

THE COMMISSION ON ADMINISTRATIVE JUSTICE
“Office of the Ombudsman”



Hata Mnyonge ana Haki

**AN INVESTIGATION REPORT ON ALLEGED IRREGULAR RECRUITMENT
AND PROMOTION OF STAFF AT KENYA URBAN ROADS AUTHORITY
(KURA)**

June, 2022

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Foreword

The Commission on Administrative Justice (CAJ), pursuant to its mandate stipulated under Section 8 of CAJ Act, 2011, undertook investigation into an anonymous complaint alleging irregular recruitment and promotion of staff at the Kenya Urban Roads Authority (KURA).

The preparation of this report was informed by interviews held with officials from the Authority and the examination of recovered documents.

The alleged recruitment was done procedurally though a section of the KURA HR policy and manual makes it mandatory for such positions to be filled internally first before they are advertised externally. The credibility of the interview results was found to be questionable. It was also established that the promotions though not unprocedural, did not accord adequate and equal opportunity to all. The Commission therefore, recommends to KURA to align Section 2.16.5 and 2.16.6 of its HR policy and manual on recruitment and promotions in line with section 36 and 37 of the Public Service Commission (PSC) Act, 2017 which demands accordance of equal opportunity to all qualified staff.

Signed this...^{24th}... day of June, 2022



HON. FLORENCE KAJUJU, MBS
CHAIRPERSON OF THE COMMISSION



Table of Contents

Foreword	iii
Table of Contents	iv
Acronyms	v
Executive Summary	vi
1.0 Introduction to the investigation	1
1.1 Issues under investigation	1
1.2 Investigation Process.....	2
1.3 Legal Framework	3
2.0 Analysis and Findings	9
2.1 Alleged irregular recruitment in respect to the position of Engineer.....	9
2.2 Alleged irregular promotion of staff	18
3.0 Conclusions	26
4.0 Recommendations.....	28



Acronyms

Ag.	Acting
BOD	Board of Directors
CAJ	Commission on Administrative Justice
DG	Director General
HRM	Human Resource Management
HRO	Human Resource Officer
JG	Job Group
KURA	Kenya Urban Roads Authority
PS	Principal Secretary
PSC	Public Service Commission
SS	Senior Superintendent

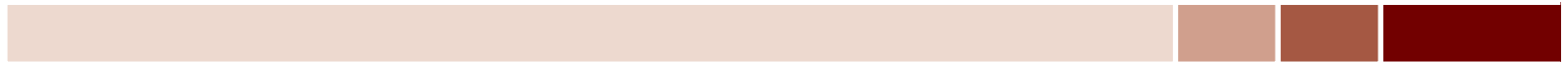
Executive Summary

The Commission undertook investigation into an anonymous complaint alleging irregular recruitment and promotion of staff in disregard to the organizational policy. It was further alleged that experience and qualifications of candidates are overlooked in recruitments and promotions of staff at the Kenya Urban Roads Authority (KURA). The investigation sought to establish whether any laws, regulations or policies were violated by any parties at KURA in undertaking the alleged recruitments and promotions.

The Principal Secretary (PS), State Department of Infrastructure was notified of the Commission's decision to undertake the investigation. Thereafter, a team of investigators visited KURA offices to conduct interviews and recover documents relevant to the issues under investigations.

Investigations established that the recruitment of Engineers (Job Group 6) was conducted in accordance with the PSC Act, 2017 and PSC Regulations of 2020 though it contravened the KURA HR policy and procedure manual which makes it mandatory for the Authority to first exhaust internal recruitment mechanism before considering an open advert. The credibility of the interview results for the position of Engineers (Job Group 6) was found to be questionable. The promotions of Superintendents (Job Group 7) to Senior Superintendents (Job Group 6) though well intended was ill advised. Further, the alleged recruitment of Human Resource Officer (Job Group 6) was unsubstantiated. However, a Human Resource Officer namely Felista Matingi was promoted from grade 4 to grade 5 (currently grade 6) based on her cumulative experience and good performance though she doesn't possess a degree which was a requirement for that grade.

In light of these findings, the Commission recommends that KURA should revise its HR Policy and Procedures Manual to make internal recruitment a necessary but not a mandatory process in filling of vacancies. It's also recommended that promotions should be on merit (qualification, experience and performance). Adequate and equal opportunities should be accorded to all qualified



candidates through a competitive internal interview in order to promote fairness and reduce disgruntlement.

1.0 Introduction to the investigation

The Commission received an anonymous complaint alleging irregular recruitment and promotion of staff in disregard to the organizational policy. It was further alleged that experience and qualifications of candidates are overlooked in recruitments and promotions of staff. Some of the cases cited in the complaint include Engineer (Job group 6), HR Officer (Job group 6) and Senior Superintendent (Job group 6). It was also alleged that some members of staff were interviewed for the position of Engineer (Job group 6) and were unsuccessful but they were promoted to the position of Senior Superintendent (Job group 6), a position that was not advertised. The complaint further alleged that HR Officer (Job group 6) was employed without advertisement or recruitment and that initial interview results were doctored.

In light of the foregoing, the Commission carried out an investigation with a view to establishing whether the relevant employment laws and the Authority's human resource management policy was complied with in the said recruitments and promotions.

1.1 Issues under investigation

The investigation explored the following:

- i. Whether the recruitments were conducted in compliance with the HR Policy in place. In particular, the investigation focused on the following positions in question:
 - Engineer (Job group 6),
 - HR Officer (Job group 6) and
- ii. Whether promotion of officers to the positions of Senior Superintendent (Job group 6) was conducted in accordance with the HR Policy.

1.2 Investigation Process

1.2.1 Notification

The PS, State Department of Infrastructure was notified of the Commission's decision to undertake the investigation vide a letter Ref: CAJ/KURA/006/143/20 dated 14th April 2021.

1.2.2 Offices Visited

CAJ investigators visited the Authority to conduct interviews and gather relevant documents. The following documents were recovered:

1. KURA Human Resource Management Policy and Procedures Manual.
2. KURA Career Guidelines
3. HR Board paper presented at the 55th Human Resource Committee Meeting of 15th June 2021.
4. Letters dated 10th March 2020 promoting Titus K. Munyao, Julius Kimutai Cheserek, Pius K. Ndege, Marclus Kiranga Nimrod and Mariita Ogega Ezekiel to the position of Senior Superintendent JG 6.
5. Letters dated 24th April 2018 appointing the above-mentioned officers as Acting Engineers JG 6
6. Letters dated 29th January 2019 renewing the acting appointment of the officers to the position of Engineer JG 9
7. Staff Appraisal Reports
8. External job advertisement placed on The Standard Newspaper of Thursday, 27th June 2019
9. List of shortlisted candidates for the position of Engineer JG 6
10. Summary and individual Score sheet for the position of Engineer JG 6
11. Statements from 5 witnesses
12. Memo dated 4th September 2015 redesignating Felista Matingi from Administrative Assistant to Human Resource Officer JG 4

13.A letter dated 27th February 2017 upgrading Felista Matingi from JG4 to JG5

1.3 Legal Framework

The following legal documents provided the framework that guided the investigation.

1.3.1 CAJ's mandate under the Constitution and CAJ Act, 2011

The Commission is mandated under Article 59 (2) (h-j) and 59(4) of the Constitution and the CAJ Act, 2011 to, *inter-alia*, investigate any conduct in state affairs or any act or omission in public administration in any sphere of Government and complaints of abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unfair or unresponsive official conduct.

In addition to its investigative powers under Article 252 (1) (a) of the Constitution, Sections 26-29 of the CAJ Act gives the Commission powers to conduct investigations on its own initiative or on a complaint made by a member of the public, issue summons and require that statements be given under oath, adjudicate on matters relating to administrative justice, obtain relevant information from any person or Governmental authorities and to compel production of such information.

The Commission is further required under Section 46 of the CAJ Act, to prepare a report to the state organ, public office or organization to which the investigation relates. The report shall include the findings of the investigation, action the Commission considers to be taken and reasons thereof and recommendations the Commission deems appropriate.

CAJ may upon an inquiry into a complaint, undertake such other action as it may deem fit against a concerned person or persons where the inquiry discloses a criminal offence as provided for under Section 41 of the CAJ Act. Section 8 (g) of the CAJ Act also gives the Commission power to recommend compensation or other appropriate remedies against persons or bodies to which the Act applies. According to Section 46 (4) of the Act, if there is failure or

refusal to implement the recommendations of the Commission within the specified time, the Commission may prepare and submit a report to the National Assembly detailing the failure or refusal to implement its recommendations, and the National Assembly shall take the appropriate action.

1.3.2 Constitution of Kenya, 2010;

CHAPTER THIRTEEN—THE PUBLIC SERVICE

PART 1—VALUES AND PRINCIPLES OF PUBLIC SERVICE

Values and principles of public service

232. (1) The values and principles of public service include—

- (g) subject to paragraphs (h) and (i), fair competition and merit as the basis of appointments and promotions;
- (h) representation of Kenya's diverse communities; and
- (i) affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service, of— (i) men and women; (ii) the members of all ethnic groups; and (iii) persons with disabilities.

1.3.3 Public Service Commission Act, 2017

36. (1) In selecting candidates for appointment or promotions, the Commission or other lawful appointing authority shall have regard to —

- (a) merit, equity, aptitude and suitability;
- (b) the prescribed qualifications for holding in the office;
- (c) the efficiency of the public service;
- (d) the provable experience and demonstrable milestones attained by the candidate; and
- (e) the personal integrity of the candidate.

(2) For the purposes of this section, "merit" in regard to a person means, the person—

- (a) has the abilities, aptitude, skills, qualifications, knowledge, experience and personal qualities relevant to the carrying out of the duties in question;
- (b) has potential for development; and
- (c) meets the criteria set out in subsection (1).

37. (1) Where a vacancy in a public office is to be filled, the Commission or authorized officer shall invite applications by advertising the vacancy in the Commission's website, at least one daily newspaper of nationwide coverage, the radio and other modes of communication, so as to reach as wider population of potential applicants as possible.

(3) The advertisements in subsection (1) shall be conducted in an efficient and effective manner so as to ensure that the applicants, including persons who for any reason have been or may be disadvantaged, have an equal opportunity to apply for the advertised positions.

1.3.4 Public Service Regulations 2020

21. (1) Where an officer demonstrates exceptional competencies, qualities, abilities, innovation, creativity and leadership, the officer may be considered for promotion on merit, an award and commendation, or both.

3) An officer may be considered for promotion on merit on recommendation by the relevant human resource committee of a public body and a request to the Commission by the authorized officer.

(4) An officer may be considered for promotion on merit where a vacancy exists:

(5) An officer may be considered for an award and commendation for that officer's experience, competence, personal qualities, exceptional abilities, innovation, tangible creativity, leadership, demonstrable milestones and integrity.

(6) In this regulation, "promotion on merit" means promotion through evaluation based on experience, competencies, personal qualities, exceptional abilities, innovation, tangible creativity, leadership, demonstrable milestones and integrity.

1.3.5 Public Service Commission, HR Policy Advertisement of Vacant Posts

B.4 (1) Ministries/State Departments will advertise vacant posts in a manner that reaches the widest pool of potential applicants (...)

Promotions

B.21 Promotions in the public service will be based on qualifications and other requirements for appointment as stipulated in the career progression guidelines.

1.3.6 KURA Human Resource Policy and Procedures Manual, 2017 2.16 Recruitment Procedure

2.16.2 The Director-General shall declare to the Board in accordance with the procedures set out in the manual, all vacant posts within the establishment, which are to be filled substantively, or in an acting capacity. Such declaration should be originated from the various HODS and must be supported by good justification for the recruitment and confirmation that the positions are not only within the approved establishment but also fully within the budget.

2.16.3 The Board will advertise all positions in Grade KURA 1 to KURA 3 which fall vacant or are newly established. Whenever a position falls vacant or a new position is established by the Board in Grades KURA 4 to KURA 10, the Director-General will advertise the position(s) under the delegated mandate.

2.16.4 Consideration should always be given to promoting candidates from within the Authority for Grades KURA 4 to KURA 10, so as to meet the employee career growth expectations. Senior posts, Grades KURA 1 to KURA 3 will be advertised externally in an open, competitive, fair and merit-based process.

2.16.5 Before external recruitment is considered for Grades KURA 4 to KURA 10, the following method of filling up the post **shall** first be exhausted:

- a) Promotion of the qualified candidates in the department or qualified candidates from another department who have the requisite qualifications and competence to do the job,
- b) Internal advertisement to attract applications from any members of staff within the Authority.

2.16.6 Where the internal recruitment process is exhausted and no suitable candidate exists, applicants will be sourced through open advertisements. The Authority shall opt to go to the open labour market to recruit. Where there will be need for specialized services, the Authority may use employment agencies or search firms to hire suitable candidates.

2.33 Position re-grading

2.33.1 Re-grading of positions may be done to correct staffing imbalances and other critical needs arising from succession management, review of career progression policy or restructuring.

2.34 Promotion

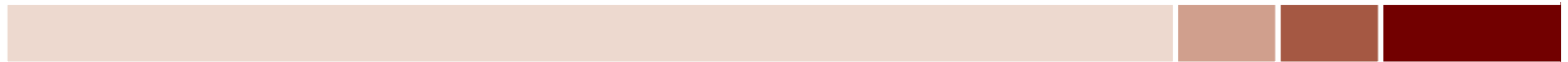
2.34.1 It is desirable to achieve a healthy mix between promotions from within and external recruitments. Serving candidates who meet the job requirements, with satisfactory performance and have potential for development will be given priority when filling higher vacant positions.

2.34.2 The Authority will strive to expeditiously fill all vacancies by promotion of suitable employees. Consideration of promotion shall be in accordance with the provisions of the Career Guidelines developed for each cadre. Employees who have relevant experience, qualifications and proven merit will be given first priority.

Human Resource Management and Administration Policies and Procedures Manual, May 2015 (Revised)

B10 Promotion

- a) It is desirable to achieve a healthy mix between promotions from within and external recruitment. Serving (internal) candidates whose work and conduct is satisfactory and have potential for development will be given priority when filling a vacant position.
- b) The Authority will strive to expeditiously fill vacancies by promotion of suitable staff.



c) Equal opportunities shall be provided for all persons without discrimination against people based on race, ethnicity, gender, disability, national origin, colour, religion, marital status or political affiliation.

2.0 Analysis and Findings

The analysis and findings hereunder were done in line with the allegations investigated.

2.1 Alleged irregular recruitment in respect to the position of Engineer

2.1.1 Background of the allegations

It was alleged that the Human Resource Officer and the management used the just ended recruitment (engineers) to put in place their kinsmen and families and that initial interview results were doctored.

2.1.1 Investigation findings in respect to the allegation

a) Advertisement and Shortlisting

It was established that external advertisement for the position in question, among others, was placed in the Standard Newspaper of 27th June, 2019. Interested candidates were referred to the Authority's website www.kura.go.ke/careers for the job's specifications and responsibilities. The requirements included Bachelors Degree in Civil Engineering or equivalent, proficiency in Computer Applications, Registered with Engineers Board of Kenya as a Graduate Engineer and must fulfil Chapter 6 requirements. Candidates were expected to forward their applications (filled application form, CV, Copies of certificates and testimonials) to the Director General before 16th July, 2019. Below is a scanned job advertisement:

69

and Audrey Ng'enyi



KENYA URBAN ROADS AUTHORITY

Efficient and Safe Urban Roads

CAREER OPPORTUNITIES

The Kenya Urban Roads Authority (KURA) is a State Corporation under the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works, established by the Kenya Roads Act, 2007. Our core mandate is to manage, develop, rehabilitate and maintain national urban road networks.

The Authority seeks to recruit dynamic, innovative and experienced individuals to fill the under listed positions:

No.	Job Title	IC	Job Ref No	No. Required
1	DIRECTOR, URBAN ROADS DEVELOPMENT	2	KURA/URD/D/19/1	1
2	DEPUTY DIRECTOR, FINANCE & ACCOUNTS	3	KURA/CS/F&A/19/2	1
3	DEPUTY DIRECTOR, ENGINEERING (ROADS)	3	KURA/URC/DD/19/3	1
4	DEPUTY DIRECTOR (ERM & BPR)	3	KURA/PSC/ERM/BPR/19/4	1
5	ASSISTANT DIRECTOR (M&E)	4	KURA/PSC/SEP/19/5	1
6	ASSISTANT DIRECTOR (BPR)	4	KURA/PSC/SEP/19/6	1
7	ASSISTANT DIRECTOR (INTERNAL AUDIT - PROJECTS)	4	KURA/IA/AD/19/7	1
8	ENGINEER	6	KURA/RACM/E/19/8	6
9	MONITORING & EVALUATION OFFICER	6	KURA/PSC/SEP/19/9	1
10	ENTERPRISE RISK MANAGEMENT OFFICER	6	KURA/PSC/ERM/19/10	1
11	ITS OFFICER	6	KURA/URPD/UTM&RS/19/11	3
12	SENIOR ASSISTANT OFFICE ADMINISTRATOR	7	KURA/CS/HRMA/19/12	2
13	ASSISTANT LAND SURVEYOR	8	KURA/URD/SURV/19/14	1
14	ASSISTANT ACCOUNTS OFFICER	8	KURA/CS/F&A/19/15	1
15	ROAD OVERSEER	9	KURA/RACM/URC/19/16	7
16	OFFICE ASSISTANT	10	KURA/CS/HRMA/OA/19/17	1

The successful candidates may be required to work either at the Headquarter Offices in Nairobi or any other Regional offices in Kenya as the case may be.

Interested and eligible candidates may get detailed information about job specification and responsibilities required for each job by visiting our website www.kura.go.ke/careers.

Candidates who meet the set criteria should apply in writing for the position(s) as well as fill the **Job Application Form** provided in the website, attach their updated CVs, certified copies of certificates and testimonials and forward them to the under signed on or before **16th July, 2019**.

All applications should have the respective job reference number clearly marked on the envelope. Only short listed candidates will be contacted. Canvassing will lead to disqualification.

The Kenya Urban Roads Authority is an Equal Opportunity Employer. Women, Youth and Persons Living with Disabilities are encouraged to apply.

The Director General
Kenya Urban Roads Authority (KURA)
IKM BUILDING, Bishops Road
P.O. Box 41727-00100, GPO, NAIROBI
info@kura.go.ke
Website: www.kura.go.ke



The Standard, Thursday June 27, 2019
Page 13

Applications for the position were received from both external and internal candidates. Alex Maina Kiai, Titus K. Munyao, Julius Kimutai Cheserek, Pius K. Ndege, Marcus Kiranga Nimrod and Mariita Ogega Ezekiel who were serving as Superintendents as well as Ag. Engineers also applied. A total of 24 candidates inclusive of the internal candidates were shortlisted for the position as follows:

SHORTLISTED CANDIDATES FOR THE POSITION OF ENGINEER (JG 6) - 6 POSTS			
No.	APPREF	TITLE	NAME
1	KURA/RACM/E/19/8/191	Eng.	Mose Paul Machuka
2	KURA/RACM/E/19/8/447	Ms.	Macharia Sylvia Wanjiku
3	KURA/RACM/E/19/8/248	Mr.	Jama Said Mustapha Ali
4	KURA/RACM/E/19/8/95	Mr.	Munyao Titus Kioko
5	KURA/RACM/E/19/8/559	Mr.	Ongoro Fredrick Ochieng
6	KURA/RACM/E/19/8/375	Mr.	Buluma Francis Riziki
7	KURA/RACM/E/19/8/40	Mr.	Osore Charles Kwena
8	KURA/RACM/E/19/8/426	Mr.	Kibutu Sammy Njoroge
9	KURA/RACM/E/19/8/224	Ms.	Kinoti Caroline Wambui
10	KURA/RACM/E/19/8/363	Ms.	Kariithi Sophia Wanjiku
11	KURA/RACM/E/19/8/31	Mr.	Kariuki Benson Theuri
12	KURA/RACM/E/19/8/183	Mr.	Kimaru Kennedy Kibuchi
13	KURA/RACM/E/19/8/63	Mr.	Ochieng Edwin Otieno
14	KURA/RACM/E/19/8/211	Mr.	Rotich Daniel Kipkoros
15	KURA/RACM/E/19/8/418	Ms.	Zembi Anita Jerop
16	KURA/RACM/E/19/8/480	Mr.	Pius Kariuki Ndege
17	KURA/RACM/E/19/8/517	Mr.	Marclus K. Nimrod
18	KURA/RACM/E/19/8/51	Mr.	Julius K. Cheserek
19	KURA/RACM/E/19/8/146	Mr.	Marthn Mwachiro Kambu
20	KURA/RACM/E/19/8/182	Mr.	Alex Maina Kiai
21	KURA/RACM/E/19/8/88	Ms.	Mutwiri Victoria Gakii
22	KURA/RACM/M/E/19/8/310	Ms.	Joyline Chepkemoi Rono
23	KURA/RACM/E/19/8/242	Mr.	Mariita Ogega Ezekiel
24	KURA/RACM/E/19/8/416	Mr.	Njuguna Peter Kiringa

It was established that the positions were externally advertised contrary to Sections 2.16.4, 2.16.5 (a)&(b) and 2.16.6 of the KURA HR Policy which demands exhaustion of the internal recruitment process for Grades 4 to 10 before advertising the positions externally. However, the decision is in line with the PSC Act, 2017, PSC Regulations, 2020 and PSC HR Policy 2015 which requires all vacant positions in the public service to be advertised in a manner that reaches the widest pool of potential applicants.

b) Analysis of the Interview results

An Interview panel comprising of; Eng. Mike Telieny, Eng Mirin Koitalek, and Surveyor Abdikadir Ibrahim Jatani were appointed by the Director-General of KURA to interview 24 candidates shortlisted for the position of Engineer JG 6. Ms. Margaret Kimunge, Senior Human Resource Officer was the secretary of the interview committee. All the three panelists indicated that they were provided with a list of all shortlisted candidates and an interview tool with questions and scores. Even though each panelist was apportioned specific questions to ask, all of them awarded scores to the candidates depending on their performance. Once the interview for a particular candidate was finalized, each panellist was expected to sum up the total scores, sign the interview tool and forward it to a secretariat to aggregate the total scores of each panellist, and calculate the averages for each candidate and rank the candidates in terms of performance. A summary scoresheet was then generated with an average for all candidates and the entire panelist and the secretary appended their signatures to it. The following were established during the analysis of the interview results:

- i. All the panellists had mathematical errors during the summations of scores for some candidates. Though immaterial to the interview results (since the first six candidates who were picked remain top six though in different positions), the errors affected calculation of the average scores for each candidate thus rendering the credibility and quality of the interview results questionable. The errors were established when Commission officers recounted scores on the scoresheets as awarded by the panelist vis-a-vis the sum total scores given by the panellists. The errors are shown on the table 1 below;

Table 1: Analysis of interview results for engineer post JG 6

No.	Panelist Candidate → ↓	Eng. M Telieny		Eng. M. Koitalek		Abdukadir Jatani		Average of Marks awarded		Difference in averages
		KURA	CAJ	KUR A	CAJ	KUR A	CAJ	KUR A	CAJ	
1.	Victoria Gakii Mutwiri	77	75	73	73	79	79	76.3	75.6	+0.7
2.	Joyline Chepkemoi Rono	71	67	70.5	70.5	81	81	74.2	72.8	+1.4
3.	Njuguna Peter Kiringa	73	69	75.5	75.5	71.5	71.5	73.3	72	+1.3
4.	Alex Maina Kiai	69.5	69.5	79.5	79.5	70	70	73.0	73.0	0
5.	Daniel Kipkoros Rotich	76	76	66.5	66.5	73.5	73.5	72.0	72.0	0
6.	Kinoti Caroline Wambui	74	74	66	66	74.5	74.5	71.5	71.5	0
7.	Ochieng Edwin Otieno	69	69	71	71	72.5	72.5	70.8	70.8	0
8.	Munyao Titus Kioko	59	59	79.5	81.5	73	73	70.5	71.3	-0.8
9.	Macharia Sylvia Wanjiku	70	70	73	73	63.5	63.5	68.8	68.8	0
10.	Mose Paul Machuka	65	65	61.5	75.5	69.5	69.5	65.3	70	-4.7
11.	Marita Ogega Ezekiel	72.5	70.5	67	67	65.5	65.5	68.3	67.7	0.6
12.	Marclus K Nimrod	59	59	79	79	65	66	67.7	68	-0.3
13.	Martin Mwachiro	53.5	53.5	78.5	77.5	63	67	65	66	-1
14.	Pius Kariuki Ndege	56	56	73.5	73.5	68	68	65.8	65.8	0
15.	Cheserek Kimutai Julius	52	52	67.5	67.5	68.5	68.5	62.7	62.7	0
16.	Benson Theuri Kariuki	56	60	65	65	65	72	62	65.7	-3.7
17.	Charles Kwena Osare	57	57	67.5	67.5	61	61	61.8	61.8	0
18.	Said Mustapha Jama	56	56	73	73	54	54	61	61	0
19.	Sammy Njoronge	54	54	64	64	62	62	60	60	0
20.	Zembi Anita Jerop	62	62	46.5	56.5	70.5	70.5	59.7	63	-3.3
21.	Kimaru Kennedy Kibuchi	53	53	63.5	63.5	62	62	59.5	59.5	0
22.	Kaarithi Sophia Wanjiku	40.5	40.5	59	59	56	57	51.8	52.5	- 0.7
23.	Ongaro Fredrick Ochieng	51	51	62.0	68	51	51	54.7	56.7	-2
24.	Buluma Francis Riziki	49	49	56.5	56.5	47	46	50.8	51.2	+0.4

N/B. The values marked in **red** indicate the scores that were given erroneously by a panellist for a specific candidate while those marked in **Purple** are the correct scores as recounted by the Commission Investigations officers.

- ii. Two different summary scoresheets were provided to the Commission investigators for the position of engineer JG6. When the investigators first visited KURA offices, the HR provided them with the scoresheet below

(table 2) which had only been signed by the chair of the panel and the secretary. Upon further request for a duly signed scoresheet, summary score sheet marked (Table 3) was availed. The scoresheet is not the same as the one earlier given since it indicated that one candidate did not turn up for the interview yet all candidates turned up for the interview as confirmed by all the panellists in their statements. The secretary to the panelist also presented the second signed summary scoresheet (Table 3) as the original during her statement recording. She also could not explain how the scoresheet came to be and alluded to the fact that it might have been a mix-up with other interview results as many interviews were conducted around the same time.

Table 2; Initial summary scoresheet signed by the chair of the panellists and the secretary

INTERVIEW RESULTS FOR THE POST OF ENGINEER (JG 6)						
No.	Name of Candidate	Academic Qualification - Max 10	Technical Competence - Max 60	Team work, Initiative & Creativity - Max 10	Ethics & Integrity - Max 20	TOTAL (Out of 100%)
1	Mutwiri Victoria Gakii	8.2	45.7	8.3	14.2	76.3
2	Joyline Chepkemai Rono	8.5	46.3	7.0	12.3	74.2
3	Njuguna Peter Kiringa	8.3	43.3	8.0	13.7	73.3
4	Alex Maina Kiai	7.8	46.3	6.0	12.8	73.0
5	Rotich Daniel Kipkoros	8.7	44.0	4.7	14.7	72.0
6	Kinoti Caroline Wambui	8.5	46.3	4.7	12.0	71.5
7	Ochieng Edwin Otieno	8.2	42.3	5.7	14.7	70.8
8	Munyao Titus Kioko	7.5	48.2	8.0	6.8	70.5
9	Macharia Sylvia Wanjiku	8.2	39.3	5.7	15.7	68.8
10	Mose Paul Machuka	9	41.7	5.7	12.3	68.7
11	Mariita Ogega Ezekiel	8.0	43.3	6.7	10.3	68.3
12	Marcus K. Nimrod	8.2	43.3	4.7	11.5	67.7
13	Pius Kariuki Ndege	8.8	41.3	5.3	10.3	65.8
14	Martin Mwachiro Kambu	7.2	39.3	6.3	12.3	65.2
15	Julius K. Cheserek	8.0	40.7	4.0	10.0	62.7

INTERVIEW RESULTS FOR THE POST OF ENGINEER (JG 6)						
No.	Name of Candidate	Academic Qualification - Max 10	Technical Competence - Max 60	Team work, Initiative & Creativity - Max 10	Ethics & Integrity - Max 20	TOTAL (Out of 100%)
16	Kariuki Benson Theuri	6.5	36.3	5.7	13.5	62.0
17	Osore Charles Kwena	7.5	38.7	4.0	11.7	61.8
18	Jama Said Mustapha Ali	5.7	40.7	5.3	9.3	61.0
19	Kibutu Sammy Njoroge	6.3	36.3	6.0	11.3	60.0
20	Zembi Anita Jerop	8.7	38.0	4.0	9.0	59.7
21	Kimaru Kennedy Kibuchi	6.8	36.0	3.3	13.3	59.5
24	Ongoro Fredrick Ochieng	7.0	31.8	5.0	10.8	54.7
23	Kariithi Sophia Wanjiku	6.5	34.3	4.3	6.7	51.8
24	Buluma Francis Riziki	7.2	29.3	4.0	10.3	50.8

Panelists

1	Eng. M. Telieny	Chairman	Sign 
2	Abdulkadir Jatani	Member	Sign _____
3	Eng. M. Koitalek	Member	Sign _____
4	Margaret Kimunge	Secretary	Sign 

Table 3: Fully signed summary scoresheet indicating that one candidate failed to attend the Interview

INTERVIEW RESULTS FOR THE POST OF ENGINEER (JG 6)						
No.	Name of Candidate	Academic Qualification - Max 10	Technical Competence - Max 60	Team work, Initiative & Creativity - Max 10	Ethics & Integrity - Max 20	TOTAL (Out of 100%)
1	Mutwiri Victoria Gakii	8.2	45.7	8.3	14.2	76.3
2	Joyline Chepkemoi Rono	8.5	46.3	7.0	12.3	74.2
3	Njuguna Peter Kiringa	8.3	43.3	8.0	13.7	73.3
4	Alex Maina Kiai	7.8	46.3	6.0	12.8	73.0
5	Rotich Daniel Kipkoros	8.7	44.0	4.7	14.7	72.0
6	Kinoti Caroline Wambui	8.5	46.3	4.7	12.0	71.5
7	Ochieng Edwin Otieno	8.2	42.3	5.7	14.7	70.8
8	Munyao Titus Kioko	7.5	48.2	8.0	6.8	70.5
9	Macharia Sylvia Wanjiku	8.2	39.3	5.7	15.7	68.8
10	Mose Paul Machuka	9	41.7	5.7	12.3	68.7
11	Mariita Ogega Ezekiel	8.0	43.3	6.7	10.3	68.3
12	Marclus K. Nimrod	8.2	43.3	4.7	11.5	67.7
13	Pius Kariuki Ndege	8.8	41.3	5.3	10.3	65.8
14	Martin Mwachiro Kambu	7.2	39.3	6.3	12.3	65.2
15	Julius K. Cheserek	8.0	40.7	4.0	10.0	62.7



II. INTERVIEW RESULTS FOR THE POST OF ENGINEER (JG 6)						
No.	Name of Candidate	Academic Qualification - Max 10	Technical Competence - Max 60	Team work, Initiative & Creativity - Max 10	Ethics & Integrity - Max 20	TOTAL (Out of 100%)
16	Kariuki Benson Theuri	6.5	36.3	5.7	13.5	62.0
17	Osore Charles Kwena	7.5	38.7	4.0	11.7	61.8
18	Jama Said Mustapha Ali	5.7	40.7	5.3	9.3	61.0
19	Kibutu Sammy Njoroge	6.3	36.3	6.0	11.3	60.0
20	Zembi Anita Jerop	8.7	38.0	4.0	9.0	59.7
21	Kimaru Kennedy Kibuchi	6.8	36.0	3.3	13.3	59.5
22	Kariithi Sophia Warjiku	6.5	34.3	4.3	6.7	51.8
23	Buluma Francis Riziki	7.2	29.3	4.0	10.3	50.8
24	Ongoro Fredrick Ochieng	Candidate did not show up				

Panelists

1 Eng. M. Telieny

Chairman

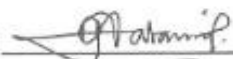
Sign



2 Abdulkadir Jatani

Member

Sign



3 Eng. M. Koitalek

Member

Sign



4 Margaret Kimunge

Secretary

Sign




- iii. Variation in the awarding of marks to some candidates by different panellists was also noted. Interview tools are standardized for fairness and to assist panellist to remain objective throughout the interview process. Huge disparity is a pointer to the fact that some panellists were either not objective in awarding marks or had little understanding of the interview tool. Table 4 below demonstrates some of the results that had a variation of above 10%.

Table 6: Analysis of Variations in awarding marks to specific candidates by some panellists

No.	Panelist →	Eng. M Telieny	Eng. M. Koitalek	Abdukadir Jatani	Variation between the highest and the lowest awarded marks(%)
	Candidate ↓				
1.	Munyao Titus Kioko	59	81.5	73	22.5
2.	Marcus K Nimrod	59	79	66	20
3.	Martin Mwachiro	53.5	77.5	67	18.5
4.	Pius Kariuki Ndege	56	73.5	68	17.5
5.	Cheserek Kimutai Julius	52	67.5	68.5	16.5
6.	Said Mustapha Jama	56	73	54	19
7.	Zembi Anita Jerop	62	56.5	70.5	14
8.	Kaarithi Sophia Wanjiku	40.5	59	57	16.5
9.	Benson Theuri Kariuki	60	65	72	12

- iv. Finally, it was noted that all the 24 candidates were interviewed within one working day. The HR attributed this to resource constraints as interviews were conducted in a hired facility (due to the difficulty in accessibility of KURA office located at Jomo Kenyatta International airport) and the need to meet the board meeting deadline (as many other interviews for different positions were being conducted around the same time). Nonetheless, interviewing 24 candidates within one day overstretched the panellists leading to fatigue which directly impacts on the quality and credibility of the interview results.

Job interview is a process through which organisations collect data from different candidates to help the management make a decision on who among the candidates qualify for the advertised position. The accuracy and reliability of interview data must therefore be above board to enhance the credibility of the interview results. From the analysis above, it was established that the credibility of the interview results for the position of engineer JG6 was questionable due to:

- Mathematical Errors though immaterial to the interview results;
- Questionable summary scoresheet;
- Huge variations in awarding of marks to specific candidates by different panellists and;
- Fatigued panellists who were required to interview 24 candidates within a day.

2.2 Alleged irregular promotion of staff

2.2.1 Background of the Allegations

It was alleged that a Human Resource officer in job grade 6 which is a lower management grade was employed without advertisement or interview. It was also alleged that some people were called for an interview for engineers but were unsuccessful and in order for their interests to be met, they were promoted to the position of Senior Superintendent (Job Group 6) a position that was neither advertised nor applied for or interviewed for.

2.2.2 Investigations Findings

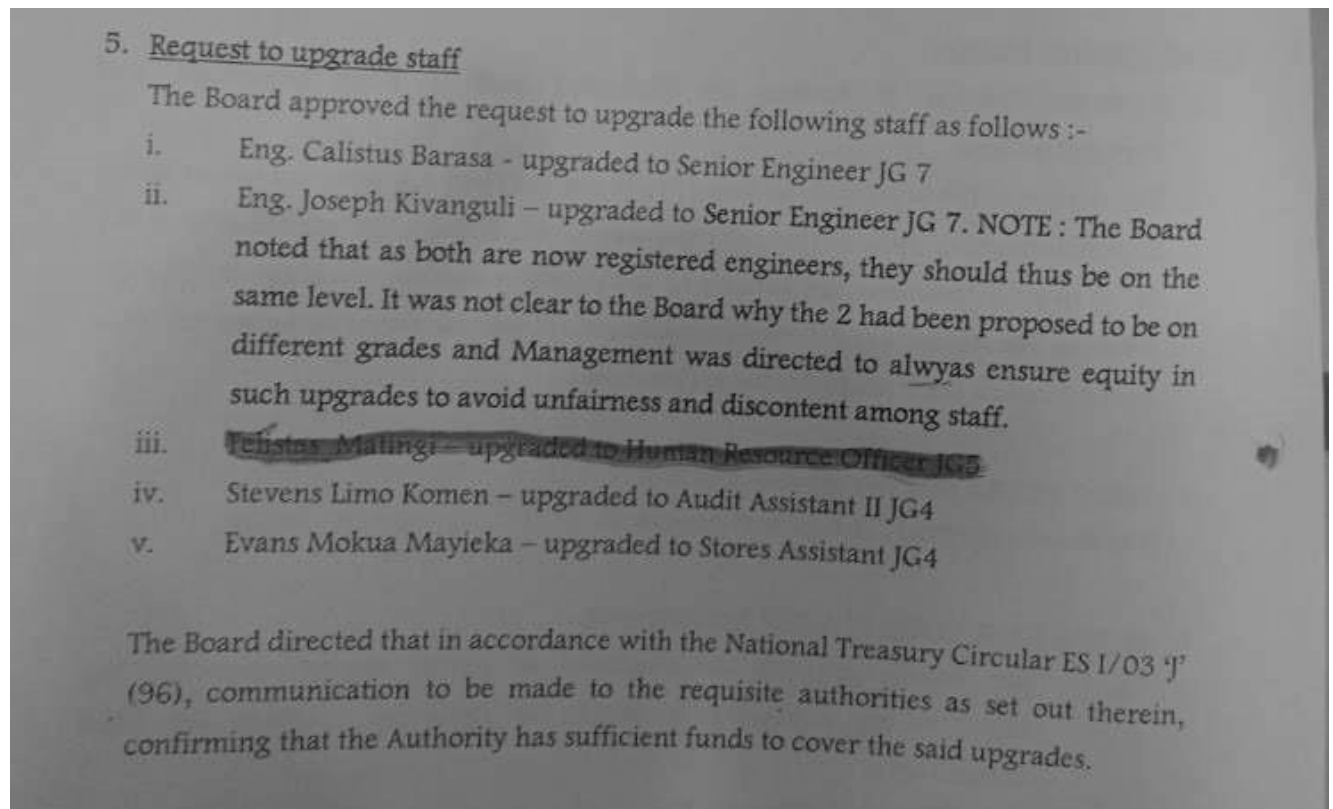
a) Promotion of HR Officer (Job group 6)

It was established that no recruitment in respect to the above-mentioned position took place as alleged. However, an officer namely, Felista Katunge Matingi, was promoted to the position of HR Officer (Job group 5) which became job group 6 after the job grades were reviewed.

A close scrutiny of her personal file revealed that Felista Katunge Matingi was competitively employed in 2010 as Secretary/Administrative Assistant. Her duties and responsibilities entailed, among others, preparation of the payroll, maintaining staff records and counselling of staff.

During Job Evaluation and ISO Certification of 2015, Auditors observed that an Administrative Assistant/Secretary was handling payroll and other human resource functions. Subsequently, the officer was re-designated to Human Resource Officer (Payroll and Welfare) JG 4 with effect from 1st September, 2015.

The officer was later promoted to Human Resource Officer, Job Group 5 with effect from 1st October 2016 following the management's request to the Board of Directors to upgrade, among other officers, Ms. Felista. The request was approved by the Board during the 53rd meeting held on 28th September 2016 as indicated in the minutes extract below:



The management in its statement indicated that the promotion was based on her excellent performance as well as her cumulative experience. A careful perusal of her personal file revealed that the officer had more than 10 years relevant experience. It was also noted that the officer had received commendations (attached hereunder) for going out of her duties in a number instances including organizing for rehabilitation and admission for alcohol addicts, working extra and odd hours to ensure staff got assistance from medical providers etc.



KENYA URBAN ROADS AUTHORITY
Efficient and safe urban roads

46

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P.O. Box 41727-00100, G.P.O. NAIROBI

Ref: KURA/FF.NO. 20100053

Date: 30th March, 2015

Felistas Katunge Matingi
Secretary/Administrative Assistant

31 MAR 2015

Dear Felistas,

RE: COMMENDATION LETTER

I take this opportunity on behalf of the Management of Kenya Urban Roads Authority, to recognize and appreciate your extra effort, where you have on several occasions gone an extra mile to assist a number of staff through counselling as part of Employee Assistance Programme and your immense contribution in the committees you serve. The committees are Gender Mainstreaming, Staff Retirement Benefits Scheme, HIV & Aids, Alcohol and Drug Abuse.

You have also shown commitment by working extra hours, odd hours and even using your own airtime to make sure that staff get assisted by our medical providers. Not only have you assisted staff to receive medical services from our medical providers but you have gone ahead to look for those with alcohol addiction related problems counselled them and organized for their rehabilitation and admission.

The most recent commendable act from you is when you assisted Patrick Marangu, Acting Manager (ICT) who was a victim of a gas explosion on Saturday, 21st March, 2015. You went out of your way on a week end, Saturday afternoon, to rush to Mater Hospital, where you arranged for the injured employee to be transferred to Aga Khan Hospital. We note with appreciation your patience and commitment in waiting for arrangements to be done following which the employee was transferred to the Aga Khan Hospital at 10.00 PM of that same Saturday.

Through your effort some of these staff have been transformed and are now back on their feet. In view of all the above mentioned and I wish to thank you and recognize your effort for the good job you are doing for the Authority.

The investigation further established that the Authority, in consultation with State Corporation Advisory Committee (SCAC), revised its human resource management instruments in 2019. The instruments include HR Policy and Procedures Manual, Career Progression Guidelines and Staffing Structure (Staff Establishment). The review greatly affected staff's job grades such that the DG who was earlier in JG 10 was placed at JG 1, General Managers were at grade 9 but were placed at 2 and their designation changed to Director, Managers

were at 8 but were placed at 3 and their designation changed to Deputy Directors etc as illustrated in the attached KURA Grades Conversion Table 2017 below.




KURA GRADES CONVERSION TABLE 2017

Current Designation	Current Grade	Approved New Designation	Approved New Grade	Civil Service Equivalent
Director General	10	Director General	1	U
General Manager	9	Director	2	T
Manager	8	Deputy Director	3	S
Chief Officers /Senior Engineers	7	Assistant Director	4	R
Senior Officers/Engineers	6	Senior Officer	5	P
Officers/ Assistant Engineer	5	Officer	6	N
Assistant Office Administrator /Superintendents/Accountant/Procurement Assistant/Assistant ICT/Security Assistant	4	Senior Assistant Officer	7	M
Survey Assistant/Senior Road Overseer/Senior Driver/Security	3	Assistant Officer	8	K
Road Overseer/Office Assistant I/ Driver/	2	Senior Office Assistant	9	H
Driver II/Messengers/ Support/Tea Girl	1	Office Assistant	10	G

Prior to the review of the HR instruments, Felista was in Grade 5 but the changes placed her at grade 6 as shown in the Career Guidelines extract below:

HUMAN RESOURCE MANAGEMENT OFFICERS		APPENDIX 'B'	
Current Designation	Current Grade	New Designation	JOB GRADE KURA
Human Resource Officer	5	Human Resource Management Officer	6
Senior Human Resource Officer	6	Senior Human Resource Management Officer	5
Chief Human Resource Officer	7	Assistant Director, Human Resource Management	4
Manager Human Resource and Administration.	8	Deputy Director, Human Resource Management	3



It was alleged that the officer had been recruited to Grade 6 without an advertisement but investigation revealed that the officer was actually promoted from Grade 4 to 5 (currently Grade 6) in 2016 based on her exemplary performance and experience.

However, it was also noted that the officer lacks bachelor's degree which was a minimum requirement for job grade 5 (Currently 6). The management justified that the officer did not have a bachelor's degree but her cumulative experience and good performance were sufficient justification for her promotion.

b) Promotions of Superintendents (Job Group 7) to Senior Superintendent (Job Group 6)

Following the above-mentioned revision of grading structure in 2019, a Senior Superintendent (SS) position was created in the Inspectorate Function which initially had Inspector and Superintendent Positions. The revision was prompted by recommendations from the Salaries and Remuneration Commission which proposed aligning of career guidelines to be consistent with the Authority's staff establishment, provision for common cadre establishment and alignment of HRM instruments with the Authority's Strategic Plan. In light of the recommendations and to address the problem of stagnation of staff, a new position of Senior Superintendent, among others, was created. Meanwhile, there were six officers serving as Superintendents at the time of the revision. They included Alex M. Kiai, Titus K. Munyao, Julius Kimutai Cheserek, Pius K. Ndege, Marclus Kiranga Nimrod and Mariita Ogega Ezekiel. The officers were also acting as Engineers (Job Group 6).

MINUTE 10/78/2019/2020

HUMAN RESOURCE COMMITTEE REPORT

10.1 – The Board Human Resource Committee reported that it had convened its 46th meeting on 13th November, 2019 and considered several matters.

10.2 –The meeting was informed that the Committee had deliberated on the proposal to renew acting appointments of several listed staff whose positions had been advertised for substantive filling i.e.

No.	Name of Officer	Substantive Post Held	Acting Post
1	Eng. Geoffrey Tirop	Senior Engineer (JG5)	Asst. Dir. (Axle Load) JG4
2	Eng. Abdulkarim Makarani	Senior Engineer (JG5)	Asst. Dir. (Engineering Rd) JG4
3	Benjamin Nyaga	Accountant (JG6)	Senior Accountant (JG5)
4	Godfrey Leng'ete	Accountant (JG6)	Senior Accountant (JG5)
5	Ann Yula	Accountant (JG6)	Senior Accountant (JG5)
6	Benjamin Cheboi	Engineer (JG6)	Senior Engineer (JG5)
7	Pius K. Ndege	Superintendent (JG7)	Engineer (JG6)
8	Nimrod K. Marclus	Superintendent (JG7)	Engineer (JG6)
9	Julius K. Cheserek	Superintendent (JG7)	Engineer (JG6)
10	Eng. Paul M. Mose	Superintendent (JG7)	Engineer (JG6)
11	Titus K. Munyao	Superintendent (JG7)	Engineer (JG6)
12	Martin M. Kambu	Superintendent (JG7)	Engineer (JG6)

Chairman.....


Secretary.....

Date..... 10/01/2020

In June 2019, the Authority advertised 6 posts of the position of Engineer (Job Group 6) which had remained vacant for long without substantive filling. The above-mentioned officers applied for the position. However, five of the officers namely Titus K. Munyao, Julius Kimutai Cheserek, Pius K. Ndege, Marclus Kiranga Nimrod and Mariita Ogega Ezekiel were unsuccessful.

Subsequently, the management felt that the unsuccessful candidates would get demoralized and therefore, recommended them to be promoted to the position of Senior Superintendent (Job Group 6). The officers had the minimum required experience and had acquired Bachelor's degree in Civil Engineering.

The recommendation was approved by the Board of Directors at its Special Meeting No. 14 of 26th February 2020 (Resolutions attached hereunder). The officers were promoted to the position of Senior Superintendent (Job Group 6) with effect from 10th March 2020. It's however noted that the filling on this position by promotion was not done competitively through internal advertisement as per section 2.34.3 of the KURA HR manual.



KENYA URBAN ROADS AUTHORITY
Efficient and safe urban roads

OFFICE OF THE DIRECTOR GENERAL
MEMORANDUM

TO : Director, Corporate Services
 CC: : Deputy Director, Human Resource & Admin
 From : Ag. Director General
 Date : 27th February, 2020
 Ref : EO/LEG/4 Vol.4 (44)

RE: BOARD RESOLUTIONS
SPECIAL BOARD MEETING NO. 14 HELD ON 26TH FEBRUARY, 2020

Please note that the Board at its Special Meeting No. 14 held on 26th February, 2020 discussed, approved and gave directions on the following human resource issues:

1. On the recommendation by the Human Resource Committee of the Board, the tabled interview results were duly approved as tabled i.e.
 - a. The following candidates were approved for appointment having been the top ranked in the various posts :

No.	Position	Job Grade	Terms	Candidate approved for appointment
1	Director, Urban Roads Planning	JG2	3 Years Contract (renewable)	Eng. Wilfred R. Oginga
2	Deputy Director Engineering (Roads)	JG3	3 Years Contract (renewable)	Eng. Mutitu Peter Mwaniki
3	Deputy Director (ERM/BPR)	JG3	3 Years Contract (renewable)	Mr. Amos Kilonzi Mbaki
4	Deputy Director (Finance & Accounts)	JG3	3 Years Contract (renewable)	Mr. Eric Injenga Rubia
5	Assistant Director, Internal Audit (Projects)	JG4	Permanent	Eng. Abdulhakim Mwalimu Makarani
6	Assistant Director (ERM/BPR)	JG4	Permanent	Mr. Dennis Kimathi Marangu
7	Assistant Director Engineering (Roads)	JG4	Permanent	Eng. Nicholas Chepchieng Chelugo

6. Recruitment of staff on Short Term Contracts for a period of 6 months renewable once was approved for the following positions :-

- i. 1No. Legal Assistant (JG7)
- ii. 6No. Senior Assistant Office Administrators (JG7)
- iii. 1No. Internal Audit Assistant (JG7)
- iv. 1No. Senior Assistant HRM Officer (JG7)

Approval was further given to recruit for the above positions from the job applicants' database maintained by the Authority. The provisions on Temporary Terms in the Authority's Human Resource Policies & Procedures Manual (Clause 2.7) shall apply.

✓ 7. The request to promote the following serving Superintendents who qualify to the position of Senior Superintendents (JG6) was approved.

- i. Mr. ^{Martin} Mark M. Kambu
- ii. Mr. Marclus K. Nimrod
- iii. Mr. Pius K. Ndege
- iv. Mr. Julius K. Cheserek
- v. Mr. Titus M. Kioko

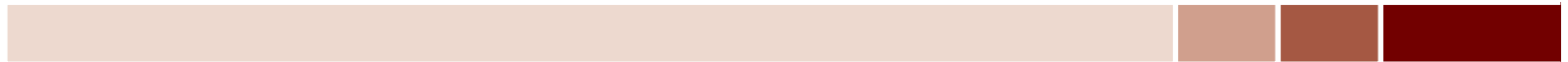
c. Re-designation of the five Senior Superintendents (Job Group 6) to Engineers (Job Group 6)

The five Superintendents who were acting as Engineers and had unsuccessfully sought to be considered for appointment as Engineers (Job Group 6) were later re-designated as Engineers in September 2021 after the management secured an approval from the Board of Directors as illustrated by the minutes extract below:

Committee Resolution & Requested Action

Members unanimously supported Management's proposal on the review of the three (3) HR instruments and recommended as follows:

- a) Approval of the revised instruments for forwarding to Public Service Commission (PSC) /The National Treasury (TNT) for final approval; and
- b) Implementation of the following actions by Management after approval of the instruments by the PSC/TNT:
 - i. Upgrade Road Overseers from JG 9/8 to JG 8/7 and change their designation to Assistant Materials Technologists/Senior Assistant Materials Technologists in line with the revised Staffing Structure and Career Progression Guidelines subject to availability of funds;
 - ii. Create a pool of SCM Officers (JG 6/5; JG8/7) in Supply Chain Management Department (HQ) to support the Regional offices;
 - iii. Change the title of ~~senior superintendents~~ serving as ~~senior superintendent~~ (JG 6) who have a Bachelors in Civil Engineering and are registered as Graduate Engineers to ~~Senior Superintendent~~

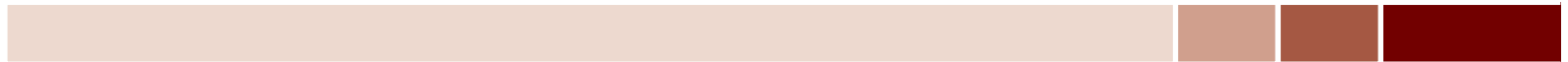


The officers have confirmed that they have received letters appointing them as Engineers (Job Group 6) and that their hard-fought dream of becoming Engineers has come true. In fact, they reiterated that they had invested their money and time to go back to school and acquire Bachelors Degree in Civil Engineering. The officers joined the Authority with Diploma in Civil Engineering.

3.0 Conclusions

The following conclusions were drawn from the findings and presented in line with the issues investigated;

1. The recruitment of Engineers, JG 6 was done in line with the PSC Act, PSC Regulations and PSC HR Policy which requires all vacant positions in the public service to be advertised in a manner that reaches the widest pool of potential applicants. However, Section 2.16.5-6 of the KURA HR manual makes it **mandatory** for the Authority to first exhaust internal recruitment process before considering external recruitment which was not the case in the recruitment of the engineers. Even Though the section (Sec 2.16.5-6 of the KURA HR manual) gives consideration for candidates within the Authority in an attempt to meet the employee career growth expectations, it exposes the Authority to a contravention of its own policy whenever external recruitments are undertaken before internal recruitments mechanisms are exhausted as in the case of recruitment of engineers JG 6.
2. The credibility of the interview results for the position of engineer JG6 is questionable due to; erroneous summary score sheet occasioned by mathematical errors (though immaterial to the interview results), huge variations in awarding of marks to specific candidates by different panellists and fatigued panellists who were required to interview 24 candidates within a day.
3. The allegation that an HR officer was recruited to the position of HRO (Grade 6) was unsubstantiated. However, investigations revealed that Felista Matingi, a HRO was promoted from grade 4 to grade 5 (current grade 6). It was also noted that the officer lacks a bachelor's degree



which is a minimum requirement for job grade 5(Currently 6). According to the management, the promotion was based on her cumulative experience and good performance.

4. The promotion of the five Superintendents who were unsuccessful in the interviews for the position of Engineers to senior superintendents though well-intended was ill-advised. Although the promotions were discussed by the management and approved by the Board of Directors, it was never subjected to a competitive process as per section 2.34.3 of the KURA HR manual. Finally, its bad precedence since KURA may not sustain the promotion of internal candidates who fail in external interviews as a way of boosting their morale.

4.0 Recommendations and Actions

4.1 Recommendations

Pursuant to section 42 (2) (c) of the CAJ Act, the Commission makes the following recommendations:

1. In the future, the Director-General to caution appointed panellists to ensure due diligence in handling interview results in order to promote the credibility of the outcome of the interview process.
2. In the future, KURA Board to consider allocating sufficient time for interviews in order to avoid overworking appointed panellists.
3. KURA management should strictly ensure **Promotions on merit** (abilities, aptitude, skills, qualifications, knowledge, experience, and personal qualities relevant to the carrying out of the duties in question) are done in line with Article 2321(i) of the Constitution of Kenya and Section 36(1) of the PSC Act, 2017. In selecting candidates for promotion, regard should be given to affording adequate and equal opportunities to all by subjecting all qualifying candidates to internal interviews in line with Section 2.34.3 of the KURA HR Policy and Procedure Manual. This will entrench the culture of fairness in KURA and thus boost staff morale and trust in management decisions. This is especially important since the manner in which promotions are done seems to be a major source of disgruntlement within the KURA staff.

3.2 Actions

Pursuant to section 42 (2) (b) of the CAJ Act, the Commission considers that the following actions should be taken:

1. KURA Board to ensure re-wording of section 2.16.5-6 of KURA HR Policy and Procedures Manual to make internal recruitment **a necessary but not a mandatory** process in filling of vacancies and report back to the Commission on the same within 1 year.