### 2.4.9 Complaints and Feedback

Complaints and feedback on Disability issues shall be addressed through the Complaints and Grievance handling mechanisms established by the ODPP, which shall refer relevant cases to the Disability Mainstreaming Committee for action.

### 2.5 Minorities and Marginalised Groups

#### 2.5.1 Policy Statement

In line with Article 56 of the Constitution of Kenya, the ODPP shall put in place affirmative action programmes designed to ensure that minorities and marginalised groups:

- (i) equitably participate and are represented in governance and all activities undertaken as part of the ODPP's mandate;
- (ii) are provided special opportunities in training and development at the ODPP; and
- (iii) are provided special opportunities for access to employment at the ODPP during recruitment and selection process.

The ODPP shall put in place the following strategies to ensure inclusion of minorities and marginalised groups:

- (i) Take affirmative action measures to ensure proportionate representation of members of unrepresented and under-represented ethnic communities, minorities and marginalized groups.
- (ii) Advertise available job vacancies in a manner that will reach the diverse ethnic groups including using established Government channels, television, radio and the internet.
- (iii) Adopt a shortlisting criterion that does not in any way disadvantage the diverse communities and groups.
- (iv) Create a conducive work environment that accommodates diverse groups through the use of official languages at the workplace.

#### 2.6 Age Diversity

The ODPP comprises of employees of varying age groups. The Constitution provides for equal representation and participation of the youth in social and economic opportunities.

The ODPP shall put in place the following strategies to promote age diversity at the workplace and ensure representation of the youth within the ODPP:

- (i) Establish pupillage, internship, attachment and mentorship programmes to offer college and university students opportunities to serve the ODPP and gain practical work experience.
- (ii) Formulate an internal internship and pupillage policy.
- (iii) Take affirmative action measures to ensure representations of the youth at various ranks within the ODPP.
- (iv) Develop and implement a succession management plan to attract, retain and progressively engage the youth at the workplace.
- (v) Offer opportunities for appointment, training and promotion of youthful employees to facilitate career progression.

## SECTION C: TERMS AND CONDITIONS OF SERVICE

The terms and conditions of service of employment in the ODPP are a general guide outlining the terms of employment. The terms include matters pertaining to; appointments, promotions, remuneration, transfers and employment benefits.

The terms and conditions of employment not covered in this HR manual shall be subject to the provisions of labour laws in force in Kenya.

### 3.1 General Provisions

#### 3.1.1 Authority

- (i) These terms and conditions of service are subject to directions by the DPP.
- (ii) All employees shall be required to observe the provisions of these terms and conditions of service;
- (iii) All employees are also subject to relevant rules, regulations and instructions as may be issued by the DPP or other authorities empowered to do so.
- (iv) Circulars, memos and practice directions form part of the policies and procedures.

#### 3.1.2 Responsibility

- (i) The Advisory Board, in accordance with the ODPP Act (2013) shall advise the DPP on the recruitment and appointment of members of staff of the Office;
- (ii) The Head of HRM shall ensure that all employees are made aware of their terms and conditions of service.
- (iii) It shall be the responsibility of all employees to read and understand the terms and conditions of service and any amendments as shall be made from time to time.
- (iv) Ignorance of any of these terms will not be accepted as an excuse for failure to act upon any matter or comply with the terms as laid down herein.

#### 3.1.3 Interpretation

The interpretation of these terms and conditions of service shall rest with the DPP. The DPP may also seek advice from the Advisory Board or any relevant Government authorities on any matter that may not be covered in the terms and conditions of service.

#### 3.1.4 Amendments

- (i) The terms and conditions shall be subject to review from time to time by the authority of the DPP in accordance with the ODPP Act (2013).
- (ii) Any amendments to the terms and conditions of service shall be communicated to all employees.

### 3.2 Workforce Planning

#### 3.2.1 Policy Statement

A workforce plan is part of the strategic planning process through which ODPP assesses and identifies staffing needs. The workforce plan enables the ODPP to determine the right number and caliber of employees that the ODPP requires to accomplish set goals and service delivery needs across the country at any given time.

#### 3.2.2 General policy

The ODPP shall, at the beginning of every financial year, budget for its staff establishment.

The following guidelines shall apply:

- (i) HoDs shall annually prepare and define in detail the number of employees at each grade for the relevant department and regions.



- (ii) The Head of HRM shall annually compile the ODPP staff establishment and obtain approval from the DPP defining in detail the number of employees for each department and region. This will include staff in post as well as future staff requirements.
- (iii) Appointments and promotions shall take place only within the approved establishment through the HRM division.
- (iv) The staff establishment and budget shall be reviewed annually before the end of each financial year in light of departmental and regional plans for the following year.
- (v) The establishment may also be reviewed at any time during the financial year in response to a change in the operating environment that may not have been envisioned at the beginning of the year. Such changes must however be in consultation with the HRM and approved by the DPP.
- (vi) Staff establishment and workforce plans across the departments and regions shall take cognizance of the provisions of the ODPP Diversity, Equity and Inclusion policies on age, gender, disability, minorities and marginalised groups.

### 3.2.3 Scope

The workforce planning policy provisions will apply to all activities and programmes at the ODPP that relate to the establishment of the required number of employees to enable the ODPP achieve set plans. The policy guidelines, proposals and provisions will apply specifically and directly to all departments, divisions, regions and stations of the ODPP.

## 3.3 Appointments

### 3.3.1 Introduction

- (i) The ODPP shall employ and strive to retain qualified and experienced personnel to carry out the functions of the Office and shall ensure that the employees are motivated by offering competitive remuneration, good working conditions, job security and opportunities for advancement.
- (ii) All vacancies within the ODPP shall be advertised except where the provisions allow otherwise. During selection, there shall be no preference or prejudicial treatment on the basis of a candidate's ethnic background, gender, religion or disability, among others.
- (iii) The ODPP shall uphold the principles of justice, accountability, fair competition, meritocracy, transparency, fairness and impartiality as set out in article 232 of the Constitution 2010 and section 4 of the ODPP Act (2013).
- (iv) The ODPP shall be an equal opportunity employer.

### 3.3.2 Categories of appointment

The ODPP offers the following categories of employment:

- (i) Permanent and pensionable appointment;
- (ii) Contractual appointment;
- (iii) Casual employment; and
- (iv) Voluntary employment.

### 3.3.3 General Conditions of Employment

- (i) Permanent and Pensionable Appointment
  - (a) Permanent appointment shall apply to employees who on successful completion of their probationary period shall be eligible to join the ODPP Retirement Benefit Scheme.
  - (b) Appointment on these terms shall be restricted to candidates below the age of fifty (50) years.
- (ii) Appointment on Contract
  - (a) Appointment on contract terms shall apply to employees appointed for a specific period.
  - (b) Appointments on contract will be for a maximum period of three (3) years and may be renewed at the discretion of the DPP.

- (c) An employee serving on contract terms shall be subject to the terms and conditions of service as spelt out in their respective contracts and shall be eligible for payment of service gratuity at the rate of thirty percent (30%) or other approved rates of his/her basic salary over the period worked. Where an employee does not complete the period of contract, he or she shall be paid service gratuity on a pro-rata basis.
- (iii) Casual Employment
  - (a) Casual employees shall be engaged on a day-to-day basis and shall be paid their wages at the end of each day. Such engagement shall be for a specified period of time and in any case not exceeding three (3) consecutive months.
  - (b) A casual employee shall not be entitled to any leave, service gratuity, medical or any other benefit.
- (iv) Voluntary Employment
  - (a) The DPP may appoint a qualified person to serve the office on voluntary basis.
  - (b) No person shall be engaged on voluntary basis in ODPP as (a) revenue collector; (b) an employee involved in any aspect of procurement; (c) a cashier; (d) a caretaker of any premises belonging to ODPP; (e) a security officer; (g) such other position as may be determined by the DPP.
  - (c) A volunteer in the ODPP shall be issued with a letter of engagement as a volunteer for a non-renewable period not exceeding twelve months. The letter of engagement shall specify the services to be provided by the volunteer. Such services shall be related to a particular office at the ODPP and shall be specified in the engagement letter.
  - (d) A volunteer shall be bound by ODPP policies, rules and regulations as applicable to other ODPP employees.
  - (e) A person engaged as a volunteer shall be deployed to perform duties relevant to the volunteer's area of qualification, experience or expertise.
  - (f) Volunteer service shall not be a guarantee of employment in the ODPP.
- (v) Consultants/Private Legal practitioners
  - (a) The DPP may from time to time, engage the services of a qualified private legal practitioner to assist in the discharge of his mandate.
  - (b) The applicable public procurement laws and regulations shall apply in all instances where the services of a private legal practitioner are sought.
  - (c) The terms of engagement for private legal practitioners engaged as public prosecutors shall be as stipulated in their engagement letters or contracts
  - (d) Consultants/Private Legal Practitioners engaged by the DPP shall be bound by the policies, rules and regulations governing the conduct of ODPP employees and contractors.

### 3.3.4 Powers to Make Appointments

Section 13(2) of the ODPP Act, 2013 provides for the ODPP, the power to appoint, control and supervise its staff in a manner and for such purposes as may be necessary for the promotion of the purpose and the object for which the Office is established. To this end, the following guidelines shall apply:

- (i) Appointments to all positions shall be made by the DPP as per section 13(2) and 16 of the ODPP Act.
- (ii) Shortlisting, interviews, and selection for the positions in grade DPP 1 to DPP 3 may be conducted by a select Committee of the Board appointed by the DPP.
- (iii) The DPP shall constitute the HRAC whose Chairperson shall be the Secretary, Public Prosecutions. The Secretary to the HRAC shall be the Head of HRM Division while the members of the Committee shall be the Heads of Departments.
- (iv) The HRAC will interview candidates for positions in grade DPP 4 to DPP 13 and recommend to the DPP for appointment.



## 3.4 Recruitment and Selection Policy

### 3.4.1 Policy statement

The ODPP is an equal opportunity employer and does not practice, or tolerate, any form of discrimination. The ODPP will seek to recruit the most suitably qualified person according to job-related qualifications and general legal requirements for recruitment to public offices.

In the course of recruitment and employment, the ODPP shall not discriminate against anyone on the basis of race, ethnicity, age, gender, marital status, disability, religion or health status. Recruitment may from time to time take into account the need for diversity and balance in the workplace, provided this does not compromise the competence of the employee.

### 3.4.2 General Policy

The aim of the recruitment policy is to:

- (i) Achieve a standard approach in the good practices adopted by all parties involved in the recruitment and selection process;
- (ii) Provide a means for attracting, developing and retaining staff of the quality, and in the numbers required to meet the ODPP's objectives and citizen service delivery expectations;
- (iii) Create and maintain a professional image and positive branding as an employer, both internally and externally.
- (iv) Encourage growth, promotions and transfers from within to provide the opportunity for all staff with the required skills, knowledge and experience, to be considered for career progression.
- (v) Recruitment of personnel to fill the established positions at ODPP will be undertaken on the basis of meritocracy and equity. Everyone involved in the recruitment and selection of staff has a responsibility to ensure that candidates are treated fairly and decisions are made objectively and in line with the ODPP's commitment to equal opportunities.

### 3.4.3 Scope

This recruitment and selection policy shall be applicable in the hiring of employees to all cadres under approved terms and conditions at the ODPP.

### 3.4.4 Recruitment and selection Guidelines

To provide skilled and competent Human Capital, the ODPP shall follow the guidelines provided in this policy and as outlined in the Recruitment and Selection procedure.

#### 3.4.4.1 Vacancy

- (i) Before any recruitment is done, a vacancy must exist or the intended recruitment be part of the approved staff establishment.
- (ii) The Head of HRM in liaison with Heads of Departments will identify a vacancy(s) as per its needs and report the vacancies to the DPP.
- (iii) When reporting the vacancies, Human Resource Management Division shall provide the approved staff establishment, minimum qualifications required for the role and a statement of terms of service.
- (iv) Consideration should always be given to promote candidates from within the ODPP so as to meet the employees' career growth expectations.
- (v) Where there will be need for specialized services, the ODPP may use employment agencies or search firms to hire.
- (vi) The DPP shall determine whether the vacancies shall be advertised internally or externally.
- (vii) The DPP may seek advice from the Advisory Board on filling the vacancy(s).

**3.4.4.2 Job Analysis**

- (i) When changes in the organisation result in the creation of a new post, or changes in the contents of existing posts, the requirements of the position will be confirmed or established through a job analysis exercise.
- (ii) The Job analysis and evaluation committee will define the role and its requirements.
- (iii) The job analysis process shall indicate how the role fits in the department in which it is to be located in the approved organisation structure.

**3.4.4.3 Job Descriptions**

- (i) Job descriptions are necessary both for purposes of attracting applicants for vacancies as well as ensuring that employees understand their role and responsibilities in order to perform effectively.
- (ii) Before a vacancy is advertised, a job description specifying the principal duties, responsibilities and the minimum academic and professional qualifications shall be prepared by the relevant line manager in conjunction with the Head of HRM.
- (iii) It is the responsibility of the Job Descriptions and Analysis Committee to prepare job descriptions and ensure their completeness and accuracy.
- (iv) All job descriptions should be submitted to the DPP for approval and retention.

**3.4.4.4 Advertisement for vacant positions**

- (i) The HRM Division will prepare advertisements for approval by the DPP.
- (ii) Once the DPP has approved the advertisement, The HRM Division shall put up the same as follows:
  - (a) External advertisement shall be placed in at least one Daily Newspaper of National circulation, all ODPP County stations and the ODPP website, or other approved online platforms.
  - (b) Internal advertisement shall be made through the Heads of Stations, the ODPP website, approved online platforms and circulated to Government Ministries and Departments.
- (iii) The advertisement will contain the following;
  - (a) A brief description of the ODPP Mandate,
  - (b) The Job title,
  - (c) Clear reporting lines,
  - (d) A brief description of the key responsibilities of the job,
  - (e) Education, experience, skills and competencies required for the job,
  - (f) Salary and benefits,
  - (g) Clear instructions on how to apply and information to be submitted in the application,
  - (h) Closing date and time for receipt of applications.
- (iv) Upon receipt of applications, the HRM Division shall ensure that the applications are sorted, analyzed and filed.
- (v) All advertisements shall be accommodative to the needs of PWDs and marginalised groups in line with the ODPP's DEI policy.
- (vi) The ODPP shall only accept applications in response to advertisements. Unsolicited applications shall not be accepted.
- (vii) ALL applications in response to advertised jobs shall be received in a dedicated HRM e-Recruitment platform as may be specified from time to time.
- (viii) The HRM Division shall capture and analyse all data from physical and online ODPP job application forms.

**3.4.4.5 Shortlisting**

- (i) Shortlisting of suitable candidates for posts at the level of DPP 1 to DPP3 may be conducted by a select committee of the Board while the posts at the level of DPP 4 and below shall be conducted by the HRAC.
- (ii) Short listing criteria shall include the following;
  - (a) Minimum constitutional and statutory requirements;
  - (b) Merit (minimum requirement as advertised);
  - (c) A requirement for disability mainstreaming;
  - (d) A requirement for gender mainstreaming;
  - (e) A reflection of the face of Kenya; and
  - (f) Any other specifications as may be approved by the DPP from time to time.
- (iii) During shortlisting, a ratio of three (3) to five (5) candidates shall be adopted subject to the above criteria
- (iv) The HRM Division shall send out communication via invitation letters, SMS or Email to the shortlisted candidates for interviews.

**3.4.4.6 Interviews for shortlisted candidates**

- (i) A select Committee of the Board shall conduct interviews for posts at the level of DPP 1 to DPP3 while the posts at the level of DPP 4 and below shall be conducted by the HRAC.
- (ii) The Advisory Board shall be involved in an advisory capacity in the recruitment process for employees in DPP3 to DPP1 grades.
- (iii) The interview panels shall consist of representatives from the user Departments, technically qualified person in the relevant area and a representative of the HRM Division.
- (iv) The interview panel may subject shortlisted candidates to written, practical or oral interviews. The candidate shall be informed of the date and venue of the interview at least one week in advance.
- (v) The interview panels shall meet at least one day before the set interview dates, to deliberate on the conduct of the interviews.
- (vi) The interviewing panels shall prepare a summary report of the selection process including a scoresheet of the interview to be submitted to the DPP. The report shall comprise of the following:
  - (a) Names of panel members;
  - (b) Interview scores for each candidate;
  - (c) Names of successful candidates;
  - (d) Names of candidates wait listed;
  - (e) Names of unsuccessful candidates and the reasons; and
  - (f) Any other items deemed relevant and important for the selection process by the interview panel or the DPP.

**3.4.4.7 Assessment methods**

- (i) The ODPP may use various assessment methods to determine employee's suitability for promotions.
- (ii) HRAC shall recommend suitable assessment methods based on the prevailing circumstances from time to time.
- (iii) The assessment methods shall be specific and tailored to job requirements;
- (iv) Available assessment methods include, but are not limited to the following:
  - (a) Interviews
  - (b) written assessments or tests

- (c) suitability tests
- (d) Psychometric Assessments
- (v) The HRAC, PTI and the ODPP Examination Board will continuously develop various assessment criteria and tools for this purpose.
- (vi) Behavioural assessments shall be conducted through suitable psychometric assessment tools. These shall be procured through established public procurement guidelines.

#### **3.4.4.8 Background checks appointments and deployment**

- (i) The ODPP shall verify documents and conduct background checks for candidates selected. Candidates whose references shall be found unsatisfactory shall not be appointed.
- (ii) Upon clearance, the names of selected candidates shall be submitted to the DPP for appointment.
- (iii) The HRM Division shall prepare appointment letters for the DPP's signature which will then be sent out to the selected candidates.
- (iv) In the event the successful candidate declines to respond within a stipulated period of time, a replacement from the waiting list shall be identified and appointed. The waitlist shall be valid for a period of six (6) months from the date of approval.
- (v) The deployment committee shall deploy the selected candidates to various Departments, Divisions and County offices according to identified needs.
- (vi) All application letters including those of candidates not short-listed shall be retained for six (6) months after the appointment has been made, before disposal.

#### **3.4.5 Letter of Appointment**

- (i) The letter of appointment of an employee on first appointment shall be issued in duplicate, and shall contain the following details: -
  - (a) Name of employee;
  - (b) Permanent address of employee;
  - (c) Job description of employment;
  - (d) Form of appointment and duration of contract;
  - (e) The place of work;
  - (f) The hours of work;
  - (g) Intervals at which the remuneration is paid;
  - (h) Date of commencement of appointment;
  - (i) The post and grade to which the candidate is appointed;
  - (j) The terms of appointment;
  - (k) The amount payable as basic salary; and
  - (l) The house and other allowances payable and benefits.
- (ii) The letter of appointment must be acknowledged in writing by the employee before or on the date of engagement and a copy filed in an employee's personal file.
- (iii) A candidate shall be required to accept the job offer within a period of thirty (30) days, failure to which the offer shall be deemed withdrawn.

#### **3.4.6 Probationary Period**

- (i) Employees appointed on permanent terms of service will be required to undergo a probationary period of six (6) months, unless otherwise specified.
- (ii) During the probationary period, the Head of Department shall submit progress reports indicating the employee's performance.

- (iii) Based on the Head of Department's recommendations, the Head of HRM will refer the case to the Human Resource Advisory Committee for deliberation as to whether the employee should be confirmed in appointment, whether the probationary period ought to be extended, or whether the appointment should be terminated.
- (iv) An employee whose performance and conduct fully demonstrates meeting the specified standards of efficiency, competence and integrity, will have her/his appointment confirmed after the probationary period.
- (v) If the period of probationary service has been unsatisfactory, it may be extended once for a period of six (6) months.
- (vi) Where the period shall be extended, an employee's performance shall be reviewed to determine whether or not his or her performance shall have improved.
- (vii) Where the probationary service is unsatisfactory after the extended period, the appointment shall be terminated.

#### **3.4.7 Confirmation of Appointment and Admission to Pensionable Establishment**

- (i) On appointment to the ODPP in a pensionable post, an employee will be confirmed on appointment and admitted into the permanent and pensionable establishment, upon completion of probationary period of six (6) months of satisfactory service.
- (ii) Where an employee has served on contractual terms without a break in service, and has subsequently been appointed to pensionable establishment, the period of contractual service may be taken into account as a period of probationary service.

#### **3.4.8 Procedure for Confirmation in Appointment**

- (i) The powers of confirmation of all employees in their appointments is vested in the DPP on the advice of the HRAC.
- (ii) The immediate Supervisor will undertake a performance assessment and report on the employee's suitability for confirmation or otherwise, after six (6) months of work. The assessment reports shall be submitted to HRM at least 30 days after the expiry of probation period.
- (iii) HRM shall send advance reminders to supervisors on the employees who are due for confirmation
- (iv) Where the immediate Supervisor fails to submit a report within 30 days after the expiry of the probation period and there is no adverse report against the employee, the employee shall be confirmed in appointment.
- (v) A supervisor's inability to provide relevant reports and comments on an employee shall be handled in accordance with the disciplinary and performance appraisal process.
- (vi) Where an employee's performance is unsatisfactory, he shall be informed in writing.
- (vii) Should the employee's performance fail to improve on expiry of the extended probation period, his probationary appointment shall be terminated.

#### **3.4.9 Date of Appointment**

The date of appointment will be the date the employee assumes the duties of the post.

#### **3.4.10 Medical Examination**

On appointment, a candidate shall be required to undergo a medical examination conducted by an accredited medical institution or practitioner approved by the ODPP. The purpose of the medical examination shall be to guide deployment of the employee.

### 3.4.11 Office Hours

- (i) Employees shall be required to work for 40 hours spread over five (5) days in a week from Monday to Friday as follows:
  - (a) Mombasa/Malindi/Kwale/Lamu
    - Morning 7.45 am to 12.30 p.m.**
    - Afternoon 2.00 p.m. to 4.30 p.m.**
  - (b) All other Stations
    - Morning: 8.00 a.m. to 1.00 p.m.**
    - Afternoon: 2.00 p.m. to 5.00 p.m.**
- (ii) In exceptional circumstances office hours will be fixed by the DPP.
- (iii) While the general office hours will be as stated in 3.4.11(i), Heads of Departments will not be restricted to engage employees outside these hours when there is any cause, project or other unusual work arrangements requiring their services outside the normal working hours.

### 3.4.12 Personal Particulars

- (i) Every employee on first appointment shall complete employment forms and submit the following documents and information:
  - (a) Original academic and professional certificates;
  - (b) National Identification Card or passport;
  - (c) Birth certificate;
  - (d) Personal Identification Number Card;
  - (e) Two (2) colored passport size photographs;
  - (f) Bank Account Details;
  - (g) National Social Security Fund (NSSF) card;
  - (h) National Hospital Insurance Fund (NHIF) card;
  - (i) Current residential address;
  - (j) Physical home address;
  - (k) Postal address;
  - (l) E-mail address;
  - (m) Telephone number;
  - (n) Next of kin;
  - (o) Dependents;
  - (p) Duly filled wealth declaration form;
  - (q) Ethnicity;
  - (r) Religion; and
  - (s) Any other document that may be required.
- (ii) The following documents shall also be maintained in each employee's personal file:
  - (a) Certified copies of academic and professional certificates;
  - (b) One colored passport size photograph;
  - (c) Application for employment and updated curriculum vitae;
  - (d) KRA PIN number, NSSF and NHIF details;
  - (e) Bank account details for salary purposes;

- (f) Letter of appointment;
- (g) Letter of confirmation in appointment;
- (h) Completed performance appraisal forms;
- (i) Copy of ID or Passport;
- (j) Birth certificate of self and children (where applicable);
- (k) Certified copy of marriage certificate or an affidavit (where applicable);
- (l) Duly filled new employee form;
- (m) Certificate of good conduct;
- (n) Duly signed Official Secrecy Declaration form; and
- (o) Copy of medical insurance registration forms (insurance).

#### **3.4.13 Particulars of Next-of-Kin**

- (i) Each employee will be required to provide the particulars of their next-of-kin and shall notify the Director of Public Prosecutions any time there is a change in the name and address of the next-of-kin for updating of the records.
- (ii) In addition, all employees shall be required to declare the names of their nuclear family members. Any changes in the event of death or otherwise shall be provided.

#### **3.4.14 Official Secrets Act Declaration**

All employees shall be required to sign a Declaration of Secrecy form under the Official Secrets Act, Cap.187 on appointment and on termination of service.

#### **3.4.15 Employment Card**

- (i) Every employee will be issued with an official employment card.
- (ii) In the event of loss of the employment card, an employee shall apply for a replacement upon payment of a specified fee. If the replacement of the card is as a result of change of designation or marital status, no fee shall be charged.
- (iii) Upon exit, the employee shall be required to surrender the employment card to the ODPP.

#### **3.4.16 Duties**

The duties of an employee shall include the usual duties of the office in which he or she shall be employed.

All employees will be assigned duties commensurate with the given job description.

#### **3.4.17 Deployment**

- (i) Upon first appointment, the DPP shall deploy employees to work in positions commensurate with their appointment and qualifications.
- (ii) Upon deployment an employee can be transferred to serve in any part of the Republic of Kenya.

#### **3.4.18 Transfer**

- (i) Employee transfer is in line with the government policy of providing public service to all regions of the country. Transfers will be undertaken to provide human resources to meet identified staffing needs, enhance national integration, improve service delivery and promote employee development.
- (ii) The authority to transfer/deploy an employee is vested with the DPP on the Advice of the Deployment Committee.
- (iii) Transfers shall be conducted in accordance with the provisions of the ODPP Deployment and Transfer policy.



- (iv) The following guidelines will also apply:
  - (a) An employee who receives a transfer notice may appeal against the transfer requesting either to be retained in his/her current station or to be transferred to a different station from that which she/he has been transferred, provided that this request is supported by reasonable grounds.
  - (b) Where an employee appeals against a transfer and the grace period of notice has lapsed, she/he shall report to the new station pending determination of the appeal.
  - (c) The consequences of failing to report shall attract appropriate disciplinary action as per the ODPP Disciplinary policy guidelines.
  - (d) The DPP will be at liberty to verify the authenticity of any appeals that are made on medical grounds using legal channels.

### **3.4.19 Incentives for deployment and transfer to hardship areas**

- (i) An employee who is deployed to a hardship area shall be eligible for one annual salary increment on acceptance of the transfer and reporting to the station of transfer.
- (ii) The HRM shall process and effect the salary increment on confirmation from the respective Head of department or station that the employee has accepted the transfer and reported to the station.
- (iii) Employees facing disciplinary action shall not be eligible for these incentives.

## **3.5 Induction, Orientation and Onboarding Policy**

### **3.5.1 Policy Statement**

The ODPP is committed to ensuring that new employees receive appropriate induction, orientation and onboarding following their acceptance of appointment. The aim of this policy is to ensure that new employees receive a positive first day experience, familiarize with the office, their departments, work locations, their roles, relevant policies and procedures; and longer-term settlement and integration into the ODPP, irrespective of their location of work.

### **3.5.2 Scope**

The Induction, orientation and onboarding policy shall be applicable to all newly hired ODPP employees irrespective of the grade or level at which they are hired.

### **3.5.3 General guidelines**

- (i) Induction is the first step of welcoming new employees to the ODPP and starts from the first day when new employees report to the office. The objective of this process is to ease the new employee's first-day. Depending on the employees' level of seniority, induction may include the following:
  - (a) Presentations on the team culture and norms;
  - (b) A meet-and-greet or tour of the ODPP, facilitated by the HRM division and the relevant HoD;
  - (c) Providing ODPP merchandise such as branded diaries, note books and t-shirts/shirts;
  - (d) Matching up with a "buddy" and members of the department who can act as guides in the short term;
- (ii) Induction is intended to be a short-term activity and shall be completed on a new employee's first week of reporting.
- (iii) Orientation is the second process that new ODPP employees will undergo following their appointment. It may be elaborated that:
  - (a) The aim of the orientation process is to familiarize new employees with the ODPP mandate, structure, policies, code of conduct, organisational processes, guidelines and relevant regulations;



- (b) The initial orientation shall be completed within one month of the employee joining the ODPP;
- (c) The ODPP treats orientation as an on-going process that begins during recruitment and selection, and continues as needed throughout the individual's employment within the ODPP.
- (iv) At the ODPP, onboarding refers to the process that spans the full new-hire journey. It starts when the appointment letter or contract is signed and runs through the first day activities covered under induction. It continues through a new employee's first weeks and months on the job (induction and orientation), and lasts until the new employee is fully settled in the new role, regardless of whether that takes three weeks, three months, or a year.

#### **3.5.4 Orientation Process**

All newly appointed employees shall undergo an initial orientation course conducted by the ODPP to familiarize themselves with the structure, functions and operations of the Office upon reporting for duty; but not later than three (3) months after reporting.

The responsibility for conducting the initial orientation process is shared among the department, HRM division and the new employee.

- (i) To address the need for training and enhanced capacity among newly employed ODPP staff, the Prosecution Training Institute (PTI) shall develop and execute an appropriate training curriculum to enable their transition into a career in the ODPP. The orientation program will cover the following:
  - (a) An organization briefing including, organogram, conduct policies including code of conduct, health and safety, employee handbook, excellence charter. HRM division will furnish new employees with copies of key documents.
  - (b) A technical briefing: including, description of ODPP work programs, strategies and goals, overview of ongoing projects, initiatives and locations.
  - (c) A role briefing: including, ODPP's mission, purpose and values, job description, terms and conditions of employment, HR policies and practices, handover notes (if any), objectives for the probation period.
  - (d) An ICT and administrative briefing: including, use of communications, ICT, uadilifu case management system, equipment, office space, vehicles and facilities.
  - (e) A financial briefing including, use of funds, accounting for funds, anti-bribery and anti-fraud policies.

#### **3.5.5 Orientation for prospective entry-level staff**

- (i) To provide fresh graduates and prospective employees with a unique and first-hand experience of the workings of the ODPP, the ODPP shall offer traineeship opportunities to successful candidates.
- (ii) Trainees shall be taken through a one-year orientation program to be designed and delivered by the PTI.
- (iii) Trainees who successfully undergo the training program shall be guaranteed employment at the ODPP and placed on suitable roles based on their qualifications and skills.
- (iv) During the one-year training, trainees will be paid a stipend to be determined by the ODPP.
- (v) On employment, all employees shall be bonded for a period of five years in line with the ODPP training policy.

#### **3.5.6 Staff induction and orientation responsibilities**

- (i) The HRM division's responsibilities include:
  - (a) To prepare the onboarding schedule well in advance;
  - (b) Offering scheduled sessions for new employee orientation;
  - (c) Providing information and resources about ODPP's policies, vision and mission;

- (d) Introduction to ODPP's purpose, principles and core values;
  - (e) Issuance of a job description to the new employee and keeping a copy in their personal file;
  - (f) Ensuring the new employee has the tools and resources to work effectively and efficiently; and
  - (g) Facilitating creation of an official ODPP email address.
- (ii) The Host Department/Station's responsibilities to the employee are to:
- (a) Provide the new employees with an orientation specific to their new work stations or locations;
  - (b) Provide specific information about the department;
  - (c) Discuss job specific responsibilities;
  - (d) Provide on-the-job training needed for new employees to assume their responsibilities;
  - (e) Provide new employees with timely and relevant benefit information;
  - (f) Review job specific issues;
  - (g) Review job specific policies; and
  - (h) Brief on conduct and ethics.
- (iii) The new employee's responsibilities shall include:
- (a) Participating in the appropriate orientation process;
  - (b) Seeking information to enhance his or her orientation process;
  - (c) Completing and returning appropriate HR forms; and
  - (d) Providing feedback and suggestions to HRM and appropriate staff to improve the orientation program.
- (iv) The ODPP shall for this purpose, prepare an Induction and Orientation Manual Including a detailed schedule.

### 3.5.7 Secondment of Staff

- (i) The authority to second an ODPP staff shall vest in the DPP.
- (ii) Secondment arrangements may be initiated by:
  - (a) An individual employee;
  - (b) The ODPP; and
  - (c) A public service agency
- (iii) The DPP shall determine the specific periods of time, terms and conditions as may be agreed upon between the ODPP and other Public Institutions.
- (iv) Secondment of employees to and from other Public Institutions is applicable to pensionable employees, for a period not exceeding three (3) years and may be renewable once.
- (v) The ODPP may, upon request, second any employee to any requesting Agency, Organization or Institution on such terms and conditions as the ODPP in consultation with the agency to which the person is being seconded, agree upon.
- (vi) A Public Officer seconded to the ODPP shall, during the period of secondment, be considered an employee of the ODPP and only be subject to the direction of the DPP.
- (vii) Remuneration of seconded officers will be regulated in line with relevant legislation and guidelines.
- (viii) Officers on secondment to other organizations will not be eligible for promotion in the ODPP.
- (ix) Secondment shall be restricted to officers in DPP 7 and above, confirmed in appointment.
- (x) Secondment at lower levels shall be considered on a case-by-case basis.

### 3.5.8 Promotions

All promotions shall be vested with the DPP.

- (i) Promotions to posts within a common establishment i.e., from the level of DPP 8 and below shall be automatic when the employee meets all the listed requirements for promotion under the career progression guidelines. Promotions for employees in DPP7 and above shall be determined by HRAC as per assessment criteria set out in 3.4.4.7
- (ii) HRAC shall consider recommendations and submissions from regional HRAC where applicable
- (iii) HRAC shall make recommendations to the DPP for promotions.

### 3.5.9 Effective Date of Promotion

- (i) When an employee is qualified to undertake the duties of a higher post which has been temporarily or permanently vacated for a minimum period of thirty (30) days, such employee may be appointed by the ODPP to act in the higher post.
- (ii) Where an employee is promoted to a higher post without any interval between their appointment to the acting capacity, and the date of their substantive promotion, the effective date of promotion will be the date which they commenced acting.

### 3.5.10 Redesignation

- (i) The DPP shall have the power to re-designate officers from DPP 8 to 13 upon recommendation of HRAC. This shall be subject to suitability interviews for those moving to non-related cadres.
- (ii) Re-designation of employees shall be subject to the following conditions:
  - (a) Suitability interviews for employees who are moving from one cadre to another;
  - (b) Meets all the requirements for promotion;
  - (c) Suitability interviews shall not apply for posts which fall within the same job family;
  - (d) Re-designation shall be limited to positions in the entry level in any cadre;
  - (e) Shall take effect from the date of the decision of HRAC;
  - (f) The DPP shall be required to promote qualified employees before processing the re-designation requests;
  - (g) Re-designation with continuous service will only be allowed for technical cadres whose job specifications are similar for both graduate and non-graduate officers. It shall also be subject to the existence of vacancies.
  - (h) Re-designation from Non-Technical to Technical cadres will not be allowed.
- (iii) The above notwithstanding, re-designations will be based on an employees' demonstration of competence, merit and ability in performance; evidenced by their performance appraisal ratings.

## 3.6 Banding of Prosecutors

### 3.6.1 Purpose

Prosecutors exercise delegated authority from the DPP in their work. It is therefore important that they demonstrate the highest levels of competence in all their interactions with the courts, clients and stakeholders. Banding of prosecutors is aimed at ensuring that Prosecutors with the right levels of competence are assigned tasks that they have the requisite capability to execute effectively.

### 3.6.2 Scope

This banding policy applies to prosecutorial staff at all levels within the ODPP.

### 3.6.3 Basis of banding

Bands are an indication of a prosecutor's expected level of expertise and competence to effectively execute the mandate of the ODPP at various levels in the justice system. The ODPP Prosecutor bands shall be based on the following:

- (a) The level of experience of a prosecutor derived from the number of years that a prosecutor has served as a prosecution counsel;
- (b) Skills and competencies of prosecutor determined from the ODPP training and development programs completed over the years;
- (c) Capability to handle certain tasks with increasing levels of complexity; and

### 3.6.4 Banding Structure

Each band consists of band members who meet the set criteria for placement into the respective band. The following guidelines shall apply:

- (i) Every band shall have band supervisors or band leaders who will report to their respective Heads of departments;
- (ii) Band leaders shall be accountable for the work and actions of their respective band members;
- (iii) Band Supervisors shall have higher sets of qualifications requirements in view of the additional responsibilities assigned to them.

The ODPP banding structure is presented in the following table:

<b>BAND 1</b>
<b>BAND 1 (a)</b> <b>Director of Public Prosecutions (DPP)</b>
<b>BAND 1(b)</b> <b>Secretary of Public Prosecutions (SPP)</b>
<b>BAND 2</b>
<b>Deputy Director (s) of Public Prosecutions</b>
<b>Elements:</b>
(i) Job Group S;
(ii) Experience- 18 years post admission as an Advocate or served 3 years as a SADPP;
(iii) LLM and Certificate in Strategic Leadership Development Programme
<b>Departments</b>
(i) Economic, Organized, International and Emerging Crimes department
(ii) Conventional Crimes Department
(iii) County Affairs & regulatory prosecution department
(iv) Prosecution Training Institute/Research department
(v) Inspectorate and Quality Assurance
<b>BAND 3</b>
<b>Elements:</b>
(i) Job Group R;
(ii) Experience- 18 years post admission as an Advocate or served 3 years as ADPP;
(iii) LLM and Certificate in Strategic Leadership Development Programme;
<b>Members</b>
(i) Senior Assistant Director of Public Prosecutions
(ii) Assistant Director of Public Prosecutions

Members are chosen in all the Departments and sub departments under Band 2

**(i) Economic Crimes Department**-they are chosen to lead the following divisions:

- Civil law and Counter terrorism Division;
- Anti-Corruption Division;
- Economic Crime Cases Division
- Anti- money Laundering and Asset Forfeiture Division;
- Mutual Legal Assistance Division;
- Cyber Crimes Division;
- Banking and Financial Crimes Division;
- International, Transnational and Organized Crimes Division;
- Land, Environment and Related Crimes Division;

**(ii) Conventional Crimes Department**

- Offences against the person Division;
- Sexual Gender Based Violence Division;
- Juvenile Justice & Youth Protection Division;
- Traffic Offences Division;
- General Penal Code Offences Division;
- Judicial Review, Civil & Human Rights Division;
- Hate Speech and Election Justice Division.

**(iii) County Affairs and Prosecution Services Department**

- County Prosecution Service
- Delegated Prosecution Division
- Internal Liaison Division

**(iv) Prosecution Training Institute**

- Training Division
- Human Resource Development Division
- Research and Law Reform Division
- Resource Centre and Library Services Division

**(v) Inspectorate and Quality Assurance Department**

- Inspectorate and Quality Assurance Division
- Internal Compliance Division
- Complaints and Compliments Division

## BAND 4

### Elements:

- (i) Job Groups M, N & P;
- (ii) Experience - For SPPC 10 years post admission as an Advocate or served 3 years as a PPC; for PPC 7 years post admission as an Advocate or served 3 years as SPC; for SPC, 6 years or served 3 years as PC I
- (ii) Certificate in Senior Management Course.

### Members

- (i) Senior Principal Prosecution Counsel
- (ii) Principal Prosecution Counsel
- (iii) Senior Prosecution Counsel
  - Members are spread across various Departments and Divisions. At least every Division in each Department should have a Senior Principal Prosecution Counsel, Principal Prosecution Counsel and Senior Prosecution Counsel.
  - They report to their heads in Band 3, who subsequently report to band 2, who will eventually report to Band 1.
  - They are responsible for training members of band 5.

**BAND 5****Elements:**

- (i) Job Groups K & L;
- (ii) Experience- 3 years post admission as an Advocate or served 3 years as a PC II for PC I; Admitted to the bar as an Advocate for PC II;

**Members**

- (i) Prosecution Counsel I
- (ii) Prosecution Counsel II
- (iii) Research Officer
  - Members of this band report to band 4 and are trained by members from any of the bands above but mainly placed under a supervisor in Band 4;

**Supervision Team**

SPP-Overall Supervisor and Band 1 Representative  
 One Deputy Director– A supervisor of Band 2  
 Band 3-Supervisor  
 Band 4-Supervisor  
 Band 5 Supervisor

**3.6.5 Territorial or County Prosecution Services**

The ODPP remains cognizant of the evolution of cases and the increasing trend where magistrates and county courts now have jurisdiction over matters similar to the ones being handled in Nairobi. To ensure that ODPP maintains proximity to its work and clients, the ODPP Prosecutor banding structure shall apply to Counties and regions with the exception of the following:

All Deputy Directors, The SPP and The DPP will be based at the Headquarters.

Additionally, all divisions shall have a Senior Assistant DPP and an Assistant DPP based at the Headquarters.

In order to build capacity at the counties, there shall be at least one Senior Assistant DPP and/or Assistant DPP in all the departments at the County Level.

## SECTION D: REMUNERATION AND BENEFITS

### 4.1 Policy Statement

ODPP is fully committed to fairly compensating staff for their hard work. The remuneration and benefits structure at the ODPP reflects the accountabilities and responsibilities, skills, competencies and education; and the working environment that employees operate in, while undertaking their role requirements. In order to attract, motivate and retain a competent workforce, the ODPP will endeavor to offer competitive and attractive remuneration to all employees.

### 4.2 Basis for pay determination

Remuneration and benefits package received by ODPP employees is influenced by the following factors:

- (i) Job value i.e., the nature and scope of the job as determined through applicable Job Evaluation schemes in use at any one time. This includes factors such as education, skills and experience.
- (ii) Competing pay for comparable jobs in other independent institutions in the Government of Kenya;
- (iii) Individual employee performance;
- (iv) Considerations for locations and areas of deployment;
- (v) Budget considerations; and
- (vi) Approved salary grading structure in place from time to time.

### 4.3 Grades

- (i) There shall be such job grades as the ODPP may determine from time to time.
- (ii) The ODPP may conduct periodic job evaluation and leveling exercises to determine changes in the contents of jobs and the relative worth.
- (iii) The head of HRM Division shall be responsible for initiating and conducting such job grading and leveling initiatives in line with annual HR activity plans and guidelines from SRC.

### 4.4 Salary Scales

- (i) There shall be salary scales for employees of the ODPP as advised by the SRC from time to time.
- (ii) Details of the salary scales and the schedule of the corresponding posts will be communicated by the DPP through circulars as will be revised from time to time.

### 4.5 Commencement of Salary

- (i) An employee will receive full pay from the date he/she assumes the duties of the post.
- (ii) On first appointment, an employee will enter the salary structure at the minimum point of the respective salary scale. However, an employee may be granted incremental credit for previous relevant and comparable experience, at the rate of one increment for each complete year of approved experience; provided the maximum of the salary grade assigned to the post is not exceeded.
- (ii) The grant of increments for relevant experience will be subject to the following conditions:
  - (a) Incremental credit will only be granted in respect of approved experience gained after acquiring the requisite minimum qualifications for the grade. In granting incremental credit, any period of service or experience stipulated as a basic requirement for appointment or promotion to a particular grade will be excluded;
  - (b) Incremental credit will be granted only for previous approved experience in the type of work upon which an officer will be employed on his appointment to the particular grade;
  - (c) Incremental credit may be granted for the number of years of aggregate approved experience, periods in excess of full years being ignored.



#### 4.6 Payment of Salary

- (i) Each employee will have a stated monthly basic salary quoted before any statutory deductions.
- (ii) Salary will be paid monthly in arrears in Kenya shillings (KShs).
- (iii) Salary will be paid through financial institutions and all employees will be required to open Accounts and submit the details to the Head of HRM Division when they accept ODPP offer of appointment or whenever there are changes in bank account details.
- (iv) Statutory deductions, where applicable, such as PAYE, NSSF, NHIF and other legal taxes, as well as deductions arising from court orders/attachments, will be made from an employee's salary without his/her authorization.
- (v) Voluntary deductions such as remittances to Co-operatives, Insurance Firms, among others will be effected provided the employee gives written authorization.
- (vi) On termination of employment, the last payment will be made on confirmation that the employee has been cleared and issued with a Clearance Certificate.

#### 4.7 Salary Increments

- (i) The incremental date shall be the first date of the month that an employee was appointed.
- (ii) Salaries will be reviewed on an annual basis depending on the remuneration structure in place and prevailing economic conditions which determines any applicable cost of living adjustments.
- (ii) Individual salary adjustments will be made to an employee as determined by the following criteria:
  - (a) **Promotion based adjustment** – A promotional increase is one granted coincident with an employee's appointment to a new position which is in a higher salary scale than the one he/she is currently classified. Any subsequent increase necessary to bring the individual's salary to the new band minimum shall be considered a salary adjustment. A promotion or demotion shall normally be signified by a change in the position title and grade level of the employee. In the event of a demotion to a lower grade, the individual's current salary and benefits will not change.
  - (b) **Cost of living adjustment** – Once each year, employees will normally be entitled to receive a cost-of-living adjustment (COLA), provided budgets and funding situation can accommodate such adjustments. This adjustment shall be determined by the DPP in consultation with the Heads of Departments and will take into account the official rate of inflation. Advice from the SRC shall be sought before such adjustments are affected.
  - (c) **Performance based adjustment** – Performance based adjustments shall normally be considered once a year after the annual employee appraisal, and usually take effect in (December) of each year. No increase should be granted to an employee whose performance is rated unsatisfactory. The percentage increases shall be based on established annual economic and budgetary factors. All staff are appraised in (December/ January) to provide the basis for the merit salary review.
  - (d) Should an employee be demoted for whatever reasons, s/he will retain his/her current salary but future increments shall be based on rates pertaining to the new scale. A letter outlining his/her new status shall be issued to the departments concerned.

#### 4.8 Salary deductions

- (i) Employees shall not commit their basic salary beyond two thirds (2/3) and the Head of HRM division shall ensure compliance.
- (ii) Statutory deductions from salaries will include:
  - (a) Income tax/Pay As You Earn (PAYE);
  - (b) National Hospital Insurance Fund (NHIF); and
  - (c) Any additional deductions or change in the amount of deductions as directed by legal statute.



## 4.9 Salary Advance

- (i) Employees will be eligible for a salary advance of not more than one (1) month's salary. The salary advance will be by the Authority of the Secretary, Public Prosecutions and will be granted to an employee who, owing to circumstances beyond his control, is placed in a difficult financial position.
- (ii) An advance under this may be granted only when an employee has no other outstanding salary advance. In very exceptional circumstances, the Head of HRM may grant an advance of not more than two (2) months' salaries if he/she is satisfied that the employee needs assistance in excess of one (1) month salary advance.
- (iii) Salary advance may only be granted to an employee on permanent terms, or to an employee serving on contractual terms for more than one (1) year and has more than one (1) year to serve, before expiry of the contract.
- (iv) Recovery of salary advance will be made in reasonable installments of up to twelve (12) months. A salary advance in excess of one (1) month salary will also be recovered in twelve (12) monthly installments.

## 4.10 Allowances

While it may be considered that the salary attached to a post represents appropriate remuneration for the employee for proper and efficient performance of duties, there are circumstances in which additional payments are warranted. Such additional payments are made in the form of allowances. Allowances shall be classified as follows:

- (i) Housing Allowance – To cater for rent or accommodation where this is not included as part of the basic pay
- (ii) Commuter allowance – To cater for employee's transport to and from their places of work where they have not been provided with official transport
- (iii) Job related allowances - These are allowances paid to enhance employee's salary in view of unique work contexts
- (iv) Task related allowances – To compensate employees who are appointed to carry out assignments outside the scope of their responsibilities.

### 4.10.1 Housing Allowance

All ODPP employees will be eligible for a house allowance. The applicable rate of house allowance will be those published by the SRC from time to time.

### 4.10.2 Commuter Allowance

- (i) Employees in Grade DPP 3 and below shall be eligible for commuter allowance.
- (ii) The rate of commuter allowance shall be determined by the ODPP in consultation with the SRC.

### 4.10.3 Acting Allowance

- (i) An employee qualified to undertake the duties of a higher post, which has been temporarily or permanently vacated for a minimum period of thirty (30) days, may be paid an acting allowance at the rate of 20% of his or her current monthly basic salary.
- (ii) Acting appointments will be made where the period involved is thirty (30) days or more. An employee who is appointed on an acting capacity will be eligible, during the tenure of his acting appointment for travelling privileges and other related allowances such as accommodation allowance payable to the higher post with the exception of leave and house allowance.
- (iii) Recommendation for payment of acting allowance will be submitted by the Head of Department to the DPP through the Head of HRM for approval as soon as the employee assumes the duties of the higher post.
- (iv) Payment of acting allowance shall take effect from the date of appointment by the DPP.

- (v) Acting appointment shall be limited to twelve (12) months at any given time for substantively vacant positions. However, when an employee has been appointed to act in a post for up to twelve months and is not confirmed to the substantive post, a decision must be made to either confirm the employee or take him/her back to the former post.
- (vi) If the substantive position is not filled, the acting appointment may be renewed once for a further maximum period of six (6) months.
- (vii) The maximum period for payment of an acting allowance shall not exceed twelve (12) months.
- (viii) An acting appointment may be made on a substantive vacant post pending advertisement of the post.
- (ix) Acting Allowance shall not be paid against any post falling within the common establishment.
- (x) Employees on probation are not eligible for acting allowance.

#### **4.10.4 Responsibility Allowance**

- (i) Employees called upon to undertake additional work or responsibility which is not normally part of their designated duties and for a job that is on the same grade as their own shall be paid responsibility allowance at 20% of own basic salary.
- (ii) Other fringe benefits enjoyed by the incumbent will not apply.

#### **4.10.5 Special Duty Allowance**

- (i) Where an employee does not possess the necessary qualifications and cannot be appointed to act in a higher post, but is competent to perform the duties, the employee may be called upon to undertake the duties of the higher post.
- (ii) Special duty allowance will be paid to an employee performing the duties of a post that is not more than two (2) grades higher than his or her substantive post at the rate of 15% of the employees' monthly basic salary.
- (iii) In view of their additional supervisory and administrative responsibilities, Regional Coordinators and County Heads may be eligible for payment of special duty allowance.
- (iv) Recommendations for payment of special duty allowance will be submitted to the HRAC by the Head of Department.
- (v) Authority for payment of special duty allowance will take effect from the date of approval by the DPP following recommendation by the HRAC.
- (vi) If the substantive position is not filled, the Special Duty Allowance may be renewed for further maximum period of six (6) months.
- (vii) Special duty allowance will be paid for a period not exceeding twelve (12) months.
- (viii) Employees performing duties of a higher post under this provision shall be eligible for traveling privileges, accommodation allowance, subsistence allowance or an extraneous allowance and entertainment allowance as may be applicable for their grade. However, the employee shall not qualify for house allowance or other remunerative allowances applicable to the higher post

#### **4.10.6 Prosecutors Allowance**

- (i) Prosecutors will be eligible for Prosecutors' allowance due to the nature of their duties.
- (ii) The rate of the Prosecutors allowance shall be determined by the DPP in consultation with the SRC

#### **4.10.7 Non-Practicing Allowance**

- (i) The Prosecution Counsel will be eligible for non-practicing allowance.
- (ii) The rate of non-Practicing allowance shall be determined by the DPP in consultation with the SRC

#### 4.10.8 Domestic Staff Allowance

An employee at the Grade of DPP1 shall be eligible for Domestic staff allowance as determined by the ODPP in consultation with the SRC

#### 4.10.9 Robe Allowance

- (i) Prosecution Counsel at the Grade of DPP 3 and above shall be eligible for Robe allowance due to the nature of their duties.
- (ii) The Robe allowance shall be payable annually at the rates determined by the ODPP in consultation with the SRC.

#### 4.10.10 Hardship Allowance

- (i) In an effort to compensate for the cost of living and for attraction and retention of skilled employees from hardship areas, all employees stationed in a designated hardship area shall be paid a hardship allowance.
- (ii) The classification of hardship areas shall be conducted by the ODPP in consultation with the SRC and applicable rates communicated from time to time.

#### 4.10.11 Extraneous Allowance

- (i) Extraneous allowance shall be paid to all ODPP employees who are called upon to undertake extra responsibilities in addition to their normal duties and therefore work over and above the official working hours on a continuous basis.
- (ii) The rates and eligibility for payment shall be determined by the ODPP in consultation with the SRC from time to time.

#### 4.10.12 Overtime Allowance

- (i) Where an employee in grade DPP 10 and below is required to work overtime, an allowance may be granted to him/her with the approval of the departmental head for overtime worked in excess of forty (40) hours per week, at the rate of one and a half (1½) times the employee's basic salary during working days and two (2) times the employee's basic salary during other days including public holidays.
- (ii) Overtime allowance will be paid subject to a maximum of ten hours per week.
- (iii) This provision will not apply to certain categories of employees in ODPP who are required to work overtime regularly and an allowance has been authorized for their compensation.

#### 4.10.13 Daily Subsistence Allowance in Kenya

- (i) An employee who travels on official duty outside the duty station and makes his or her own arrangements for boarding and lodging will be paid daily subsistence allowance as shall be determined by the ODPP based on advice from the SRC.
- (ii) Daily subsistence allowance will be paid for a maximum continuous period of thirty (30) days. In exceptional circumstances the DPP may approve payment of Daily Subsistence allowance beyond thirty (30) days for a period not exceeding five (5) months.
- (iii) On transfer from one station to another, an officer may claim accommodation allowance for self and spouse up to a maximum of four (4) unmarried children under twenty-five (25) years of age, who are living with and are in full time schooling and dependent on him should they be compelled to spend one or more nights on the journey. The rate of allowance for the spouse and children aged eighteen (18) years and above will be the same as that of the officer. The rate for the children below eighteen (18) years will be half that payable to the officer.
- (iv) Where an employee's travelling, boarding and lodging expenses are paid in full directly to the hosting institution or hotel by the ODPP or any other organization; a residual allowance of up to one-quarter (1/4) of the standard rate of subsistence allowance may be paid to him or her to cover incidental expenses.

- (v) Where only lodging expenses are covered, subsistence allowance may be paid at three-quarters (3/4) of the standard rate.
- (vi) In cases where the sponsor does not meet the expenses directly but pays an allowance and such allowance is less than the standard rate of subsistence allowance, the employee may claim the difference.

#### **4.10.14 Meal Allowance**

- (i) When an employee travels on duty outside the duty station and is not required to spend a night away from his permanent station, he or she shall be eligible for an allowance for breakfast, lunch and or dinner allowance as shall be determined by the ODPP based on advice from the SRC.
- (ii) Meal allowance shall be paid at the rate of 15% for breakfast, 20% for lunch and 20% for dinner of the daily subsistence rate applicable.

#### **4.10.15 Subsistence Allowance when Travelling on Duty Outside Kenya**

- (i) An employee who is required to travel on duty outside Kenya will be granted subsistence allowance at the daily rates applicable as shall be determined by the ODPP in consultation with the SRC.
- (ii) Travelling expenses incurred from the airport to a hotel or other residential place and vice versa, airport charges, fees for vaccination, insurance fee visas, passport charges, and other incidental expenses will be refunded.
- (iii) Where an employee's travelling, boarding and lodging expenses are paid in full directly to the hosting institution or hotel by the ODPP or any other organization; a residual allowance of up to 75% of the standard rate of subsistence allowance may be paid to him or her to cover incidental expenses. Where only lodging expenses are covered, subsistence allowance may be paid at 75% of the standard rate. In cases where the sponsor does not meet the expenses directly but pays an allowance and such allowance is less than the standard rate of subsistence allowance, the employee may claim the difference.

#### **4.10.16 Entertainment Allowance**

- (i) Staff who may from time to time be required by the nature of their duties to provide hospitality and entertainment to official guests will receive a non-accountable monthly entertainment allowance.
- (ii) The rate of the allowance shall be determined by the ODPP based on advice from the SRC from time to time.
- (iii) Where employees are required to provide hospitality and entertainment, they shall apply for an imprest which shall be surrendered in the normal manner.

#### **4.10.17 Leave Allowance**

- (i) An officer shall be eligible for leave allowance payable once a year. The rate of leave allowance will be determined by the government from time to time.
- (ii) The rate of leave allowance shall be determined by the ODPP based on advice from the SRC.

#### **4.10.18 Transfer Allowance**

- (i) Where an employee is posted from one station to another, he or she will be eligible for payment of transfer allowance prior to departure to the new station. Provided an employee who has appealed against their transfer, the transfer allowance shall be paid after the appeal is determined.
- (ii) Transfer allowance will be paid at the rate of an employee's one (1) month's basic salary.

- (iii) Transfer allowance will not be paid:
  - (a) Where the new station is less than forty (40) Km from the old station;
  - (b) To employees who are posted on temporary basis (i.e., on relief duty) for a period not exceeding three (3) months; and
  - (c) To officers who are transferred on their own request to suit their own convenience.
- (iv) In exceptional circumstances, the DPP may authorize payment of transfer allowance notwithstanding provisions of Regulation 4.10.18 (iii) (a and b).

#### **4.10.19 Provision for Airtime**

- (i) All ODPP employees shall be provided with airtime. The entitlements shall be according to respective employee grades and the rates shall be determined by the ODPP from time to time.

#### **4.10.20 Resource Persons allowance**

- (i) ODPP employees and other public officers called upon to facilitate at workshops, seminars and conferences will be entitled to facilitation allowance at the rate of KShs. 5,000 per two-hour session or other rates that may be approved by the DPP from time to time.
- (ii) Where external facilitators are called upon to facilitate in workshops or seminars organized by ODPP, the rates shall be as determined by the ODPP in consultation with the SRC from time to time.

#### **4.10.21 Retreat Allowance**

A retreat allowance shall be paid to ODPP employees attending workshops meant to review, develop and produce reports at a rate of Kshs.5, 000/= per person per day, provided the maximum duration for the retreat shall not exceed ten (10) days and the number of participants shall also not exceed ten (10).

#### **4.10.22 Baggage Allowance**

- (i) Baggage allowance shall be paid to an employee when travelling on first appointment, transfer, retirement or termination of appointment where a government vehicle is not provided.
- (ii) The baggage allowance rates shall be determined by the ODPP from time to time and shall be based on prevailing market rates.
- (iii) Calculation of the baggage allowance shall be on return journey basis.
- (iv) In case of the death of an employee, the next-of-kin shall be eligible for a baggage allowance at rates determined by the ODPP in consultation with the SRC from time to time.

#### **4.10.23 Top-up allowance**

- (i) Officers seconded to the ODPP from other institutions in the public service at lower salaries than their equivalent ODPP grade minimum basic salary shall be entitled to a top-up allowance to cater for the pay difference.
- (ii) The rate for the top-up allowance shall be the difference between the officer's current pay and the corresponding ODPP salary scale minimum.
- (iii) Payment of top up allowance shall be approved by the DPP based on recommendation by the Head of HRM Division.

#### **4.10.24 Training allowance**

An ODPP employee who is required to attend a course/seminar/workshop outside Kenya will be eligible for the payment of maintenance allowance at the prevailing rates to meet his/her basic and other living expenses such as subsistence, accommodation, local transport, warm clothing, outfits and excess baggage on return home.

#### **4.10.25 Risk Allowance**

ODPP employees who are deployed to work in designated high-risk areas shall be entitled to a risk allowance at a rate to be determined by the DPP in consultation with SRC.

#### 4.10.26 Taskforce allowance

- (i) ODPP employees appointed to different taskforces to undertake tasks of national interests within specific timeframes shall be eligible for the payment of a taskforce allowance;
- (ii) The applicable rates for the task-force allowance shall be those rates published by the Public Service Commission and the SRC from time to time.
- (iii) The DPP in consultation with the Head of HRM shall apply for the applicable rates based on the positions held by ODPP employees in any given task-force.

#### 4.11 Benefits

A benefit is any financial instrument that accrues to an employee by virtue of his/her employment and/or position. The ODPP believes that its Employee Benefits Program represents a valuable part of the overall compensation.

While the ODPP will do its best to continue these benefits, employees must understand that external conditions and other government-wide guidelines will at times affect the types of benefits and the amounts that will be available to employees. As such, the ODPP reserves the right to amend, modify or terminate any of the benefits that are provided. Specific benefits are stipulated in individual employees' letters of appointment/contracts. This section details the general benefits that exist at the ODPP.

##### 4.11.1 Car loan scheme

An employee serving on permanent and pensionable terms will be eligible to benefit from the ODPP car loan scheme. The interest rates, repayment periods and guidelines for administration of the scheme will be communicated by the HRM Division from time to time, in line with prevailing market conditions.

##### 4.11.2 Mortgage scheme

- (i) An employee serving on permanent and pensionable terms will be eligible to benefit from the ODPP Mortgage scheme.
- (ii) There shall be a revolving fund or the DPP may negotiate with a Financial Institution for provision of mortgage facilities to the employees at discounted rates.
- (iii) The loan amount and interest rate shall be determined by the Scheme Provider in consultation with the ODPP.

##### 4.11.3 Medical Benefits

- (i) Employees shall be enrolled into the ODPP sponsored medical scheme as soon as they sign an employment contract.
- (ii) The cover will provide in-patient and out-patient treatment and care to the employee and declared dependents as per the medical scheme.

#### 4.12 Retirement Benefits

- (i) All employees shall join and contribute towards the retirement benefits scheme as provided for in their terms of service.
- (ii) An appointed Fund Administrator shall administer the employees' retirement benefits scheme.
- (iii) The contributions paid to the scheme's Fund shall be vested with the trustee and shall only be paid to an employee leaving employment for any reason or upon attainment of retirement age subject to the rules of the fund.

##### 4.12.1 Eligibility

- (i) All employees engaged on permanent and pensionable terms of service shall join the ODPP contributory retirement scheme.
- (ii) Employees on permanent and pensionable terms will automatically join the pension scheme while those engaged on Temporary terms of service shall contribute towards an appropriate Fund Scheme.

#### **4.12.2 Contribution Rates**

Contribution rates shall be as per the Trust Deed and Rules.

#### **4.12.3 Members Retirement Benefits**

Members will be provided with a handbook detailing provisions and benefits of the scheme.

#### **4.12.4 Retirement Age**

Employees will voluntarily retire on attainment of the specified age in the Trust Deed and Rules and will be eligible for pension as specified in the Trust Deed and Rules.

#### **4.12.5 Benefits Provided by National Social Security Fund**

Members of the National Social Security Fund shall be paid their benefits by the fund on retirement.



## SECTION E: LEAVE MANAGEMENT

### 5.1 Policy Statement

The ODPP recognizes the basic right of employees to take leave from work and provides a range of options for the promotion of work-life balance. In this regard, every employee shall be encouraged to take a break from work responsibilities within the financial year, for rest and relaxation.

This Policy describes the general entitlements, rules, and regulations that govern leave at ODPP.

### 5.2 Introduction

- (i) Annual leave is granted subject to the exigencies of work for recuperative purposes to enable employees to renew their energies and improve work efficiency.
- (ii) Except in exceptional circumstances, annual leave may not be commuted for cash nor will unutilized leave days be claimed by dependents to the estate of a deceased officer.
- (iii) The DPP shall authorize deferment or commutation of leave for cash where leave is not taken due to exigencies of service.
- (iv) Commutation of leave will be based on an employee's basic salary for the relevant leave year.
- (v) The above notwithstanding, it is reiterated that employees should be allowed the opportunity to utilize their leave days within each year.

### 5.3 Categories of Leave

Leave falls into any of the following categories:

- (a) Annual Leave
- (b) Maternity Leave
- (c) Paternity leave
- (d) Sick/Convalescent Leave
- (e) Compassionate Leave
- (f) Leave for Sportsmen/women
- (g) Unpaid Leave
- (h) Terminal Leave
- (i) Adoption leave
- (j) Sabbatical leave
- (k) Paid study leave
- (l) Unpaid study leave
- (m) Examination leave
- (n) Emergency leave

### 5.4 Annual Leave

- (i) An employee will be eligible for annual leave at the commencement of a "leave year" except in the case of a newly appointed employee who will be required to complete a minimum of three (3) months' service before being granted annual leave. For this purpose, a "leave year" will commence on 1st July and end on 30th June of the following year.
- (ii) Annual leave for a newly appointed employee will be calculated on a pro-rata basis for the year of his or her appointment. The number of leave days due will be calculated by reference to the proportion of the period from the commencement of service to the end of the year.
- (iii) All employees, irrespective of grade, will be entitled to thirty (30) days annual leave. The leave will exclude Saturdays, Sundays and Public Holidays.



- (iv) Annual leave is not cumulative. Hence, leave earned shall be taken within the leave year it falls due or be forfeited. However, an employee may, if he or she so wishes to carry forward from one leave year to another not more than one half of his or her annual leave entitlement.
- (v) Before any employee proceeds on leave, he or she must furnish the Office with the leave address, email and telephone number.
- (vi) Period of suspension shall not earn any annual leave. However, where a period of suspension shall be followed by restoration to duty and an abatement of salary imposed in respect of such period, the annual leave earned in respect of such period, will be abated on pro-rata basis.
- (vii) An employee who has not utilized the annual leave due for the year in which his employment ceases will be entitled to terminal leave in accordance with Section 28 of the Employment Act 2007.
- (viii) An officer stationed in a designated hardship area may avail himself of his annual leave in two portions. Each portion should be taken once every period of six months, i.e., from 1st June to 30th December and from 1st January to 30th June.
- (ix) An officer stationed in a hardship area who takes not less than half of his annual leave entitlement once every period of six months, will be granted, in addition to his leave, travelling time of five (5) days each way and normal travelling privileges in terms of this Manual.

### 5.5 Maternity Leave

- (i) Female employees shall be granted maternity leave with full pay for a period of one hundred and twenty (120) calendar days which shall be exclusive of the annual leave due for the year.
- (ii) An application for maternity leave shall be submitted to the Head of HRM through the Supervisor not less than seven (7) days before the expected date of delivery.
- (iii) Upon immediate expiry of maternity leave, a female employee may proceed on sick leave before resuming her duties or with the consent of the employer, proceed on annual leave; compassionate leave; or any other leave.
- (iv) In cases where the mother loses the baby, she will be entitled to forty-five (45) maternity leave days with full pay to enable her to recover and adjust.
- (v) During the twelve (12) months period following the birth of the baby, the lactating mother may be granted 2 hours per day off for nursing during the first six (6) months after delivery.

### 5.6 Paternity Leave

- (i) A male employee shall be eligible for paternity leave for fifteen (15) working days during the period of the spouse's maternity leave.
- (ii) Paternity leave will be granted on confirmation of the birth of the child. The name of the child's mother must correspond with the name of the employee's spouse as indicated in the records. An employee will present a letter from a Medical Officer certifying the birth of his child.
- (iii) Paternity leave shall not be deferred, neither shall it be commuted for cash, nor shall the employee qualify for payment of leave allowance.

### 5.7 Sick and Convalescence Leave

- (i) Sick leave is defined as an approved absence of an employee from duty on account of illness. Sick leave shall be granted by a duly authorized Medical Practitioner and the medical certificate duly signed and submitted to the Head of HRM through the supervisor within two (2) days of absence where it is practical to do so.
- (ii) Any absence of an employee from duty on account of illness shall be supported by a medical certificate given by a medical practitioner registered with the Kenya Medical Practitioners and Dentist Board.
- (iii) Convalescence leave means a period of absence of an employee granted on recommendation of a qualified Medical Practitioner for the employee's recuperative purposes immediately following an illness.

- (iv) An employee may also be granted convalescence leave, by an approved medical practitioner for recuperative purposes immediately following an illness. The medical certificate shall indicate the convalescence leave days, which will be given according to calendar days.
- (v) An employee on sick leave as a result of an accident or occupational disease will be entitled to full pay, pursuant to the Work Injury Benefits Act. The employee will however, be subject to assessment by the Medical Board to determine his fitness for further service.

### **5.8 Rates of Sick Leave/Convalescence Leave**

- (i) Each medical certificate will be given for a maximum period of twenty-one (21) days. Upon expiry of the twenty-one (21) days, subsequent sick offs will be on the basis of medical reviews and certificates every fourteen (14) days till recovery.
- (ii) Sick or Convalescence leave shall be granted for a period of up to six (6) months on full pay followed by three (3) months on half (1/2) pay in a leave year.
- (iii) If the sickness persists, the employee shall appear before a Medical Board for an assessment of his fitness to continue in the service or otherwise. An employee who is found unfit for continued service shall be retired on grounds of ill health.
- (iv) All cases of this nature shall be referred to the Advisory Board for ratification.

### **5.9 Compassionate Leave**

- (i) Employees are entitled to compassionate leave of up to ten (10) working days.
- (ii) An employee will be eligible for compassionate leave in the event of the death, sickness or any personal traumatic experience involving the member of staff or an immediate family member (Parent, spouse, child or sibling).
- (iii) Compassionate leave shall not be deducted from annual leave entitlement

### **5.10 Leave for Sportsmen /Women**

- (i) An employee selected to represent Kenya in National, Regional or International fixtures will be granted special leave with full salary for the necessary period of his training and subsequent participation in sports.
- (ii) The special leave will not be counted against annual leave entitlement and will be authorized by the Head of Human Resource Management through the supervisor.

### **5.11 Unpaid Leave**

- (i) Leave without pay may, subject to the exigencies of work, be granted to an employee for compelling reasons. Some of the reasons include:
  - (a) Urgent private affairs of exceptional nature not exceeding sixty (60) calendar days;
  - (b) Employees whose spouses are posted to foreign missions during the tour of service;
  - (c) Employees who are appointed to international organizations where they cannot transfer their service or be on secondment for a period not exceeding three (3) years;
  - (d) Spouses of employees appointed under (c) above, will be granted unpaid leave for a maximum non-renewable period of one (1) year.
- (ii) Application for such leave shall be submitted to the DPP with a recommendation from the head of Department.
- (iii) Unutilized earned leave days to the credit of the employee must be exhausted before request for unpaid leave can be considered.
- (iv) Employees will not earn pay increments during their unpaid leave.
- (v) The period of unpaid leave will not be pension earning. The ODPP will not make a contribution of its portion towards an employee's pension. The employee will however be free to contribute his/her portion towards the pension scheme.

### 5.12 Terminal Leave

An officer who is due for retirement will be entitled in addition to his annual leave, thirty (30) calendar days leave pending retirement. This leave must be taken a month preceding retirement or be forfeited. It will neither be commuted for cash nor will the officer qualify for additional leave allowance.

### 5.13 Paid Study Leave/Unpaid Study Leave

- (i) To encourage its employees to further their education, the ODPP may grant study leave for a maximum of two years whenever possible and particularly, undertake relevant professional studies leading to professional or advanced qualifications.
- (ii) This section of the manual shall be read along with the provisions of the Training and Development policy.

### 5.14 Leave for Examination

- (i) Examination Leave for an employee attending an approved course with an examinable component shall be granted only for main examinations.
- (ii) The employee shall be expected to provide an approved examination timetable.
- (iii) Additional guidelines on examination and study leave are contained in the Training and Development policy.

### 5.15 Sabbatical Leave

- (i) The ODPP may grant sabbatical leave to staff in PTI engaged in teaching/training who may require an opportunity to broaden and deepen their educational or research interests and explore new areas of interaction.
- (ii) To be eligible for sabbatical leave, an employee must have served the ODPP for a continuous period of at least ten (10) years and at an interval of at least six (6) years thereafter.
- (iii) The leave shall be granted for a period of up to nine (9) months with full pay without an option of extension. During the period of sabbatical leave, the employee will not be allowed to engage in any kind of paid employment. The area of study/research must be in line with the operations of the ODPP.

### 5.16 Adoption Leave

- (i) An ODPP employee is entitled to adoption leave with full pay upon production of supporting legal documents.
- (ii) The leave shall be granted as follows:

<b>Age (years)</b>	<b>No. of leave days</b>
Below 5	60
5 – 10	45
Above 10	30

- (iii) An employee on adoption leave shall not forfeit his/her annual leave.

### 5.17 Compulsory Leave

- (i) Where an investigation is being carried out against an employee, the DPP may send the employee on compulsory leave for a period not exceeding thirty working days (30).
- (ii) A notice in writing shall be sent to the employee, stating the reason and duration for the compulsory leave.
- (iii) An officer on compulsory leave shall be entitled to full pay and benefits.
- (iv) Compulsory leave shall not be counted as part of an employee's annual leave.

### 5.18 Emergency Leave

- (i) An employee may be granted emergency leave when he/she is faced with unusual circumstances.
- (ii) Such leave will be granted upon justification by the employee and shall not exceed seven (7) days in a calendar year.
- (iii) Emergency leave when taken shall not be deducted from the employee's annual leave entitlement.

### 5.19 National Days and Public Holidays

- (i) The following are the National days and public holidays to be observed in Kenya. All employees will observe them, except those whose retention on duty is necessary in the ODPP.
- (ii) The National days are:
  - a. Madaraka Day - 1st June
  - b. Mashujaa Day - 20th October
  - c. Jamhuri Day - 12th December
- (iii) The Public Holidays are:
  - a. New Year - 1st January
  - b. Good Friday - Variable
  - c. Easter Monday - Variable
  - d. Labour Day - 1st May
  - e. Idd-ul-Fitr - Variable
  - f. Christmas - 25th December
  - g. Boxing Day - 26th December
- (iv) The Idd-ul-Fitr holiday shall be observed on the 31st day from the date of the commencement of Ramadhan and shall be announced by the Chief Kadhi every year.
- (v) In addition to the public holidays, the following will be observed as public holidays by employees as indicated:
  - Idd-ul Adhaa - Employees professing the Islamic faith
  - Diwali - Employees professing the Hindu faith

### 5.20 Working Remotely

- (i) Employees wishing to work away from the office occasionally must obtain agreement and approval from their manager, prior to the actual date of working remotely. Retrospective requests will not normally be agreed to and any absence may be considered as unauthorized.
- (ii) When approving requests to work remotely, managers should consider the nature of the Employee's job, impact to the team, remote location, as well as the individual's regular performance.
- (iii) While working remotely, employees must comply with normal office hours and policies. This includes – but is not limited to; data integrity and confidentiality, safe keeping of files, dress code and conduct during virtual engagements with stakeholders.
- (iv) A request to work remotely does not guarantee approval for the same.
- (v) The ODPP may require employees to work from home or other remote locations as a crisis management and control strategy.
- (vi) The ODPP encourages an individual accountability culture from all employees and expects that all employees shall provide clear documentation of outputs and deliverables, where remote work has been approved.

- (vii) The ODPP shall provide different communication technology to enable virtual working and collaboration among employees working remotely.
- (viii) The employees' performance expectations and individual responsibilities and accountabilities shall not be varied on account of remote working arrangements.
- (ix) The HRM Division will issue detailed and specific guidelines to support safe, secure and effective remote work. Such guidelines will include available connectivity options, tools, media and available support from ODPP for employees opting to work remotely.
- (x) As a minimum requirement, employees working remotely must ensure that:
  - (a) They dress formally and abide by the dress code
  - (b) Turn on their camera during discussions
  - (c) Ensure that their backgrounds look formal and devoid of any elements that may cause interference or distraction to their audience and stakeholders
  - (d) Make effort to ensure clear connectivity so as not to interfere with effective delivery.
- (xi) Female employees especially young mothers will be given special considerations to work remotely to enable them fulfill their unique obligations.
- (xii) Where any of the above minimum guidelines are not implementable, the options for remote working will not be feasible.

## SECTION F: WORK RELATED TRAVEL

### 6.1 Introduction

Transport in the ODPP shall be regulated through the ODPP Transport Policy. It addresses transport of employees while on duty, the use of ODPP vehicles, travelling privileges to members of the employee's family in certain circumstances and transportation of personal effects.

### 6.2 Eligibility for Transport

- (i) The Office will provide transport for an employee travelling on duty within and outside the duty station.
- (ii) Transport will be provided for an employee, her/ his spouse and unmarried children aged twenty-five (25) years and below; who are living with and are dependent on him, on occasions when they are travelling on transfer and upon termination. The age limit for children may be extended beyond twenty-five (25) years for, children living with disability or for those still in school, with the approval of the DPP.
- (iii) Where official transport will not be available, the ODPP shall make reimbursement of travel expenses incurred by the employee.
- (iv) An employee or a dependent who is eligible for transport privileges must utilize the same within a period of three (3) months from the date when it is due, failure to which the entitlement will be forfeited.

### 6.3 Drivers

- (i) An employee required to drive must have a valid driving license and must have passed suitability test organized by the Chief Mechanical Engineer. A driver shall not drive a type of vehicle for which she/ he is not licensed. An officer who authorizes the use of a vehicle by a Driver who does not possess a valid license shall be held responsible for any pecuniary loss that may result from any eventuality.
- (ii) The cost of renewal of annual driving licenses of the drivers will be met by the ODPP
- (iii) All drivers must at all times set the highest standards of road conduct and should not drive while drunk, smoking or use mobile phones while driving. Such behaviour is subject to disciplinary action.

### 6.4 Transport Work Ticket

- (i) All journeys must be authorized and endorsed through the Work Ticket. Any driver operating without a work ticket properly authorizing a journey in question, or found deviating from the route authorized or carrying unauthorized passengers or goods, will be subject to disciplinary action.
- (ii) The instructions set out in the front cover of the book of work tickets must be made known to all drivers and officers responsible for managing the vehicles.

### 6.5 Use of ODPP Vehicles

- (i) All vehicles are intended for official purposes and must never be used for private use such as business or pleasure. An employee who makes improper use of a vehicle will render themselves liable to surcharge in addition to any other disciplinary action which may include summary dismissal.
- (ii) No vehicle shall be on the road unless it is properly authorized for official business. In particular, no vehicle should be used outside official working hours unless it is authorized by the DPP or the Transport Officer, to carry out an emergency or essential service.
- (iii) ODPP employees may make seek authorization from the DPP to use official vehicles.
- (iv) Employees will be expected to pool transport when travelling to the same destination particularly in the field services under the co-ordination of the person in charge of transport.

- (v) In order to facilitate proper monitoring of use of vehicles, the Transport Officer will submit monthly vehicle returns to the DPP. The returns shall specify the following information for each vehicle:
  - (a) Vehicle particulars
  - (b) Distance travelled during the month
  - (c) Amount of fuel taken
  - (d) Details and cost of all repairs
  - (e) Details of grounded vehicles and reason
  - (f) Any other relevant remarks concerning the vehicle
- (vi) All ignition keys to the vehicles will be handed over to the DPP or designated employee after official working hours.

## 6.6 Accident Procedure

- (i) All drivers should acquaint themselves with provisions of the Traffic Act, Cap 403 which makes it obligatory for a driver of a vehicle involved in an accident to report the accident to the nearest Police Station in whose area the accident occurs.
- (ii) Any passenger(s) in the vehicle will be required to record a statement as soon as is practicable.

## 6.7 Use of a Personal Vehicle

- (i) Where there may be no official vehicle to travel on official duty outside the normal duty station, an officer may seek permission from the DPP to use their own vehicle.
- (ii) Where such permission is granted, the employee shall claim reimbursement based on the prevailing Automobile Association (AA) rates. The vehicle capacity shall be limited to a maximum of 2000c.c.

## 6.8 Travel by Air

- (i) When travelling on duty outside Kenya, an employee may travel by air. Air travel on duty within Kenya shall require prior approval of the DPP.
- (ii) Approval for air travel may be given only if other modes of transport are unavailable or where air travel is economical or where time is of the essence. Such travel shall be by the most direct and economical route.

## 6.9 Rail Transport

Where applicable, travel by rail shall be availed.

## 6.10 Use of taxis

An employee traveling on official duty, attending or returning from a course of training, conference, or meeting, may make use of taxi services from service providers provided for and approved by the DPP.

## 6.11 Travelling for Interview

An employee invited for an interview by the ODPP shall be regarded as travelling on duty and his or her travelling and accommodation expenses shall be reimbursed.

## 6.12 Transport Facilities on Bereavement

- (i) Transport facilities for a bereaved officer and immediate family members shall be provided.
- (ii) Transport facilities for the immediate family of a deceased employee shall be provided at Office expense to the place of burial; provided that the immediate family members will not exceed ten (10).
- (iii) An officer who will represent the ODPP at the burial of the deceased shall be granted official transport.



## SECTION G: TRAINING AND DEVELOPMENT

### 7.1 Introduction

- (i) The ODPP recognizes the role of training as a management tool in improved productivity, efficiency and employee career development. Training as an improvement tool is a basic requirement for any formal organization.
- (ii) The ODPP places high premium on training in its efforts to become highly productive and will continue to complement its professional and technical employees in all areas of operation.
- (iii) The ODPP operations are of a highly specialized nature, characterized by high precision skills and technical knowledge among the professional, technical and supportive employees. There is need not only to recruit the right caliber of personnel but also to train the incumbents with necessary skills.

### 7.2 Training Objectives

- (i) To provide an induction programme for newly recruited employees by introducing them to the ODPP, their departments, jobs, working colleagues and encouraging a sense of professional commitment and team spirit.
- (ii) To equip employees with skills, knowledge and competencies relevant to their duties.
- (iii) To introduce technical personnel to their areas of specialization.
- (iv) To ensure that employees are prepared, trained and developed to be competent in their respective tasks within the ODPP.
- (v) To provide operational procedures and administrative tools for effective implementation of the training policy.

### 7.3 Job Rotation and Mentoring

- (i) Newly appointed employees shall be required to rotate in the respective Departments for at least two (2) weeks to familiarize themselves with the operations of the ODPP.
- (ii) The assignment of mentors shall be an integral part of on-the-job training. Supervisors will assign a mentor for each new employee. The mentor should be at least a grade higher and based in the same office. The mentor shall provide guidance to the new employee for a period of at least six (6) months and shall ensure that the employee is properly integrated into the ODPP.

### 7.4 Sponsorship for Educational and Professional Training

- (i) Subject to availability of funds, the ODPP shall sponsor employees for various courses in order to acquire additional qualifications relevant to their jobs.
- (ii) The Human Resource Development (HRD) Division in consultation with the Heads of Departments shall undertake a training needs assessment and prepare annual training projections for the employees.
- (iii) Employees on permanent and pensionable terms of service shall be considered for sponsorship provided that they have rendered satisfactory service for a minimum period of two (2) years.
- (iv) No employee shall be sponsored for an undergraduate degree course except in exceptional circumstances where the DPP considers sponsoring the employee for an undergraduate degree course, for specific organisational or strategic reasons.

### 7.5 Eligibility for Training and general guidelines

- (i) All employees will be eligible for at least five (5) days training in a year.
- (ii) Employees on probation will not be eligible for courses lasting more than six (6) weeks.
- (iii) Employees sponsored for a long course lasting at least (1) one year will be required to work for at least two (2) years before they can be considered for another long course.
- (iv) The provisions in 7.5(iii) above shall apply to self-sponsored and those on scholarships.



- (v) Training opportunities shall be made available to employees at all levels. It is the responsibility of Supervisors to make employees aware of the available Training and Development opportunities.
- (vi) Supervisors are required to discuss and agree on training projections, as well as the allocation of time for training and development activities with individual employees, in the context of ongoing performance management.
- (vii) Employees are required to demonstrate an active commitment to continuous learning by assisting their supervisors in determining their learning and development needs and applying and sharing the skills gained from learning and development activities.
- (viii) ODPP shall support, train, and develop employees in areas only directly related to their roles and the organisational needs. For this reason, all employees are expected to structure their learning and provide evidence of their continuous professional development.
- (ix) All employees are eligible to apply for assistance with further training, education or short-term courses that are directly relevant to their job classifications.
- (x) The applications will be considered on individual basis taking into consideration the employees past experience, initiative and benefit accrued to the individual and to the ODPP.

## **7.6 Refund of Tuition and Examination Fees**

- (i) An employee who on his/ her own initiative and at his/ her own time, undertakes a professional course which is administered by a recognized institution, will be granted time off to prepare and sit for the examination.
- (ii) On production of a certificate, the employee will be eligible for refund of tuition expenses and examination fees of 75% provided that:
  - (a) Approval is granted by the DPP;
  - (b) The course is relevant to their scheme of service; and
  - (c) The officer has not been sponsored for the same course before.

## **7.7 Selection for training**

- (i) The HRAC may recommend to the DPP suitable employees for specific training programs based on the training projections for various training sponsorships, both locally and abroad.
- (ii) The Secretary Public Prosecutions shall chair the Committee while the head of HRD shall be the Secretary. All Heads of Department will be members of the Committee.
- (iii) The DPP shall consider and approve or reject all trainings based on recommendations from the HRAC.

## **7.8 Conditions Applicable to Staff on Training**

### **7.8.1 Salary**

- (i) An employee attending a course will be deemed to be on duty and will be eligible for salary during the period of training.
- (ii) Provided his or her conduct and study reports are satisfactory, an employee shall be eligible for consideration for promotion when due and receive annual increments.

### **7.8.2 Allowances**

- (i) An employee travelling to attend a course shall be deemed to be on duty and shall be reimbursed any travelling and subsistence expenses incurred.
- (ii) An allowance to purchase books, training instruments and apparatus, etc., shall be given to the employee on the basis of the recommendation provided by the head of the institution where the course shall be held.
- (iii) Employees shall be entitled to a research allowance.
- (iv) Payment of house allowance and medical allowance shall continue during the period of training.

### 7.8.3 Study Leave

- (i) Attendance at a course which has no provision for vacation will count as duty for the purpose of a staff member's eligibility for leave.
- (ii) An employee undertaking a fulltime course at an academic institution will normally be granted the student's vacation, but may be required to resume duty during vacation provided that she/he enjoys a minimum of one month's vacation in a year. Such an employee will not be eligible for any additional leave in respect of the period of the course.
- (iii) An employee attending a course outside the country shall be eligible for his/her normal annual leave due only for the year he returns to the country.

### 7.8.4 Expenses to be met by the Office of the Director of Public Prosecutions

The ODPP shall meet the cost of the following items for employees sponsored for training:

- (i) Pre-departure medical examination, visa, vaccination and inoculation fees;
- (ii) Full course fees (other than residence fees or other charges for accommodation) including registration, admission, tuition, examination and other similar fees and compulsory subscriptions as demanded by an institution, if the same are not met by the sponsor;
- (iii) Cost of transport and travelling necessary in connection with the employee's training, other than commuting between the hostel and place of study;
- (iv) Local transport and travelling to and from the airport of departure and arrival in the Country;
- (v) Economy class passage to and from the country in which the course is held; and;
- (vi) Medical insurance cover, where applicable.

### 7.8.5 Expenses to be met by the Employee

The employee will meet the following expenses from subsistence allowance: -

- (i) Cost of the passport;
- (ii) The full cost of subsistence during the semester and while on vacation, whether this takes the form of a fee for a residence at an institution or payment of accommodation outside the institution;
- (iii) Fares for daily journeys between their place of accommodation and place of study;
- (iv) Purchase of outfits and clothing including any academic dress required;
- (v) Personal commitments including laundry, recreation, entertainment and voluntary subscriptions; and
- (vi) Expenses of personal nature that may be incurred during semester, vacation, including travelling and subsistence.

### 7.8.6 Training Report

- (i) An employee sponsored for training will be required on return to prepare a report on the training attended. Special attention should be given as to how the skills acquired from the training can be shared with other employees in order to maximize its impact.
- (ii) The Report shall be submitted to the Head of PTI within two (2) weeks from the date an employee reports for duty from the training.

### 7.8.7 Resumption of Duty

- (i) An employee shall resume duty immediately upon the completion of the course or the expiry of the period of training.
- (ii) All employees are expected to share knowledge gained from assigned training opportunities through appropriate mechanisms.
- (iii) Knowledge sharing activities at the conclusion of training sessions shall be certified by the Head of PTI on conclusion of such sessions.

### 7.8.8 Refund of Training Expenses Incurred by the ODPP

- (i) An employee sponsored for training may be called upon to refund any sums of money expended on him or her under the following circumstances: -
- (a) If through own acts of omission or commission, unsatisfactory conduct and general indiscipline, the employee displays unsatisfactory progress and is consequently discontinued from the course.
  - (b) If s/he fails to resume duty at the expiry of the course without reasonable excuse.

### 7.8.9 Conference and Seminar

An employee attending a conference, seminar, workshop and study tour, whether locally or abroad, for up to four (4) weeks, shall be regarded as travelling on duty and shall receive appropriate allowances in accordance with relevant provisions of this policy.

### 7.8.10 Training Bond

- (i) To ensure that the ODPP benefits adequately from the skills of employees after training, it shall bond its employees proceeding on approved training in line with the guidelines in the training and development policy.
- (ii) The ODPP shall enter into a formal agreement with an employee proceeding on a course (locally or abroad) lasting for six (6) months or more.
- (iii) The period of the bond will be determined by the duration of the course as follows:

Course Duration	Bond Period
6 months - 1 year	1 year
Above 1 year -2 years	2 years
Above 2 years - 3 years	3 years
Above 3 years	As per the duration of the course but should not exceed 5 years

- (iv) The bond amount for employees sponsored for full-time courses will be the total cost of the training plus the gross salary for the period.
- (v) The employee will be required to redeem the bond amount in full or on a pro-rata basis in case of default.
- (vi) Entry level employees shall undergo a mandatory one-year induction course to be developed by the PTI as stipulated in the ODPP induction, orientation and onboarding policy. Trainees who successfully go through the one-year induction training shall be bonded for a period of five (5) years.

### 7.8.11 Monitoring and Evaluation

- (i) The ODPP shall establish the benefit accruing from its investment in time and money in the training and development of its staff, in order to assess achievement and improve future effectiveness.
- (ii) Information on training and development activities will be reviewed annually. The review will include consideration of:
  - (a) average training and development investment per employee;
  - (b) cash investment in training and development as a percentage of employee costs; and
  - (c) Training and development hours per person per annum.
- (iii) The PTI shall be responsible for overseeing the process of monitoring and evaluation of training programs for effectiveness through annual surveys, identification of knowledge gaps and development of relevant tools, forms and templates.

### 7.8.12 Training Projection

- (i) It is the responsibility of the Head of HRD to undertake a Training Needs Assessment (TNA) and prepare annual training projections as well as a training budget. The annual training projection shall be prepared in consultation with all heads of Departments.
- (ii) Training projections shall be developed in consideration of the workforce plans from each department/region.
- (iii) At the end of each year, the Head of HRD shall prepare an annual report on all the training activities carried out. The report shall include an assessment of the validity and cost-effectiveness of the different activities, as well as recommendations on training activities for the following year.

### 7.8.13 Internship and Attachment

- (i) The ODPP shall provide opportunities for trainees from Universities and Tertiary Institutions to undergo specific periods of pupillage, internship, attachment and/or mentorship.
- (ii) Trainees on pupillage, internship, attachment and/or mentorship shall be expected to adhere to all rules and regulations of the ODPP.
- (iii) Pupillage, internship and mentorship will be for a period of not more than twelve (12) months.
- (iv) Attachments will be for a period of not more than three (3) months
- (v) Trainees on pupillage, internship or attachment will be required to provide the following:
  - (a) An application letter from the trainee;
  - (b) An introductory letter from the training institution;
  - (c) Certificate of good conduct;
  - (d) Proof of medical insurance cover; and
  - (e) Their identification document.

### 7.8.14 Pupilage

- (i) Pupilage shall be granted on the request of the Kenya School of Law or any other relevant institutions subject to the availability of a pupil master.
- (ii) Pupils shall be engaged for a continuous period of up to six (6) months. The period may not be extended unless there is a written request from the Kenya School of Law or sponsoring institution.
- (iii) Students on pupilage shall be attached to an ODPP employee who shall produce a report at the end of the pupilage period.

### 7.8.15 Coordination of Internship and Pupilage

- (i) Engagement of interns and pupils shall be coordinated by the PTI in liaison with the user department.
- (ii) An engagement letters shall be issued stating the commencement and end date.
- (iii) The head of department/division/region/station shall release students who have completed their internship and pupilage at the end of the engagement period.

## SECTION H: PERFORMANCE MANAGEMENT

### 8.1 Introduction

Performance management is an essential process for the ODPP. It seeks to provide a working environment that acknowledges employees' contributions and build capacity to ensure ODPP meets its objectives. The performance management process shall be both formal and informal. It is intended that it will align ODPP employees, resources, and systems to meet the strategic objectives.

### 8.2 Objectives

The overall objective of performance management is to manage and improve performance at ODPP by enabling a higher level of employee participation and involvement in planning, delivery and evaluation of work performance.

- (i) The Performance Appraisal System (PAS) is predicated upon the principle of work planning, setting agreed performance targets, regular monitoring and evaluation, performance feedback and reporting. It is linked to other human resource systems and processes including recruitment, employee development, career progression, placement, incentives and sanctions.
- (ii) The specific objectives of PAS are to: -
  - (a) Link individual performance with organizational performance;
  - (b) Enable Supervisors and Appraisees to continuously assess work progress;
  - (c) Assess on a timely basis the learning or development needs of employee;
  - (d) Promote accountability;
  - (e) Promote communication and encourage continuous feedback between the Appraisee and Supervisor;
  - (f) Set the basis on which an employee's performance is monitored and evaluated as stipulated in the individual work plan;
  - (g) Improve the quality of work through better planning, on-going discussions and a fair and participatory appraisal;
  - (h) Provide information for decision making on administrative and human resource issues such as renewal of contract, promotion, delegation, training, deployment, rewards and sanctions;
  - (i) Identify the strengths and weaknesses of an employee in performing his/ her work and to encourage the employee to overcome any difficulties;
  - (j) Determine training needs and evaluate training effectiveness for employee development purposes;
  - (k) Ensure fair distribution of rewards based on merit, performance improvement and potential for future responsibilities;
  - (l) Help achieve efficiency and high productivity for the organization.

### 8.3 Scope of Application

- (i) PAS shall apply to ALL employees. PAS primarily consists of the following: -
  - (a) Goal management and setting of performance targets;
  - (b) Employee competencies and values assessment;
  - (c) Self-assessment and evaluation;
  - (d) Performance appraisal;
  - (e) Rewards and sanctions;
  - (f) Succession management; and
  - (g) Learning and Development.

- (ii) Two copies of the appraisal form will be completed; one copy of the report shall be kept in the employee's confidential file, while the remaining copy shall be retained by the employee.
- (iii) The primary responsibility for implementing PAS rests with the DPP. The Head HRM shall maintain annual appraisal reports for all employees.

#### 8.4 Guiding Principles

- (a) Both supervisors and employees are responsible for the performance management process.
- (b) Supervisors are expected to give constructive feedback on their direct reports' performance. To this end, Supervisors are expected to meet each of their direct reports on a regular basis to track progress against set objectives.
- (c) Employees will be accorded a chance to improve in case of any performance problems, through Performance Improvement Plans (PIPs);
- (d) Employees shall be rewarded or sanctioned accordingly and in line with the rewards and sanctions policy.
- (e) All information associated to the performance management process shall be kept confidential.
- (f) Supervisors shall endeavour to make employee performance expectations explicit and mutually understood.
- (g) ODPP is committed to creating a working environment that encourages work commitment.
- (h) Focus shall be put on what and how work gets accomplished.
- (i) Rewards and sanctions accruing out of the performance appraisal process shall be fairly allocated to all ODPP employees.

#### 8.5 Appraisal System

- (i) In order to attain high productivity and provide immediate feedback to employees on their performance, the ODPP shall encourage an open appraisal system conducted on a regular basis with the objective of achieving effective performance levels.
- (ii) The ODPP automated Performance Management System (PMS) allows users to define SMART goals, track the goals in real time and also assign weights (measure within a defined range in terms of percentages) to the goals. The system also provides users with a visualization of the goal management process on a Dashboard.

##### 8.5.1 Probationary appraisals

ODPP employees on probation shall be assessed at the end of their probationary period with the intention of establishing a basis for confirmation. After confirmation, the regular performance appraisal cycle shall be undertaken.

##### 8.5.2 Regular cycle reviews

ODPP's performance review cycle will run bi-annually as follows:

- (i) Quarter 1 & Quarter 2 - From July to December; and
- (ii) Quarter 3 & Quarter 4 - January to June.

##### 8.5.3 Setting of performance objectives

- (i) Performance objectives shall be aligned with ODPP's annual corporate objectives. They are a contract between individual employees and the ODPP, therefore they must follow the SMART principle.
  - **Specific** - Are they clear to all parties? How will we know when results are achieved?
  - **Measurable** - Are there both quantitative and behavioural measures of progress?
  - **Attainable** - Are they within reach and something "worth stretching for"?

- **Relevant** - Are they related to job accountabilities? Are they significant to your division or departmental plans and to the individual?
  - **Time-bound** - Are there milestones or an ability to track progress at appropriate times (e.g., to identify or anticipate problems)
- (ii) At the beginning of every financial year, ODPP employees shall develop individual workplans and performance objectives derived from their departmental annual workplans.
  - (iii) The performance objectives shall be Specific, Measurable, Attainable, Realistic and Time bound and shall be discussed and agreed with the Supervisor
  - (iv) The objectives and corresponding targets/measures shall be set as agreed/negotiated with the supervisor.
  - (v) Consistency will be observed when setting performance objectives for all employees. To this end, objective setting for all ODPP employees shall be done within prescribed timelines, using the same tools and processes as shall be communicated by the Head of HRM.

#### 8.5.4 Mid-Year Performance Review

The Performance for all employees shall be reviewed during mid-year. The main purpose of the Mid-Year Performance Review is to accord both the Supervisor and Appraisee the opportunity to jointly review the progress made by the Appraisee in accomplishing the tasks and assignments agreed on at the beginning of the appraisal period.

#### 8.5.5 Assessment Procedure

- (i) Supervisors are expected to have performance check-in sessions with each of their direct reports from time to time, to assess how they are doing;
- (ii) Supervisors will schedule their teams for performance discussions based on the performance review calendar. Dates may change or be reviewed at the discretion of the DPP and will be communicated by the Head of HRM.
- (iii) Continuous support and feedback shall be given to employees by their Supervisors throughout the performance period;
- (iv) Supervisors are encouraged to have face-to-face performance review discussions, which may take the form of:
  - (a) Positive feedback (what the employee is doing right);
  - (b) Corrective feedback (what the employee needs to improve on); and
  - (c) Developmental feedback (the Training and Development needed to close the Performance gaps).
- (v) Employees will be required to have joint discussions with their supervisors on their performance and a record of the performance discussion made in the performance appraisal forms.
- (vi) When conducting an employee's performance appraisal, Supervisors who may not have worked with the employee for the entire duration of the period under review should take into consideration input from other Supervisors who have worked with the employee during the period.
- (vii) Appraisal of the performance of an employee shall be on pro-rata basis if the employee is transferred, on temporary assignments, redesignated or redeployed.
- (viii) Supervisors should also take into consideration performance related to special projects of employees while conducting performance reviews.
- (ix) The mid-year performance review report for each employee shall contain the following elements:
  - (a) Cumulative level of achievements against set targets;
  - (b) Challenges that have impacted the achievement of the targets; and
  - (c) Proposed remedial actions to overcome the challenges.



### 8.5.6 End-Year Performance Appraisal

- (i) The End-Year Performance appraisal records an employee's final assessment against performance objectives and results in a performance rating;
- (ii) To ensure the accuracy and objectivity of the final assessment, all ratings will be approved or moderated by the IQA.
- (iii) The HRM Division shall draft formal communication to employees in form of a letter or email communication, detailing the employee's final performance appraisal ratings and implications if any.
- (iv) After receiving performance evaluations, employees are required to sign the evaluation acknowledging that they have received the evaluation and are aware of its contents. They shall also complete a section with their comments on the performance evaluation, as well as an Evaluation of Supervision document to share with their supervisor.
- (v) The above steps shall be carried out electronically in the Performance Management System.

### 8.5.7 Performance Rating Scale

- (i) The performance rating scale shall be based on the level of performance in all assignments and activities undertaken during the performance review period and the overall score on behavioural competencies;
- (ii) Behavioural competencies shall take into account individual employee conduct throughout the year against ODPP core values and the Code of Conduct.
- (iii) Performance appraisal will be based on a universally agreed scale. The standard rating scale for assessing employee performance against set objectives shall be as follows:

Rating	Description	% Score on assigned Key Performance indicators/Objectives
1	Unsatisfactory - Significantly below performance standards	Below 50%
2	Fair - Barely achieves performance standards	50% - 69%
3	Good - Achieves performance standards	70% - 100%
4	Very Good - Exceeds performance standards	101% -120%
5	Excellent - Significantly exceeds performance standards	Above 120%

- (iv) Assessment of behavioural competencies shall follow a similar 5-point rating scale and is presented below:

Rating	Description	% Score on assigned Key Performance indicators/Objectives
1	Unsatisfactory - Demonstrates behaviours that are inconsistent to the ODPP's values and standards	Below 50%
2	Fair – Rarely demonstrates the behaviours that are expected from employees at his/her current level within the organisation.	50% - 69%
3	Good – Demonstrates the behaviours that are expected from employees at his/her current level within the organisation.	70% - 100%
4	Very Good - Consistently demonstrates behaviours that are expected for current level and sometimes demonstrates competencies for next level	101% -120%
5	Excellent - Significantly exceeds the set standards for behaviour and conduct	Above 120%

- (v) The behavioural competencies shall account for 30% of the overall performance rating while performance against set objectives -both qualitative and quantitative shall account for 70% of the score;



- (vi) Computation of the overall score shall happen seamlessly in the PAS and shall be devoid of any manual human intervention.

### 8.5.8 Guidelines of Performance Appraisal System

Detailed forms and templates to guide the performance appraisal system shall be contained in a performance guidebook to be issued by the Head of HRM.

### 8.5.9 Management of poor performance

The objective of performance review discussions is to derive feedback to facilitate continued improvement of Employee performance. When Employees are performing significantly below performance standards or are barely achieving performance standards, Supervisors have multiple options to address the issue.

- (i) **Coaching:** To improve poor performance, coaching should be undertaken at any time in the year and should not wait for scheduled performance appraisal cycles.
- (ii) **Performance Improvement Plans (PIPs):** A PIP is a remedial performance management process to help Employees improve their performance.

### 8.5.10 Performance Improvement Plans

A Performance Improvement Plan [PIP] is a formal document stating any recurring performance issues along with goals that an employee needs to achieve in order to regain good standing with the organization. A PIP is meant to give concrete ways of turning around performance. During the period, one is watched closely under the supervision of the supervisor and the Human Resource Manager.

- (i) Performance improvement plans shall include, but shall not be limited to the following:
  - (a) **Training:** Deliberate and systematic learning experience designed to provide skills, knowledge and appropriate attitudes to an employee for performance of a particular job.
  - (b) Re-assignment of responsibilities.
  - (c) **Redeployment:** Leaving an old role and taking up a new role or moving to a new station.
  - (d) **Job enrichment:** Adding tasks to a job that increases control and responsibility.
  - (e) **Job enlargement:** Adding more tasks at the same level but requiring the application of a variety of skills.
  - (f) **Job rotation:** Systematic movement of employees from one job to another to achieve various human resource objectives such as enhancing career development and preventing boredom or burn out among others.
  - (g) **Coaching and mentoring:** A development process through which an individual is supported while achieving specific personal or organizational goals. Through coaching, the employee is made to accept responsibility for his own actions or omissions and is assisted to address work related problems so as to achieve superior performance.
  - (h) **Counselling:** The provision of professional assistance and guidance in resolving identified performance issues.
  - (i) **Close supervision:** Placement under a designated officer for day-to-day monitoring of work performance
  - (j) **Delegation of duties:** Assignment of additional stretch responsibilities to an employee for the purposes of building their capabilities and skills in specified areas
- (ii) PIPs will be initiated by an employee's supervisor, reviewed and accepted by the HRM Division;
- (iii) An Employee who is placed on a PIP shall receive a letter from HRM Division stating the following:
  - (a) that they are significantly below performance standards or are barely achieving performance standards; and that they will be put on a formal PIP.
  - (b) performance gaps of the Employee and agreement on ways to improve the performance.
  - (c) performance improvement goals for the Employee with clear timelines for the goals to be achieved.

- (d) agreement on the tasks, activities and training that will help in achievement of the set Performance improvement goals.
- (e) an acceptance clause to sign off the PIP.
- (f) the support to be provided to an employee during the PIP.
- (g) Feedback check-ins to be conducted during the PIP period.
- (iv) HRM will ensure that supervisors are applying PIPs fairly and consistently through regular discussions.
- (v) In case of any performance grievances between a supervisor and an employee, the matter will be escalated to the HRAC and the grievance procedures shall be followed.
- (vi) PIPs will last for a maximum period of six (6) months which include an initial 3 months and an extension for 3 months where this is deemed necessary.
- (vii) At the end of the PIP period, the Employee's performance shall be reviewed by the Supervisor and a final decision communicated to the HRM Division. Based on the Employee's performance on the PIP, a decision will be made to:
  - (a) Close out the PIP (i.e., Employee is no longer on a PIP). This is the expected and desired out-come; or
  - (b) Extend the PIP for another three (3) months if an Employee is still not performing to the expected standards. If an Employee is still not performing to the expected standards at the end of the PIP extension period, the Employee may be terminated.
- (viii) While Employees are undergoing Performance Improvement Plans, they may not be transferred or seconded to another function until they complete the PIP process.
- (ix) The Employee may be terminated on performance grounds where all efforts to improve their performance do not result in any improvements.
- (x) All information associated to the PIP process shall be kept confidential.

#### **8.5.11 Role of the DPP in Performance Management**

- (i) The DPP has the overall responsibility for managing the ODPP human resources and ensuring that the Human Resources Management Plans are aligned to the Excellence Charter.
- (ii) The DPP shall ensure that performance objectives are set in alignment to corporate goals and that the performance objectives are:
  - (a) aligned to the mandate of the ODPP;
  - (b) aligned to the National development agenda;
  - (c) directly linked to the ODPP work outputs;
  - (d) fully provided for in the ODPP's budget;
  - (e) clearly identifying the expected impact, achievements and the timeframe for the delivery of the set objectives; and
  - (f) fully aligned to the ODPP's service delivery standards.
- (g) The DPP shall be responsible for submitting performance reports and any other performance related information as may be required by the Executive Office of the President or Parliament in line with the ODPP Act 2013.

#### **8.5.12 The role of Inspectorate and Quality Assurance in performance management**

The Inspectorate and Quality Assurance Division shall be responsible for the following:

- (a) Implementing, monitoring and evaluating the Performance Appraisal System and process;
- (b) Ensuring integrity and credibility of the overall process of staff performance appraisal is safeguarded and maintained;
- (c) Ensuring the appraisal process is linked to the strategic priorities of the office;
- (d) Reviewing and moderation of final performance appraisal outcomes;

- (e) Preparing recommendations for rewards and sanctions for employees;
- (f) Investigating any registered disputes and performance related grievances;
- (g) Arbitrating cases of disagreement on appraisal ratings between supervisors and appraisees; and
- (h) Receiving and addressing appeals.
- (i) Making recommendations to the DPP on the planned performance improvement plans for employees.
- (j) Review of departmental objectives for quality and alignment to corporate objectives and the excellence charter;
- (k) Quality Assurance of the Performance appraisal process through scheduled audits and advisories;
- (i) The Head of HRM Division shall be responsible for the following:
  - (a) Communicating performance review and appraisal instruments and tools including guidelines for computer-based systems;
  - (b) Performance management calendar of activities highlighting key deadlines for objective setting, mid-year reviews and end of year appraisals and reporting;
  - (c) Collating the final performance appraisal report across all departments;
  - (d) Providing ongoing guidance and support to supervisors and HoDs on the performance management process at the ODPP.

### 8.5.13 The Role of Supervisors

Supervisors shall play a critical role in the supervision of performance within their areas of responsibilities. The following responsibilities will be undertaken by supervisors in executing ODPP performance management process:

- (i) Cascade ODPP corporate objectives to their departments, divisions and units;
- (ii) Account for the performance of all employees within their respective areas;
- (iii) Ensure that employees receive the necessary facilitation in terms of tools and resources to enable them to deliver on agreed performance objectives and targets;
- (iv) Monitor employee performance on a regular basis and discuss emerging issues, challenges and progress on targets and provide feedback to the employee;
- (v) Communicate ODPP performance appraisal process to employees;
- (vi) Facilitate coaching and mentoring to enhance employee capability and capacity to deliver on agreed objectives and targets;
- (vii) Jointly review performance and provide feedback to employee on final performance rating and any next steps;

### 8.5.14 Appeals

- (i) Employees who are not satisfied with their performance appraisal results shall formally seek the reasons for their ratings in writing from their supervisor.
- (ii) In the event that the employee remains dissatisfied with the reasons provided by the Supervisor, the employee shall register the dispute with the IQA through the Head of HRM.
- (iii) In the event of a dispute in the outcome of the appraisal, the supervisor shall advise the employee to appeal to the DPP.

### 8.5.15 The ODPP Competency Framework

- (i) The ODPP competency framework is a set of behaviour or skills that are essential for effective performance in the context of the ODPP, that can be measured and observed. The ODPP core competencies shall be drawn out of the ODPP Core Values and the Code of Conduct and shall be used to evaluate the behavioural aspects of employees' performance.

- (ii) The HRM Division in consultation with the HRAC will develop the competency framework for the ODPP and seek approval of the same from the DPP.
- (iii) The HRAC shall determine the relative weighting between performance objectives and behavioural indicators outlined in the competency framework that are relevant to an employee, based on their rank within the ODPP.
- (iv) The overall performance appraisal rating for each employee shall be an aggregate of the competency assessment and performance objective scores, at a ratio that shall be set by the IQA.

#### 8.5.16 Rewards and Sanctions

- (i) The overall goal of the Rewards and Sanctions is to establish a basis for rewarding exemplary performance and administering sanctions for poor performance, motivate employees to have positive attitude to work and to enhance productivity in the ODPP.
- (ii) The ODPP will institutionalize measures to appropriately reward satisfactory performance and sanction unsatisfactory performance.
- (iii) The HRAC will be responsible for the administration of the rewards and sanctions policy and will also handle cases of appeals after employees have exhausted all review mechanisms.
- (iv) The provision and types of rewards and sanctions shall be as set out in the Rewards and Sanctions Framework for the ODPP.
- (v) Rewards may include, but shall not be limited to the following:
  - (a) **Letters of Commendation:** A letter of commendation to be issued to an employee for distinguished performance that contributes to increased output and institutional efficiency;
  - (b) **Promotions:** For employees who have demonstrated satisfactory performance for at least three (3) years as evidenced by the performance appraisal reports. Standards, values and principles set out in Articles 10, 27 (A) and 232 (1) of the constitution shall apply;
  - (c) **Employee of the year award:** An employee who demonstrates excellent performance during a particular year may be nominated for the employee of the year award based on the set-out criteria;
  - (d) **International and honorary awards:** Employees who obtain any international awards issued by an internationally recognized body, will be recognized and awarded as the DPP may deem fit;
  - (e) **Certificates of appreciation:** Awarded to employees who have exceeded targets/expectations. Can be awarded to employees who have performed well but have not met the threshold as set out in other categories;
  - (f) **Length of service award:** Presented to a credible long serving employee; the award may be issued to any employee who has worked for a continuous period to be determined by the DPP;
  - (g) **The team player award:** May be given to an employee who has had a positive impact on a team by giving distinguished service, making a difference through an innovative process improvement that has a significant image, cost and / or time savings for the organization;
  - (h) **Special achievement award:** Awarded to a team or an individual who has exhibited dedicated commitment, teamwork and accomplishment within the ODPP that deserves mention or recognition;
  - (i) **Nomination for National Honours and Awards:** In recognition of exemplary performance of service delivery and positive contribution to the well-being of the society. The criteria for nomination provided in the National Honours Act shall apply;
  - (j) **Financial rewards:** To be determined by the DPP in consultation with HRAC and SRC.
  - (k) Scholarship opportunities;
  - (l) Specialized training opportunities.

- (vi) The following categories of rewards shall apply:
  - (a) Individual awards;
  - (b) Divisional level awards;
  - (c) Departmental level awards;
  - (d) Organizational level awards.
- (vii) Sanctions shall include:
  - (a) Warning;
  - (b) Deferment of increment;
  - (c) Demotion;
  - (d) Withholding promotion and non-renewal of contract (where contracts are involved);
  - (e) Consider steps towards termination of service/separation where the desired improvement cannot be affected.

#### **8.5.17 Performance Management Reports**

The ODPP Performance Appraisal system shall include various reporting modules to facilitate communication of performance appraisal outcomes and decision making. The following reports shall be available from the PAS:

- (i) Individual overall performance rating/score;
- (ii) Team or group performance rating/score;
- (iii) Departmental/Divisional performance rating/score;
- (iv) Succession Management reports; and
- (v) Overall institutional performance report.

## SECTION I: SUCCESSION PLANNING

### 9.1 Introduction

To ensure continuous improvement and excellence in service delivery, the ODPP recognizes the importance of creating and maintaining an effective succession planning programme focused on timely replacement of talent within critical positions.

#### 9.1.1 Purpose of the Succession Planning Policy

The purpose of the Succession Planning Policy is to provide a clear understanding of procedures, roles and accountabilities in ODPP, to ensure replacements for key job incumbents. It involves the following:

- (i) Formalizing the identification process for key/critical positions and key/critical talent within the ODPP.
- (ii) Ensuring the systematic and long-term development of individuals to replace key job incumbents as the need arises due to expected and unexpected losses.
- (iii) Identifying individuals within the ODPP who have the potential to meet the future needs of the ODPP based on pre-determined criteria and factors.
- (iv) Identifying high-potential employees capable of rapid advancement to positions of higher responsibility than those they presently occupy.
- (v) Providing a continuous flow of talented people to meet the ODPP's management needs.
- (vi) Ensuring that succession planning is integrated with the ODPP Excellence charter.
- (vii) Ensuring that succession planning is an integral part of human resources management processes.
- (viii) Ensuring consistency in application of succession planning throughout all levels at the ODPP.
- (ix) Ensuring that the succession planning process is fair, transparent and aligned with public guidelines.
- (x) This policy covers positions in grades DPP 4 and above.

#### 9.1.2 Definition of key terms in the Succession Planning Policy

- (i) **Succession planning:** A systematic process developed to identify key employees and the critical competencies that these employees possess. It prepares for their replacement. This is necessary to ensure the continued ability of the ODPP to meet its strategic goals and supporting objectives.
- (ii) **Career Planning:** A planned system to link individual career needs with the ODPP's work force requirements.
- (iii) **Key/critical positions:** Positions that are presently key or critical to the ODPP's success and in the future; and cannot therefore be left unfilled for any substantive length of time. The key positions are identified using the following factors:
  - (a) Critical strategies, skills and abilities required for the ODPP today, in 5 years, in 10 years;
  - (b) Characteristics of the workforce pool required by the ODPP;
  - (c) Shortages in specific occupations or skills;
  - (d) Impact of shortages on the ODPP's Service delivery;
  - (e) Employees with skills and knowledge essential to the ODPP;
  - (f) Difficulty level of replacing essential employees;
  - (g) Level of potential (technical, learning, leadership, innovation) demonstrated by an employee.



- (iv) **Replacement Chart:** A type of organizational chart where possible replacements for key/critical positions are identified.
- (v) **Succession Planning:** The process of identifying long-range needs and cultivating a supply of internal talent to meet those future needs. It is used to anticipate the future needs of the ODPP and assist in finding, assessing and developing the capacity of ODPP staff.
- (vi) **Workforce Planning:** Broadly defined as the implementation of integrated strategies or systems for attracting, developing, retaining and utilizing people with the required skills and aptitude, to meet current and future service delivery requirements.

## 9.2 Succession Planning Accountabilities

- (i) Succession Planning Committee shall be appointed by the DPP and shall be responsible for providing oversight of the entire succession planning process for fairness, transparency and ensuring accountabilities are maintained by all involved parties;
- (ii) The DPP shall be responsible for approving and monitoring the succession plan, including the developmental plans/programmes needed to ensure a continuing pool of qualified successors; fully implementing the succession plan throughout the ODPP; evaluating the effectiveness of the succession plan; ensuring that succession planning is well integrated with the corporate strategy; Ensuring that there are adequate numbers and profiles of employees in all staff categories with appropriate skills and competences to match existing gaps at any given time.
- (iii) The Heads of Departments shall be responsible for identifying critical/key positions; identifying employees who are presently ready or have high potential to fill critical/key positions; implementing training and development recommendations; career planning for employees; providing feedback through the performance management system to employees; and continuous mentoring and coaching
- (iv) The Head of HRD shall keep an updated record of skills and competencies of all ODPP employees. The Head of HRD shall also be responsible for designing effective succession planning programmes, tools and processes; creating and implementing training and development plans; and integrating succession planning through all HRD processes.
- (v) The Employee is expected to participate in development and training opportunities; completing activities required by the performance management system; and understanding that involvement in the succession plan does not automatically entitle promotions or transfers.
- (vi) The PTI shall ensure that there are specific training and capacity building initiatives geared towards promoting smooth succession to ensure that the ODPP does not experience performance and competency gaps.

## 9.3 Succession Planning guidelines

- (i) The ODPP Performance Appraisal System includes provisions to support the management of succession which includes the creation of talent pools, carrying out career development planning and a succession reporting tool that is aligned to this policy.
- (ii) Detailed guidelines for succession planning; including processes, tools and methods to be applied, shall be contained in the succession planning guidebook. The guidebook shall include this policy as well as additional guidelines to support execution.

## SECTION J: CONDUCT AND DISCIPLINARY PROCESS

### 10.1 Introduction

- (i) The purpose of the disciplinary process is to ensure that the workforce upholds the rules of conduct and work ethics for optimal service delivery.
- (ii) It is expected that public officers will maintain integrity and uphold the dignity of the office as provided for under Chapter Six of the Constitution, the Leadership and Integrity Act (2012), the Constitution; Public Officer Ethics Act, 2003; ODPP Code of Conduct and Ethics; Labour Relations Act, 2007, Employment Act, 2007, Public Service Code of Conduct and Ethics (2016) and other rules and regulations.
- (iii) Every employee shall ensure that their conduct both in public and in private life, does not bring disrepute to the ODPP.
- (iv) The ODPP reserves the right to impartially administer discipline and the employee has the right to be granted a fair hearing.
- (v) Failure to adhere to the rules herein below will lead to disciplinary action.
- (vi) If an investigation discloses that an employee has contravened the Code of Conduct and Ethics, appropriate disciplinary action will be taken against the employee. If the DPP is of the view that civil or criminal proceedings ought to be considered, the matter may be referred to the Internal Compliance Unit (ICU).

### 10.2 Guidelines on Personal Conduct

#### 10.2.1 Official Secrets Act Declaration

All employees will be required to sign the declaration of secrecy under the Official Secrets Act, Cap.187 and adhere to the provisions therein upon joining and leaving the ODPP.

#### 10.2.2 Oath of office of ODPP staff

Before taking on their duties at the ODPP, all newly employed ODPP staff shall take and subscribe to the oath of office, in the manner and form prescribed by the DPP.

#### 10.2.3 Conflict of Interest

- (i) Serving ODPP employees shall not hold any appointment in any other organisation whose business may conflict with interests of the ODPP.
- (ii) A “conflict of interest” involves a conflict between the public duty and the private interests of an employee in which the employee’s interests in private capacity would improperly influence the performance of their official duties and responsibilities.
- (iii) All employees will be required to declare their conflict(s) of interest.

#### 10.2.4 Declaration of Income, Assets and Liabilities

- (i) All Employees shall on initial appointment and bi-annually, submit a declaration of income, assets and liabilities for themselves, their spouse(s) and dependent children of less than eighteen (18) years to the DPP, in accordance with the Public Officer Ethics Act, 2003.
- (ii) The employee shall also make a similar declaration on exit from the service.
- (iii) An employee who fails to submit a declaration or clarification as required, or who knowingly submits false or misleading information, shall be liable to disciplinary action.

#### 10.2.5 Communication at the ODPP

- (i) The ODPP communications strategy is meant to ensure that all ODPP communication is consistent, well-coordinated, effectively managed and responsive to the diverse institutional information needs, as well as those of the public.



- (ii) All correspondence concerning the ODPP either internally, or with external stakeholders, must be conducted through the proper channels as laid down in the ODPP's Communications Strategy.
- (iii) Private correspondence that deals in part or in whole with the ODPP's activities is forbidden.

Letterheads must only be used for official ODPP business.

#### **10.2.5.1 Communication in Newspapers, Publications and social media**

- (i) An employee must not, except with the express permission of the DPP, act as an editor of any newspaper, or take part directly or indirectly in the management thereof, nor publish in any manner anything which may reasonably be regarded as being of a political or administrative nature, whether under their own name, under a pseudonym or anonymously.
- (ii) An employee may however publish on subjects relating to professional, scholarly or general interests; not involving public matters, politics, the ODPP or Government affairs; in their own name.
- (iii) An employee who wishes to publish an article or deliver a speech, the substance of which may subsequently be published or the substance of which may reasonably be regarded as being of political or of administrative nature, shall seek permission to do so from the DPP and a draft of the proposed article or speech submitted for approval.

#### **10.2.5.2 Media Interviews**

- (i) An employee, whether on duty or on leave, must not accept to be interviewed on issues affecting the ODPP or matters of Public Policy without approval from the DPP.
- (ii) The spokesperson of the ODPP shall be the DPP or an employee who is duly authorized.

#### **10.2.5.3 Political Views**

- (i) Employees are entitled to their own political views. They are however not permitted to express those views in public or within the office.
- (ii) Employees shall not, in connection with the performance of their duties, do the following:
  - (a) Act as agents of, or further the interest of a political party; or
  - (b) Indicate support for or opposition to any political party or candidate in an election; or
  - (c) Engage in political activity that may compromise or be seen to compromise the political neutrality of the ODPP; or
  - (d) Use their political stand to intimidate others perceived to be of a different view.

#### **10.2.5.4 Opinion on Foreign Powers**

While it is not the desire of the ODPP to interfere with the liberty of free speech, any lack of discretion on the part of any employee in expressing an opinion on the actions of a friendly foreign power that may bring disrepute to the Government of Kenya, may precipitate disciplinary proceedings being taken against the employee.

#### **10.2.5.5 Disclosure of Information**

- (i) An employee must not disclose any information concerning the affairs of the ODPP or its employees, or show, share or release any official document to any person not connected with the ODPP unless expressly authorized by the DPP.
- (ii) Individual invitations to give technical advice or present papers related to the operations of the ODPP should be channeled through the DPP.

#### **10.2.5.6 Pecuniary Embarrassment**

The ODPP may provide assistance to employees who are in financial difficulty to extricate themselves from their problems. However, employee behaviors and actions that result in embarrassment to the ODPP shall be addressed through the disciplinary process.

### 10.2.6 Gifts

- (i) ODPP employees are prohibited from accepting or requesting for gifts whether in the form of money, goods, free passages or other personal benefits and from giving such gifts, unless:
  - (a) the gift is non-monetary and its value does not exceed KShs. 20,000 or other thresholds prescribed by the public officer's ethics regulation; or
  - (b) the gift is from a relative or a friend given on a special occasion recognized by customs
- (ii) A gift to an employee on a public or official occasion exceeding the thresholds in (i, (a)) above will be regarded as a gift or donation to the ODPP and shall be delivered to ODPP unless exempted under an act of Parliament.
- (iii) Presents exceeding the set values from public persons which cannot be refused without being offensive will be handed over to the ODPP unless the DPP's prior permission has been obtained by an employee to retain the gift.
- (iv) When presents are exchanged between officers acting on behalf of the ODPP in ceremonial occasions with other organizations or their representatives, the presents received will be handed over to the ODPP, and any present in return will be given at the ODPP's expense.
- (v) All gifts received by the ODPP shall be recorded in the Gifts Register.

### 10.2.7 Undue influence

Employees are cautioned against canvassing, lobbying or in any other way, seeking the influence of senior Members of the ODPP, senior members of Government; and other influential members in the public service, with a view to seeking promotions or such other favors.

Any such attempt to obtain such favors will be considered as misconduct and may be detrimental to the employee's interests.

### 10.2.8 Absence from Duty

- (i) It's the duty of the employee to notify their supervisor of their intended absence from work in writing and in advance of their date of absence, or at the earliest opportunity.
- (ii) An employee who, without leave or reasonable cause, is absent from duty for more than ten (10) days shall be regarded as having vacated their office and may render themselves liable to disciplinary action. The employee's salary shall be stopped and disciplinary action initiated against the employee.
- (iii) The Supervisor shall report the absence after the ten (10) days of absence.
- (iv) Where an employee is absent from duty without permission or lawful cause for a period exceeding ten days (10) and cannot be traced within a period of twenty-four (24) hours from the commencement of such absence, or if traced, no reply to a charge of absence without permission is received from him/her within twenty-one (21) days after the dispatch of the charge to him/her, s/he may be dismissed from the ODPP.
- (v) An employee who is absent from duty on account of ill health shall be required to produce within 48 hours, a medical certificate signed by a qualified Medical Practitioner. If such a certificate is not forthcoming, the employee will be regarded as having been absent from duty without permission and may be liable to disciplinary action, which may include summary dismissal, with loss of all benefits.
- (vi) An employee who has been absent from duty without leave or reasonable excuse shall be surcharged an amount equivalent to their annual pay or salary that such period of absence bears.
- (vii) Any amount erroneously paid to an employee who has been absent from duty without permission and subsequently resumes duty shall be recovered from their salary.
- (viii) In cases of erroneous payment of salary and an employee is subsequently dismissed on account of desertion, the employee may be required to pay or sued for recovery.

### 10.2.9 Personal Appearance and Dress Code

ODPP employees contribute to the corporate culture, reputation and credibility of the ODPP in the way they present themselves. A professional appearance is essential to a favorable impression with the public and key stakeholders. Good grooming and appropriate dressing reflects employee pride and inspires confidence.

All ODPP employees are expected to dress decently, be neatly groomed, clean and appropriately dressed at their places of work.

The following general guidelines will apply:

- (i) Dressing must be modest and of a nature that lends itself to dignity and integrity of employees;
- (ii) All employees shall exercise good judgement in their standard of dressing. The following are some basic essentials of appropriate dress that shall be observed:
  - (a) All employees must be neat and should avoid appearing unkempt and untidy.
  - (b) Whereas employees are encouraged to wear full suits, it is permissible to wear a “broken suit”.
  - (c) Employees may wear ODPP branded corporate attires on Fridays or other days of the work week as may be specified from time to time.
  - (d) Male employees must wear ties during official working hours. No casual shirts shall be worn during working days except on Fridays.
  - (e) Exceptions may be permitted for areas with harsh weather conditions.
- (iii) An employee unsure of what is appropriate should confirm with their line manager, supervisor or contact the HRM Division.
- (iv) The ODPP recognizes the importance of individually-held religious beliefs to persons within its workforce and will reasonably accommodate employees’ religious beliefs in terms of workplace attire, unless the accommodation creates an undue hardship.
- (v) Accommodation of religious beliefs through attire may not be practical in light of professional issues or expectations from stakeholders. Employees requesting for workplace attire accommodation based on religious beliefs should be referred to the HRM Division.
- (vi) Adherence to the dress code may be waived only on medical considerations.
- (vii) Violations of the policy can range from inappropriate clothing items to offensive perfumes. If an employee comes to work in inappropriate attire, the employee will be required to go home, change and return to work. However, persistent breach of the dress code will result in disciplinary action.
- (viii) If an employee demonstrates poor hygiene, the supervisor should discuss the matter with the employee in private and shall raise the specific concerns to be corrected. If the matter persists, supervisors shall follow or take appropriate action in line with HR policies and procedures.

### 10.2.10 Membership to professional associations

- (i) ODPP employees have the right to join or participate in professional associations and bodies which promote professionalism and competence;
- (ii) The Law Society of Kenya (LSK) has the mandate to advise and assist members of the legal profession, the government and the larger public in all matters relating to the administration of justice in Kenya. The LSK is a member of the ODPP advisory Board. While ODPP employees are allowed to be members of the society, ODPP employees taking leadership roles in LSK creates conflict of interest which would undermine the independence of the ODPP and therefore remains prohibited.

## 10.3 Disciplinary Process

### 10.3.1 Human Resource Advisory Committee (HRAC)

- (i) The DPP shall constitute the Human Resource Advisory Committee which shall deliberate on disciplinary cases involving staff in grades DPP 4 and below.
- (ii) The Secretary Public Prosecutions shall chair the Human Resource Advisory Committee while the Head of Human Resource Management shall be the Secretary to the Committee. Other members of the Committee shall be the Heads of Department.
- (iii) An employee aggrieved by the decision of the HRAC may appeal to the DPP within six (6) weeks who at his/her discretion may refer the matter to the Advisory Board. The decision of the DPP shall be final.
- (iv) Disciplinary cases involving staff in grades DPP 1 to DPP 3 shall be submitted to the Advisory Board by the DPP for advice.

### 10.3.2 Role of the Inspectorate and Quality Assurance Department

- (i) The Inspectorate and Quality Assurance (IQA) Department has the primary responsibility for the investigation of all suspected misconduct including those relating to fraud.
- (ii) In all cases concerning fraud and corruption, the IQA shall be at liberty to work with other government agencies as may be deemed appropriate.
- (iii) The responsible line Manager or Head of HRM division shall send a request for investigation to the Head of IQA division with details of the case(s) to be investigated.
- (iv) The Head of IQA Division will issue investigation reports to the HRAC or designated personnel on the outcomes of investigations and provide clear recommendations.
- (v) Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know. This is important in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct and to protect the ODPP from potential civil liability.
- (vi) Once a case is concluded, the Head of HRM and the responsible line Manager are required to notify IQA of the conclusion of the case to facilitate closure of the investigation file.

### 10.3.3 Offences

- (i) Misconduct refers to serious wrongful, unacceptable or improper conduct by an employee.
- (ii) The offences that constitute general misconduct shall include but not limited to the following:
  - (a) Go-slow or obstructive work behaviour;
  - (b) Inefficiency in work performance;
  - (c) Continuous lateness at place of work;
  - (d) Misuse of stores, equipment, motor vehicles or other property;
  - (e) Causing unnecessary commotion;
  - (f) Spreading false information;
  - (g) Hawking goods and wares in offices;
  - (h) Pecuniary embarrassment;
- (iii) Gross Misconduct refers to an act or behaviour sufficiently serious to lead to dismissal from the ODPP without notice or payment in lieu of notice.
- (iv) The offences that amount to gross misconduct which may lead to summary dismissal are not limited to the following:
  - (a) Willful negligence of duty resulting in loss of property, funds or adverse orders to the ODPP;
  - (b) Willful destruction of ODPP or other government property;

- (c) Willful Failure to disclose material evidence;
  - (d) Unauthorized absence from duty;
  - (e) Any act of insubordination;
  - (f) Use of insults, threats and objectionable language or behaviour towards an employee or client;
  - (g) Incarceration for more than fourteen (14) days following arrest for a cognizable offence;
  - (h) Reporting to work under the influence of alcohol or being drunk at work;
  - (i) Unauthorized communication to the media;
  - (j) Unauthorized use or disclosure of confidential information;
  - (k) Conviction by a court of law for a felony and a custodial sentence of a term exceeding six (6) months without an option of a fine;
  - (l) Dishonesty reflecting adversely on the moral integrity of an employee while performing their duties;
  - (m) Deliberate mis-posting of payments;
  - (n) Deliberate failure to call available witnesses;
  - (o) Deliberate failure to use the available material in a case;
  - (p) Soliciting and/or receiving bribes in the name of the ODPP;
  - (q) Acceptance of a bribe;
  - (r) Impersonation or receiving money by false pretense;
  - (s) Colluding with accused persons to defeat the cause of justice;
  - (t) Theft;
  - (u) Falsification of information or references on appointment;
  - (v) Irregular awarding of tenders;
  - (w) Tampering with tender documents;
  - (x) Making irregular payments;
  - (y) Conspiring with customers to defraud or compromise the interest of the ODPP;
  - (z) Financial embezzlement;
  - (aa) Fraud;
  - (bb) Tampering with official mail;
  - (cc) Tampering with files;
  - (dd) Tampering with and destroying evidence;
  - (ee) Advising on cases without authority;
  - (ff) Fighting at the place of work;
  - (gg) Sexual harassment at the work place;
  - (hh) Failure to disclose material evidence;
  - (ii) Failure to abide by policies and guidelines issued by the DPP.
- (v) The above list of the offences is not exhaustive and may vary from time to time as determined by the ODPP and legislation.

#### 10.3.4 Disciplinary Action

- (i) The following disciplinary action may be taken against an employee:
  - (a) Verbal warning;
  - (b) Reprimand;

- (c) Written warning;
  - (d) Termination; and
  - (e) Summary Dismissal.
- (ii) The type of disciplinary action taken will depend on the seriousness of the case.
  - (iii) Transfers shall not be used as a form of disciplinary action against employees.

### 10.3.5 Administrative Action

- (i) The ODPP may institute administrative action against an employee for minor offences or where the employee's undesirable behaviour may not have been voluntary or deliberate.
- (ii) Administrative interventions taken by the ODPP shall follow a defined process that is different from the usual disciplinary process.
- (iii) Some of the administrative actions that may be taken against an employee include:
  - (a) Recovery of the cost or part of the cost of any property whose loss or breakage is caused by default or negligence of the employee;
  - (b) Recovery of salary equivalent to the number of days of unauthorized absence from duty;
  - (c) Temporary withholding/stoppage of salary increment;
  - (d) Deferment of promotion for a period not more than 12 months;
  - (e) Demotion or reduction in grade; and
  - (f) Retirement on public interest.

## 10.4 Disciplinary Procedure

It is the policy of the ODPP that discipline is intended to be corrective and not punitive. For this reason, the following steps should be taken in cases where employees conduct in the work place requires corrective measures.

### 10.4.1 Counseling

- (i) An employee who has committed a minor disciplinary offence should be orally counseled. The supervisor should discuss the matter with the employee and advise the employee to reform. Supervisors should keep a record of the date and a summary of the oral counseling discussed.
- (ii) If the unacceptable behavior continues, the supervisor shall either oral counsel a second time or issue a written oral counselling note. An oral counseling note is a written summary that explains to the employee if the unacceptable behavior continues, it will result in disciplinary action being taken. The supervisor should have the employee sign and date the document acknowledging receipt of the written counseling note.
- (iii) All counseling should be kept in a supervisory file for the record.
- (iv) All verbal warnings issued shall be part of a Supervisor's hand over notes upon leaving the service of the ODPP or moving to different areas of work.
- (v) If the employee reoffends or commits another offence similar in nature, the formal disciplinary procedure should be invoked.

### 10.4.2 Show Cause Letter

- (i) The formal disciplinary procedure starts with a "show cause letter". The employee will be informed in writing by the supervisor who shall be the Disciplining Authority of the nature of the complaint or allegation against them.
- (ii) The employee will be given twenty- one (21) days to respond to the allegations outlined in the show cause letter to the Disciplining Authority with a copy to his/her head of department or the DPP depending on the charged employee's grade.
- (iii) The response to the show-cause letter will serve as the employee's statement of defense.



- (iv) Where an employee deserts duty or their whereabouts are unknown, the show cause letter will be addressed to the employee's last known contact address by registered mail/ e-mail/ WhatsApp and any other approved online communication media.

#### 10.4.3 Disciplinary Hearing

- (i) The Disciplining Officer will review the responses received from the charged employee together with all available facts and make a decision on the need for a full hearing or the imposition of a minor penalty.
- (ii) In the case of minor misconduct, the employee should be informed either verbally during a session to review the response or in writing of the proposal to take action against him and of the imputations of misconduct or misbehavior on which action is proposed to be taken.
- (iii) The employee will be given a reasonable opportunity of making representations as he/she may wish to make against the proposal in line with the rules of natural justice.
- (iv) Where a full disciplinary hearing is deemed unnecessary, the disciplining authority or head of department concerned may issue a written warning or a letter of Reprimand. This is issued in consultation with the Regional HRAC after review of the supporting documentation from the supervisor describing the behavior causing the action and summarizing efforts to date (counseling) to correct the situation together with the employee's response to the charges.
- (v) Where the facts of a case call for formal action, a disciplinary hearing will be initiated within 14 days by the disciplining authority or head of department.
- (vi) The disciplinary hearing will be conducted by a HRAC appointed by the DPP. The HRAC may be convened at the county office level, regional office level or at the HQ depending on the seniority of the accused employee.
- (vii) Investigators involved in the case or the ICU may be required to attend the hearing to present findings from any investigations instituted as part of fact finding;
- (viii) The employee shall be informed by letter giving at least (5) five working days' notice that a hearing is to be held
- (ix) Disciplinary hearing should be called when all investigations are complete and there is sufficient documentation to support the proceedings. A hearing may be suspended to provide time for investigations to be concluded.

#### 10.4.4 Interdiction

- (i) Interdiction is a procedure applied on serious disciplinary cases related to general misconduct that require investigations and involve any breach of the rules and regulations; in order to establish the fact(s) of the case.
- (ii) The interdiction letter may include a notice to the employee to show cause why disciplinary action including termination or summary dismissal should not be taken against them.
- (iii) An interdicted employee will be paid half (½) of his/her basic monthly salary less any statutory deductions. During this period, the employee will continue to receive house allowance and medical benefits at full entitlement. Any other benefits shall be withheld by DPP.
- (iv) While on interdiction, the employee will be required to report to his/her supervisor and sign a register once a month.
- (v) In the event the employee fails to report as instructed, the interdiction will automatically translate to suspension.
- (vi) Interdictions shall not exceed six (6) months, within which time investigations should be completed and disciplinary action determined. However, in exceptional circumstances where other external actors are involved, the period will be extended up to a maximum of 6 months.
- (vii) Where an interdiction case is not dealt with within the stipulated time period:
  - (a) An employee will be deemed reinstated automatically once the interdiction period lapses
  - (b) Salary arrears for interdicted employees shall be paid up to the latest salary entitlement.

- (viii) Extension of the interdiction period shall be done in writing to the interdict and shall be for a specified period of time not exceeding 6 months.
- (ix) Where disciplinary proceedings have been taken or instituted against an employee under interdiction and such an employee is neither dismissed nor punished under these procedures, any salary withheld shall be restored to the employee upon termination of such proceedings; with effect from the date the salary was stopped.

#### 10.4.5 Suspension

- (i) An employee may be suspended from duty by the DPP under the following circumstances:
  - (a) The employee has been charged with a criminal offence other than a traffic offence and investigations reveal that there is gross misconduct;
  - (b) The employee has been convicted of a serious criminal offence where a prison sentence may be imposed other than in default of payment of a fine; or
  - (c) Any other offence which constitutes gross misconduct.
- (ii) Where an employee is suspended from duty, s/he shall be entitled to full house allowance, medical benefits and half (1/2) of his/her basic salary.
- (iii) An employee on suspension will be required to report to his supervisor at agreed intervals, if necessary.
- (iv) Where criminal proceedings have been taken or instituted against an employee under suspension and such an employee is neither dismissed nor otherwise punished under these procedures, the whole or any salary withheld shall be restored to the employee upon the termination of such proceedings with effect from the date the salary was stopped.
- (v) Suspensions shall not exceed six (6) months, within which time investigations are completed and resulting action is determined. However, in exceptional circumstances where other external actors are involved, the period will be extended.
- (vi) The DPP shall have the discretion to finalize such a case administratively, separate from the court process, if of the view that the offence amounts to gross misconduct and is injurious to the interests of, or the image of ODPP.

#### 10.4.6 Written Warning

- (i) If the explanation is not acceptable to the Supervisor or the Committee hearing the case, this shall be stated in a warning letter to the employee.
- (ii) The employee shall be required to signify in writing that she/he has read and understood the contents of the letter.
- (iii) A warning letter shall be in force for Twelve (12) months.
- (iv) A second written warning shall be given to an employee who having committed a minor offence earlier, repeats a similar offence during the period when a first warning is still in force.
- (v) The second warning letter shall be in force for 12 months.
- (vi) A third written and final warning shall be issued when the employee reoffends or commits another offence of similar severity, during the period when a second warning is in force.
- (vii) The warning will be deemed invalid after 12 months from the date of the third and final warning and following satisfactory improvement in performance or behavior. It will however not be removed from the employee's file.
- (viii) All expired warning letters shall be stamped "invalid" once the expiry date has lapsed.
- (ix) Before a final warning is given to an employee, the reasons contemplated will be known to the employee in writing and he or she shall be provided an opportunity to respond within twenty-one (21) days.
- (x) If the offence is repeated, or the failure not corrected, or should the employee commit another offence of similar severity, the employee shall be subjected to further disciplinary action.
- (xi) In exceptional circumstances, the misconduct might be serious enough to justify summary dismissal without any warning.



#### 10.4.7 Surcharge

- (i) This is a formal administrative action and disciplinary punishment applicable to minor disciplinary offences. The Human Resource Advisory Committee may resolve to surcharge an employee on account of misappropriation of money, malicious damage or misuse of property.
- (ii) The Human Resource Advisory Committee may resolve to surcharge the employee in full or an amount proportionate to the offence.
- (iii) In all surcharge cases, a show cause letter must be issued and the employee allowed to submit his or her defense.
- (iv) Surcharge cases should be implemented as follows:
  - (a) In monthly installments that shall not exceed 25% of employee's monthly basic salary;
  - (b) At termination or expiry of contract, any outstanding amount of surcharge will be settled from the employee's terminal dues; and
  - (c) The employee will sign an undertaking to the effect that on termination or expiry of the contract period, any outstanding amount will be recovered from his terminal dues. The undertaking will remain in force after the separation of the employee from the ODPP, until the full amount of surcharge is paid.

#### 10.4.8 Dismissal

- (i) In the event of failure to heed a final written warning, an employee will be advised that she/he may face summary dismissal.
- (ii) An employee who is charged on gross misconduct will be summarily dismissed from the ODPP.
- (iii) A letter narrating the facts of the case and giving reasons why dismissal is recommended will be sent to the employee and a copy of the letter placed in his or her personal file. The employee will be provided with an opportunity to respond within twenty-one (21) days.
- (iv) An employee who is declared bankrupt or in any way commits an act which is likely to cause embarrassment to the ODPP will be liable to summary dismissal.
- (v) In conveying the decision of the dismissal, the employee shall be informed of his right of appeal to the DPP within six (6) weeks.
- (vi) An employee whose termination is through summary dismissal will be entitled to payment of any terminal benefits, in accordance with the provisions of the Pension /Retirement Benefits Scheme.

#### 10.4.9 Appeal

- (i) All employees on disciplinary action shall have the right of appeal to the DPP.
- (ii) The appeals shall be made in writing within six (6) weeks from the date of the letter conveying the disciplinary action.

#### 10.4.10 Criminal Proceedings

- (i) In the event that criminal charges other than traffic offences are preferred against an employee for offences which do not directly relate to the ODPP, the DPP shall suspend the employee, pending internal investigations whether the ODPP'S rules and procedures have been breached and appropriate action taken.
- (ii) If criminal proceedings are instituted against an employee or where an employee has been acquitted of a criminal charge in a court of law, the DPP shall not be prevented from dismissing him or otherwise punishing him on any other charge arising out of his conduct in the matter.

## SECTION K: GRIEVANCE PROCEDURE

### 11.1 Introduction

The ODPP is committed to providing a safe, harmonious and productive work environment where employee grievances are dealt with promptly and in a sensitive manner. An essential part of developing this environment is ensuring that an employee is encouraged to raise any grievance that they may have, knowing that their supervisor will take appropriate action to address it.

The Grievance procedure provides a platform for employee complaints related to the application of HR policies such as pay and benefits, workload, work conditions, treatment by supervisors and line managers or unfair treatment. Grievance procedure is a key dispute resolution mechanism at the ODPP and is independent of the disciplinary process and external justice systems.

All other kinds of external and internal complaints relating to ethical or professional misconduct by any ODPP employee is handled through the ICD guidelines.

### 11.2 General guidelines

Although many grievances can be resolved in an informal way, there will be instances where a more formal process should be followed. The following general guidelines shall apply:

- (i) This policy applies to all ODPP employees and covers all work-related employee grievances.
- (ii) The grievance resolution procedure may also be used by person(s) with a significant interest or public interest in the subject matter of a grievance.
- (iii) Grievances raised by people who are not employees of the ODPP through the DPP or the HRM Division will be handled through the ICD guidelines. The ODPP however retains the right to determine whether to investigate or to deal with the matter through any other process.
- (iv) Grievances against supervisors of fellow ODPP employees must be evaluated to establish merit before any action is taken against the affected employees.
- (v) In certain circumstances, these procedures may be used to deal with a grievance against a person who is not an ODPP employee but who is involved in an activity related to the ODPP such as consultants.

### 11.3 Guiding Principles

- (i) Grievances will be treated seriously and in a sensitive manner, having due regard to procedural fairness, maintaining confidentiality and privacy.
- (ii) Grievances will be handled quickly and as close as possible to their source, although this may be determined by the nature of the grievance and/or the complainant's wishes. Concerns should be raised within 14 days after the incident(s) has occurred.
- (iii) Wherever possible, grievances should be addressed through discussion, cooperation and conciliation. The complainant and the respondent are expected to participate in the grievance resolution process in good faith. The aim is to reach an acceptable outcome that minimizes any potential damages to ongoing relationships.
- (iv) Grievances should not be frivolous or malicious or designed to avoid performance management processes. Presenting such grievances may constitute misconduct.
- (v) No person should be victimized because they raised a grievance in good faith or are associated with a grievance.
- (vi) Grievance resolution is an integral part of a line manager's duties. Line managers have a responsibility to identify, prevent and address problems in the workplace. If at any time a supervisor believes that the grievance is within the scope of the ODPP's provisions for staff misconduct/serious misconduct or unsatisfactory performance, the appropriate disciplinary procedures as per the relevant sections of the HR policies and procedures manual should be followed.

- (vii) Heads of departments with the support of the Head of HRM Division have a responsibility to communicate this Policy and its associated procedures.
- (viii) Every employee is entitled to have his/her grievance heard.
- (ix) An employee will first present the grievance to his immediate supervisor who will attempt to resolve it, failure to which the grievance will go to the next level supervisor who is not involved in the grievance.
- (x) If the grievance is not addressed/resolved at the next level an employee may appeal to the DPP.
- (xi) The DPP or any other designated officer will act as a mediator in the grievance.

## **11.4 Grievance resolution procedures**

### **11.4.1 Preliminary actions**

- (i) Before initiating the grievance procedures, complainants are encouraged to try to resolve any grievance directly with the person(s) concerned. An employee should raise their grievance with the person concerned as early as possible.
- (ii) If this is not possible or appropriate, the complainant should proceed to step 1 of the grievance procedures.
- (iii) Employees may also seek advice from HRM division regarding their complaint or grievance.

### **11.4.2 Step one: talk to immediate supervisor**

- (i) Where the complainant has been unable to resolve the grievance on their own, they should take the matter up with their immediate supervisor.
- (ii) The grievance should be in writing, copying the Head of HRM in the communication, but in some circumstances the grievance may be verbal.
- (iii) Where the grievance involves the supervisor, the employee should refer the matter to the Head of Department. The departmental head will address the matter with a view to resolving it promptly. If the grievance cannot be resolved at this stage, then the grievance may be progressed to step 2 of the procedure.
- (iv) The Supervisor shall then respond within seven (7) working days to the grievance unless both parties agree upon an extended period of time.
- (v) The response will include a full written explanation of the Supervisor's decision.
- (vi) If the Supervisor is unable to resolve the matter at that time or if the employee is still aggrieved, the response of the supervisor will clearly guide the employee who to appeal to in this case the Head of HRM.
- (vii) In addressing the grievance, the supervisor will take into account the need to:
  - Listen to the staff member's concerns and their desired outcomes;
  - Provide the staff member with a copy of this policy document, explaining the grievance procedures and the range of options open to them;
  - Inquire into the matter ensuring procedural fairness for all parties including informing the respondent of the allegations made against them and providing them with an opportunity to respond; this will also include where the issues involve allegations of harassment;
  - Keep all those involved informed about the progress of the matter;
  - Monitor the situation during and after the resolution process. No person should be victimized because they raised a grievance in good faith or are associated with a grievance; and
  - Offer mediation to parties to the complaint at an early stage of the grievance resolution process. Participation in mediation is voluntary, however all parties need to agree to participate in mediation before the process can proceed.

### 11.4.3 Step two: referral to Head of Department

In most instances ODPP will expect the Supervisor's decision to be final and for the matter to come to a close. However, in some circumstances the employee may remain aggrieved and can appeal against the decision.

- (i) The appeal shall be forwarded to the Head of Department.
- (ii) The appeal must be made within fourteen (14) working days of the original response to the employee's grievance.
- (iii) The appeal must be in writing and contain the original formal grievance letter and the response of the Supervisor in stage one.
- (iv) The head of department should to resolve the grievance and a formal response full explanation will be given in writing.
- (v) The Head of departments' response shall include the name of the person to whom they can appeal if still aggrieved, within seven (14) days, in this case the DPP.

### 11.4.4 Step three: referral to the DPP

- (i) If the employee remains aggrieved there will be a final level of appeal to the DPP.
- (ii) This appeal must be made in writing enclosing a copy of the original grievance and appeal letters, within ten (10) working days of receipt of the stage two response.
- (iii) The DPP will arrange and hear the appeal with another management representative and respond formally with a full explanation within twenty (21) working days.
- (iv) There is no further right of appeal. Where however both parties agree that there will be some merit in referring the matter to a third party for advice, conciliation or arbitration, arrangements will then be made to find a mutually acceptable third party.

### 11.4.5 Conciliation and mediation

- (i) Conciliation refers to the process where the complainant and respondent are assisted to reach a solution to the issue or grievance that will allow the parties to continue to work in a manner satisfactory to both. The purpose of conciliation is to find a resolution, to ensure that the situation that caused distress does not reoccur and to remedy, where possible, any disadvantage suffered. The focus of this process is settlement of the grievance rather than fact-finding or allocation of blame.
- (ii) Conciliation may be undertaken in accordance with this procedure by the relevant supervisor, Head of HRM, Head of Department, other Heads of Departments, DPP or specially appointed committee. Conciliation may take place:
  - (iii) As a series of separate meetings between the conciliator and each party, where the conciliator acts as a go-between; or
  - (iv) Through mediation where the complainant and respondent meet face-to-face with a neutral third party (the conciliator or mediator) in a joint session; or
  - (v) In a mix of the two.
- (vi) Mediation may form part of the process of conciliation that may be undertaken between the parties and should only be undertaken by an appropriately skilled and trained person. Mediation is a voluntary process where agreements come from those in dispute, not from the mediator.
- (vii) The DPP will source for external mediators who will work individually to help in finding a resolution between the parties having the grievance.
- (viii) Mediation is not part of ODPP's formal grievance procedure. However, if both parties agree to mediation, then the grievance procedure can be suspended in an attempt to resolve the grievance through that route.
- (ix) Where the mediation is not successful, then the grievance procedure can be re-commenced.

#### 11.4.6 Step 4 – ad hoc grievance panel

- (i) The grievance panel is an ad hoc body convened by the DPP within 14 days of notification of the lodging of an appeal. It includes:
  - (a) A representative appointed by the DPP (preferably a member of the Management);
  - (b) A representative of the relevant Department;
  - (c) A representative selected from staff (preferably non-managerial staff); and
  - (d) A representative from HR (not entitled to vote, but will advise on the proceedings).
- (ii) Any person who has substantively been involved in the case pending investigation is excluded from serving on the grievance panel.
- (iii) The grievance panel shall select its own chair.
- (iv) The grievance panel may summon any person or examine any evidence that it deems pertinent to the grievance under discussion.
- (v) The staff member filing the grievance case will be allowed to attend all meetings called by the grievance panel and may also ask a colleague to accompany him or her in all panel meetings. The staff member and colleagues will also be accorded access to all documentation pertinent to the case.
- (vi) Aggrieved persons are free to have representation by a colleague who can help articulate their grievance;
- (vii) No external representatives are allowed to participate in any of the grievance panel meetings.
- (viii) Within 21 working days of convening of a grievance panel, a written report from the panel shall be submitted to the DPP, representing the majority view of the grievance panel. The report should be prepared by the Chair of the grievance panel and should contain a summary of the background to the appeal, proceedings of the panel and the recommendations of the panel, which may be a repeal, a reduction or an upholding of the decision.
- (ix) The DPP may reject or accept the recommendations of the panel or send the issue back to the panel for further deliberations.

#### 11.5 Outcomes of the grievance resolution process

The outcomes of the procedure may include:

- (i) Complainant gaining a better understanding of the situation and no further action taken.
- (ii) A decision or outcome, which was the subject of the grievance, is affirmed as an appropriate decision in the circumstances.
- (iii) A decision or outcome which was the subject of the grievance is revised or rescinded.
- (iv) The complainant or respondent receiving a verbal or written apology.
- (v) The complainant or respondent receiving a verbal or written warning/reprimand.
- (vi) One or both parties agreeing to participate in some form of counseling, training or other appropriate remedial actions.
- (vii) Disciplinary action, where HR policies or Code of Conduct is found to have been breached, and/or where misconduct/serious misconduct or unsatisfactory performance has occurred.

#### 11.6 Privacy and disclosure

- (i) The information gathered during the course of a grievance is to be treated in a confidential manner due to its personal and sensitive nature.
- (ii) In addition to the Head of HRM division, the information provided may be disclosed to the persons involved in resolving the grievance and the DPP.
- (iii) Information to be reported for statistical or future reference, will as far as is practicable and reasonable, be in a de- identified/coded format.

## SECTION L: SEPARATION

### 12.1 Introduction

This policy describes the circumstances under which an employee ceases to be an employee of the ODPP and the rights and benefits that shall be applicable in each case.

### 12.2 Grounds for separation

- (i) An employee may cease to be an employee of the ODPP under the following circumstances:
  - (a) Resignation;
  - (b) Retirement;
    - Upon attaining mandatory retirement age;
    - Medical grounds;
    - Early retirement;
    - Public interest;
    - On abolition or reorganization of office.
  - (c) Termination for cause;
  - (d) Expiration of the contract of service;
  - (e) Summary dismissal;
  - (f) Transfer of service;
  - (g) Death in service;
- (ii) In all cases, the guidelines on applicable minimum notice periods as well payment of dues as per respective employment contracts shall be strictly adhered to.
- (iii) A separating employee shall obtain a Clearance Certificate from the Head of HRM division.

#### 12.2.1 Resignation

- (i) An ODPP employee whether confirmed or on probation, may resign his/her appointment, by giving one (1) month notice or pay basic salary in lieu of such notice in line with the provisions of their employment contracts.
- (ii) An employee who wishes to terminate his/her employment through resignation should give notice of resignation in writing to the DPP through their head of department. In both cases, a copy of the resignation letter shall be submitted to the Head of HRM.
- (iii) While serving a notice period, an employee continues to be bound by the terms and conditions of employment at the ODPP and in particular the requirements in respect of confidentiality and professional conduct.
- (iv) An employee serving a resignation notice may be required to cancel their attendance to any ODPP sponsored training events;
- (v) In the event that an employee resigns from the ODPP immediately prior to a salary review date, or prior to an award taking place, the ODPP reserves the right to refrain from awarding a salary increase or promotion. In this instance, the employee's status and benefits will continue as stated prior to the review or award, unless the award is backdated to the period during which the employee was in service.
- (vi) On resignation, an employee shall be required to settle any outstanding liabilities to the ODPP. Any amount due to an employee will be withheld and applied to settle any sum due from them. If any liabilities are outstanding, the matter will be referred to relevant agencies for legal redress.

##### 12.2.1.1 Waiving of resignation notice

The ODPP may at its discretion, reduce or waive any period of notice required to be given by any employee who wishes to resign and any such reduction shall, to that extent, free the employee of any liabilities resultant to such notice.



## 12.2.2 Retirement

The ODPP recognizes the following types of retirement:

- (i) **Compulsory Retirement:** Employees will be required to retire from the Service on attaining the mandatory retirement age of 60 years. However, employees with disabilities will retire on attainment of sixty (65) years in line with relevant legal provisions.
- (ii) An employee due for normal retirement shall be given a written notice of six months to enable the employees make necessary pre-retirement preparations.
- (iii) **Early Retirement:**
  - (a) An employee on attaining the age of 50 years may opt to retire any time thereafter.
  - (b) An employee will be required to give three (3) months' notice of his /her intention to retire under the '50 year' rule.
  - (c) Applications from employees to retire under the '50 year' rule will be approved by the DPP.

### 12.2.2.1 Retirement on abolition/Reorganization of the ODPP

An employee may be retired either on the abolition of the office he/she holds or upon the re-organization of the ODPP.

Where an employee is to be retired under these circumstances, the employee shall be retired in accordance with the provisions of the Employment Act.

Such action shall be approved by the DPP on recommendations of the Advisory Board.

### 12.2.2.2 Retirement in Public Interest

- (i) An employee may be retired in the public interest where the DPP, after having considered every report in his possession made with regard to the employee, is of the opinion that it is desirable that the services of the employee be terminated on grounds which cannot suitably be dealt with under any other provisions of the disciplinary process.
- (ii) The DPP shall notify the employee, in writing, specifying the complaints by reason of which his/her retirement is contemplated, together with the substance of any report or part thereof that adversely implicates the employee.
- (iii) If, after giving the employee an opportunity of showing cause why s/he should not be retired in the public interest, the DPP is satisfied that the employee should be required to retire in the public interest, the DPP shall forward to the Advisory Board the report on the case, the employee's reply and his own comments and the Advisory Board shall advise.
- (iv) Where an employee is retired in the public interest, the HRM shall furnish the Fund Administrator of the with full details of the case.

### 12.2.2.3 Retirement on Medical Grounds

- (i) An employee may retire from the ODPP on the ground of ill health if:
  - (a) The DPP, on advice from a medical board constituted by the Director of Medical Services or any other approved medical services provider as may be approved by the DPP, considers that the employee is incapable of performing the duties that they are employed to perform on account of physical, mental or extended illness and therefore it is in the best interest of the employee to retire; or
  - (b) An employee requests to be retired on the grounds of ill-health. Such requests shall be certified by an approved medical practitioner and or approved by a medical board constituted by the Director of Medical Services.
- (ii) Where an employee is considered for retirement or has requested to be retired in accordance with subsection (i) above, the DPP shall require that the employee be examined by a medical board constituted by the Director of Medical Services with a view to ascertain whether or not the employee should be retired on the grounds of ill health.

- (iii) After the employee has been examined in accordance to (ii) above, and the finding is that the employee should be retired, the Director of Medical Services shall forward the Medical Board's proceedings together with the comments thereon to the DPP who shall:
  - (a) Request the employee to make any representation in view of the Medical Board's proceedings and comments;
  - (b) Review employee's representation, if any; and refer the matter to the advisory committee;
  - (c) Where the advisory committee considers that further inquiry is necessary, in which case it shall cause such inquiry to be made, it shall decide forthwith whether the employee should be called upon to retire on the grounds of medical grounds.
  - (d) Where the employee being able to appear before the medical Board, refuses to appear, the DPP shall forward the case with the relevant background information to the Advisory Board to make a decision including, if deemed appropriate, retiring the employee on medical ground.

### 12.2.3 Termination for cause

The ODPP may terminate the services of an employee with or without notice depending on the circumstances as per their contract of service and in compliance with the disciplinary process.

- (i) The notice period for termination of contract shall be as stipulated in the employee's employment contract or as otherwise provided in the employment act. The notice period will be clearly stipulated in the appointment letter.
- (ii) The notice shall be in writing.
- (iii) Either party may terminate the employment contract without notice upon payment in lieu of notice.
- (iv) Upon termination of contract, an employees' annual leave shall be calculated on a pro- rata basis until their last day of service.
- (v) An employee whose services are terminated shall receive a certificate of service and be paid as follows:
  - (a) Up to their last working day;
  - (b) Any accrued leave days;
  - (c) Pension and provident fund as per Trust Deed rules;
  - (d) Any other dues as per the contract of employment less debts owed to the ODPP;
- (vi) An employee serving on probationary terms may be terminated in accordance with the provisions of the Employment Act.

### 12.2.4 Expiration of the contract of service

Separation from service may occur by expiration of an appointment in accordance with the terms of that appointment. Employees serving on term contracts shall be notified in advance of the impending expiry of their contracts and the ODPP's intentions to either renew or terminate their employment in compliance with the provisions of the Employment Act.

### 12.2.5 Summary dismissal

The ODPP reserves the right to summarily dismiss an employee for gross misconduct. In addition, a person guilty of gross misconduct shall be liable for summary dismissal as per the disciplinary procedures detailed in this manual.

### 12.2.6 Death in service

- (i) The death of an employee irrespective of cause automatically results in loss of employment. If an employee dies while employed by the ODPP, the declared next of kin shall be notified by the Head of HRM of the termination proceedings in accordance with the appropriate sections of the benevolence Policy.



- (ii) The immediate supervisor shall report the death to the Head of HRM and the DPP within twenty-four (24) hours of occurrence.
- (iii) Final dues and all benefits shall be appropriately settled through the declared next of kin within thirty (30) days of submitting relevant documentation.

#### **12.2.7 Exit interviews**

- (i) The ODPP shall provide an opportunity for terminating employees to have an exit interview to discuss the ODPP's strengths and weaknesses;
- (ii) The purpose of conducting exit interviews is to obtain feedback from departing employees concerning working conditions, policies, supervision, organizational culture and other matters related to their employment with the ODPP. The ODPP will use the information obtained from Exit Interviews to identify problem areas and to consider changes for improvement.
- (iii) The following procedure shall apply:
  - (a) All employees terminating employment with the ODPP will be invited to participate in an Exit Interview. This interview will be conducted by a member of the HRM division
  - (b) The information exchanged in the Exit Interview shall remain confidential within HRM division.
  - (c) The HRM division representative will conduct the interview using a Record of Exit Interview Form. This form will be filed and maintained in the Exit Interview Confidential File in the HRM Division.
  - (d) Where it is determined that additional information on the circumstances surrounding the employee's resignation is required, the line manager may be interviewed and the findings recorded.
  - (e) One copy of the Exit interview should be retained in the employee personal file. Second copy should be kept in a file containing all completed exit interviews.
  - (f) Periodic reviews of exit interview forms should be conducted and summarized in order to identify recurring problems and presented to the DPP.

#### **12.3 Certificate of Service and recommendation letters**

- (i) A certificate of service in letter form shall be provided to exiting employees in all cases of retirement, resignation, dismissal or termination of appointment. The certificate shall state the capacity and period in which the employee was employed. The certificate shall contain a fair assessment of the employee and will be signed by the DPP.
- (ii) Individual letters of recommendation may be provided to employees only by the DPP. Prospective employers who apply to the ODPP will be furnished a confidential reply to reference inquiries in the form requested. The Head of HRM shall prepare such letters in consultation with the responsible line managers.

#### **12.4 Clearance Certificate**

- (i) An employee will be required to obtain a clearance certificate on termination of appointment, resignation, dismissal or retirement from the ODPP.
- (ii) Upon resignation and prior to final departure, the employee will be expected to prepare a comprehensive handover report and submit a duly filled wealth declaration form.

#### **12.5 Return of ODPP property**

- (i) The ODPP retains the right to the return of any of its property at any time. On leaving the services of the ODPP, exiting employees shall return all computer hardware and software, keys, ID cards and any other property belonging to the ODPP.
- (ii) The employee may also be requested to disclose any computer passwords or access codes in order that access can be gained to any encrypted data or storage facilities;
- (iii) It shall be the responsibility of the Line Manager to ensure that all ODPP property is returned before exit of an employee.

- (iv) It is mandatory that all exiting employees complete a clearance form that will be issued by the HRM Division. The clearance form shall accompany the letter confirming acceptance of the resignation or termination of the employee.
- (v) Upon resignation and prior to final departure, an employee will be expected to hand over all current assignments and honour other obligations including paying all debts owed to the ODPP, and ensuring the release of the ODPP from all guarantees given on his/her behalf.

## SECTION M: HEALTH, SAFETY AND SECURITY

### 13.1 Introduction

- (i) The ODPP recognizes and is committed to ensuring a safe, healthy and secure work environment for all employees irrespective of their work locations. In this regard ODDP will implement policies and programmes that assure protection from such hazards and disasters. Specifically, the ODPP is committed to providing and maintaining:
  - (a) Control of the health, safety and security risks arising from work activities;
  - (b) A safe place of work with safe means of entry and exit;
  - (c) Safe tools, equipment and systems of work;
  - (d) A safe and healthy working environment; and
  - (e) Necessary information and instruction, training and supervision to ensure safety and health at work.
- (ii) The ODPP is also committed to regular health and safety consultation with employees and, where necessary with contractors and suppliers of equipment and services, to ensure that occupational health and safety management is of the highest standard.
- (iii) The ODPP will strive to avail a comprehensive range of programs to staff to support their health, safety and wellbeing and the return to work of ill or injured staff, including ensuring training and instructions to employees based on their roles and responsibilities to enable them to comply with this Policy.
- (iv) The ODPP policies and programmes will be implemented in compliance with the provisions of Occupational Safety and Health Act, 2007, internal guidelines deemed necessary for the safety and security of ODPP staff and any other relevant Labour Laws.

### 13.2 Guidelines to General Safety

The ODPP shall maintain healthy and safe working conditions for employees to ensure there is no personal injury caused by accidents. Employees shall always consider safety to themselves and others when performing their duties. They shall not compromise on quality, cause injury, ill health, loss or environmental damage at all times.

### 13.3 Emergency Preparedness

- (i) The ODPP shall institute adequate plans for foreseeable incidents such as accidents, explosions, fires, floods and bomb threats, prepare and outline procedures to be followed in such events.
- (ii) The ODPP Management shall have a responsibility of ensuring that all employees and visitors are informed of and are fully conversant with the emergency procedures.

### 13.4 Fire Precautions

The ODPP shall ensure that the fire protection facilities provided in the premises are adequate and maintained as advised by Fire Officers and Occupational Safety and Health Officers. The Office will enforce all necessary fire precaution measures.

#### 13.4.1 Fire Prevention

- (i) No hazardous or highly inflammable materials should be stored in premises without the approval of the DPP.
- (ii) Positions of firefighting equipment must not be interfered with nor should firefighting equipment such as hose reels and extinguishers be used for purposes other than firefighting.
- (iii) The ODPP shall ensure that: -
  - (a) Health and Safety Committees are formed in all premises used by employees;
  - (b) The Committee members and all employees are trained; and
  - (c) Firefighting drills are conducted in all premises used by employees in accordance with the requirement of the Occupational Safety and Health Act, 2007.

### 13.4.2 Notification of Fires

- (i) All fires, however small, must be reported to the Principal Fire Officer or County Fire Officers or other Government agencies i.e., the Police or any administrative office within twenty-four (24) hours.
- (ii) The premises so affected by fire must be guarded and no evidence should be interfered with until investigations are over.
- (iii) It is the responsibility of whoever detects a fire to initiate alarm, inform the Police and fire brigade, and try to control the fire during its initial stages.
- (iv) All ODPP premises must be fitted with fire detectors, alarms, water storage tanks and pumps dedicated to firefighting only and separate from the normal water supply.

### 13.4.3 Security at the work place

The ODPP recognizes that secure operations are dependent upon employee participation, commitment and accountability. The general principles articulated below will assist in ensuring that ODPP is a secure place to work.

- (i) While effective service delivery remains the top priority of the ODPP, all work activities must have due regard to the security and protection of employees. Prevention must be the first priority;
- (ii) Preparedness is essential to mitigate incidents rapidly and effectively. Response plans shall be developed at the HQ and at regional Offices for continuity purposes;
- (iii) All incidents, including security breaches, threats and irregularities must be reported to the DPP through HODs;
- (iv) Incident reporting to the HOD or an appointed focal person at county/regional office level/HQ who will engage the DPP;
- (v) Investigation of reports and corrective action should be taken and followed up through regular verification to improve the overall security standards;
- (vi) The DPP may take appropriate steps in resolving reported issues including appointment of an ODPP committee to investigate the issue and present recommendations;
- (vii) Security personnel are authorized to screen all traffic at the entrance of all ODPP office country wide so as to ensure that all persons entering the compound are duly authorised to do so;
- (viii) The ODPP in consultation with the national security organs shall regularly conduct security situation assessments at all work locations and provide guidance to employees on an ongoing basis;
- (ix) Where elevated security provisions are deemed necessary, the ODPP shall arrange for appropriate security of all employees in consultation with the national security agencies;
- (x) ODPP employees shall abide by all directives provided by the DPP from time to time to ensure their safety.
- (xi) Additional compensation to security officers assigned to the ODPP shall be at the discretion of the DPP and shall take into account relevant work contexts.

### 13.4.4 Health and Safety Training

- (i) Health and Safety training shall be incorporated within annual training plans, as part of the ODPP's commitment to the development of a systematic training plan. Health, Safety and Security training needs will, therefore, be identified and planned for in the same manner as other training needs.
- (ii) All issues related to health, safety and security like hazards, accidents or any incidences and trainings delivered shall be recorded and presented to the DPP as soon as they occur.
- (iii) Where necessary, the Head of HRM together with the Heads of Departments shall consult with specialist advisory bodies to resolve the health, safety and security issues raised.

#### **13.4.5 Health and safety committee**

The ODPP shall establish and operationalise Health and Safety committees as per relevant legal provisions.

#### **13.5 Compensation to Employees in case of Injury or Death**

- (i) Only accidents arising out of and in the course of an employee's employment resulting to injury, diseases or death arising from occupational hazards are compensable.
- (ii) The Work Injury Benefits Act (WIBA) provides for compensation for accidents and occupational diseases arising out of and in the course of an officer's employment.
- (iii) In this regard, the ODPP shall procure Group Personal Accident (GPA) and Group Life Assurance (GLA) schemes which shall be administered by an approved Service provider.

#### **13.6 Reporting of Accident and occupational Diseases**

Immediately an accident or an occupational disease resulting in death or injury to an employee comes to the notice of the supervisor under whom he is directly deployed, he or she should make a claim for compensation in accordance with the GPA and GLI insurance covers.

#### **13.7 Compensation Payable during Sick Leave under WIBA**

An employee on sick leave as a result of an accident or occupational disease will be entitled to full pay.

## SECTION N: EMPLOYEE WELLNESS

### 14.1 Introduction

The ODPP recognizes that, in addition to offering pay benefits, healthy, safe and secure working environment to employees, their emotional and social needs should also be catered for as they discharge their duties. It is therefore, the ODPP's Social responsibility to promote welfare amongst its employees.

The ODPP will develop programs that addresses the various social and health challenges confronting employees in the workplace. In this regard, the ODPP will develop and implement employee welfare and wellness programmes with the aim of:

- (i) Improving staff health, morale, and productivity;
- (ii) Supporting staff to make healthy lifestyle choices that will help them to be better role models.

#### 14.1.1 Work Site Wellness

The ODPP shall establish a comprehensive worksite wellness promotion programs containing the following program elements:

- (i) Health education, which focuses on skill development and lifestyle behaviour change along with information dissemination and awareness building, preferably tailored to employees' interests and needs.
- (ii) Supportive social and physical environments. These include an organization's expectations regarding healthy behaviour, and implementation of policies that promote health and reduce risk of disease.
- (iii) Linkage to related programs like Employee Assistance Programs (EAPs) and programs to help employees balance work and family.
- (iv) Worksite screening programs, ideally linked to medical care to ensure follow-up and appropriate treatment as necessary.
- (v) Support for individual behaviour change with follow-up interventions.
- (vi) Specific issues that this Program shall address include but not limited to the following:
  - (a) Tobacco and alcohol use;
  - (b) Unhealthy diet;
  - (c) Physical inactivity;
  - (d) High stress levels from job and family; and
  - (e) Lactating mothers.
- (vii) The ODPP shall use various strategies/ initiatives to address these issues among employees which include:
  - (a) Counselling sessions;
  - (b) Wellness talks/ workshops/sensitization on wellness issues;
  - (c) Health risk assessments;
  - (d) Health fairs;
  - (e) Physical activity breaks through facilitation in joining health clubs, sports clubs, choirs, gym/spa etc.
  - (f) Follow-up service to help an employee adjust;
  - (g) Day care centers;
  - (h) Medical scheme;

### 14.1.2 Employee Wellness Framework

The ODPP Shall:

- (i) Establish an Employee Wellness Committee that represents the interests of employees and Management;
- (ii) Conduct a needs and resources assessment;
- (iii) Develop a wellness program components and activities based on the findings of the needs assessment;
- (iv) Provide incentives (employee release time or items such as pedometers and water bottles) to encourage employee participation;
- (v) Notify employees of the program through flyers, e-mails, payroll stuffers, and posters;
- (vi) Implement and evaluate the programs;
- (vii) The ODPP will determine and allocate an annual allocation for the implementation of the Employee Wellness Policy.

### 14.2 HIV/AIDS Policy

The ODPP recognizes the impact of HIV/AIDS in the workplace and its far-reaching effects on productivity. The ODPP is therefore committed to developing a programme to mitigate the effects of the pandemic in accordance with workplace policy on HIV and AIDS.

The principles that guide this policy will be in accordance with international conventions, national laws, policies, guidelines and Human Resource Manuals. These include but are not limited to:

- (i) Recognition of HIV/ AIDS as a workplace issue;
- (ii) HIV/AIDS is a workplace issue and shall be treated like any other serious illness or condition in the workplace;
- (iii) Non-discrimination -There shall be no discrimination and/or stigmatization of employees on the basis of real or perceived HIV status;
- (iv) HIV Prevention and Management - The ODPP shall provide a safe working environment to all employees. All staff have a responsibility to minimize the risk of HIV transmission by taking the appropriate first Aid and universal infection control precautions at the workplace;
- (v) HRM Division shall mainstream HIV/AIDS workplace matters in their day-to-day operations;
- (vi) Privacy and Confidentiality -No employee shall be compelled to disclose his or her HIV status. In cases where employees with HIV inform Management of their situation, all reasonable precaution will be taken to ensure confidentiality and the employees' right to disclosure will be observed. Access to personal data relating to an employee's HIV status will be bound by the rules of confidentiality;
- (vii) Information, Education and Communication -The ODPP will initiate a peer education programme to inform and educate its employees on HIV and AIDS prevention, care and support;
- (viii) Care and Support -Employees who are HIV positive will be provided with counseling services to encourage them to cope with the status;
- (ix) Opportunistic Infections -The ODPP encourages infected employees to seek early treatment;
- (x) Anti-Retroviral Therapy (ARV) -Employees who require ARVs are encouraged to seek this service at Health Institutions;
- (xi) Recreation;
  - (a) The ODPP may budget for funds to be utilized in sports and recreational activities as appropriate and as part of the training budget;
  - (b) The ODPP will consider paid leave of absence to players while participating in approved sports activities in the country and abroad. Where players play for other non-institutional clubs, the ODPP may grant unpaid leave to the player subject to exigency of service. On National duty, the players will be granted time off to train and participate as requested by the Government.



### 14.3 Benevolence

- (i) In case of death of an employee, the ODPP will provide the following assistance:
  - (a) The cost of transporting the body and immediate family members to the place of burial;
  - (b) The cost of coffin up to a maximum of Kshs. 100,000;
  - (c) Mortuary fees up to a maximum of Kshs. 50,000;
  - (d) Transportation of ODPP staff;
  - (e) The ODPP shall provide a token contribution of Kshs. 50,000 to defray funeral expenses for a deceased employee, one spouse and up to four (4) children aged twenty-five (25) years and below;
  - (f) One (1) funeral announcement in a daily newspaper (1/4 size in color).
- (ii) In case a spouse or a child of an employee dies while the employee is still in the service, the ODPP will provide the following assistance:
  - (a) The cost of transporting the body and immediate family members to the place of burial;
  - (b) A contribution of a maximum of 50,000 to defray funeral expenses for the deceased person.

### 14.4 Guidance and Counseling

The current challenges in the workplace and family environment affects the performance and wellbeing of an employees. To address these challenges, the ODPP will avail guidance and counseling services to all employees in need at the workplace.

- (i) The ODPP will employ the services of professional Counselors to provide guidance and counseling services to the employees in order to address the psychological needs of the employees, during their entry, stay and exit from service.
- (ii) A Supervisor may recommend an employee for counseling when he or she notices signs of low productivity, when the employee is a danger to himself or herself in case of an indiscipline problem.
- (iii) An employee shall have freedom to accept or reject counseling. This includes freedom to remain in counseling relationship after it has been initiated.
- (iv) The ODPP will actively create awareness on mental health and create a culture where staff can freely talk about their mental health concerns without fear.
- (v) ODPP will support its staff to access mental treatment at designated providers within the prevailing medical scheme.

### 14.5 Alcohol, Drug and Substance Abuse

- (i) The ODPP considers alcoholism, drug abuse and similar problems as health problems and as such treats such problems as any other disease.
- (ii) The ODPP will provide any employee suffering from drug and alcohol abuse problems an opportunity to recover.
- (iii) Cases of employees who are determined to deal with drug and substance abuse will be handled in accordance with the ODPP Alcohol, Drug and Substance abuse policy.
- (iv) The ODPP will provide both in-patient and out-patient rehabilitation services within the limits provided in the Medical Insurance Scheme.
- (v) In instances where an affected employee refuses to co-operate and comply with the ODPP set guidelines and rehabilitative programs, the ODPP may initiate the termination of such employee's services.
- (vi) As far as is practically possible, employees will be encouraged to seek out medical assistance or counselling.

## 14.6 Employee Assistance Programmes

### 14.6.1 Introduction

An employee assistance program aims at restoring employee productivity with the aim of encouraging employees to seek guidance if they have difficulties as a result of either organizational or personal events. The issues for which an employee may wish to contact Employee Assistance Program for assistance include, but not limited to:

- (i) Drug abuse and alcohol abuse;
- (ii) Grief and loss issues e.g., death of loved one;
- (iii) Relationship issues;
- (iv) Work-related issues such as traumatic experiences with clients/cases;
- (v) Balancing family and work responsibilities;
- (vi) Marriage and family problems;
- (vii) Coping with change e.g., change at work or home;
- (viii) Depression, anxiety;
- (ix) Stress management, both personal and work-related stress;
- (x) Elder care (coping skills, etc.);
- (xi) Eating disorders;
- (xii) Coping with a serious illness;
- (xiii) Coping with financial and legal problems; and
- (xiv) Chronic illnesses;

### 14.6.2 Delivery of the assistance program

- (i) The ODPP Employee Assistance Program shall be pre-paid by the ODPP and may be offered by full-time staff, identified coordinators or contracted/external providers, either as an individual or facility, through outsourcing arrangements.
- (ii) The counsellors for the Employee Assistance Program may include Human Resource Professionals, licensed Psychologists, drug and alcohol therapist or social workers. Required experience for such providers shall include but not limited to:
  - (a) experience in behavioural health sciences field;
  - (b) possess core skills such as consultation, confidentiality, problem identification and assessment, constructive confrontation, motivating clients, case monitoring and awareness of the impact of employee assistance on the ODPP.
- (iii) In cases of patterns of deficient or deteriorating performance and/or conduct, Supervisors and managers shall let the employee know about the services of the EAP and its potential benefits.

## SECTION O: HARASSMENT AT THE WORKPLACE

### 15.1 Policy Statement

The ODPP expressly prohibits and will not tolerate any form of discrimination, harassment, or sexual harassment based upon race, gender, ethnicity, clan, political persuasion/affiliation, marital status, age, religion, nationality, disability or on any other ground.

Workplace harassment undermines ODPP's mission, diminishes the dignity of both the harasser and victim and can threaten permanent damage to the careers, work experiences and wellbeing of all employees and stakeholders. In this regard, ODPP seeks to provide a work environment that is free of harassment. In keeping with this, no employee should be subjected to sexual, verbal or physical, position harassment in the workplace. The Harassment Policy applies to all ODPP employees.

### 15.2 Guiding Principles

- (i) If an employee believes he or she has experienced or witnessed any kind of harassment or other workplace harassment by another employee of ODPP, the employee should report the incident immediately to his or her manager, or Human Resources.
- (ii) Employees have the right to be treated with equal regard, dignity, concern and decency. Any action or conduct by an employee that could reasonably be viewed as harassment, bullying or intimidation is prohibited.
- (iii) ODPP provides a fair process for dealing with harassment and bullying.
- (iv) ODPP recognizes that supervisors bear an important responsibility to deter all forms of harassment or discrimination on the basis of color, nationality, tribe, social origin, political opinion/religion, gender, pregnancy, marital status/family responsibility, disability, HIV/AIDS, age, and union membership and that they must investigate any such allegation thoroughly.
- (v) Possible harassment by others with whom ODPP has a business relationship including clients and vendors should also be reported as soon as possible so that appropriate action can be taken.
- (vi) ODPP will not tolerate any unfair treatment of an employee who has made or supported a complaint about any kind of harassment, whether Direct or Indirect, and will ensure disciplinary actions are taken against the offending Employee.
- (vii) Formal complaints shall be dealt with as quickly as possible, and in normal circumstances within one month.

### 15.3 Discrimination

Discrimination means treating an individual or a group of people worse or better than others based on race, gender, ethnicity, clan, marital status, age, religion, social status, disability or hierarchical position or any other ground determined by the ODPP.

### 15.4 Harassment

For the purposes of the policy, workplace harassment is defined as any belittling or threatening behavior directed at an individual employee or group of employees. Harassment may take the form of unwelcome comment or behavior that is offensive, demeaning, humiliating, derogatory, or any behavior that fails to respect the dignity of an individual or a group of people.

Harassment occurs when an employee or group of employees must endure a work environment that is hostile, offensive or intimidating to them. Harassment may take any of the following forms:

- (i) Verbal

The following constitute forms of verbal harassment at the workplace:

- (a) Derogatory and/or offensive remarks and jokes.
- (b) Name-calling and degrading words used to describe an individual or a group of individuals.
- (c) Demeaning and inappropriate comments.
- (d) Threats or insinuations that could affect an employee's terms and conditions of employment.

- (ii) Visual

The following actions may constitute forms of visual harassment at the workplace:

- (a) Leering and gesturing.
- (b) Displaying or distributing offensive objects or pictures, cartoons, posters or magazines.
- (c) Displaying offensive/discriminatory computer screen savers.
- (iii) Written forms of harassment include offensive or threatening remarks in writing (letters, memos, emails etc.)
- (iv) Physical forms of harassment include actual or threatened physical abuse or conduct.

## 15.5 Sexual Harassment

- (i) Sexual harassment means any unwelcome sexual advances, comments, and expressed or implied sexual demands, unwelcome touching, jokes, gesture, or any other communications of sexual nature that causes personal offence.
- (ii) Sexual harassment of any nature by employees at ODPP is prohibited and will lead to disciplinary action including summary dismissal for any employee found guilty.
- (iii) Examples of sexual harassment include, but are not limited to:
  - (a) Quid pro quo harassment - “something for something” or “this for that.” e.g., offering employment or benefits in exchange for expressed or implied sexual favors.
  - (b) Threats or implications that an employee’s refusal or willingness to submit to sexual advances will affect their terms of employment or growth.
  - (c) Initiating or participating in rumor mongering/gossiping of a particular employee or group of employees that results in sexually oriented character assassination that could lead to tarnishing of an employee’s morale, self-esteem and reputation.
  - (d) Sexually derogatory remarks and/or graphic verbal commentaries about an individual’s body or dress.
  - (e) Sexually suggestive or obscene letters, notes, emails or invitations.
  - (f) Demeaning or inappropriate comments, name-calling, slurs or jokes.
  - (g) Unwelcome sexual advances or propositions.
  - (h) Leering, sexual gestures, displaying or distributing sexually suggestive objects or pictures, cartoons, graffiti posters or magazines and displaying offensive or discriminatory screen savers.
  - (i) Actual or threatened physical contact or conduct.
  - (j) Constant sexual or gender-based activity/comments which can create a hostile work environment.
  - (k) Sharing or display of visual material such as photographs or pictorials, offensive cartoons or articles of sexual nature.
- (iv) Consensual, social relationships in the workplace are not considered to be sexual harassment. However, this excludes cases where an employee turns down a request for a social relationship and is consistently pressured to positively respond to such social relationship requests. For example, when a fellow employee says NO to a social invitation, it should be clearly understood that NO means NO. ODPP discourages supervisors from directly or indirectly supervising an employee with whom there is a romantic relationship.

### 15.5.1 Reporting procedure

- (i) Any employee who feels that they are being subjected to harassment should take assertive action immediately. This begins with making their disapproval or unease known to the offender immediately.
- (ii) Every employee has a right and an obligation to report discrimination, sexual harassment or any other form of harassment, if they believe that discrimination or harassment has occurred.

- (iii) The ODPP encourages reporting of all incidents of harassment, regardless of who the offender maybe.
- (iv) The discrimination/harassment may be against the individual or against another employee. Discrimination or harassment should be reported to any one of the following office holders:
  - (a) The Head of Department;
  - (b) Head of HRM Division;
  - (c) DPP;
- (v) The report may be verbal or in writing, and should provide details of what happened including dates, location and names of any witnesses.
- (vi) ODPP will not disclose the name of the complainant or the circumstances related to the complaint to any person except where disclosure is necessary for the purpose of investigating the complaint or taking disciplinary measures thereto.
- (vii) Employees, who believe that they have been or are currently being harassed, should maintain a record in order to substantiate their allegations.
- (viii) While the ODPP encourages written notes, in the case a lawsuit develops from a reported incident, the notes will not be considered privileged or confidential information during the legal proceedings.
- (ix) To protect the rights of the employee, in all harassment incidences, HR must be informed of any reported harassment incidences even when the employee initially files their complaint elsewhere.
- (x) In the case where HR may have a conflict of interest the complaint should be forwarded to the DPP.

### 15.5.2 Investigation

- (i) A confidential, thorough and prompt investigation of every allegation of discrimination harassment, or sexual harassment will be conducted.
- (ii) The investigation may consist of interviews with witnesses and other employees as appropriate, collection of information about the alleged conduct, gathering of documentation, or other procedures as appropriate.
- (iii) The individual alleged to have violated this policy will have an opportunity to present their views of the events in question.
- (iv) ODPP will hold its determination until the investigation is completed.
- (v) Within a reasonable period after the investigation is completed, both the complaining employee and the employee alleged to have violated this policy will be informed of the results of the investigation.
- (vi) All records of the investigation will remain confidential.

### 15.5.3 Investigation process

- (i) Confirm name and position of the complainant.
- (ii) Identify the name and position of the alleged harasser.
- (iii) Thoroughly ascertain all facts that explain what happened. Questions should be asked in a non-judgmental manner and the interviewer should keep an open mind.
- (iv) Determine frequency/type of alleged harassment and where possible the dates and locations where the alleged harassment occurred.
- (v) Find out if there were witnesses who observed the alleged harassment.
- (vi) Ask the individual how they responded to the alleged harassment.
- (vii) Check whether the complainant knows or suspects other people who may have been harassed.

#### **15.5.4 Appeals process**

If any party directly involved in a harassment investigation is dissatisfied with the outcome or resolution, that individual has the right to appeal the decision. The dissatisfied party should submit written comments within seven days.

#### **15.5.5 Penalties**

- (i) ODPP will not tolerate any form of coercion, intimidation, reprisal or retaliation against any employee who reports incidences of discrimination, general harassment or sexual harassment, or provides any information or other assistance in an investigation.
- (ii) Any employee found to have discriminated, harassed, coerced, intimidated or retaliated against another in violation of this policy will be subject to prompt and appropriate disciplinary action, up to and including termination of employment.
- (iii) Employees who are found to have raised false harassment accusations shall be dealt with in accordance to the disciplinary procedure.

#### **5.5.6 Disclaimer**

ODPP accepts no liability for harassment of one employee by another employee. The individual who makes unwelcome advances, threatens or in any way harasses another employee is personally liable for such actions and their consequences. ODPP will not provide legal, financial or any other assistance to an individual accused of harassment if a legal complaint is filed.

## SECTION P: RECORDS MANAGEMENT

### 16.1 Introduction

- (i) The ODPP recognizes that proper records management results in consistent and informed decision-making, efficient and effective delivery of services, transparency and accountability. The ODPP will therefore develop clear guidelines and procedures on records management.
- (ii) The ODPP will ensure systematic control of all records from their creation to receipt through processing, retrieval, distribution and use, to their ultimate preservation and disposal.

### 16.2 Principles of Good Records Management

The ODPP shall be guided by the principles of good records management in the management of its records. These include; authenticity, accuracy, accessibility, completeness, comprehensiveness, compliance, effectiveness and security.

### 16.3 Types of Records

A record can be physical or electronic. These include but are not limited to the following:

- (a) Electronic documents;
- (b) Hard copy documents;
- (c) Paper files;
- (d) Electronic messaging;
- (e) Photographs;
- (f) Web content;
- (g) Models, plans and architectural drawing.

### 16.4 Security of Records

- (i) Measures shall be taken to safeguard records from unauthorized access, damage and destruction.
- (ii) The ODPP recognizes the following security classification and levels of access to classified information as indicated in the Government of Kenya Security Manual:
  - (a) Top Secret; Information and material whose unauthorized disclosure would cause exceptionally, grave damage to the Republic.
  - (b) Secret; Information and material whose unauthorized disclosure would cause serious injury to the interests of the Republic.
  - (c) Confidential; information and material whose unauthorized disclosure would be prejudicial to the interests of the Republic.
  - (d) Restricted; Information and material whose unauthorized disclosure would be undesirable to the interests of the Republic.

### 16.5 Records Management Unit

The Records Management Unit shall receive, maintain, process and control the flow of information and other records. It will also control the formal channels of recorded communication within the ODPP.

### 16.6 Control of records

- (i) The control of records shall be the responsibility of the head of the functional unit.
- (ii) Use of ODPP records for unauthorized purposes will lead to disciplinary action.
- (iii) Control of records covers production, approval for use, review and update as necessary, ensuring that changes to current status are identified, and availability for use.
- (iv) The records must be kept in a manner which can be readily identifiable, retrieved and legible.



## 16.7 Records Management Units

- (i) The ODPP shall have the following Records Management Units:
  - (a) Secret;
  - (b) Confidential;
  - (c) Administration;
  - (d) Staff;
  - (e) Technical;
  - (f) Mail.

## 16.8 Mail Management

When handling mail, the following procedures shall be undertaken with utmost care; receiving, sorting, opening, date stamping, registering, filing, distribution of mail to action officers, control of mail movement, security and dispatch. This will ensure timely and accurate delivery of mail at minimum cost.

## 16.9 Filing and Maintenance of Records

- (i) The ODPP shall establish proper procedures for filing, use, storage and retrieval of records to ensure they are protected from potential dangers that may occur and lead to loss of information, facilitate accurate and faster retrieval of records and provide information in good time.
- (ii) ODPP Management shall ensure that employees are sensitized and trained on records management to achieve uniformity and consistency.

## 16.10 Records Control System

The ODPP shall use a file classification scheme that takes into account the following:

- (i) Develop titles of all the ODPP's files;
- (ii) Ensure consistency in file naming throughout the ODPP;
- (iii) Provide a structure based on functions, as a starting point for developing a file title;
- (iv) Organize, describe and link related records; and
- (v) Provide improved access, retrieval, use and dissemination of information.

## 16.11 Storage Facilities and Equipment

- (i) To ensure records are properly stored and easily accessible the ODPP shall provide adequate and appropriate space and suitable equipment for storage of records.
- (ii) The space set aside for records storage should be;
  - (a) Well-lit and ventilated;
  - (b) Not in a place which can easily be flooded with water;
  - (c) Not directly exposed to the sun;
  - (d) Not having leaking roofs;
  - (e) Not located in the basement of the building;
  - (f) Secured with grilled doors and windows; and
  - (g) Safe from fire.
- (iii) The stage of the records life cycle shall be taken into account while making a decision on storage. There are three (3) broad categories which are recognized by the ODPP as follows;
  - (a) Current Records;
  - (b) Semi-Current Records;
  - (c) Non-Current or Non-Active Records.

### 16.12 Records Survey and Disposal

- (i) The ODPP shall undertake Records Survey by collecting information on the usage, maintenance and eventual disposal of records. The purpose of the Survey will be to;
  - (a) Examine the storage conditions of records and the working environment;
  - (b) Determine the volume and physical location of records;
  - (c) Examine the filing classification schemes and indexing systems in place;
  - (d) Determine the staff capacities;
  - (e) Identify problems encountered in storage of records; and
  - (f) Establish disposal procedures of non-current records.
- (ii) Records appraisal will be conducted by Records Management Officers before disposal of records in order to determine the value of records for purposes of either preservation of valuable records or destruction of valueless records.
- (iii) The ODPP shall dispose records in consultation with Kenya National Archives and documentation service in a systematic way by either transferring valuable records to the Kenya National Archives and Documentation Service, the Records Centre or any other authorized place of deposit or destroying inactive and valueless records.
- (iv) The mode of destruction shall be by burning, pulping or shredding.

### 16.13 Records Retention and Disposal Schedule

- (i) The ODPP shall develop a records retention and disposal schedule. The schedule shall describe all types of records of the ODPP and indicate pre- determined retention periods and prescribed disposal actions to be taken once a record is no longer needed for the conduct of current business.
- (ii) The records retention and disposal schedule ensure early identification and preservation of valuable records. It also ensures that non-current records are removed from the office or records unit for storage in the ODPP's records center or Kenya National Archives and Documentation Service.
- (iii) The retention and disposal schedule once approved must be enforced and should be regularly updated.

### 16.14 Access Rules and Regulations

- (i) The ODPP shall ensure that access rules and regulations are effectively enforced to prevent unauthorized access and leakage to classified records and information.
- (ii) The access rules and regulations should ensure that:
  - (a) No staff will be deployed to handle confidential, secret or top-secret records/information without prior vetting by the Director General National Intelligence Service and approval by the DPP.
  - (b) Access to classified record, is restricted to the "need to know" Principle i.e. No person is entitled solely by virtue of his or her rank or appointment to knowledge of classified material.

## SECTION Q: INFORMATION AND COMMUNICATION TECHNOLOGY

### 17.1 Introduction

The ODPP recognizes the importance of Information Communication Technology and therefore shall acquire and maintain systems i.e., Hardware and Software that will enable it to operate effectively and efficiently in service delivery.

ODPP work and service delivery depends on information and data that is held in computer systems. ODPP therefore reserves the right to monitor and review all data and information contained on all ODPP issued computers or electronic devices, the use of the Internet or the ODPP intranet/network.

This policy provides guidelines and regulations that govern the use of internet technology and communication systems including telephones, mobile telephones, desktop computers, laptops, tablets and personal organizers, email and the Internet.

### 17.2 Implementation of ICT systems

The implementation of ICT Systems shall be as detailed in the ODPP ICT Policy, Government ICT Legislation, standards and guidelines and is as per the following guidelines:

- (i) The ODPP shall put in place mechanisms to ensure confidentiality, integrity and availability of ICT systems;
- (ii) The ODPP shall promote equal opportunities to develop relevant ICT capability and for usage and distribution of ICT resources.
- (iii) Access to information shall be restricted to authorized personnel only and on a need-to-know basis.
- (iv) The ODPP shall protect property rights of any Person or Organization protected by copyright, trade secret, patent or other intellectual property laws to ensure the security of all ODPP ICT assets.
- (v) The ODPP shall undertake remedial measures against introduction of malicious programmes into the network or server (e.g., viruses, worms, Trojan horse, e-mail bombs, etc.).
- (vi) Disaster recovery procedures shall be developed to ensure that no data is lost in the event of a disaster. In event of any disaster, disaster recovery procedure will be undertaken as prescribed in the relevant Standard Operating Procedure to be developed by the Officer concerned with Information Communication Technology.
- (vii) The Head of HR in liaison with ICT will ensure that all applicable information communication and technology system authorizations, access control are deactivated, internal and external financial authorizations, demobilized access to ODPP assets is withdrawn (where applicable) with effect from the last working day of an employee.

### 17.3 Emails

- (i) Email correspondence is not private as emails can be easily intercepted, copied, forwarded and stored without the original sender's knowledge. Employees must take into account the fact that any email that is sent may be read by a person other than the intended recipient.
- (ii) Any attachments containing important/confidential material should be encrypted or password protected.
- (iii) All messages and files are automatically scanned for viruses before being introduced into the ODPP network, but this does not provide a complete guarantee of protection. All employees have an obligation to be cautious when opening emails and attachments to emails from unknown sources. Employees are encouraged to speak to the ICT department where they have doubts.
- (iv) Contracts can be entered into by email in the same way as they are by letter or on the telephone. Employees must at all times take care to ensure that they do not inadvertently enter into contracts which bind the ODPP by email against established procedures and guidelines.

- (v) Employees must not under any circumstances send messages or attachments whether within or outside the ODPP which are:
  - Abusive including the use of foul language;
  - Malicious;
  - Discriminatory in any sense (e.g., sex, age, race, religion, gender or disability);
  - Defamatory about any other person or organization;
  - Bullying or intimidating in content; or
  - Sensitive or confidential.
- (vi) Employees receiving such messages must not forward them within or outside the ODPP. Sending emails of the type described above is likely to be treated as a disciplinary offence and could give rise to summary dismissal for gross misconduct.

#### 17.4 Internet

- (i) The ODPP prohibits the use of internet resources to create, access, store, print, solicit or send any materials that are harassing, threatening, abusive, sexually explicit or otherwise offensive or inappropriate;
- (ii) Much of the information that appears on the Internet is protected by copyright. Unauthorized copying or modifying of copyright protected materials including software amounts to a breach of copyright law. Therefore, downloading software or copyright protected information is not permitted, as it may make the ODPP or employees liable to legal action.
- (iii) The use of the internet is allowed to persons that require access of it for their daily work within acceptable limits and established guidelines to ensure protection from viruses, bandwidth conservation and general efficiency.

#### 17.5 Social media

For purposes of this policy, social media is broadly understood to include blogs, wikis, microblogs, message boards, chat rooms (WhatsApp, Telegram etc.), electronic newsletters, online forums, social networking sites and other sites and services that permit users to share information with others in a contemporaneous manner.

The following principles apply to professional use of social media and on behalf of the ODPP:

- (i) Employee actions on social media platforms have an effect on their image as well as the ODPP brand. Employees are therefore expected to know and adhere to ODPP's Code of Conduct, HR Policies and Procedures and other guidelines when using social media;
- (ii) Employees should be aware that ODPP may observe content and information made available by employees through social media. Employees should use their best judgment in posting material that is neither inappropriate nor harmful to ODPP, its employees or customers;
- (iii) Although not an exclusive list, some specific examples of prohibited social media conduct include posting commentary content or images that are defamatory, pornographic, proprietary, harassing or that can create a hostile work environment;
- (iv) Employees are not to publish, post or release any information considered confidential or non-public. If there are questions about what is considered confidential, employees should check with the HRM division and or their Head of department;
- (v) Social media networks, blogs and other types of online content sometimes generate press and media attention or legal questions. Employees should refer these inquiries to authorized ODPP spokesperson;
- (vi) Employees should get appropriate permission before they refer to or post images of current or former employees, members, vendors or suppliers. Additionally, employees should get appropriate permission to use a third party's copyrights, copyrighted material, trademarks, service marks or other intellectual property;

- (vii) Social media use shouldn't interfere with employee's responsibilities at ODPP. ODPP's computer systems are to be used for business purposes only. When using ODPP's computer systems, use of social media for business purposes is allowed (i.e., Facebook, Twitter, and LinkedIn), but personal use of social media networks or personal blogging of online content is discouraged and could result in disciplinary action;

## **17.6 Confidentiality**

Employees must not use ODPP's IT and communications systems whether alone or in conjunction with any other device to make unauthorized disclosure or copy of confidential information belonging to the ODPP. Unauthorized disclosure or copying of information belonging to the ODPP will be treated as a misconduct and could result in dismissal.

## **17.7 ODPP Information, Communication and Technology Systems**

### **17.7.1 Uadilifu Case Management System**

Uadilifu is ODPP's integrated information management system for receiving and allocating cases, managing official documents, serving and preserving documents. It facilitates the exchange of electronic information between the ODPP and other Justice actors. Prudent and acceptable use of the Uadilifu system. The following guidelines shall govern the use of Uadilifu System:

- (i) All ODPP employees have responsibilities and obligations when using the Uadilifu system in line with their assigned levels of authority and access rights;
- (ii) Employees must observe all established guidelines meant to safeguard data privacy confidentiality and security;
- (iii) Safeguard and protect passwords associated with the Uadilifu system
- (iv) Breach of the policy guidelines in the use of the Uadilifu system is considered a serious disciplinary matter and will be dealt with in accordance with the disciplinary policy.

### **17.7.2 Offences under the ICT Policy**

Offences under the ICT policy shall include, but not limited to the following:

- (i) Damaging or denying access to a computer system;
- (ii) Directly or indirectly causing degradation, failure interruption, obstruction or impairment of any program or data stored in a computer system;
- (iii) Unauthorised access to systems;
- (iv) Unauthorised disclosure or sharing of passwords;
- (v) Interception of critical data, a critical database to directly or indirectly benefit third parties;
- (vi) Identity theft and impersonation;
- (vii) Unlawfully and intentionally performing or authorizing another person to perform a prohibited act such as downloading confidential information stored in the system
- (viii) Committing any other act that is listed as an offence under the ODPP ICT policy and any other legislation and guidelines.

## SECTION R: STATIONERY, EQUIPMENT AND ASSETS

### 18.1 Introduction

Employees must put all property under their care to good use and for official purposes only.

### 18.2 Guidelines on Usage of ODPP Property

- (i) The following should be observed:
  - (a) Stationery is solely provided for official use. Personal or other correspondence on office stationery is therefore prohibited.
  - (b) Telephone calls made through the Operator or directly should be official. Personal calls are allowed but will be charged on the employees.
  - (c) Photocopiers shall be used for photocopying documents that relate to the ODPP's work or business. A photocopying log shall be kept and an employee who uses photocopying facilities shall sign the log as acknowledgment of the quantity of photocopies done in order to enable for the expenditure to be captured under the relevant Division for accountability purposes.
  - (d) Computers shall solely be used for official work.
  - (e) Motor vehicles shall be used as provided for under 8.4. of this Manual.
  - (f) Other assets shall be handled with reasonable care by the officers allocated.
- (ii) Employees who may require carrying out any equipment for use outside the premises should ensure that it is adequately secured. A gate pass must also be obtained from the Security Officer before the equipment can be carried out of the premises.
- (iii) Where damage is caused by carelessness, negligence or malicious acts, the employee shall be held liable, and will meet the cost of damage, as determined by the ODPP, in line with the disciplinary policy.











OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

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