

COUNTY ASSEMBLY OF SAMBURU



THE HANSARD

Wednesday October 14th, 2015

The County Assembly met at the County Assembly chambers at 2.30 p.m.

(The Deputy Speaker, County Assembly of Samburu (Hon. Adamson Lanyasunya) in the chair)

PRAYER

STATEMENTS

MCA Lodokejek ward, (hon. Jerias Leshoomo): Thank you hon. Speaker, pursuant to Standing Order 41/ 2 (c), I wish to request for a statement from the Chair of the sectoral Committee on Medical Services, Public Health and Sanitation, regarding the employment of ambulance drivers. The county government acquired ambulances for county hospitals and dispensaries and these officers doing a good work in serving our community in their respective areas. The county government had engaged casuals and two years down the line, they are still driving these vehicles. According to the Kenya law, a casual employee is a person whose engagement provides for his/her payment at the end of each day and who is not engaged for a longer period of more than 24 hours at a time. But the nature of ambulance drivers requires that one should be available for 24 hours working under extraneous conditions. Further, the terms of payment are not clear. Who is responsible for the ambulances in case of accidents or any malfunctioning? In view of this, Chair of the committee should enquire and report on:

1. Who is paying the casual drivers and how much is their payment per month?
2. Who is responsible for the day to day operations of the ambulances?
3. What is the department doing to ensure that the drivers are employed?

We all know that the county government acquired several ambulances in the last two years. We are getting a lot of complaints from the public on the condition of these drivers. We know that an ambulance driver is a person who should be responsible and should be paid so that he can work efficiently for the services of the patients. Since the engagement with these casuals, they are not yet recruited by the county government. Thank you.

MCA Ndoto ward, (hon. Raisy Letura): Thank you Mr. Speaker, I want to strengthen the point by the hon. Leshoomo. As the statement is put, the employment of these drivers is illegal in the first place. As he has put it, a casual driver is supposed to be there for 24 hours. I want to put the record straight that in the laws of Kenya, a casual serves for 3 months. We can take the example of the on-going NYS recruitment of youth across the country. That is why when the youth are employed by the Ministry of Devolution, which has brought a lot of heat to the CS, Madam Waiguru, there is always a break of two weeks to allow the particular law to take precedence. I think the county government is either lacking legal advice or they are doing so to make sure that the Samburu residents are always on the receiving side of rogue employers. Most of our drivers for the ambulances have been engaged for the last one to two years. That is illegal and I think the Samburu community is either ignorant of the law or we are desperate for jobs. If any one goes to court today to complain on this, then the county government does not have an option but to employ and pay the damages of the drivers and any other employee for those two years. They are not casuals anymore and are liable to permanent employment by the government because it is already past the 3 months period. I am not putting this as a statement and it is not only about the

ambulances. We have several departments that are already engaging drivers without giving them formal employment or contractual letters. We have casual drivers who are in almost every department. The services board should wake up and control rogue CECs who are engaging their relatives in every new vehicle that comes to Samburu. There are departmental bosses who are engaging their own brothers, cousins or very close relatives. This has brought very bad precedence to this county. For example, the conservancy vehicles are registered under the county government of Samburu, they have more than 10 drivers who are employed. But the drivers neither have contractual or permanent letters for employment. It is good that the hon. Leshoomo has brought up this issue and the statement cuts across the Committee on Medical Services and that on public service and welfare headed by hon. Modester. It is a matter of employment and departmental issue like the ambulances drivers but the issue of employment falls with the hon. Chair for public services. If we allow such an issue to continue in the county, we will have one of the indisciplined counties in terms of employment and one that does not respect its laws. You can get a department where you have a casual tea person, a driver who is there illegally, about 7 to 10 employees who are getting less than Shs. 8, 000 per month and not employed as casuals or permanent staff. This is an issue within our county government and the responsible committee or an ad hoc committee should be formed so that we get the number of people who have been employed but are not in the payroll list. There are also people who are earning salaries and are not in the offices. It is madness all over about the public service in this county. We need to raise our antennas as an assembly and ensure that whatever is undertaken is done procedurally. It is high time that we need to wake up as a house to ensure that things go right otherwise, people are abusing laws everywhere. Thank you.

MCA Ang'ata Nanyukie ward, (hon. John Lemulugo): Thank you hon. Speaker, the statement sought by hon. Leshoomo is true. Besides being the Chair of the concerned committee, I am also a member of the community. These people have been there for the last 2 years not only in the department of Health but several others who have casual drivers with no letters. As a Chair, I can go to the department of Health and get direction. But the entire county government has been affected by this issue. We should not allow this to go on. I ask for time, until Wednesday next week, to answer on matters related to health. There are so many ghost workers who are earning but are not working. As said by hon. Letura, there are also many CECs who are engaging their relatives in jobs and getting paid some amount every month. I want to seek help from the Committee on Labour, so that we form a joint committee to carry out investigations across all departments. Thank you.

MCA Baawa ward, (hon. Pius Lobuk): Thank you Mr. Speaker I am happy for the statement moved by hon. Leshoomo especially when the Chair of Health is with us today. How many qualified drivers are walking in the streets of Maralal? They are uncountable. This is a profession where many locals have invested in and are moving around with very competitive licenses and

yet we are employing casuals. If you check the qualification of most casuals, you will find that most of them are not competent for that job. The major issue there is nepotism which has brought many of them. Deployment and management of these ambulances leaves a lot to be desired. I am feeling the same pinch as the hon. Chair of Health because we have an ambulance stationed in Barsaloi which is managed from the headquarters here at Maralal, for reasons which are unknown. I have requested for the assistance of the ambulance severally, about 3 or 4 times, but is being managed from here. Imagine going to pick an emergency case in Barsaloi or Opiroi from Maralal. The ambulance was a donation by Safaricom but it has been brought and managed from the headquarters here. That is a shocking scenario that I have come across. I appeal to this house and the hon. Chair for Health, tomorrow and not any other day, that ambulance should go back to Barsaloi. What happens with the casual drivers in case of an accident? Will the insurance honour that? This people don't know professional ethics and has no induction and yet we are entrusting them to handle and use those important facilities on behalf of the Samburu community. I appeal to this house that we approach this as quickly as possible so that we bring sanity and have the ambulances managed properly by qualified drivers who are jobless out there. Thank you. **Special Elected MCA**, (hon. Linda Naserian): Thank you Mr. Speaker, I wish to join my colleagues in pointing out that there is a big mess in the said ministry especially concerning ambulances and their drivers which is an issue that cannot be ignored. However, I feel that if the statement is only left to the Ministry of Medical Services, we will not, as a house, get a good reply. We all know that there is a body, the County Public Service Board, which deals with employment. The committee should work in conjunction with the Committee on Labour so that they can get a detailed response because it is a weighty issue that needs to be addressed immediately. I propose that the two committees do handle the issue together. Thank you.

MCA Maralal ward, (hon. Elly Loldepe): Thank you hon. Speaker, if it happens that the two committees handle the issue, then the issue is broadened. The issue of casual workers is becoming a nuisance in this county. We get people who are on casual employment being denied their rights every day. There is a case of two people under the department of health whom I referred to the CEC and the CO concerned. Some people are employed for 6 years but still being referred as a casual. The Kenya law provides that someone can be a casual for only 3 months which should not even be continuous. We need to request the committee to provide us with all the casuals we have within this county. There are rumours, though this house does not want to speculate, that there is a big chunk of money being managed somewhere which does not go into IFMIS. If the case is that someone is operating such a secret payroll, the committee should find out the truth. We all remember that there were town cleaners and town inspectorates who were to be employed to clean Maralal town. But because of the issue of casual workers, that was suspended to date which is 3 years down the line under the devolution system. Every day we ask why these people have not been employed. We have so many casuals who have not been placed while they still earn a salary. What is being hidden that these people cannot be placed or the

issues be cleared 3 years later? Even when we had the casuals in place, more were being brought on board, as hon. Letura said, as relatives of others. Rather than checking who was there and what needs to be done, every other person comes with his/her relative. I don't know why this is not even trending in the social media. Those are the concerns which needs to be cleared and the committee should give this house a full report on the same. Thank you.

MCA Ang'ata Nanyukie ward, (hon. John Lemulugo): Thank you hon. Speaker, I am happy that hon. Loldepe is pointing out the issues in this department. Being a member of the committee, I think he should also furnish us with the information that he has. I totally agree that there are a lot of ghost workers in the health department and others only that the department of health is the worst affected. Hiring someone as a casual for 6 years is an offence. Such an employee should be fully paid and his/her salary backdated because they cannot be sacked. If there are people being paid that way, there must be a problem somewhere. Who is accountable for this money? The petty cash used to pay the casuals should also be investigated by the committee. I promise the house that we will come up with a very comprehensive report after we enquire into the concerns of the members. Thank you.

MCA Lodokejek ward, (hon. Jerias Leshoomo): Thank you hon. Speaker, as we find out for solution for the casual workers, I want to make some clarifications. We have casuals from the county government and those from the communities. A casual worker from the county government is paid between Kshs. 15, 000 to Kshs. 20, 000. Those from the community, like the ones at Kisima or Suguta dispensaries driving ambulances, are paid between Kshs. 4, 000 to Kshs. 5, 000 per month. Just look at the disparities between the casual workers, thank you.

MCA Elbarta ward, (hon. Romano Leakono): Thank you hon. Speaker Sir for giving me this time to air my concerns. I join my colleagues in condemning the kind of employment practices that is widespread in this county. But I am surprised that today my colleagues are condemning the issue of casual employees, especially in the Ministry of Health. Yet the welfare of the former Samburu County Council employees is still pending. Some people are not deployed up to now and yet we have closed our eyes. I urge the hon. Members not to complain only when their cousins have been affected. We are here to respond to the need of the Samburu county people in general and not selectively.

The Deputy Speaker, (hon. Adamson Lanyasunya): What is it hon. Letura.

MCA Ndoto ward, (hon. Raisy Letura): Mr. Speaker, I don't know whether the hon. Member for Elbarta ward is in order to accuse the members of favouring their cousins. I want to imagine that hon. Leshoomo did not bring the issue of the statement because one of his cousins was affected. I don't know whether the hon. Member is allowed to stand when I am on a point of order. The member is accusing the whole house of talking only when our cousins are affected. I

have none of my cousins who is a casual worker at any ministry and he should apologize to the house.

MCA Elbarta ward, (hon. Romano Leakono): Thank you hon. Speaker for your diligence. I would urge the hon. Members that we should deal with the issue of the casuals holistically. We have the former county council employees who are not yet employed. Some are at their homes while still earning salaries with no work. We are still adding some more casuals and permanent staff while others are still at home. It will reach a point where if an audit is carried out today, the members of this county would be surprised. Some casuals have been there for the last 3 years, some were employed while others were left out. Hon. Modester should go deep into this issue and I urge the hon. Members let us stick together so that we eradicate the anomalies together as a house and clean the mess from this county. That is my plea, thank you.

MCA Ang'ata Nanyukie ward, (hon. John Lemulugo): Thank you hon. Speaker, just as a follow up to the hon. Member for Elbarta, the important thing we should do as members of this house, we should stop the acquisition of relatives and to furnish this house with information on casuals from the old or the new system. All of them are our people. So, if the member for Elbarta has any information, he should furnish the concerned committees so that they can be able to do their job, thank you.

MCA Baawa ward, (hon. Pius Lobuk): Mr. Speaker, even though the committee is going to meet and deliberate on the way forward, I am not satisfied with the issue of the ambulance being stationed at Barsaloi. I think that is an urgent case and doesn't need to wait for the committee to meet. I would like to hear from the chair.

MCA Angata Nanyukie Ward (Hon. John Lemulugo): Thank you Mr. Speaker, my very Hon. Member for Baawa ward that he should reward the cases of these ambulances, our Barsaloi ambulance, our ambulance in Barsaloi was not actually from the County Government but it was donated by Safaricom, and I ask several times, there was the issue of the driver who did not want to stay at that station, and there were very many drivers who were contacted and were able to stay there, and they were from that community, so I still have a very huge problem with these drivers and I urge the Hon. Member that they give me some more time, I met again with the CEC because the ambulance has to be there and we have all these ambulances which were procured by the Government and they should be allocated in their stations and not in Maralal, we have ambulances for Maralal and it should be stationed here, the ambulance for Loosuk should be stationed there and the ambulance for Barsaloi should be stationed there, and we will form a small committee in every health center to manage those ambulances from the stations, all this ambulances are being managed in Maralal for emergency so I beg the Hon. Members to give me more time so that I can come with the whole report about the ambulances, thank you.

MCA Ndoto Ward (Hon. Raisy Letura): Thank you once again Mr. Speaker, I just want to be more specific on the M-PESA foundation handlers, I am a medic by profession, it only happened when I was working with an NGO we worked hard and got an ambulance, it was only that it was given while I was a Member of the County Assembly and that ambulance is very specific and have also seen M-PESA foundation having another donation of almost KSH 420 million to the County Government of Samburu, and the precedence will be the management of the first two ambulances, one that was given to Suguta MarMar and the other one was Barsaloi facility, if the M-PESA foundation assesses finds that the ambulance has outlived its purpose of giving it to Barsaloi, then they will not see the reason for giving more ambulances and which I am very sure that the Members of this House will benefit their wards from the rest coming because I know that a number are lined for this County, if we talk of the driver who does not want to stay in Barsaloi, I think that there are specific measures that the public service of this County has to undertake, therefore, the issue of the ambulance from Barsaloi that specifically the M-PESA foundation is not for sure supposed to be in Maralal, it should have been Barsaloi yesterday and not even today, so I just want to urge the chair that instead of making the house wait for the statement, that may come next week on Tuesday or Wednesday, it is some of the things that are serious and quick, that the Hon. Chair and the committee of health should visit the center and know that if only the ambulance has a mechanical problem that is the only reason that qualify the ambulance to stay here in Ngari, because the reason of putting that ambulance given a program by the name MNCH, the reason was there is a lot of death in the Country and even in the world and Africa especially in the under 5 and also mothers are dying, mortality rate of pregnant mothers and also children under five years, the reason of giving that ambulance was to improve the lives and also to take statistics after a certain period of time, to see if there is actually any reduction in terms the rate of death, so what will happen, the reason was due better is that mothers who are pregnant who are having difficulties in delivering, can be quickly referred to Maralal for caesarian sections, so how are we doing that

MCA Agata Nanyukie (Hon. John Lemulugo): Point of information Mr. Speaker

MCA Ndoto Ward (Hon. Raisy Letura): I am not blaming the Hon. Chair but I just want to outline the reason why that ambulance was placed in Barsaloi, thank you Mr. Speaker

The Deputy Speaker (Hon. Adamson Lanyasunya): Hon. Lemulugo, lastly so that we can rule on that.

MCA Agata Nanyukie (Hon. John Lemulugo): Thank you Hon. Speaker, I just want to put the issue of ambulances in Barsaloi correctly, I did not say that the ambulance of Barsaloi is placed here, but it is being mostly manipulated by the one managing the ambulances in the County and the ambulance is called all the time to come to Maralal and do some referrals from Maralal Hospital to Nakuru to Nairobi, without the Consultation of the committee concerned with the

health department, so the problem here is not about the stationing of the ambulances because even now the ambulances are still in Barsaloi but we still have a very big problem with the Management, and that is what we are addressing, so the ambulance is still there and is still serving our people but the management is still not good, that is what we are concerned on, thank you.

The Deputy Speaker (Hon. Adamson Lanyasunya): Thank you Hon. Members, I now give the chance to the chair for Labor and also the Chair for medical services so that your answers are joint statement when it will be ready for you to give us the response.

Chair of Labor Committee (Hon. Modesta Lalaikipiani): Thank you Mr. Speaker we will give the full response on Tuesday next week, maybe tomorrow we are going to meet the service board with the joint committee of health and then we will work it out.

The Deputy Speaker (Hon. Adamson Lanyasunya): Today we are also expecting responses from statement Number 47 from the Chairperson of Lands, Physical Planning, Housing and Urban Development, concerning the auctioning of a parcel of land in Wamba West ward, belonging to Mr. Moika Lalampaa sought by Hon. Benjamin Leitore and we also expect today's response for statement No. 26 from the leader of majority concerning the recent drought in Samburu County and the measures being taken to save life sought by Hon. Romano Leakono and lastly, response for statement number 27 from the chair of Education sports and youth affairs concerning the early childhood development teachers sought by Hon. Letura, Hon. Chair for lands

MCA Ndoto Ward (Hon. Raisy Letura): Mr. Speaker, maybe I just want to remind this house, because as I promised, I was not able to get the response to the statement, I have been pushing for that statement up to now and I have not even got it, I have been promised that the statement will be here by 2:30 but all in vain, so I want to urge this house to give me up to tomorrow at 2:30, if the statement is not going to respond then I promise that I am going to summon them and if they will not appear I will copy the letter to the OCS Maralal police station, so I promise to bring the statement tomorrow at 2:30, thank you.

The Deputy Speaker (Hon. Adamson Lanyasunya): Okay, Hon. Leader of majority on the drought issue as requested by Hon. Leakono, Hon. Raisy Letura

MCA Ndoto Ward (Hon. Raisy Letura): Mr. Speaker I am not the leader of majority but I am on the side of the Government, on behalf of the Leader of Majority and I am not seeing him here and also the Deputy Leader of Majority Hon. Lemoosa is not also around, I know the issue of drought and I am sure that the Hon. Member for Elbarta who also doubles up as the minority Leader, he was today briefed on the issue especially on the food from the County Secretary's

office and I think that is being done and let me promise again that the statement will be here tomorrow on behalf of the Leader of Majority, at 2:30pm

The Deputy Speaker (Hon. Adamson Lanaysunya): Okay, thank you Hon. Raisy Letura and then response Number 27 Chair for Education, Youth and Sports, a statement sought by Hon. Raisy Letura on teacher's salaries, Hon. Linda Naserian

Nominated MCA (Hon. Linda Naserian): Thank you once more Mr. Speaker, I stand on behalf of the Chair for Education, Youth and Sports as a chair for that committee to report on the said statement to this Hon. House, I am glad to inform this House that we are at advanced stage of consultation with the CEC Member of the said department and however we have not concluded our response and soon we will be in a position to do most likely on Thursday afternoon, nevertheless I would also wish to report to this Hon. House that as a committee we came to realize that the statement was actually directed to the wrong committee because as earlier said that there is a body that deals with employment and generally they are the ones that determine all that is included in the job description and I think that it is the public service board that deals with the salaries of the employees of this County, and it is a concern that the statement was actually to be answered by the committee on labor and social justice, I am not sure If that is the correct name, However we are going to report our part tomorrow in the afternoon, thank you.

The Deputy Speaker (Hon. Adamson Lanaysunya): It is also the role of the committee on Education so you can also join efforts with the Chair for Labor and Social Welfare so I expect that statement tomorrow afternoon, Hon. Letura

MCA Ndoto Ward (Hon. Raisy Letura): Mr. Speaker, I think that I am satisfied with what the Hon. Member has said.

The Deputy Speaker (Hon. Adamson Lanaysunya): Thank you for giving us that compliment, Hon. Members, the time being 30 minutes past three o'clock and there being no other business, this Assembly stands adjourned until Thursday 15th October 2015 at 2:30 pm, thank you.

