

REPUBLIC OF KENYA



THE SAMBURUCOUNTY ASSEMBLY  
THIRD ASSEMBLY  
(THIRD SESSION)  
REQUEST FOR STATEMENTS

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**Honorable Speaker,**

Pursuant to **Standing Order 45(c)**, I hereby request a statement from the Chairperson of the Committee on Medical Services, Public Health, and Sanitation regarding the employment, management, and remuneration of casual workers in the Health Department.

**Honorable Speaker,**

This request is necessitated by serious concerns highlighted in the **Auditor General's Report**, which revealed:

1. **An expenditure of Kshs. 36,441,690** paid to casual workers in the Health Department without proper documentation and legal compliance.
2. **Lack of staff rationalization** to justify the hiring of casual workers.
3. **Failure to involve the County Public Service Board (CPSB)** in the recruitment process, contrary to the **County Governments Act, 2012** and **Employment Act, 2007**.
4. **No muster roll was provided**, raising concerns about possible ghost workers.
5. **Casual workers engaged beyond the legally allowed three-month period**, in violation of **Section 37(1)(b) of the Employment Act, 2007**, which states that:

*"Where a casual employee performs work for more than three months, the contract of service shall be deemed to be one where wages are paid monthly, and Section 35(1)(c) shall apply to that contract of service."*

This breach of the law exposes the County Government to **litigation risks** due to the continued engagement of workers under unlawful terms.

**Specific Questions for Clarification:**

**1. Recruitment of Casual Workers**

- How many casual workers have been recruited by the department since **January 2023**?

- What justification was used for their hiring, given that no staff rationalization was conducted?
- Why was the **County Public Service Board (CPSB) not involved** in the recruitment process, contrary to the **County Governments Act, 2012**, which mandates CPSB's role in hiring county employees?
- Provide a list of all casual workers, including their names, workstations, duties and the wards they come from.

## 2. Financial Implications and Payment Status

- What is the total **monthly remuneration** for the engaged casual workers?
- Has the department adhered to **Section 18(2) of the Employment Act, 2007**, which mandates timely payment of wages?
- Provide a breakdown of **months that have not been paid** and an explanation for the delays.
- Given that the **Auditor General's report** indicates irregular payments, what steps has the department taken to **rectify the financial mismanagement**?

## 3. Terms of Engagement and Legal Compliance

- What are the specific **terms of engagement** for these casual workers?
- Given that some casual workers have been engaged **beyond three months**, why has the department **failed to regularize their contracts** as required by **Section 37(1)(b) of the Employment Act, 2007**?
- Does the department provide **any form of medical cover or insurance** for these workers, as per the requirements of the **Work Injury Benefits Act, 2007**?

## 4. Muster Roll and Work Attendance Records

- Provide us with the current **muster roll provided** to confirm the attendance and actual work done by the casual workers?
- What measures have been put in place to ensure proper record-keeping and accountability to avoid **payroll fraud**?

## 5. Future Plans for Irregularly Engaged Staff

- What plans does the department have to **regularize or terminate** the employment of these workers while ensuring compliance with employment laws?
- How will the department ensure adherence to the **Public Finance Management Act, 2012 (Section 196)** to avoid further irregular expenditures?
- What corrective measures are being taken to prevent **future legal and financial risks** arising from non-compliance with labor laws?

## 6. Facilities without Casual Workers or Support Staff

- What plans does the department have for **health facilities that currently have no casual workers or adequate support staff**?
- How does the department intend to address **staff shortages** in these facilities while ensuring fairness in employment distribution?
- Is there a long-term strategy to ensure adequate staffing in all health facilities across the county?

Given the urgency and gravity of these concerns, I urge the Chairperson to provide a **detailed and evidence-backed response**, including:

- ☐ Copies of contracts or appointment letters issued to the casual workers.
- ☐ A list of all engaged casual workers with their deployment details.
- ☐ Payroll records, including payment receipts.
- ☐ Evidence of CPSB's involvement or reasons for their exclusion.

This statement is crucial in ensuring transparency, compliance with labor laws, and accountability in public service management.

**SIGNED:** \_\_\_\_\_

**HON. FRANCIS LEMARTILE**

**MEMBER OF COUNTY ASSEMBLY,**

**WAMBA WEST WARD**