Preamble

The constitution of Kenya mandates the Judiciary to deliver justice to the people of Kenya expeditiously. To achieve this, the Judiciary is set to lay down structures, policies and guidelines that will ensure optimal utilization of its Human Capital.

Subsequently, the Judiciary is committed to providing its employees with a working environment that is fair, consistent, caring and supportive of professional and individual growth. The Judiciary is also committed to protecting the rights’ of its employees to engage in dialogue and express ideas in an environment which is free from harassment, discrimination, victimization and exploitation. Further, the Judiciary is committed to expanding and maintaining diversity and to accommodate persons with disabilities.

This Human Resource Policies and Procedures Manual (HRPPM), will proactively contribute towards achieving the overall goals of the Judiciary by laying down principles, guidelines, and procedures that will ensure the smooth functioning of the Judiciary in-terms of Human Resource and Administration management. It encourages building of a shared Vision and Mission in the Judiciary.

This manual is applicable to all judiciary employees and will be updated from time to time to reflect the socio-economic changes in the country. Where clarification of any procedure contained in this Manual is required, it shall be sought from the Secretary of the Judicial Service Commission.
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DEFINITION OF TERMS

Basic Salary: means the monthly rate of pay excluding allowances.

Bullying: means behaviour of a persistent nature (verbal or physical), which is offensive, abusive, intimidating, malicious or insulting which ultimately aims to undermine and harass the victim.

Career development: means the 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.

Casual Employee: means the engagement of a person the term of whose engagement provide for his payment at the end of each day and who is not engaged for a longer period of twenty four (24) hours at a time.


Chief Registrar means the Chief Registrar of the Kenya Judiciary.

Commission: means the Judicial Service Commission.

Common cadre: means 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.

Conflict of Interest: means 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 Judiciary.
**Consolidated Salary**: means Gross Salary which is basic salary and all other allowances payable to the employee.

**Child**: Means biological offspring or legally adopted child under the age of 25 years who is unmarried and unemployed and are wholly dependent on the employee.

**Disability**: Means a physical, sensory or mental impairment including any visual, hearing, learning or physical incapability which impacts negatively on social, economic or environmental participation.

**Discrimination**: Means actual behaviour towards an individual or group which involves excluding or restricting them from opportunities that are available to others on the basis of race, tribe, colour, religion or creed, national origin, political persuasion, disability, history of disability, gender, pregnancy and HIV/AIDS status.

**Employee**: Means Judge, Judicial officer and judicial staff.

**Family**: Means the employee’s spouse and children.

Financial year: Means the period from 1st July to 30th June of the following year.

**Fixed-Term Contract**: Means the engagement of a person for a fixed duration.

**Increment**: 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.

**Human Resource Policies and Procedures Manual**: Means this set of policies, principles, regulations, rules, guidelines and procedures that shall be followed by all employees of the Judiciary as amended from time to time.

**Imprest**: Means accountable cash issued to an employee to undertake official duties.

Insubordination: Means refusal to obey lawful instructions given orally or in writing by a supervising officer or gross incivility towards a supervising officer.
**Probationary period:** Means a period during which a new employee’s suitability to serve in the Judiciary is observed.

**Public Holidays:** Means holidays declared as such by the Constitution and the Government of Kenya.

**Relative:** Means spouse, children, father, mother, father in-law and mother in-law, brothers, sisters, step brothers/sisters, uncle, aunt, grandparent, grandchildren.

**Remunerative Allowance:** Means those allowances paid to an employee, in addition to salary as a form of compensation for additional responsibilities.

**Secondment:** Means permitting an employee to serve in another public organization and vice versa for a specific period of time.

**Secretary:** Means the Secretary to the Judicial Service Commission.

**Sexual Harassment:** Means any person, who being in a position of authority or holding a public office, who persistently makes any sexual advances or requests which she or he knows, or has reasonable grounds to know, are unwelcome.

**Spouse:** Means a wife or husband of an employee.

**Staff Establishment** means approved number of positions, designations and departments.

**Staff upgrading:** Means upgrading of positions resulting from review of scheme of service, restructuring or job evaluation.
<table>
<thead>
<tr>
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<td>CJ</td>
<td>Chief Justice</td>
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<td>DCJ</td>
<td>Deputy Chief Justice</td>
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<td>CRJ</td>
<td>Chief Registrar of Judiciary</td>
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<td>JSC</td>
<td>Judicial Service Commission</td>
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<td>PJ</td>
<td>Principal Judge</td>
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<td>JSSS</td>
<td>Judicial Staff Superannuation Scheme</td>
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<tr>
<td>DCRJ</td>
<td>Deputy Chief Registrar of Judiciary</td>
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<tr>
<td>HRPPM</td>
<td>Human Resource policies and Procedures Manual</td>
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<tr>
<td>PCA</td>
<td>President of Court of Appeal</td>
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<td>PM</td>
<td>Performance Management</td>
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Section A
A.1 INTRODUCTION

The Judiciary Human Resource Policies and Procedures Manual is a collection of human resource policies and procedures for use in the Judiciary. It is a guide in the management of human resource activities for the achievement of the Judiciary’s goals and objectives. It serves as a reference for judicial officers and staff on human resource and administration policies and procedures.


Any terms and conditions of employment not covered, in part or in whole in this Manual shall be subject to the provisions of labour legislation in force in Kenya. This Manual will be subject to review from time to time by the Judicial Service Commission (JSC).

A.2 Background

The Judicial Service Commission is a Constitutional body established under Article 171 of the Constitution.

The Functions of the Judicial Service Commission are;

i. Promote and facilitate the independence and accountability of the Judiciary and the efficient, effective and transparent administration of Justice and shall: –
   a. Recommend to the president persons for appointment as judges;
   b. Review and make recommendations on the conditions of service of: –
      - Judges and officers, other than their remuneration;
      - The staff of the Judiciary;
   c. Appoint, receive complaints against, investigate and remove from office or otherwise discipline registrars, magistrates, other judicial officers and other staff of the judiciary, in the manner prescribed by an Act of Parliament;
   d. Prepare and implement programmes for the continuing education and training of judges and judicial officers; and
e. Advice the national Government on improving the efficiency of the administration of justice.

ii. In the performance of its functions, the Commission shall be guided by the following-
(a) Competitiveness and transparent processes of appointment of judicial officers and other staff of the judiciary; and
(b) The promotion of gender equality.

A.2.1 OBJECTIVES

The objectives of this Manual are;

i) To provide JSC and management of the Judiciary with policies, rules and procedures necessary for the effective management and development of human resources.

ii) To provide employees with rules and regulations governing their employment in Judiciary.

A.3 Scope of the Manual

This Manual is applicable to all judges, judicial officers and staff and covers the management of their entry, retention and exit.


This Manual will be issued to each employee and a copy shall be maintained at each court station as well as on the Judiciary’s website. Copies of the Manual may be obtained from office of the Chief Registrar.

It is the responsibility of each judicial officer and staff to be familiar with the information contained in this Manual and any amendments thereafter.

A.5. Implementation

The JSC has an oversight role in the implementation and enforcement of the provisions of this manual. However, the responsibility of implementing the Manual lies with the Chief Justice and Chief Registrar.
SECTION B

TERMS AND CONDITIONS OF SERVICE

B.1. Categories of Employment
B.2. Powers to Appoint
B.3. General Conditions of Employment
B.3.1. Permanent and Pensionable
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Section B

TERMS AND CONDITIONS
OF SERVICE
SECTION B

TERMS AND CONDITIONS OF SERVICE

This section deals with the general rules governing employment of judicial officers and staff in such matters as appointments, promotions, transfers and related matters.

B.1. Categories of Employment

The Judiciary offers the following categories of employment:

i. Permanent and pensionable;

ii. Contract;

iii. Casual,

B.2. Powers to Appoint

The following are the appointing Authorities of the Judiciary:

i. The President upon recommendation of the Commission shall appoint the Judges

ii. The JSC shall be responsible for the appointment of Chief Registrar of Judiciary, Registrars, Magistrates, Kadhis, Judicial Staff, members and staff of tribunals as provided for in the relevant statutes (Refer to Appendix I ).

B.3. General Conditions of Employment

B.3.1. Permanent and Pensionable

Permanent appointment refers to an engagement, whereby an employee has satisfactorily completed the probation period, been confirmed in appointment and admitted in the permanent and pensionable establishment.

B.3.2. Contract Terms

i. Where vacancies cannot be filled on permanent and pensionable terms for whatever reasons, candidates recruited to fill such vacancies shall be appointed on contract terms if the period involved is so justified.

ii. An employee on contract is expected to hand over not less than 7 days to expiry of the contract and exit upon expiry of his/her contract period.
iii. Three months before the expiry of the contract an employee serving on renewable contract shall notify the secretary to the commission on the intention to extend.

iv. All contracts shall lapse on expiry date and no further payment shall be made or received.

v. Any officer responsible for making payments for expired contracts shall be surcharged for the same.

B.3.3. Casual Employee

The Chief Registrar shall be responsible for approving the hiring of casual employees after ascertaining the need and that funds are available within the budgetary provisions to meet the resultant expenditure.

A casual employee shall be paid in accordance with the Judiciary approved rates subject to the minimum wage guidelines issued by the Government from time to time. No casual employee shall be engaged for a cumulative period exceeding three (3) months.

B.4. Recruitment Procedure

In order to initiate the recruitment processes, Heads of Directorates/ Stations must submit their staffing needs to the Chief Registrar in line with the approved establishment. The requisition should include vital information for the recruitment process, such as the title for the position, minimum qualifications, duties and responsibilities.

a)  
   i. That no such staff exist elsewhere who can be transferred to the requesting unit,
   b)  That a vacancy exists in the establishment,
   c)  That the position was budgeted for.

i. The Chief Registrar shall inform and recommend to the Judicial Service Commission of all vacant posts which are to be filled either in a substantive, contract or in acting capacity.

ii. The Commission shall determine whether the vacancy shall be advertised internally or externally.

iii. If the approval in (i) above is granted, the CRJ will advertise the position(s).
iv. External advertisement shall be placed in at least one daily newspaper of national circulation, all court stations and the Judiciary website in order to attract suitably qualified candidates.

v. Internal advertisement shall be made through the heads of stations and judiciary website.

B.5. Reporting Vacancies

All vacancies shall be reported to the Judicial Service Commission by the Secretary to the Commission. When reporting vacancies, the Secretary, shall enclose;

i. The approved grading of the post and the designation;

ii. A statement of the minimum qualifications required for the posts and the duties and responsibilities which the successful candidates will be expected to perform;

iii. A statement of the terms of service, whether permanent and pensionable or contract basis;

iv. Duration of the contract if the appointment is proposed under contractual terms;

v. A draft advertisement if it is recommended that the vacancy shall be advertised.

Advertisements for print media will contain the following:-

i. A brief description of the Judiciary’s mandate;

ii. Job title;

iii. Clear reporting lines

iv. Main purpose of the job;

v. A brief description of the key responsibilities of the job;

vi. Education, experience, skills and competencies required for the job;

vii. Salary and benefits (optional);

viii. Location of the job (where necessary);

ix. Clear instructions on how to apply and information to be submitted in the application; and

x. Closing date for receipt of applications.
B.6. Applications from Serving Judicial officers/staff

i. When a serving judicial officer or staff applies for a post advertised by the JSC, his/her application shall be transmitted to the Secretary with a copy to the respective Head of Unit/Station.

ii. The Head of Unit/Station shall forward comments on the suitability of the applicant.

iii. Applicants for positions of Magistrates, Kadhis and PLS 10 and above shall be forwarded with a comprehensive comment preferably under confidential cover.

iv. Serving judicial officers and staff and other Public Servants who apply for vacancies advertised by the Commission shall submit their application in respect of each post for which they are applying on Form JSC 2A.

B.7. Applications from the Public

i. The Commission shall only accept applications in response to advertisements. Unsolicited applications shall not be accepted.

B.8. Short Listing

The following processes shall be followed:

i. The Secretary to the Commission shall cause that the Directorate of Human Resources and Administration to prepare and maintain summary of all applications.

ii. The Secretary to the Commission shall appoint an inclusive committee to shortlist qualified candidates.

Short listing criteria shall include the following;

i. Minimum constitutional and statutory requirements.

ii. Merit (meeting minimum requirements as advertised).

iii. Requirement for Disability Mainstreaming

iv. Requirement for Gender Mainstreaming

v. A reflection of the face of Kenya.
During short listing, a ratio of three (3) candidates per position as a minimum will be adopted but subject to the above criteria. If the number of applicants is such that fewer candidates are available, then the panel may decide to short-list the qualified candidates and report this fact to the Secretary.

If more candidates meet the short-listing criteria then the short listing panel may shortlist a maximum of five (5) candidates per position, with the approval of the Secretary.

The Judiciary shall not bear any cost incurred by the candidates coming to attend interviews.

**B.9. Interviews and Selection**

i. The interviewing panel may subject shortlisted candidates to practical tests before oral interviews. Candidates should be informed of their interview date, time and venue at least one week in advance.

ii. The Commission may delegate to the Chief Registrar the responsibility to conduct interviews for appointment to positions at levels JS 9 and below. The interviews contemplated in this section shall be conducted by the Human Resource Advisory Committee (HRAC).

iii. The Commission may conduct background checks for candidates to be recruited from PLS 10 and all judicial officers.

The HRAC shall prepare a summary report of the interview and selection process. The panel members shall sign the report and the secretary of the committee shall submit the report to the CRJ within 10 working days from the last date of the interview.

The report shall include and not be limited to the following information:

i. Membership of the panel;

ii. Interview scores for each candidate in order of performance;

iii. Brief summary of recommended candidates; and

iv. Candidate’s salary expectations.

**B.10 Offer of Appointment**

The offer letter to be issued to successful candidate(s) shall contain the following information:

i. The remuneration, Scale or rate of pay,
ii. Interval in which the remuneration is payable,

iii. Terms of Service (i.e. permanent, contract and casual),

iv. Leave entitlement,

v. Length of notice for termination of service,

vi. Fringe benefits,

vii. Job description,

viii. Duration of contract (if employment on contract),

ix. A specific period within which the candidate should indicate acceptance/decline of the offer.

The offer of appointment shall be issued in duplicate and signed by the Secretary of the Commission for judicial officers and judicial staff of grades PLS 10 and above. The Secretary may delegate, in writing, to the Director, Human Resource & Administration the signing for staff of grades PLS 9 and below as well as contract and casual employees. The effective date of appointment of a judicial officer/staff shall be the date she/he reports to duty.

B.11. Acceptance of Offer

i. Acceptance of an offer of appointment shall be made by signing on the duplicate offer of appointment letter. The period of acceptance shall not be more than fourteen days (14) days from the date of the dispatch.

ii. A candidate who has not accepted the offer within fourteen (14) days, from the date of dispatch, shall be deemed to have declined the offer.

iii. In the event that the first (1st) candidate declines the offer, the appointing authority may consider extending the same offer to the second (2nd) and third (3rd) best candidate in that order provided that this candidate had reached the cut off marks during interviews. Should the third candidate also decline, the Commission shall re-advertise the position.

iv. An employee who accepts the offer on first appointment shall meet any relocation expenses to his/her work station.
B.12. Letter of Appointment

Successful candidate shall be issued with a letter of appointment upon acceptance of the offer.

The letter of appointment shall:

i. Inform the employee of his/her appointment to the position,

ii. Outline the terms of employment such as the pay package, duration of contract, benefits, any statutory deductions, duty station, probationary period, if any, and leave entitlements.

Successful candidates will not commence work until the letter of appointment has been issued and its receipt acknowledged by the prospective employee by signing and returning a copy of the same.

The signed copy of the letter of offer and the letter of appointment shall be filed in his/her personnel file.

B.13. Employee records

Every employee shall complete employment forms and submit at least the following information.

i. Current residential address

ii. Physical home address

iii. Postal address;

iv. Telephone number;

v. Next of kin;

vi. Dependents;

vii. National Identification Card;

viii. Duly filled wealth declaration form

ix. Any other document that may be required

The following documents shall also be maintained in each employee’s personal file:

i. Certified copies of academic and professional certificates

ii. One coloured passport size photograph.

iii. Application for employment and updated curriculum vitae;

iv. KRA Pin number, NSSF and NHIF details;

v. Bank account details for salary purposes;
vi. Letter of offer of appointment;
vii. Letter of appointment;
viii. Letter of confirmation in appointment;
ix. Completed performance appraisal forms;
x. Copy of ID or Passport;
xi. Birth certificate of self and children (where applicable)
xii. Certified copy of marriage certificate or an affidavit (where applicable)
xiii. Duly filled new employee form;
xiv. Certificate of good conduct;
xv. Duly signed official secrets Act 
xvi. Copy of medical insurance registration forms (insurance)

Upon submission of all the documents, the Directorate Human Resource and Administration shall submit a pay change advice to the salaries section.

Employee Information shall remain personal to the Judiciary regardless of its source. This includes, but is not limited to, job applications, records on health status, next of kin and other personnel records and information obtained from individuals via websites, email, or other formats that contain personal information about an employee. Names of children born or adopted in the course of employment must be submitted to the Chief Registrar of the Judiciary. Copies of birth Certificates or legal adoption papers will be required in either case.

B.14. Confirmation in Appointment after Completion of Probation

i. All newly appointed judicial officers/staff shall put on a probationary term for a period not exceeding six (6) months. This may be extended once for a further maximum period of six (6) months with the agreement of the judicial officer/staff as per Section 42 of the Employment Act, 2007.

ii. The immediate supervisor shall commence performance appraisal after 4 months of work for the purpose of confirmation and submit the report to CRJ.

iii. The Director Human Resource and Administration shall summarize and submit recommendations to the secretary JSC for Judicial officers and staff in PLS 10
and above and to the HR advisory committee for PLS 9 and below.

iv. Employees serving on probation shall be confirmed in appointment on completion of six (6) months probationary period subject to satisfactory performance.

v. A background check shall be done on employees serving on probation before confirmation.

vi. Employees whose probation period is extended beyond six months shall be confirmed or terminated subject to their performance.

B.15. Orientation and Induction of employees

The CRJ shall ensure orientation and induction of new employees and newly promoted or re-designated. This is carried out in order to familiarize the employees with the mandate, vision, mission and operations of the Judiciary and how their jobs contribute to this. Induction and orientation shall be done within the first three months of employment.

The Directorate of Human Resource and Administration in consultation with JTI will develop orientation and induction procedure as appropriate.

B.16. Promotion

The Scheme of Service will provide the minimum qualifications for promotion of various cadres in the Judiciary. However, promotion of employees shall depend on the following:

i. Availability of vacancy in the establishment where appropriate.

ii. Attaining minimum academic and professional qualifications.

iii. Duration of service in the current grade.

iv. Satisfactory performance

v. Availability of funds.

vi. Performance in the suitability interview where applicable.

vii. Good conduct and discipline

B.17. Procedure of requests for promotions

Judicial Officer and staff

i. Applications for promotions shall be submitted to the CRJ through the head of station/immediate supervisor.
ii. Heads of station shall submit their applications to the CRJ through the resident Judge.

iii. A grievance arising from the application process may be handled by the Resident Judge/Principal Judge for judicial officers and Regional HR officers for judicial staff. The process may be escalated to the CRJ where necessary.

iv. For common cadres, the CRJ shall submit the recommendations to JSC for approval. All other positions will be filled as determined by the JSC.

v. The CRJ shall forward the applications to the Human Resource Management and Selection Board (HRMSB) for PLS 9 and below. The decision of the Board shall be submitted to the JSC for approval.

vi. For Magistrates and PLS 10 and above, the CRJ shall submit recommendations to the Commission for consideration.

vii. The decision of the Commission shall be communicated to the respective officer by the Secretary to the JSC.

viii. The Directorate of Human Resource and Administration shall implement the decision of the JSC as conveyed.

B.18. Effective date of Promotion

Effective date of promotion will be the date approval is granted by the approving authority.

i. Upon promotion an employee shall enter the minimum point of the higher grade if his/her current salary is below the minimum starting point in the salary scale of the higher grade.

ii. If the employee’s current salary is equal to or above the minimum point of the next grade above his/her current, then the employee shall receive two increments on the new scale.

iii. Internal employees invited for promotion interviews shall cater for their accommodation and travelling expenses.
B.19. Upgrading of a Position

i. Upgrading of positions may be done to correct staffing imbalances and other critical needs arising from the following:
   
   a. Succession Management
   b. Review of schemes of service
   c. Job evaluation
   d. Restructuring

   ii. The CRJ will submit recommendation on the need of upgrading to the JSC for consideration.

   iii. It is important to note that upgrading affects a position while a Promotion affects the position holder.

   iv. The upgrading shall only arise from circumstances mentioned in C.19 (i) above and **NOT** from staff requests or circumstances of the incumbent position holder such as the following:

   a. The employee has passed an examination for a higher position
   b. The employee has reached the maximum of the salary grade
   c. Comparison with other jobs when those jobs are improperly classified
   d. Unusual diligence or hard work
   e. Volume of work produced by an employee
   f. Relative efficiency
   g. Qualification of the individual beyond the minimum required for the duties to be performed
   h. Length of service or seniority
   i. Financial need
   j. Personality or gender

B.20. Acting Appointments

i. Acting appointment shall apply where a judicial officer/staff is called upon to perform duties that are distinct and in higher position than his/her day to day responsibilities. The higher position shall be in his/her line of duty.
ii. For a person to qualify for appointment in an acting position, he/she must meet the minimum requirements for the position he/she is to be appointed in. Common Cadre shall not be eligible for appointment into acting capacity.

iii. Acting appointment shall be limited to twelve (12) months at any given time for substantively vacant positions. However, when an officer/staff 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.

iv. If the substantive position is not filled, the acting may be renewed for further maximum period of six (6) months.

B.21. Procedure for Appointment in Acting Capacity

i. When a post falls temporarily vacant due to the absence of the substantive holder, an acting appointment should not be made unless the period of such absence exceeds thirty (30) days.

ii. The Registrars /Head of the Station/Directorate will be required to make formal recommendations to the CRJ as appropriate.

iii. The Appointment will be considered based on seniority, competence (academic and experience) and ability to perform.

iv. Acting appointment shall be made in writing.

v. The Chief Registrar shall make recommendations for acting appointments in the position of Registrars and Directors to the Chief Justice.

vi. Officers/staff on probation and common establishments as defined in the scheme of service shall not be considered for acting appointment.

B.22. Employee Transfer

Employee transfer is a normal Human Resource good practice, which is in line with government policy of providing public service to all regions of the country. Transfers will be undertaken to provide human resource to the needy areas, enhance national integration, improve service delivery and promote employee development.
B.23. Transfer Guidelines

Transfers shall be conducted in accordance with the provisions of the Transfer policy and Guidelines for Judiciary.

The following guidelines will also apply:-

i. Employees will be given at least one (1) month notice before proceeding on transfer.

ii. Transfer will not be used to delay or evade disciplinary actions.

iii. The minimum period an officer/staff should remain in one station is three (3) years for normal areas and 2 years for extreme hardship areas after which the officer/staff may be transferred to any other station. Notwithstanding this provision, the CJ or the CRJ may however effect a transfer at any time.

iv. An employee who has served for a period of more than three (3) years in a hardship area may not be transferred to another hardship area in the next six (6) years (Appendix B.II). The Judiciary will process a transfer allowance (equivalent to one month basic pay) for the transferred employees. Provided the two work stations are at least 40 kilometres apart.

v. Self initiated requests for transfers will be considered on their merit, and if successful, the employee will not qualify for payment of transfer allowance.

vi. All Heads of directorates/stations shall release staff on or before the lapse of the notice period. (The need for replacement should not be tied to releasing the transferred officer/staff).

vii. Should there be need for an appeal; the transferred officer/staff should first report to his/her new station before appealing. The appeal should be channelled through the head of station or immediate supervisor.

viii. In case an officer/staff fails to report within the notice period, the receiving station should notify the CRJ who will institute administrative action.

ix. No officer/staff should leave his/her station without a release letter from the head of station. Failure to observe this requirement would be treated as absence from duty without leave and may result to disciplinary measures.
Appendix B.I

Powers of Appointment

The table below is a summary of the authorities empowered to make appointment of employees working in the Judiciary.

<table>
<thead>
<tr>
<th>Categories of Officers</th>
<th>Authorities empowered to make appointments</th>
<th>Authorities to whom powers have been delegated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Justice and Deputy Chief Justice</td>
<td>The President acting on recommendation of the Commission and subject to approval by the National Assembly</td>
<td>None</td>
</tr>
<tr>
<td>Judges</td>
<td>President acting on recommendations of the Judicial Service Commission</td>
<td>None</td>
</tr>
<tr>
<td>Magistrates and Kadhis</td>
<td>The Judicial Service Commission</td>
<td>None</td>
</tr>
<tr>
<td>Members of Tribunals</td>
<td>The Judicial Service Commission</td>
<td>None</td>
</tr>
<tr>
<td>Judicial staff in PLS 10 and above</td>
<td>The Judicial Service Commission</td>
<td>The Commission may delegate the responsibility of recruitment and selection to the Chief Registrar but retain the power to approve such appointments.</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>---------------------------------</td>
<td>----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>All staff in PLS 9 and below; or in respect of employment.</td>
<td>The Judicial Service Commission</td>
<td>The Commission may delegate the responsibility of recruitment and selection to the Chief Registrar.</td>
</tr>
<tr>
<td>In respect of transfer of service between the Judiciary and other administrations of Public Service (this is limited to existing positions only).</td>
<td>The Judicial Service Commission</td>
<td>None</td>
</tr>
<tr>
<td>Casual terms; to be engaged for a maximum of three months</td>
<td>The Chief Registrar of the Judiciary</td>
<td>The Chief Registrar of the Judiciary may delegate the responsibility to the Director Human Resource and Administration. However where the period of engagement is less than 7 days the CRJ may authorize the heads of court stations to engage subject to availability of funds under the station’s AIE.</td>
</tr>
</tbody>
</table>
Appendix B.II

List of Designated Hardship Areas

1. Daadab
2. Garissa
3. Garsen
4. Habaswein
5. Hola
6. Kabarnet
7. Kakuma
8. Kapenguria
9. Kehancha
10. Kyuso
11. Lamu
12. Lodwa
13. Mandera
14. Mararal
15. Marimanti
16. Marsabit
17. Moyale
18. Mutomo
19. Mwingi
20. Taveta
21. Wajir
Section C

Performance Management
SECTION C

PERFORMANCE MANAGEMENT

C.1. Scope of Performance Management
C.2. Performance Management Process
C.3. Implementation of Performance Management (PM)
C.4. Performance Appraisal System (PAS)
C.5. Objectives of Judiciary Performance Appraisal System
C.6. Performance Targets
C.7. Annual Work Plans
C.8. Signing of Performance Agreements
C.9. Assessment Procedure
C.10. Incentives and Disincentives
SECTION C
PERFORMANCE MANAGEMENT

The fundamental goal of performance management is to promote and improve employee effectiveness. Employee performance management will focus on establishing a shared workforce understanding on what is to be achieved at the organization level. It is about aligning the organizational objectives with employees agreed measures, skills, competence requirement, development plan and delivery of results.

The objective is to ensure a high performance culture through service improvement, learning and development in order to achieve the overall judiciary strategic goals. Performance Management outcomes will inform Human Capital Management actions.

C.1. Scope of Performance Management

Performance Management shall be implemented at the following three levels:

i. Corporate Performance supported by the Strategic Plan and the annual performance contract obligations

ii. Functional performance supported by directorate annual plans

iii. Individual performance supported by individual work plans

C.2. Performance Management Process

The performance management system will involve but is not limited to the following process:

i. Performance target setting and contracting;

ii. Performance implementation;

iii. Performance review;

iv. Performance feedback.

C.3. Implementation of Performance Management (PM)

i. The JSC shall have an oversight role in the implementation of PM.

ii. The implementation of the Performance Management lies with the Chief Justice.

iii. CRJ shall ensure that Performance management good practice is entrenched
in all operations of the Judiciary.

iv. PM will be carried out per financial year and will apply to Judges, Judicial officers and judicial staff.

C.4. Performance Appraisal System (PAS)

i. The Judiciary shall implement an Annual Performance Appraisal System for Judges, Judicial officers and staff.

ii. The CRJ will ensure effective implementation of PAS in the Judiciary.

iii. The Performance Appraisal Framework shall be issued by the CJ as a guide to Performance Appraisal implementation and administration.

C.5. Objectives of Judiciary Performance Appraisal System

The main objective of undertaking staff performance appraisal is to measure and improve the performance of individual judges, judicial officers and staff with a view to improving overall performance of the Judiciary. Specifically PAS will;

i. Determine the performance of employees

ii. Strengthen the link between employees’ performance and overall achievement of the Judiciary

iii. Promote accountability for individual employee’s performance

iv. Enhance motivation of employees for increased productivity

v. Cultivate a lasting culture of performance to all Judicial employees

C.6. Performance Targets

i. Each division, court station, Directorate, and functional units will develop its performance targets at the beginning of each financial year.

ii. The negotiated and agreed targets shall be derived from the objectives in the Strategic Plan, the JTF and annual work plan and matched to the budget.

iii. Performance targets shall be cascaded to all levels in the Judiciary.

C.7. Annual Work Plans

i. Each division, court station, directorate and functional unit will be required to prepare an annual work plan derived from corporate work plan.

ii. Individual work plans will be derived from the functional units work plan, which will indicate the details on timing in the implementation of activities
and resource requirements.

iii. The Directorate of Performance Management shall develop a standard template for the work plan.

C.8. Signing of Performance Agreements

i. The President of the Court of Appeal, Principle Judge of the High court, and CRJ shall sign an annual performance contract with the CJ.

ii. Individual Judges will sign with their respective Heads of their Courts.

iii. Heads of each division, court station, Directorate, and functional units shall sign an annual performance contracts with the CRJ.

iv. The division, court station, Directorate, and functional units will consequently sign performance agreements with each officer/staff under their jurisdiction at the beginning of the financial year using the approved performance form.

v. The agreement will form a performance management tool binding the officer/staff to perform as agreed.

C.9. Assessment Procedure

i. A Judge, Judicial Officer/Staff will be required to assess his/her own performance first, and then jointly review the assessment with the respective Supervisors.

ii. A Judge, Judicial Officer/Staff will then be allowed to comment and sign the appraisal form before it is submitted to the respective supervisors.

C.10. Incentives and Disincentives

The JSC will institutionalize measures to appropriately reward satisfactory performance and sanction unsatisfactory performance.
Section D

Discipline
SECTION D

D.1   Discipline
D.2   Code of Conduct
D.4.  Disciplinary Committees
D.5.  Disciplinary Actions
D.6.  Disciplinary Principles
D.7.  Misconduct and Gross Misconduct
D.7.1. Misconduct
D.7.1.1. Disciplinary procedure for misconduct
D.7.1.2   Punishment for misconduct
D.7.2.  Gross misconduct
D.7.2.1   Disciplinary Principles and procedures for gross misconduct
D.7.2.2   Procedures
D.7.3   Interdiction and Suspension
D.7.5.1 Interdiction
D.7.5.2   Suspension
D.8.   Summary dismissal
D.9.   Appeals procedure
D.10.  Reviews Procedure
D.11.  Decisions on Appeal/Review
D.11   Employment Dispute
D.12.  Grievance Handling
D.12.1. Grievance handling principles
D.12.2. Grievance handling procedure
SECTION D
D.1 DISCIPLINE

The image and credibility of the Judiciary is of utmost importance. All Judiciary Officers and Staff will be expected to maintain high standards of performance, integrity and professionalism in line with the Judiciary’s mission, core values and code of Conduct.

Disciplinary procedures in this manual are based on the provisions of the Constitution, Employment Act, 2007, the Judicial Service Act, 2011 and any other relevant legislation in force.

D.2 Code of Conduct

i. Judicial officers and staff shall adhere to code of conduct

ii. Judicial officers shall not participate in any other gainful employment

iii. Serving Judicial Staff shall not hold any appointment in any other organisation whose business may conflict with Judiciary’s interests.

D.4. Disciplinary Committees

Disciplinary matters shall be handled by the following committees:

i. A committee/panel constituted by JSC.

ii. HRAC for staff in JS 9 and below as delegated by JSC.

D.5. Disciplinary Actions

Disciplinary actions include but are not limited to:

i. Warning - both verbal and written

ii. Reduction in rank/demotion

iii. Reduction in seniority

iv. Stoppage of increment of pay

v. Withholding of increment of pay

vi. Deferment of increment

vii. Reprimand

viii. Severe reprimand

ix. Recovery of cost of loss or surcharge
x. Deferment of promotion
xi. Interdiction
xii. Suspension
xiii. Dismissal
xiv. Retirement in public interest

D.6. Disciplinary Principles

The following principles will be followed when handling disciplinary matters.

i. Good reason and clear adherence to the disciplinary procedures.

ii. Actions shall be commensurate to the nature of the transgression.

iii. Disciplinary action will be demonstrably fair and will be consistent with procedures laid down in this manual.

iv. The Judicial officer/staff should be made to understand the actions that warrant disciplinary action. However, ignorance of the required work standards and regulations will not be considered as credible defence.

v. The Judicial officer/staff shall be notified in writing the particulars of the misconduct and be given reasonable opportunity to respond.

vi. Judicial officers/staff shall have a right of appeal against any disciplinary action that may be taken against them and shall be informed of the same.

vii. An investigation will be carried out including granting the officer/staff a chance to defend him/her. An officer/staff facing disciplinary proceedings shall appear in person and be allowed legal representation.

viii. The person investigating the case should not have been directly or indirectly involved in the case as a witness, complainant or otherwise as an interested party.
D.7. Misconduct and Gross Misconduct

D.7.1. Misconduct

Misconduct includes but is not limited to the following:

i. Idling or loitering during working hours;

ii. Lateness or early departure from place of work without approval of the supervisor;

iii. Taking work time to deal with personal issues; for instance, misuse of the telephone, email and social media;

iv. Failure to account for advanced monies/imprest within the time limit specified in the financial management regulations; and

v. Abetting misconduct;

D.7.1.1. Disciplinary Procedure for Misconduct

The following is the procedure to be followed for disciplinary action:

i. A verbal warning pointing out the nature of the offence will be communicated to the officer/staff by his/her immediate supervisor;

ii. If no improvement is demonstrated, a written warning will be issued and will form part of the officer’s/staff’s personal record.

iii. If, after the first (1st) written warning, no improvement is demonstrated by the officer/staff, the matter should be escalated to the Head of Station/Head of Department as may be applicable. In case of judicial officers the matter will be escalated to the Chief Registrar of the Judiciary.

iv. The severity of the disciplinary issue shall be assessed and a decision made on whether further disciplinary action may commence, including a second (2nd) written warning, interdiction, or suspension.

v. Provided that an officer/staff completes one year from the date of the second warning without further misconduct, any warning entered in his/her employment record shall lapse;
D.7.1.2 Punishment for Misconduct

An officer/staff found guilty of misconduct may:

i. Receive a verbal warning by the supervisor;

ii. Receive a letter of caution from the head of Directorate/ Station with a copy to the CRJ, Resident Judge/Registrars/Director, Human Resources and Administration.

iii. Receive a warning letter from the CRJ.

The JSC will discipline Judges in line with the provisions of the Constitution 2010 and the Judicial Service Act 2011 or any other existing legislation.

D.7.2. Gross Misconduct

A Judicial Officer/staff found to be involved in gross misconduct may be dismissed, even if she/he is a first offender.

Gross misconduct includes but is not limited to the following:

i. Proceeding on leave or days off prior to obtaining approval

ii. Poor performance

iii. Absence from duty without leave for more than 24 hours and cannot be traced within of a period of ten days from the date of absence;

iv. Habitual lateness and absenteeism;

v. Intoxication during working hours;

vi. Use of abusive or insulting language or behave in a manner insulting to members of staff and public;

vii. Sexual harassment;

viii. Refusal to obey lawful and proper commands issued by a superior;

ix. Corrupt practices and breach of integrity including undue influence, taking bribes, forgeries and misappropriation of judiciary funds.

x. Being convicted of a criminal offence other than a misdemeanour.

xi. Intentionally damaging and/or misusing the Judiciary’s property/documents;

xii. Tampering and destruction of official documents
xiii. Issuing media statements or granting media interview/releasing confidential information without authority
xiv. Defamation of the Judiciary and/or its Officers/staff;
xv. Threatening or physically assaulting other officers/staff or visitors;
xvi. Breach of confidentiality;
xvii. Improper handling of matters relating to the Judiciary and negligence of work;
xviii. Failure to abide or observe the Judiciary’s code of conduct and other regulations in force, and

D.7.2.1 Disciplinary Principles and Procedures for Gross Misconduct

In subjecting an employee to a disciplinary process, the following principles and procedures will be adopted in determining the punishment:

i. The gravity of the offence;
ii. The effect of the offence on the administration of justice;
iii. The individual’s past disciplinary record and;
iv. The employee’s general service record;

D.7.2.2 Procedures

i. Where a complaint has been lodged against an officer, the CRJ will issue a notice to show cause detailing the nature of the offence and giving the officer a period of not less than fourteen (14) days from the date of service.
ii. The officer’s submission will be submitted to the Commission for consideration.
iii. The officer shall be required to appear in person and may be accompanied by an advocate.

A report from the immediate supervisor concerning the disciplinary proceedings against an officer/staff must be factual, complete and shall include:

i. The name of the officer/staff;
ii. Designation;
iii. A statement covering the misconduct or accusations against the officer/staff;
iv. Action so far taken by the supervisor responsible;
v. A statement of defence made by the accused officer/staff to exonerate him/herself;
vi. The comments of the responsible supervisor regarding the accused officer/staff
defence and the gravity of the offence; and

vii. A specific recommendation on the course of action or punishment to be preferred.

D.7.3 Interdiction and Suspension

These actions will be undertaken to allow for full investigation of gross misconduct.

D.7.5.1 Interdiction

i. The Chief Justice may interdict an officer/staff from the exercise of the powers and functions of their office provided proceedings which may lead to their dismissal are being taken or are about to be taken or that criminal proceedings are being instituted against them.

ii. An officer/staff on interdiction shall be paid half of basic salary, full house allowance and medical benefits while all other benefits and allowances will stand suspended.

iii. While on interdiction, an officer/staff shall be expected to report to a designated office as shall be determined by the Chief Justice.

D.7.5.2 Suspension

i. Where an officer has been convicted of a serious criminal offence, other than minor offences, such as those under the Traffic Act and by-laws, the Chief Justice may suspend the officer from the exercise of the functions of their office pending consideration of their case.

ii. The Chief Justice may suspend from the exercise of the functions of their officer against whom proceedings for dismissal have been taken if, as a result of those proceedings, he considers that the officer ought to be dismissed.

iii. While an officer is suspended from the exercise of the functions of their office they shall be granted an alimentary allowance in such amount and on such terms as the
iv. An officer who is suspended shall be required to comply with such conditions as may by regulations, be prescribed.

D.8. Summary dismissal

i. Summary dismissal shall be considered in the event that an employee displays gross misconduct as defined under the Constitution 2010, Employment Act 2007, Judicial Service Act 2011 and Public Officers Ethics Act 2003 or as may be amended.

ii. The Commission may dismiss an officer/staff summarily when he/she has, by his or her conduct indicated that s/he has fundamentally breached his/her obligation arising under the contract of service.


i. If an Officer or staff is not satisfied with the disciplinary committee’s ruling, s/he may appeal to the Judicial Service Commission within six (6) weeks from the date of the disciplinary action through the Secretary of the Commission.

ii. An officer/staff may appeal in writing not more than twice provided that the appeal is made within six weeks from the date of the letter conveying the Commission’s decision.

D.10. Reviews Procedure

The following procedures shall be adopted when applying for the review:

i. Any employee dissatisfied or affected by a disciplinary decision on his/her appeal may apply for review and the Commission may admit the application if:

   (a) the Commission is satisfied that there are additional material facts lack of which might have affected its former decision;

   (b) There is an error apparent on record of the earlier decision.
ii. An application for review shall be in writing and made within six months from the date of the decision appealed against.

iii. The decision of the Judicial Service Commission on review shall be final

D.11. Decisions on Appeal/Review
The decisions the Commission may make in an appeal or an application for review shall include –

i. Uphold the decision;
ii. Set aside the decision;
iii. Vary the decision;
iv. Make any other decision;
v. The decision of the appeal/review shall be communicated to the officer/staff within three months from the date of decision.

D.11 Employment Dispute
So as to avert any conflict of interest where a serving officer/staff has sued the Judiciary in relation to employment dispute, she/he may be asked to step aside to allow for further investigations.

D.12. Grievance Handling
The Judicial officers and staff shall be given a fair hearing by their immediate supervisor or superior officers concerning any grievances they may wish to raise. Employees will not be victimized for raising a grievance against any officer/staff regardless of their level of seniority.

D.12.1. Grievance Handling Principles
Grievance handling shall be guided by the following principles:

i. All officers/staff have a right to raise any grievance(s) against colleagues or superiors without fear of recrimination.

ii. Grievances will be investigated within three (3) months and the complainant will be informed of the outcome.

iii. At each stage of the procedure, the complainant may wish to be accompanied by a colleague (another employee).

iv. At each stage of the procedure the officer/staff to which the complaint is
presented should be of a higher grade than the officer/staff against whom the complaint is made.

v. At each stage of the procedure the officer/staff to which the complaint is presented should be of a higher grade than the officer/staff to which the complaint had been previously presented.

D.12.2. Grievance Handling Procedure

i. An aggrieved officer/staff shall first inform his/her direct supervisor regarding any action, occurrence or attitude expressed or implied by the supervisor or any other officer/staff, which is perceived as unfair in the workplace.

ii. If an amicable solution cannot be reached, the officer/staff may discuss the matter with the next line supervisor.

iii. If the officer/staff is still not satisfied with the solution offered, then he/she may escalate the complaint to the Head of Station/Resident Judge/Head of Directorate as may be applicable.

iv. If still not satisfied then the officer/staff will complain to the Chief Registrar of the Judiciary.

v. If the complaint is about the Directors and registrars, then the officer/staff will raise the matter with the CRJ.

vi. If the complaint is about the CRJ or Judges, the staff will raise the matter with Chief Justice as head of the Judiciary.

vii. Provided that nothing precludes an officer/staff from reporting his/her grievance to the office of the Judiciary ombudsperson.
Section E

LEAVE AND PUBLIC HOLIDAYS
SECTION E
LEAVE AND PUBLIC HOLIDAYS

E.1. Leave
   E.1.1 Application for Leave
   E.1.2 Annual Leave
   E.1.3 Commutation of leave
   E.1.4 Maternity Leave
   E.1.5 Paternity Leave
   E.1.6 Sick/Convalescence Leave
   E.1.7 Adoption Leave
   E.1.8 Compassionate leave
   E.1.9 Terminal Leave
   E.1.10 Leave of absence
   E.1.11 Paid Study Leave/ Unpaid Study Leave
   E.1.12 Leave for Examination
   E.1.13 Sabbatical Leave
   E.1.14 Special Leave for Sportsmen/Women
   E.1.15 Home Leave
   E.1.16 Leave Administration
   E.2 Public and Religious Holidays
SECTION E
LEAVE AND PUBLIC HOLIDAYS

E.1. Leave
The following are categories of leave in the judicial service:

i. Annual leave;
ii. Sick / Convalescence leave;
iii. Maternity leave;
iv. Paternity leave;
v. Adoption leave
vi. Compassionate leave;
vii. Terminal leave;
viii. Sabbatical leave
ix. Paid study leave
x. Unpaid study leave
xi. Leave of absence
xii. Examination leave
xiii. Special leave for sports people
xiv. Home leave

E.1.1 Application for Leave
i. Application for leave (other than sick/ convalescent leave) shall be submitted on prescribed form(s) to the immediate supervisor. The administration of the leave shall be as indicated in Section E.I.16 of this Manual.

ii. In all cases, a Judicial Officer/Staff proceeding on leave shall be required to submit documented handover report to the immediate supervisor, duly signed by the Judicial Officer/Staff and the person taking over duties and responsibilities before proceeding on leave.

iii. It is the responsibility of each employee to plan his/her annual leave in conjunction with the supervisor.

iv. To ensure proper leave administration, directorates/sections/court stations shall be required to prepare a leave schedule within 30 days after commencement of the leave year, a copy of which shall be submitted to the Chief Registrar of Judiciary.
E.1.2. Annual Leave

i. All eligible judges, officers/staff are entitled to thirty (30) paid working days as annual leave. Judges, officers and staff who are fifty (55) years or older are entitled to 42 days leave in a year. The leave days will exclude public and approved religious holidays.

ii. For this purpose, a “leave year” will commence on 1st July and end on 30th June the following year.

iii. Annual leave is not cumulative. However, an employee may carry forward not more than 50% of their annual leave entitlement if at all they don’t proceed on leave to the following year.

iv. Annual leave must be taken within the leave year or be forfeited. Deferment of annual leave from one leave year to another will not be permitted except under exceptional circumstances with the prior approval of the Chief Justice for judges and Chief Registrar for judicial officers and staff.

v. A newly recruited employee is eligible for prorated annual leave after serving a minimum of three months.

vi. An employee who has not utilized the annual leave due for the year by the time of his retirement will be entitled to his annual leave in addition to terminal leave.

vii. An extra maximum of six (6) days per annum for travelling will be added for employees working in designated hardship areas.

E.1.3. Commutation of leave

Judges, officers/staff are expected to utilize their leave days for recuperative purposes. Annual leave shall not therefore be commuted for cash unless in exigencies of duty and the Chief Justice has approved in writing.

E.1.4. Maternity Leave

i. A female Judicial Officer/staff is entitled to maternity leave of ninety (90) calendar days with full pay. The officer/staff is also entitled to her annual leave which may be taken in full or in part together with the maternity leave.

ii. The request for maternity leave, together with a medical certificate signed by a qualified medical practitioner, should be submitted at least two (2) weeks prior to the expected date of delivery and should indicate the expected date of
commencement of leave and date of return.

iii. In cases where the mother looses the baby, she will be entitled to forty five (45) maternity leave days with full pay to enable her recover and adjust.

iv. 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.

E.1.5. Paternity Leave

i. A male Judicial Officer/staff shall be entitled to ten (10) working days paternity leave with full pay. Application of paternity leave will be done on a prescribed form and shall only be granted on written confirmation of the birth of the child. The name of the child’s mother must correspond with the name of the spouse as indicated in the employee’s records.

ii. Paternity leave must be utilized within the maternity period.

iii. Paternity leave cannot be deferred neither can it be commuted into cash nor can the employee qualify for payment of leave allowance.

E.1.6. Sick/Convalescence Leave

i. Sick leave is an approved absence of an employee from duty on account of illness. Sick leave must be granted by a duly authorized medical officer and the medical certificate duly signed and submitted to the Head of Directorate/Station/Unit through the supervisor or immediate senior officer within two days of absence.

ii. Convalescent leave means a period of absence from work granted to an employee on recommendation of a qualified medical officer. The Leave is granted to enable the employee recuperate following an illness. The medical certificate shall indicate the convalescence leave days, which will be given according to calendar days.

iii. The following guidelines shall be followed in administration of Sick/convalescence leave:

   a) The first three (3) months of sick leave shall be granted with full pay in a leave year;

   b) The next three (3) months sick leave shall be granted on half pay in a leave year;
c) If a Judicial officer/staff is unable to work after the sixth month, the Commission shall request the Director of Medical Services to constitute a Medical board to review the case and forward a report for decision making.

iv. In the event that a judicial officer/staff falls sick while on leave, the two leaves will run concurrently.

E.1.7. Adoption Leave
i. A female Officer/staff is entitled to adoption leave with full pay upon production of supporting legal documents.

ii. The leave shall be granted as follows:

<table>
<thead>
<tr>
<th>S.No</th>
<th>Age bracket (years)</th>
<th>Leave entitlement (calendar days)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Below 5</td>
<td>60</td>
</tr>
<tr>
<td>2</td>
<td>5 – 10</td>
<td>45</td>
</tr>
<tr>
<td>3</td>
<td>Above 10</td>
<td>20</td>
</tr>
</tbody>
</table>

iii. A judicial officer/staff on adoption leave shall not forfeit her annual leave.

iv. A male officer/staff is entitled to leave of up to a maximum of ten (10) working days whenever he and/or his spouse adopt a child.

E.1.8 Compassionate leave
An employee who has exhausted his/her annual leave entitlement may be granted compassionate leave up to ten (10) working days in a leave year on compassionate grounds.

E.1.9. Terminal Leave
i. A Judicial Officer/Staff proceeding on normal retirement will be granted a terminal leave of thirty (30) working days without forfeiting the annual leave prorated up to the last date of service.

ii. This leave shall run concurrently with the notice of normal retirement. The
terminal leave will not be commuted for cash.

iii. A Judicial Officer/Staff due for normal retirement will be issued with notice to retire at least twelve (12) months to date of retirement.

iv. Terminal leave does not apply to officers/staff retiring on other grounds other than normal retirement.

E.1.10. Leave Of Absence

i. A Judicial Officer/Staff may be granted leave of absence without pay in certain circumstances for the purpose of retaining continuity of employment.

ii. The leave may be granted to a Judicial Officer/Staff by the JSC, CJ or the CRJ.

This approval shall be based on the following:

a) An Officer/staff whose spouse is posted to foreign mission during the term of the tour of duty of the spouse;

b) Secondment of Judicial Officer/staff to other government agencies, for a period not exceeding three (3) years;

c) Officers/Staff who are appointed to international organizations where they cannot transfer their services or be on secondment for a period not exceeding three (3) years.

iii. Requests for leave of absence will be handled on case by case basis. For a Judicial Officer/Staff to qualify for leave of absence, s/he will be required to have served for at least three (3) years in the Judiciary.

iv. A Judicial Officer/Staff on leave of absence shall continue to discharge his/her liabilities to Judiciary in respect of any financial advances during the period of absence.

E.1.11. Paid Study Leave/ Unpaid Study Leave

i. The Judiciary encourages Judicial Officers/Staff to further their education 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.
E.1.12. Leave for Examination
A Judicial Officer/Staff attending a recognized course which has an examinable component may apply for leave to sit for main examinations. Application of this section of the manual shall be guided by the provisions of the Training and Development policy.

E.1.13. Sabbatical Leave
i. The Chief Justice may grant sabbatical leave to staff in Judiciary Training Institute (JTI) engaged in teaching/training in the Judiciary who may require an opportunity to broaden, deepen their educational or research interests and explore new areas for new interactions.

ii. To be eligible for sabbatical leave an employee must have served the Judiciary for a continuous period of at least six (6) years and thereafter in an interval of at least six (6) years.

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 Judiciary.

E.1.14. Special Leave for Sportsmen/Women
i. Judicial Officers/Staff, who are selected to represent judiciary in national, regional or international fixtures, will be granted special leave with full pay for the necessary period of training and subsequent participation in sports.

ii. This special leave shall not be counted against the Judicial Officer’s/Staff’s annual leave entitlement.

E.1.15. Home Leave
i. The Judiciary shall grant Home Leave of thirty (30) calendar days to non-Kenyans once in two years without forfeiting the annual leave.

ii. Where both spouses are employees of the Judiciary, and one of them is a Kenyan, home leave will be granted to both of them.

iii. Application for the leave shall be submitted at least fourteen (14) days before intended date.

iv. Where such leave is granted, judiciary shall pay for return air travel for officer, spouse, and up to four dependent children if residing in the country.
### E.1.16. Leave Administration

Leave approval shall be granted as follows:

<table>
<thead>
<tr>
<th>S/No</th>
<th>Position</th>
<th>Approved by</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>DCJ and Supreme Court Judges</td>
<td>President of supreme court/Chief Justice</td>
</tr>
<tr>
<td>2</td>
<td>President of Appeal Court and Principal Judge</td>
<td>Chief Justice</td>
</tr>
<tr>
<td>3</td>
<td>Court of Appeal Judges</td>
<td>President of Appeal court</td>
</tr>
<tr>
<td>4</td>
<td>High court Judges</td>
<td>Principal Judge</td>
</tr>
<tr>
<td>5</td>
<td>High Court Judges in regions and Deputy registrars in high courts</td>
<td>Resident Judge</td>
</tr>
<tr>
<td>6</td>
<td>Chief Registrar</td>
<td>Chief Justice</td>
</tr>
<tr>
<td>7</td>
<td>All Registrars and Directors</td>
<td>The Chief Registrar Judiciary</td>
</tr>
</tbody>
</table>
i. Computation of leave for employees serving at station will be done at station and two copies forwarded to the Regional Human Resource and Administration for issuance of leave approval letter.

ii. A copy of the approved leave form shall be forwarded by the Regional Human Resource and Administration to the Human Resource Directorate in the headquarters.

E.2 Public and Religious Holidays

i. Judiciary recognizes all gazetted public and religious holidays. However, due to exigencies of duties, an officer/staff may be called upon to perform certain essential duties on such holidays.

The following gazetted holidays shall be granted to an officer/staff;

<table>
<thead>
<tr>
<th>Holiday</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Year’s Day</td>
<td>1st January</td>
</tr>
<tr>
<td>Good Friday</td>
<td>As per the annual calendar</td>
</tr>
<tr>
<td>Easter Monday</td>
<td>As per the annual calendar</td>
</tr>
<tr>
<td>Labour Day</td>
<td>1st May</td>
</tr>
<tr>
<td>Idd-ul-azha (Muslims only)</td>
<td>As declared by the Chief Kadhi</td>
</tr>
<tr>
<td>Madaraka Day</td>
<td>1st June</td>
</tr>
<tr>
<td>Mashujaa Day</td>
<td>20th October</td>
</tr>
<tr>
<td>Jamhuri/Uhuru Day</td>
<td>12th December</td>
</tr>
<tr>
<td>Christmas Day</td>
<td>25th December</td>
</tr>
<tr>
<td>Boxing Day</td>
<td>26th December</td>
</tr>
</tbody>
</table>
Eid ul Fitr - As declared by the Chief Kadhi (Muslims only)
Diwali - Date to be determined in accordance with Hindu calendar (Hindus only)

Any other day either in addition to or substitution for a public holiday specified above may be gazetted by the government.
Section F

TRAINING

AND

DEVELOPMENT
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<th>Title</th>
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<td>F.2</td>
<td>Training</td>
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<td>F.3</td>
<td>Employee Development</td>
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<td>F.4.</td>
<td>Succession Management</td>
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<td>F.5.</td>
<td>Sponsorship for training Programmes</td>
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<td>Coordination of internship and Pupilage</td>
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<td>F.11</td>
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<td>Talent Management</td>
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<td>F.14</td>
<td>Training Bond</td>
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<td>Monitoring and Evaluation</td>
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SECTION F
TRAINING AND DEVELOPMENT

F.1 Introduction
Employees are the greatest asset in any institution. The Judiciary is committed to providing opportunities and financial support for training and development for its employees. This is geared towards ensuring all its officers and staff acquire relevant skills, knowledge and experience to perform their duties to the highest standards while ensuring a return on investment.

This section gives general guidelines on the management of the training and development function. The Judiciary Training and Development Policy will guide training and development activities.

The responsibility of training and development of employees lies with the Commission. However, the implementation of training and development policy shall be undertaken by the Chief Registrar of Judiciary through the training and development committee.

F.2 Training
Training includes acquisition of knowledge, skills and attitude for positive improvement of performance in workplace. Hence;

i. Training in the Judiciary will be based on the Training Needs Assessment (TNA) and the annual employee performance appraisal conducted by the Chief Registrar of Judiciary.

ii. The TNA report shall be valid for three years after which another comprehensive TNA shall be carried out.

iii. Trainings shall be linked to the identified performance gaps and the Judiciary’s strategic direction.

iv. Each Department/Unit shall prepare annual training projections which will culminate into an approved training plan. Any other training outside the training plan shall be approved by Chief Justice/Chief Registrar subject to recommendation of the Training & Development Committee.

v. The Judiciary will approve relevant training administered by bodies accredited and recognized by Government.

vi. An employee on approved training shall be required to submit to the CRJ a progress report at the end of each semester where applicable and a back to office
report within one week upon resumption from the training.

vii. The Chief Registrar of Judiciary will maintain a database of all trainings undertaken in the Judiciary.

F.3 Employee Development
Judiciary will provide opportunities for its employees to develop both technical and general competences. To achieve this following shall be undertaken:

i. All employees will be eligible to at least five (5) days training in a year.

ii. In case operational logistics prevent a Judicial officer or staff from attending training then such employees should be given priority the following year.

iii. Employees in Managerial Cadre (Judicial Officers and staff of PLS 12 and above) shall undertake training in leadership and management related courses.

F.4 Succession Management
Training and capacity building shall be geared towards promoting smooth succession by ensuring the Judiciary does not experience performance and competency gaps.

The human capital of the Judiciary will be developed through resourcing, training, retention of talent and skills, mentoring and coaching.

Mentoring and coaching will be carried out consciously. The Judiciary shall ensure 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.

The Chief Registrar of Judiciary shall keep an updated record of skills and competencies of all employees and prepare a succession plan.

F.5 Sponsorship for Training Programmes

i. The Judiciary will rely on institutions of higher learning for supply of graduate entrants into the service and therefore will not cater for the cost of undergraduate training for serving officers.

ii. All other sponsorship for training shall be handled in accordance with the
provisions of the Judiciary Training and Development Policy that will be in force.

**F.6 Selection of Trainees**
Selection of Trainees will be based on identified skill gaps and emphasis will be on performance improvement. Specific selection criteria shall be as provided in the Judiciary Training and Development Policy.

**F.7 Management and Coordination of Training**
The overall management and coordination of training in the Judiciary is the responsibility of the Chief Registrar of Judiciary.

**F.8 Student Internship**

i. Judiciary recognizes internship as an important part of career preparation which helps young professionals gain experience in a real work environment.

ii. The Judiciary will offer training and exposure opportunities to young professionals in a manner that is structured and helpful to the interns.

iii. Internship shall not exceed a period of three (3) months.

iv. Internship shall be on request from students on production of supporting documents from the training institution.

v. Internship shall be without pay.

**F.9 Pupillage**

i. Pupillage shall be granted on the request of the Kenya School of Law 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.
Students on pupilage shall be attached to a Judicial officer who shall produce a report at the end of the period.

F.10 Coordination of Internship and Pupilage

i. Engagement of interns and pupils shall be coordinated by the Human Resource Directorate in liaison with the user directorates or functional units.

ii. An engagement letter shall be issued stating the commencement and end date.

iii. The head of unit/station shall release students who have completed their internship and pupilage at the end of the engagement period.

F.11 Career Management

Career management is a necessary tool for planning and guiding the development of employees’ careers so as to effectively meet their aspirations in line with the strategic needs.

The Judiciary’s career management objectives are:

i. To assist employees to improve their performance through setting of smart goals.

ii. To identify career options available within the Judiciary.

iii. To align the aspirations of employees with judiciary’s Strategic objectives.

Career management in the Judiciary will be realised through the following:

i. Career planning

ii. Career paths

iii. Career Development

F.12.1. Career Planning

Career planning is a structured exercise undertaken to identify an employee’s objectives, marketable skills, strengths and weaknesses among others as part of employee’s career management.

Career planning process shall be undertaken by employees in liaison with their supervisors. The scheme of service shall provide a framework for career planning.
The employee is responsible for self-assessment, identifying career interests and development needs. As part of the process of self-assessment the employee will analyse his/her skills and experience as well as his or her strengths and weaknesses.

F.12.2 Career Paths
Based on the career expectations identified in the process of career planning, possible career paths will be mapped out for employees in line with the scheme of service.

F.12.3 Career Development
  i.  Judiciary will endeavour to help every employee to plan his/her careers in line with the organization strategic direction.

  ii. Biennial competence and skills audits will be conducted by Human Resource and Administration directorate to determine existing skills gaps. The results of the audit and survey will indicate areas of need, in terms of personnel and competencies.

  iii. The process of developing the career management system will be spearheaded by the Directorate of Human Resources in consultation with the user units.

F.13. Talent Management
The Judiciary will continuously harness the unique skills and competencies of its employees to meet its needs and strategic direction. Hence;

  i.  The Human Resource Management Directorate will develop and implement a Talent Management Database that is essential in achieving the Judiciary strategic goals.

  ii. The Database will contain the inventory of special skills available within the Judiciary and which may be used to inform some human resource decisions.

F.14 Training Bond
To ensure that the Judiciary 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.

**F.15 Subscription to Professional Bodies.**

To support professional development of its employees, the Judiciary will meet the cost of annual subscription for its eligible employees registered with professional bodies from the level of PLS 12 or M4/R2 and above.

**F.16 Monitoring and Evaluation**

As a means of assessing the quality of training offered and its impact on the performance of the Judiciary, all training activities shall be monitored and evaluated. Specifically:

(i) Judicial officers/staff who attend training shall be obliged to share their learning experiences to the relevant target group and apply those experiences for the benefit of the Judiciary;

(ii) On completion of training the officer/staff shall within one week be required to fill and submit the Mandatory Back to Work Report. It is the responsibility of the training and Development office in liaison with the Supervisor to monitor progress of employee performance.

(iii) Supervisors shall be responsible for assessing the impact of training programmes on the job performance.

(iv) The Judiciary shall put in place systems to assess the extent to which training and development objectives have been achieved. The quality of training offered and its cost effectiveness shall also be evaluated.

(v) A database of courses and beneficiaries of training shall be maintained and updated regularly by the Directorate of Human Resource and Administration.
Section G
REMUNERATION AND BENEFITS
SECTION G
REMUNERATION AND BENEFITS

G.1 Date of Initial Payment of Salary on Appointment
G.2 Determination of Salary on Promotion
G.3 Determination of Salary of an officer Transferred from another Public Administration
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G.4.1 Determination of Incremental Dates on Appointment or Promotion
G.4.2 Conditions for the Grant of Annual Increments
G.4.3 Service of Increments
G.5 Seniority
G.6. Salary Deductions
G.7 Advances
G.7.1. Salary Advance
G.7.2 Recovery of Advance
SECTION G
REMUNERATION AND BENEFITS

The judiciary will endeavor to provide a competitive remuneration and benefits in order to attract and retain skilled employees.

G.1 Date of Initial Payment of Salary on Appointment

i. A person engaged within Kenya will be paid full salary from the date of assumption of duty.

ii. A person engaged from outside Kenya will be paid half salary from the date of his departure from his country of origin provided that he proceeds direct to Kenya. Full salary will be paid from the date of arrival in Kenya provided the officer reports for duty on the first working day following the date of arrival in Kenya.

G.2 Determination of Salary on Promotion

i. If salary of an employee who is promoted to a higher Job Group is two points or more below the minimum of the salary scale attached to the higher Job Group s/he will enter the scale of the higher Job Group at the minimum point of the scale on the effective date of his promotion. Her/His future incremental date will be the following year on the 1st date of the month in which they were recruited.

ii. If on the effective date of promotion the employee was already within the higher salary scale but the employee had not attained the maximum point of his/her current salary scale, the officer will enter the higher salary scale, at the point next above his/her current salary on the effective date of his promotion and his/her incremental date will be the following year on the 1st date of the month in which they were promoted.

iii. If an employee who is promoted to a higher Job Group has served at the maximum point of his present salary scale for three (3) years and the salary is within the higher salary, the employee will be granted two (2) increments. His/her future incremental date will be the 1st date of the month in which they were promoted.
G.3 Determination of Salary of an officer Transferred from another Public Administration

The salary of an employee who is transferred from another administration will normally be determined by application of the provisions of Regulations H.2 provided the Authorized officer satisfied that there will be no repercussions amongst serving employees.

G.4 Increments

G.4.1 Determination of Incremental Dates on Appointment or Promotion

Each 1st date of the month is an incremental date. Employee incremental date will be the 1st date of the month they are appointed/promoted/upgraded.

G.4.2 Conditions for the Grant of Annual Increments.

An employee serving on an incremental scale is not entitled to receive an increment as a right. An increment will only be granted if the employee has discharged his/her duties with efficiency, diligence and fidelity.

G.4.3 Service of Increments

Unless otherwise provided at the time of his/her appointment, service for increments is revoked from the date on which an employee first begins to draw the salary of his/her office.

G.5 Seniority

In accordance to the JSC regulations,” Seniority” of employees shall be determined as follows:

(i) As between judiciary officers of the same grade:

(a) by reference to the dates on which they respectively entered the grade;
(b) If the employees entered that grade on the same day, by reference

To their seniority on the day immediately preceding that day; and

(c) If any employees who entered the same grade on the same day did

so by appointment and not by promotion (excluding promotion from

a non-pensionable to a pensionable grade) then seniority relative to each

other shall be determined by reference to their respective ages.

(ii) As between employees of different grades on the same salary scale or

same the same flat rate of salary, by reference to the dates on which they respectively entered their grades; and

(iii) As between employees of different grade on different salary scales, by reference to the maximum point on their salary scale, a flat rate of salary being regarded for this purpose as a salary scale with a maximum point equivalent to the flat rate

G.6. Salary Deductions

i. Employees shall not commit their basic salary beyond two thirds (2/3) and Director of Human Resource and Administration should ensure compliance.

ii. Statutory deductions from salaries will include:

   a) Income tax/Pay As You Earn (PAYE);

   b) National Hospital Insurance Fund (NHIF)

   c) Any additional deductions or change in amount of deductions as directed by legal statute.

G.7 Advances

G.7.1. Salary Advance

i. An advance of not more than one month’s basic salary may be granted by the Chief Registrar of the Judiciary to an officer on permanent and pensionable or
contract establishment when the officer owing to circumstances beyond his/her control, is placed in a difficult financial position requiring assistance.

ii. The provision in (i) above notwithstanding, the CRJ may grant in exceptional circumstances an advance of not more than two (2) month’s basic salary.

iii. Employees on new appointment may be granted salary advance by the Authorized Officer based on the merit of his/her case.

iv. The CJ may grant a request for salary advance by the CRJ and Judges, which request shall be submitted to the National Treasury for implementation.

v. The salary advances will not be granted when an officer has an outstanding salary advance.

vi. Salary advances shall be fully paid within twelve months from the date of grant.

vii. A request for salary advance shall not be made within two years of recovery of the last instalment.

G.7.2 Recovery of Advance
The recovery period for salary advance will be limited to a period of not more than twelve (12) months. In respect of an officer who is due to leave the service before twelve (12) months, the advance must be fully recovered in equal instalments within the remaining period of the officer’s service in the Judiciary.
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ALLOWANCES
SECTION H
ALLOWANCES

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H.2. Allowances Paid to Judicial staff
H.3. House Allowance
H.4. Acting Allowance
H.5. Special Duty Allowance
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H.7. Responsibility Allowance
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SECTION H
ALLOWANCES

H.0. Introduction
The Judiciary recognizes that while the salary attached to the post represents appropriate remuneration of its holder for proper and efficient work performance, there are circumstances when additional payments are warranted. Such additional payments are made in form of allowances, either to reimburse a Judicial officer/staff for the expenses incurred directly or indirectly in the execution of his/her duties, or for compensation for services rendered over and above the normal job requirements.

The JSC in consultation with SRC approved the following allowances to be paid to Judicial officers and Judicial Staff

H1 Allowances Paid to Judicial Officers
All allowances are consolidated and capped at 40% of the approved total Gross remuneration package while 60% of the set remuneration package is basic salary. However, the following additional allowances shall be paid to judicial officers in accordance to their Grade and/or responsibilities as approved by SRC.

  i. Non-Practising Allowance-
  ii. Special Judicial Duty Allowance
  iii. Any other allowance as may be approved by SRC/JSC from time to time.

H.2 Allowances Paid to Judicial staff
The following allowances shall be paid to judicial staff in accordance with their Grade and/or responsibilities.

  i. House allowance
  ii. Acting Allowance
  iii. Special Duty Allowance
  iv. Hardship Allowance
  v. Responsibility Allowance
  vi. Commuter allowance
  vii. Non-Practicing Allowance
  viii. Leave Allowance
ix. Extraneous allowance
x. Entertainment allowance
xi. Domestic Staff Allowance
xii. Alimentary Allowance
xiii. Trainers Allowance
xiv. Risk Allowance
xv. Security Allowance
xvi. Airtime Allowance
xvii. Uniform/Dust Coat Allowance
xviii. Subsistence and Accommodation Allowance (Per Diem)
xix. Retreat allowance
xx. Any other allowance as may be approved by JSC from time to time.

H.3. House Allowance
This is a monthly cash allowance paid to judicial staff as a contribution to housing expenses based on their job grades.

H.4. Acting Allowance
i. When an officer/staff is in possession of requirements for appointment to a higher post, he/she may be appointed to act on the post pending filling of the vacancy.
ii. The officer/staff will be eligible for payment of an acting allowance at the rate of fifteen (15%) of his/her substantive basic salary.
iii. When a post falls temporarily vacant due to the absence of the substantive holder, an acting appointment should not be made unless the period of such absence exceeds thirty (30) days. A recommendation for an acting appointment for a period of thirty (30) days or less will be considered by the Judicial Service Commission for those cases where the law or regulations require that, in the absence of the substantive holder of a public office, the function of that office can be exercised only if another officer/staff is appointed in an acting capacity.
iv. Acting Allowance will be paid when an officer/staff acts in a higher post for a minimum period of thirty (30) days or when the acting appointment follows another within an interval of not more than fifteen (15) days and the actual duration of both acting appointments is thirty (30) days or more. Acting allowance will not be paid when an officer/staff who has been appointed to act
in a higher post is absent from duty for whatever reason for a period of more than thirty (30) calendar days.

v. An officer/staff who is appointed to act in a higher post will be eligible for the duration of his acting appointment for travelling privileges and other related ad hoc allowances, such as hotel or accommodation allowance attached to the post. However, the officer/staff will not qualify for house allowance or other remunerative allowances assigned to the higher post.

vi. An Officer/staff assigned duties of a post that is more than two (2) grades higher than his/her substantive grade shall be paid special duty allowance.

vii. Acting allowance will not be paid against common cadre positions as specified in the scheme of service.

viii. Officers/staff on probation are not eligible for acting allowance.

H.5. Special Duty Allowance

i. When a staff is appointed by CRJ to perform duties of a higher post but does not possess the necessary qualifications for appointment to that post, he will be paid special duty allowance at the rate of 10% of his/her basic salary.

ii. When staff is called upon by the Head of department to perform duties of a higher post but does not possess the necessary qualification for appointment to that post, he/she will be paid a special duty allowance at the rate of 10% of his/her basic salary. The Head of department/Head of station will make a request in writing to the CRJ for payment of special duty allowance.

iii. The payment of special duty allowance in I.5 (ii) above will be subject to recommendation by the HRAC and approved by CRJ.

iv. When a post falls temporarily vacant due to the absence of the substantive holder, special duty allowance should not be paid to an employee performing duties of such a post unless the period of absence exceeds thirty (30) days.

v. The CRJ will not approve special duty appointment to take effect from a date earlier than three (3) months prior to the date on which the recommendation is submitted to the CRJ.

vi. Employees will not be called upon to perform duties of a post that is more than two (2) grades higher than his/her substantive grade unless appointed by the CRJ.

vii. Special Duty Allowance will not be payable to an employee for more than one
(1) year.

viii. Employees performing duties of a higher post under this regulation will not be eligible for allowances or travelling privileges applicable to the higher post.

ix. Employees on probation are not eligible for special duty allowance.

H.6. Hardship Allowance

i. The JSC has identified hardship areas as indicated in Appendix CII which will be reviewed from time to time.

ii. Officers/staff deployed in hardship areas will be eligible for hardship allowance at the rate of 40% of one’s basic salary or as may be amended by the JSC and Salaries and Remuneration Commission from time to time.

H.7. Responsibility Allowance

This allowance is payable to Judicial staff grades JS 11 and above to compensate them for the demands placed upon them by the nature of their duties.

H.8. Commuter Allowance

i. Employees below the level of Job Grade 17 will be eligible for commuter allowance provided they are not facilitated with Government transport.

ii. The rates of the allowances will be determined by the JSC from time to time.

iii. It will be an offence for an employee in receipt of commuter allowance to use Judiciary vehicle for non official duties without authorization.

H.9. Non-Practicing Allowance

All Judicial officers who are qualified advocates shall be eligible to Non-practicing allowance as shall be determined by JSC and the Salaries Remuneration Commission from time to time.

H.10. Leave Allowance

i. All Judicial officers and staff will be eligible for leave allowance once a year. For ease of administration, the allowance will be paid through the payroll.

ii. The leave allowance will be paid at the rate as determined by the Judicial Service Commission/SRC from time to time.

iii. For Judges and the CRJ leave allowance shall be paid from the consolidated fund and paid upon proceeding on leave.
H.11. Extraneous Allowance
Extraneous allowance is payable to employees who are required to work over and above the official working hours on a continuous basis. The allowance is payable to Judicial Staff in Grade JS 11 and above to compensate them for the demands placed upon them by the nature of their duties. Staff in JS 10 and below working in the offices of the CJ, DCJ, CRJ, President of the court of appeal, the principal Judge and DCRJ, may be considered for extraneous allowance as approved by the JSC.

H.12. 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 be receive a non-accountable monthly entertainment allowance as determined by Judicial Service Commission.
   ii. The CRJ may authorize an officer to be issued an imprest from the entertainment vote to entertain special Judiciary guests.

H.13. Domestic Allowance
a) Domestic staff for the CJ and DCJ will be provided by the Judiciary as per the requirements of the SRC. The staff will be put on a two (2) contract renewable on performance and their term at any one time should not exceed the term of the office holders. However, at the discretion of the JSC, Judiciary may opt to pay an allowance for the office holders in regards to the domestic workers and not incorporate them as Judiciary staff.

b) Domestic allowance is payable to CJ, DCJ, CRJ, DCRJ, Registrars, Assistant Registrars, Directors and Deputy Directors in order to facilitate them in hiring professional domestic staff through the payroll as per the salary structure.

H.14. Alimentary Allowance
The Chief Registrar of the Judiciary shall grant an officer/staff on suspension an Alimentary allowance for subsistence. The rate of payment is one third of the basic pay.

H.15 Risk Allowance
Judiciary staff in grade JS 14 and above is entitled to a risk allowance at a rate determined
by the Judicial Service Commission.

**H.16 Security Allowance**
Clerical staff that are required to handle classified materials at secret/confidential registries and strong rooms are entitled to security allowance, subject to the approval of the Chief Registrar of the Judiciary at the rate of 17.5% of their basic pay. Authority for payment of security allowance will not be granted to take effect from a date earlier than 3 months prior to the date the recommendations are submitted to the accounting officer.

**H.17. Special Judicial Duty Allowance**
This allowance shall be paid to state officers with additional responsibilities as approved by JSC.

**H.18. Non-Remunerative Allowance**
The following non-remunerative allowances are applicable under different circumstances and include:

i. Transfer allowance
ii. Baggage allowance
iii. Trainers allowance
iv. Meal allowance

**H.18.1. Transfer Allowance**

i. A Judicial officer/staff on transfer from one station to another, will be eligible for payment of transfer allowance at the rate of one (1) month’s basic salary immediately he/she is released to the new station provided the new station is not less than 40 kms from the old station.

ii. A transfer allowance is only payable after the officer/staff reports and there is a letter to that effect from the head of the receiving station.

iii. Judicial Officers/staff who are posted on temporary basis (i.e. on relieve duty) for a period exceeding one (1) month shall be eligible for transfer allowance.

iv. Police officers attached to judges will be paid transfer allowance only when the transfer is initiated by the Judiciary and upon production of latest pay slip

v. Transfer allowance will not be paid to:
a. officers/staff who are posted on temporary basis (i.e. on relieve duty) for a period not exceeding one (1) month and
b. Officers/staff who are transferred on their own initiative to suit their convenience.

H.18.2. Baggage Allowance
i. A Judicial officer/staff proceeding on transfer or retirement shall be paid a baggage allowance to transport his/her luggage. The baggage allowance shall be calculated on return journey basis.
ii. In case of the death of an officer/staff, the deceased legal representative will be eligible for a baggage allowance.
iii. Payment of baggage allowance will be in accordance with the prevailing rates as shown in the table below and as determined by the Judicial Service Commission from time to time.

Baggage rates in Kenya Shillings per Kilometre;

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<tr>
<td>Judicial Staff - PLS 2-8</td>
<td>120</td>
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<tr>
<td>Judicial Staff – PLS 9-13</td>
<td>160</td>
</tr>
<tr>
<td>Judicial Staff - PLS 14 -17</td>
<td>180</td>
</tr>
<tr>
<td>Judicial Officers - M4-M5</td>
<td>160</td>
</tr>
<tr>
<td>Judicial Officers - M6-M8</td>
<td>180</td>
</tr>
</tbody>
</table>

iv. For Judges, the Judiciary shall hire a vehicle to transport their luggage.

H.18.3. Trainers Allowance
i. Judicial officers/staff and public officers called upon to facilitate at workshops, seminars and conferences will be entitled to trainers allowance at the rate of Ksh. 5,000 per two hour session or as may be approved by the JSC from time to time.

H.18.4 Per Diem Allowance
i. This allowance will be paid to a judicial officer/staff that travels on official duty
and stays overnight away from the duty station and makes own arrangements for accommodation and subsistence. The allowance will be paid at the rates that the Judicial Service Commission will determine from time to time. Per Diem allowance will be paid for a maximum continuous period of thirty (30) days.

ii. Notwithstanding the provisions of (ii) above officer/staff who is required to be away from his duty station for more than thirty (30) days will be paid transfer allowance.

iii. In special circumstances CRJ may approve payment of per diem beyond 30 days.

H.18.5. Subsistence Allowance while Travelling on Duty Outside the Country

i. An officer/staff that is required to travel on duty outside Kenya will be paid per diem allowance at daily rates as may be determined by the Judicial Service Commission from time to time.

ii. The per diem rates are designed to meet the cost of accommodation, meals, including service charges. Travelling expenses incurred from the airport to a hotel or other residential place and vis-à-vis, airport charges, fees for vaccination, visas and passport charges and local travel abroad will be refunded.

iii. Where the travelling and accommodation expenses for a judicial officer/staff is covered in full by the Judiciary or any other funding Organization, a residual allowance of up to one-quarter (¼) per diem for a maximum of 15 days.

iv. Where only accommodation expenses are covered, subsistence allowance may be paid at ¾ of the per diem rates.

v. In cases where the sponsor does not meet the expenses directly but pays an allowance and such allowance is less than the per diem rates the office may claim the difference from the judiciary.

vi. A Judicial officer/staff travelling on duty abroad shall utilise his/her expenses within their per diem rate.

H.18.6. Meal Allowance

i. Where an officer/staff is required to work over and above the normal working hours, weekends or public holidays they shall seek prior approval of the work identified by the Chief Registrar of the Judiciary at approved applicable rates as the JSC may determine from time to time.
ii. The allowance shall be paid for a maximum of ten days in a month and not exceeding ninety days in a financial year.

iii. Meal allowance shall be paid to employees in PLS 10 and below at the rate determined by JSC from time to time.

**H.18.7 Retreat Allowance**

Workshops which are meant to review develop and produce reports shall be treated as Retreats and will be for a maximum duration of ten (10) days. The participants of such retreats shall not exceed ten (10) participants and will be paid at a rate of Kshs.5, 000/= per day.

**H.18.8 Sitting Allowance**

There are various Committees in the Judiciary which are categorized as Constitutional, Statutory and Administrative. Officers called upon to serve on these Committees may be entitled to an allowance as shall be determined by the JSC from time to time.

**H.18.9 Trainers’ Allowance**

Officers/staff who are called upon to participate in or facilitate at workshops, seminars and conferences organized by judiciary will be entitled to the following allowances as set out in the table I.1 below:
Table I.1 Trainers Allowance

<table>
<thead>
<tr>
<th>S.NO</th>
<th>ACTOR</th>
<th>AMOUNT IN KSHS.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Resource Person</td>
<td>KShs. 5,000/= per two hours session for preparation and presentation of a paper. If the resourcing is less than two hours, then the amount shall be prorated accordingly.</td>
</tr>
<tr>
<td>2.</td>
<td>Coordinator</td>
<td>Kshs. 3,000/= per day (maximum of 2 coordinators)</td>
</tr>
<tr>
<td>3.</td>
<td>Rapporteurs</td>
<td>KShs. 2,000/= per day (maximum of 2 rapporteurs)</td>
</tr>
<tr>
<td>4.</td>
<td>Participants</td>
<td>Kshs. 2,000/= per day for residential seminars/workshops/conferences as an out-of-pocket allowance (Where an officer/staff participants in a workshop organized by other organizations and they are not paid out of pocket they may seek to be paid.)</td>
</tr>
<tr>
<td>5.</td>
<td>Workshop secretariat staff</td>
<td>Kshs. 1,500/= per day per person, maximum of three (one secretary, one Driver and one Support staff)</td>
</tr>
</tbody>
</table>

The duration of seminars, workshops, conferences shall not exceed three weeks. Any seminar, workshop and conference beyond three (3) weeks will be considered as a course and will be subjected to the training provisions stipulated in this Manual. All divisions, stations and directorate shall develop a service charter to guide the day to day operations to set standards and timelines in service delivery.

H.19 Uniform/ Robe Allowance

All Judicial officers and various categories of staff are eligible for robes and uniforms provided by the judiciary.

These officers will be entitled to annual allowance for maintenance of their official clothes as approved by JSC from time to time.
**H. 19.10 Robe allowance**
All Judicial Officers (except Kadhis) shall be entitled to a Robe allowance paid annually as shown in Appendix H.I.

**H.19.11 Uniform allowance**
Officers required to wear uniforms will normally be given a free issue of the appropriate uniform on first appointment or promotion. Thereafter, an allowance will be paid to officers annually for the maintenance of their uniforms. Uniforms shall be replaced by the Judicial Service when that becomes necessary. The current rates of uniform allowance payable are indicated in Appendix H.II of this Section.

**H.20. Airtime Allocation**
Where eligible officer/staff are not given airtime bundles, a monthly airtime allocation shall be paid at the rates to be determined by the Judicial Service Commission from time to time.

All judicial staff in PLS 11 and Officers in M4/R2 and above are eligible. However, the CRJ may approve airtime for staff not eligible performing a specific assignment for a specific duration. Any other standing allowance will require the approval of JSC.
APPENDIX H.I

ROBE ALLOWANCE

Cadres of Officers Rate Kshs.

(a) Judges ................................................................. 10,000 p.a.

(b) Magistrates ......................................................... 5,000 p.a.

APPENDIX H.II

UNIFORM ALLOWANCE

Cadres of officers Rate Kshs.

(a) Ushers, Court Bailiffs/Process Servers ....................... 3,500.00 p.a.
(b) Drivers ..................................................................... 3,500.00 p.a.
(c) Artisans .................................................................. 3,500.00 p.a.
(d) Drivers ................................................................. 3,500.00 p.a.
APPENDIX H. III

Workshop / Retreat Allowance

<table>
<thead>
<tr>
<th>SNO.</th>
<th>ROLE</th>
<th>AMOUNT (KSH.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Resource Persons</td>
<td>5,000.00 per 2 hour-session</td>
</tr>
<tr>
<td>2</td>
<td>Co-ordinators</td>
<td>3,000 per day – 2 co-ordinators max</td>
</tr>
<tr>
<td>3</td>
<td>Rapporteurs</td>
<td>2,000 per day – 2 rapporteur max</td>
</tr>
<tr>
<td>4</td>
<td>Participants</td>
<td>2,000 per day for residential seminars/workshops</td>
</tr>
<tr>
<td>5</td>
<td>Secretary</td>
<td>1,500 per day</td>
</tr>
<tr>
<td>6</td>
<td>Drivers</td>
<td>1,500 per day</td>
</tr>
<tr>
<td>7</td>
<td>Documentation/ Support Staff</td>
<td>1,500 per day</td>
</tr>
</tbody>
</table>

Note: For workshops or working retreats the number of participants should not exceed ten (10).
APPENDIX H. IV

Grading Structures for Judges

The remuneration and benefits of Judges is as determined by the provisions of the Constitution of Kenya and the Salaries and remuneration Commission.

The current grading structure is as follows:

<table>
<thead>
<tr>
<th>S. No</th>
<th>Judges</th>
<th>Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Chief Justice</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Deputy Chief Justice</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Supreme Court Judge</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Court of Appeal Judge</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>High Court Judge</td>
<td></td>
</tr>
</tbody>
</table>

Grading Structures for Judicial Officers

The remuneration and benefits of Judicial Officers is as shall be determined by the Salaries and Remuneration Commission from time to time.

The current grading structure is as follows:

<table>
<thead>
<tr>
<th>S/No.</th>
<th>Designation</th>
<th>Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Chief Registrar</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Deputy Chief Registrar</td>
<td>PLS 18</td>
</tr>
<tr>
<td>1</td>
<td>Chief Magistrate/Chief Kadhi</td>
<td>M8 / R6</td>
</tr>
</tbody>
</table>
Grading Structures for Judicial Staff

The remuneration and benefits of judicial staff is as determined by the JSC.

The current grading structure is as follows:

<table>
<thead>
<tr>
<th>Title</th>
<th>Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Director</td>
<td>PLS 17</td>
</tr>
<tr>
<td>Deputy Director</td>
<td>PLS 16</td>
</tr>
<tr>
<td>Senior Assistant Director</td>
<td>PLS 15</td>
</tr>
<tr>
<td>Assistant Director</td>
<td>PLS 14</td>
</tr>
<tr>
<td>Position</td>
<td>PLS</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>-----</td>
</tr>
<tr>
<td>Principal Officer</td>
<td>13</td>
</tr>
<tr>
<td>Chief Officer</td>
<td>12</td>
</tr>
<tr>
<td>Senior Officer, Legal Researchers</td>
<td>11</td>
</tr>
<tr>
<td>Executive Officer II, Personal Secretary I</td>
<td>10</td>
</tr>
<tr>
<td>Executive Assistant, ICT Officer II</td>
<td>9</td>
</tr>
<tr>
<td>Personal Secretary III, Senior Clerical Officer, ICT Officer III</td>
<td>8</td>
</tr>
<tr>
<td>Higher Clerical Officer, Secretarial Assistant II</td>
<td>7</td>
</tr>
<tr>
<td>Clerical Officer, Driver I</td>
<td>6</td>
</tr>
<tr>
<td>Driver II, Support Staff Supervisor</td>
<td>5</td>
</tr>
<tr>
<td>Position</td>
<td>Grade</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>Driver III, Senior Support Staff</td>
<td>PLS 4</td>
</tr>
<tr>
<td>Support Staff I, Security Guard II</td>
<td>PLS 3</td>
</tr>
<tr>
<td>Security Guard III, Support Staff II</td>
<td>PLS 2</td>
</tr>
</tbody>
</table>
Section I

COMMUNICATION
SECTION I
COMMUNICATION

I.1 External Communication Guidelines
I.2 Internal Communication Guidelines
I.3 Channels of Communication.
I.4 Communication between JSC and Officers/Staff
I.5 Communication between Directorates, Divisions and Stations
I.6 Access to Official Records
I.7 Postage of Correspondence
I.8 Telephone
I.9 Electronic Mail
I.10 Use of Social Media
I.11 Suggestion Box
I.12 Use of Official Password
SECTION I
COMMUNICATION

This Section spells out the basic guidelines for effective communication through correspondence and other means. It provides for expeditious handling of information within the prescribed rules. The communication guidelines seek to improve communication channels for increased knowledge and support for the Judiciary’s mission, vision, policies and programmes among officers/staff and stakeholders.

I.1 External Communication Guidelines
i. Communication with the Heads of the Executive and the Legislature shall be done by the CJ.

ii. Correspondence on policy matters to external stakeholders shall be conducted by the CRJ.

iii. Any official information to the public and media shall be done by the Chief Registrar of the Judiciary or with his/her authority.

I.2 Internal Communication Guidelines
Employees shall channel official communication through their immediate supervisor

i. Judiciary shall encourage two-way communication/dialogue that also emphasizes inclusion and considers diversity of thoughts and ideas.

ii. Chief Registrar shall ensure widespread availability of information through various channels for the purpose of general information.

iii. The respective heads of units/stations/divisions shall ensure that communication is disseminated to staff under their supervision.

iv. Employees shall mutually strive to cultivate a positive relationship through effective communication.

v. Every communication requiring a response but which cannot be responded to immediately should be acknowledged promptly on receipt.

vi. Appropriate response should be dispatched in not more than seven (7) days unless justified otherwise.

vii. All internal and external correspondences shall use approved letterhead templates.

viii. Presentations on behalf of Judiciary shall be displayed in Judiciary corporate colours.
I.3 Channels of Communication.
These include;

a. Circulars
b. Meetings
c. Workshops
d. Letters
e. Internal Newsletters
f. Internal Memos
g. Brochures
h. Notice Boards
i. Reports
j. Billboards
k. Unit-specific Standard Operating Procedures (SOPs)
l. Website (+ Intranet)

I.4 Communication between JSC and Officers/Staff
i. Communication to and from the Commission shall be done by/through the Secretary/Chief Registrar of the Judiciary.

ii. In exceptional circumstances, such as policy direction the Chairperson/Chief Justice may convey communication emanating from the Commission.

I.5 Communication between Directorates, Divisions and Stations
i. Official communication between officers/staff of different directorates,

   divisions and stations shall be through their respective heads.

iii. Official communication from stations to the headquarters shall be done through Heads of stations.

I.6 Access to Official Records
i) Only authorized employees of the Judiciary shall be allowed to access copies of minutes and correspondence and will be held accountable for the same.
ii) Employees handling confidential information shall not disclose such information to unauthorized persons. Failure will warrant disciplinary measures.

iii) The Chief Registrar of the Judiciary shall ensure that careful attention is paid to
security of documents in all offices. The attention of all officers having access to classified information should be particularly drawn to the National Security Manual regularly.


v) The appropriate classification shall be clearly marked at the top and bottom of every page of all classified documents.

I.7 Postage of Correspondence

i. All outgoing correspondences shall be recorded in a register by the responsible officer(s)

ii. All correspondences through the post must be prepaid with the appropriate postage by affixing postage stamps or franking by postage meter.

iii. Postage stamps and postage meters in use for official business shall be kept in the custody of the head of mailing office.

iv. The use of courier services, fax, electronic mail and other reliable means of communication shall be used where applicable.

v. The responsibility of ensuring that correspondence reaches its destination rests with the sender.

I.8 Telephone

In order to minimize telephone expenditure and improve the quality of telephone service delivery in the Judiciary;

i. The officer/staff shall report faulty/damaged telecommunication equipment to the Information Communication Technology (ICT) directorate to ensure maintenance.

ii. Employees are encouraged to embrace emerging telecommunication technologies (e.g. use of email, skype, video teleconferencing etc) as an alternative means of communication for efficient service delivery.

iii. For official internal communication, employees are urged to make use of their official e-mail address as provided by the Judiciary’s ICT Directorate. The usage of these services should however be restricted to official matters only and in circumstances where it enhances efficient service delivery.
I.9 Electronic Mail
The same principles explained in this section shall apply. E-mail communication shall be recognized as official communication. For this reason, employees shall observe basic rules on official email communication as outlined below:

i. Observe the difference between “To” and “CC.”. The people you include in the “To” field should be the people you expect to read and respond to the message.

ii. Be mindful of your tone of language. Unlike face-to-face meetings or phone calls, those who read your e-mail messages do not have the benefit of your non-verbal cues.

iii. Do not overuse “Reply to all”. Reply shall be to those who need-to-know.

iv. Do not forward chain letters unless necessary.

v. Do not write in capital letters (ALL CAPS). This is the digital equivalent of shouting.

vi. Do not send or forward emails with defamatory, offensive or obscene content.

vii. Use polite language.

viii. Use standard text at the end of your email, with your contact information.

ix. Make sure that your message is concise and clear.

I.10 Use of Social Media

i. Irresponsible use or abuse of the social networks will not be tolerated from employees.

i. Social media accounts for the judiciary shall be managed or moderated by Directorate of Public Affairs and Communication.

ii. Officers/staff using social media should exercise caution and take responsibility for any postings concerning the Judiciary.

I.11 Suggestion Box

i. The Judiciary will put in place suggestion boxes in all court stations and branches at clearly accessible positions for use by both the employees and members of the public.
ii. Heads of station shall be responsible for management of the suggestion boxes and maintain a register.

I.12 Use of Official Password

Where data is of a confidential nature and electronically stored, officers to whom passwords are entrusted shall take personal precautions to keep them confidential and safeguarded. Sharing of such passwords is prohibited.
Section J

OCCUPATIONAL HEALTH, SAFETY AND WORK ENVIRONMENT
SECTION J

OCCUPATIONAL HEALTH, SAFETY AND WORK ENVIRONMENT

J.1. Principles of Occupational Health, Safety & Environment
J.2. Administration of Occupational Safety Health and Environment
J.3. Responsibility of Employees
J.4. Role of Occupational Safety and Health Committee
SECTION J
OCCUPATIONAL HEALTH, SAFETY AND WORK ENVIRONMENT

The Judiciary shall provide a safe and healthy work environment for its employees and customers. The objective of observing a healthy and safe work environment in the Judiciary is to reduce accidents, loss of property and medical bills while ensuring well being of employees and improved performance.

This section provides safety guidelines which are in accordance with the provisions of the Occupational Health and Safety Act. Each employee is expected to obey the safety rules and exercise caution at work. The CRJ shall be responsible for compliance of OSHA regulations.

J.1. Principles of Occupational Health, Safety & Environment

i. Commitment of the Judiciary and its employees to full implementation of the Occupational Health and Safety Act (OSHA);

ii. Cascading of Occupational Health, Safety and Environment Standards in all court stations;

iii. Development and implementation of procedures to minimize harm from occupational accidents;

iv. Constituting occupational, health and safety committees in Judiciary and compliance with OSHA regulations.

v. Collaboration with other bodies to implement best Occupational Health, Safety and Environment standards.

J.2. Administration of Occupational Safety Health and Environment

The CRJ has the overall responsibility for administering health and safety regulations in the Judiciary and will ensure that;

i. The Occupational Health and Safety Committee is established, with subcommittees in each station.

ii. The health and safety regulations are translated into effective actions at all levels;

iii. The Judiciary provides adequate financial and human resources to ensure that the health and safety regulations are implemented in an effective and efficient manner;
iv. Health, safety and environment information is communicated adequately to employees;
v. Provision of suitable venues and other facilities for holding Safety committee meetings;
vi. The safety committees are provided with:
   a. Information or reports of accidents, dangerous occurrences or incidents of occupational diseases immediately they occur;
   b. Safety statistics including accidents, dangerous occurrences and incidents;
   c. Necessary or relevant information on hazardous substances;
   d. Safety and health reference materials and facilities

J.3. Responsibility of Employees
a) Employees are required to be responsible and to take reasonable care of themselves, their colleagues and anyone else who their activities may affect.
   All employees shall be expected to:
   i. Adhere to the health and safety regulations, employing safe working practices and following set instructions/guidelines at all times.
   ii. Use tools, materials and equipment safely and in accordance with training and instructions;
   iii. Immediately report to immediate supervisors any risk, hazard or shortcomings that may affect health and safety at the workplace.
   iv. Work in accordance to the general safety procedures in the Judiciary.

J.4. Role of Occupational Safety and Health Committee
i. Establish a schedule of inspections of the workplaces for each calendar year;
ii. Conduct safety and health inspections at least once in every three months;
iii. Inspect, investigate and make recommendations to the CRJ immediately any accident or dangerous occurrence takes place;
iv. Identify occupational hazards and cases of ill-health among staff at the workplace and make appropriate recommendations to the CRJ;
v. Compile statistics of accidents, dangerous occurrences and cases of ill-health as primary data for providing remedial measures, planning and allocation of
vi. Investigate complaints relating to employees’ health, safety and welfare at the workplaces and make representations to the CRJ on their findings;

vii. Advise on the adequacy or otherwise of Occupational Health, and safety measures for a particular hazardous work or activities at the workplaces;

viii. Establish effective communication channels on matters of Occupational Health and Safety in the Judiciary;

ix. Conduct seminars and employees’ education programmes and provide information for safety, health and welfare at the workplaces;

x. Carry out any other functions necessary for the promotion of a safe and healthy working environment;

xi. Recommend the establishment and enforcement of general health and safety procedures within given Work Places;

xii. Development of Safe work procedures for the work places;

xiii. Invite persons with particular expertise to attend meetings for consultation, information, or advice;

xiv. Co-operate with other Units in the resolution of complaints raised by employees and the stakeholders;

xv. Co-operate with inspectors of the Directorate of Occupational Health and Safety Services who may be exercising their duties under the Occupational Safety and Health Act;

xvi. Organize such contests or activities necessary for achieving the fulfillment of the above mandate of the committee.
Section K

EMPLOYEE SEPARATION
SECTION K
EMPLOYEE SEPARATION

K.1. Retirement
K.1.1. Retirement on Medical Grounds
K.1.1.1. Procedure
K.1.2. Public Interest
K.1.3. Retirement on abolition/reorganization of office
K.2. Termination of Contract
K.3. Resignation
K.4. Termination of Probationary Appointment
K.5. Waiver of notice
K.6. Death
K.7. Dismissal
K.8. Clearance and return of the Judiciary’s property
K.9. Outstanding loan on exit
K.10. Employee’s responsibilities
K.11. Exit interview
K.12. Certificate of Service
K.13. Terminal Benefits
K.15. Judicial Service Superannuation Scheme
K.16. Vesting Period
SECTION K
EMPLOYEE SEPARATION

This section provides guidelines on various forms of exit from judicial service and outlines benefits payable. It describes the general categories of separation and procedures for disengaging with employees.

Employees may exit from the judicial service due to:
  i.  Resignation
  ii.  Retirements
       a. Upon attaining mandatory retirement age;
       b. Medical grounds
       c. Early retirement
       d. Public interest
       e. On abolition or reorganization of office
  iii.  Termination of contract
  iv.   Expiry of contract
  v.    Dismissal
  vi.   Death

K.1 Retirement

i.  The mandatory retirement age for Judiciary employees is as follows:
    - Seventy (70) years for Judges
    - Sixty (60) years for Judicial officers and staff, and
    - 65 years for the officers and staff with disability.

ii.  The employee who is due to retire shall be given twelve (12) months’ notice.

iii.  A Judge may elect to retire anytime after attaining the age of sixty five (65) years upon giving three (3) months notice to the CJ.

iv.   A Judicial officer or staff may elect to retire on attaining the age of fifty (50) years upon giving three (3) months notice to the CRJ.

v.    Retiring employees should utilise all their pending leave days before the actual retirement date.
vi. Employees retiring on attainment of the mandatory retirement age will be granted thirty (30) days terminal leave.

vii. Employees proceeding on retirement will be allowed to continue with medical benefit until the next renewal where they shall cease to enjoy the benefit.

**K.1.1. Retirement on Medical Grounds**

When an employee becomes unable to continue in service due to ill health, the Judiciary or the employee may initiate the process of retirement on grounds of ill-health.

**K.1.1.1 Procedure**

When an employee is being considered for retirement on medical grounds, they must have exhausted the provisions of sick leave as provided in this Manual.

i. An employee may retire from the Judiciary on the ground of ill health if:
   a. The Chief Justice, on advice from a medical board constituted by the Director of Medical Services, considers that the employee is incapable, by reason of any infirmity of body or mind, of discharging the functions of the office and therefore it is in the best interest of the employee to retire; or
   b. He/she requests to be retired on the grounds of ill-health and in this case, the Chief Justice shall initiate the process of retirement in accordance with this section.

ii. Where an employee is considered for retirement or has requested to be retired in accordance with subsection (i) above, the Chief Justice 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 Chief Justice who shall:
   (a) Request the employee to make any representation in view of the Medical Board’s proceedings and comments;
(b) Make recommendations in view of the medical board’s findings on the employee and the employee’s representation, if any; and

(c) Forward all the documents to the Judicial Service Commission for approval.

(iv) Unless the Judicial Service Commission 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 ill health.

(v) Where the employee being able to appear before the medical Board, refuses to appear, the Chief Justice shall forward the case with the relevant background information to the JSC and the Commission may make a decision including, if deemed appropriate, retiring the employee on grounds of ill health.

K.1.2 Public Interest

i. The CJ having considered a report in respect of an officer or staff and is of the opinion that it is desirable in the public interest that the service of the officer or staff be terminated on grounds which cannot be suitably dealt within any other provisions of this regulations, shall notify the officer or staff in writing specifying the reasons by which retirement is contemplated.

ii. If after giving the officer or staff an opportunity to show because why he/she should not be retired in public interest, the CJ is satisfied that the officer or staff should be retired in the public interest, the case shall be forwarded to the JSC for determination with full details including the officers or staff’s response.

K.1.3 Retirement On Abolition/Reorganization Of Office

Where an officer or staff is to be retired, either on the abolition or upon reorganization of office for better efficiency or economy, the officer or staff may be retired in accordance to the provisions of the Employment Act. Such action shall be approved by the JSC.

K.2. Termination of Contract

i. The notice period for termination of contract shall be one month or as otherwise directed by the Commission. 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.

K.3. Resignation

i. An officer or staff whether confirmed or on probation, may resign his/her appointment, by giving one (1) month notice or pay one month basic salary in lieu of such notice.

ii. Resignation letters/notices for judicial officers shall be handed over to the CJ while judicial staff shall hand over to CRJ.

iii. On resignation, an officer or staff shall be required to refund any outstanding liabilities to the Judiciary. If any liabilities are outstanding, the matter will be referred to the Attorney General for legal redress.

iv. An officer or staff whose terminal benefits are determined under the Pensions Act will not be eligible for pension or gratuity on leaving the service.

v. An officer or staff whose terminal benefits are determined under the Judicial Service Superannuation scheme will on resignation be eligible for terminal benefits as provided under the Retirement Benefits Act.

K.4. Termination of Probationary Appointment

The employment of an officer or staff serving on probationary terms may be terminated in accordance with the provisions of the Judicial Service Act.

K.5. Waiver of notice

Where an officer or staff gives notice for termination of employment, the Commission may waive the whole or any part of the notice and shall pay to the officer or staff remuneration equivalent to the period of notice served by the employee as the case may be.

K.6. Death

i. In the event of death of an employee of the Judiciary occurring while in service:
a. The immediate supervisor shall report the death to the CRJ within twenty four (24) hours.

b. The Judiciary shall provide a coffin and transport the body to the place of burial from the subscription paid to the insurance provider and meet the cost of placing one obituary in a newspaper that has a wide circulation.

c. In case an employee dies outside Kenya while on official duty, the Judiciary shall make necessary arrangements to bring the remains of the deceased back into the country and meet the expenses so incurred. This will be done in liaison with the next of kin.

d. Judiciary shall provide transport to a maximum of 30 employees to attend the funeral of the deceased employee. Such employees shall not be entitled to per diem.

Any terminal benefits, including gratuity where applicable, will be paid to the estate of the deceased or next of kin as provided in the employee’s records on production of the relevant legal administrative documents. Such payments shall be subject to applicable deductions.

ii. In the event of death of a nuclear family member, the Judiciary shall provide a coffin and transport the body to the place of burial from the subscription paid to the insurance provider.

K.7. Dismissal

The JSC 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 as detailed in this manual.

K.8. Clearance and return of the Judiciary’s property

A separation procedure shall be established to ensure that all Judiciary property, files and information are returned to the designated officer or staff and ensure appropriate hand-over. The process of clearance will commence with the Director, Human Resources and Administration notifying all respective heads of departments, court stations and units of the impending exit and issuing a clearance form to the exiting employee. The last salary shall be withheld until clearance is complete.
K. 9. Outstanding loan on exit

An employee leaving employment before fully repaying facilities obtained under the Judiciary Staff Mortgage and Car Loan Scheme shall be allowed to continue repaying the loans at the concessionary interest rate for a maximum period of twelve (12) months after which the facility reverts to market rates.

K.10 Employee’s responsibilities

Upon resignation and prior to final departure, the employee will be expected to prepare a comprehensive handover report and honour all other obligations including payment of debts owed to the Judiciary and submit a duly filled wealth declaration form.

K.11 Exit interview

The Director, Human Resources and Administration will conduct an exit interview. Information discussed at the exit interview will be kept confidential. The employee will submit a duly filled exit interview form.

K.12 Certificate of Service

The Judiciary will issue a certificate of service to employees who exit from the service of the Judiciary. The certificate shall state dates of commencement of employment, termination, position held and any other relevant information.

K.13. Terminal Benefits

i. Where applicable, an employee who is pensionable, and has completed ten (10) years in service, shall be eligible for pension. If the employee has served for less than 10 years, they will be eligible for service gratuity. All other judicial officers or staff terminal benefits will be paid in accordance to the provisions of the Retirement Benefits Act and any other legislation dealing with terminal benefits including NSSF Act, WCPs Act, and PSSS Act.

ii. Retirement benefits may be determined by the Commission from time to time.

i. A retiring employee shall be required to complete the pension and gratuity claim forms and submit them to the Human Resource Directorate. The Directorate will make the necessary calculation based on the particulars given in the claim forms and forward to the pensions department or the Judicial Service Superannuation Scheme (JSSS) Administrators, whichever is applicable.

ii. For benefits under the NSSF Act, the employee will be required to visit an NSSF office to lodge a claim.

K.15. Judicial Service Superannuation Scheme

i. The Judiciary has established a contributory pension scheme for employees.

ii. The contributory pension scheme will be portable. Portability refers to employees’ right to transfer pension benefit credit from one employer to another.

iii. The rates of contribution of the scheme will be as may be determined from time to time by the Commission.

K.16. Vesting Period

The JSSS is flexible and provides for vesting of officers/staff benefits effective the date of commencement of the contribution or as shall be guided by the Trust Deeds in line of the provisions of the Retirement Benefits Act.
Section L

HOUSING AND OFFICE FACILITIES
SECTION L
HOUSING AND OFFICE FACILITIES

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SECTION L
HOUSING AND OFFICE FACILITIES
Judiciary will provide residential housing to the CJ and the DCJ. Judges, Judicial Officers and Staff will be provided residential houses at their duty stations if available.

The Judiciary shall provide the requisite facilities and equipment for the efficient delivery of service. It is the responsibility of every employee to ensure proper use and care of facilities and equipment.

Any employee proceeding on transfer will only be provided a release letter after handing over the station’s equipment and facility in their possession.

Employees not on active duty shall surrender the facilities and equipment until they resume duty.

L.1 Accommodation
i. Judiciary will provide official housing for the Chief Justice, the Deputy Chief Justice.
ii. The two officers mentioned above will be required to stay in the allocated premises. However, they may decide to reside in their own premises with the approval of the JSC. Where this approval is granted the Judiciary shall not mount any installations in the private residential premises.
iii. The Judiciary shall be responsible for maintenance of the official residential premises.
iv. The Judiciary will not be responsible for repairs and maintenance of own residential premises.

L.2 Judiciary Employees occupying Government Quarters
Where Judges, Judicial Officers and staff have been allocated Government quarters, they will be subject to the rules and regulations governing government houses.

L.3 Surcharge for wanton damage.
i. If it is established that any Judiciary property or government quarters allocated to an employee has been damaged or that the occupier has neglected to take
reasonable care of the property or to maintain the grounds in a satisfactory state, the employee will be liable to surcharge for the cost of restoration.

ii. An employee who considers that the condition of the quarters allocated to them is in disrepair shall report the matter to the designated officer.

L.4 Retention of Official quarters
Official quarters may be retained by the judicial officers for as long as they remain on duty. This includes any period of annual leave or sick/convalescent leave, provided that adequate arrangements are made for the quarters to be maintained.

L.5 Vacation of official quarters
i. Employees leaving the service of the judiciary may retain their quarters for a maximum period of 3 months upon separation.

ii. The employee vacating official quarters shall hand over the keys to the designated person after inspection has been conducted by an approved entity.

L.6 Utilities
The Chief Justice, Deputy Chief Justice, Chief Registrar and Judges will be reimbursed the cost of electricity, water and telephone subject to approved limits.

L.7 Electronic and other office Equipment
i. The Directorate of ICT will be responsible for the maintenance and provision of specifications all ICT equipment.

ii. All ICT equipment shall be recorded in a register maintained by the Directorate of Supply Chain Management.

iii. All employees will be responsible for prudent utilization and safety of Judiciary equipment and facilities.

iv. An employee found misappropriating or misusing office equipment will be subject to disciplinary action.

L.8. Furniture and Fittings
i. The responsibility of proper usage of Judiciary furniture and fittings shall be the head of functional units.

ii. Requests for furniture and fittings shall be channeled through the head
functional units.

iii. Furniture and other office equipment will be recorded and kept in the inventory control file to be maintained by head of functional units and a copy sent to Supply Chain Management Directorate.

iv. Any loss or damage to furniture and fittings should be reported immediately to the head of functional unit in writing.

v. An employee who has been transferred shall not move with any furniture or equipment.

vi. The Judiciary shall not furnish any private residential houses.
Section M
TRANSPORT
AND
TRAVEL
SECTION M

TRANSPORT AND TRAVEL

M.1 Access to pool vehicles
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SECTION M

TRANSPORT AND TRAVEL

The Judiciary shall facilitate the movement of its employees on official duty in a manner that is cost effective.

M.1 Access to pool vehicles
Judicial officer and staff will have access to the use of pool vehicles for official duties. Where an official vehicle is not available, the employee may use public vehicles or their own private car whichever is economical and claim mileage at JSC approved rates. All judiciary vehicles shall only be driven by official drivers or designated officers.

M.2 Travelling by Employee’s own car
i. An officer travelling outside the normal duty station on official duty may in instances where there is no official vehicle utilize a person vehicle with the prior permission of the CRJ. Permission will be granted where the use of own motor vehicle is economical and in the interest of the Judiciary.
ii. Where such permission is granted, the employee shall claim reimbursement based on approved prevailing rates.
iii. Judicial officers and staff travelling in same direction will as much as possible use one vehicle.

M.3. Travel by Air
i. Travel by air while on duty within Kenya and outside the country will require the prior approval of the CRJ. In case of local travel, air transport may be approved only if other modes of transport are unavailable or air travel is economical or where the saving of time is paramount.
ii. Travelling expenses incurred from airport of disembarkation to a hotel or other residential place and vice versa, will be refunded on production of receipt and any other supporting documents.
iii. Air bookings for employees on official foreign trips shall be arranged as follows:

   a) Commissioners, Chief Justice, Deputy Chief Justice and Chief Registrar will travel Business Class or as shall be advised by government from time to time.
   
   b) Judges travelling to destinations above four (4) hours will be booked in Business Class. For local travels and destinations within four hours, they will be booked in Economy Class or as approved by the CJ.
   
   c) Chief Magistrates, Registrars and Directors will be booked in Business Class for flights beyond 8 hours.
   
   d) All other staff shall travel in Economy Class.

iv. All local air travel shall be by Economy Class except for Commissioners, CJ, DCJ and CRJ.

v. Procurement of all air tickets shall be subject to procurement process. Any costs arising from changes initiated by the employee for their convenience shall be borne by the employee.

vi. Where Judiciary conducts planned activities, air tickets should be booked in advance.

vii. An employee travelling by air shall not be granted any luggage allowance, in addition to the free allowance on the air ticket unless excess is required for official purposes. An employee travelling locally by air for field assignments should liaise with field unit heads for provision of a vehicle and should not make any arrangements for a driver to follow by road. Where there are no field unit heads, the employee will be paid an accountable amount for airport transfer using the most convenient and cost effective means.

viii. For proper planning and a cost cutting measures all local flight booking shall be done at least two weeks before travel. Any cost associated with variation of date/time will be charged to the employee except when such variations have been approved by CRJ in writing.

ix. International flight bookings shall be done at least two months before the date of travel, any cancelation of ticket of change dates/time of travel will be charged to the officer/staff except when such variation has been approved by CRJ in writing.
M.4. Travelling On Retirement

On retirement, an employee will be provided with transport to his/her home in Kenya provided such transport is claimed and taken within two months of his/her cessation of duty. This privilege will not apply to an employee who resigns his/her appointment or who is dismissed from the service.

M.5. Judiciary Vehicle Register

A register of all Judiciary vehicles, Water Vessels, Planes, motor cycles and other transport facilities will be maintained by the Director Human Resources & Administration. The register will include but not limited to the following particulars:

i. Description of vehicle
ii. Chassis number
iii. Engine number
iv. Registration number
v. The date the facility is put into service
vi. To whom allocated
vii. The date of disposal of the facility where applicable.

M.6. Log Books

a. A log book register shall be maintained to provide an operating record until the time of disposal of the asset.

i. The Director of Human Resource and Administration shall ensure safe keeping of all log-books.

ii. Employees responsible for the assets must inspect them and sign the log-book registers regularly.

iii. Any damage or defect noticed during the inspection shall be recorded in the record book and reported to the CRJ.

b. Entries in the log book register will include the following information:-

i. Type and description of facility
ii. Make
iii. Chassis and engine number
iv. Engine capacity
v. Registration
vi. To whom Facility is allocated
vii. Brief description of any modification carried out subsequent to purchase
viii. Details of repairs (other than minor adjustments)
ix. Monthly progressive mileage totals with average oil and petrol consumption per kilometre or running hours
x. An inventory of tools and equipment issued to the facility.
xi. Number and description of all tyres (where applicable) issued to the facility including replacements
xii. Record of inspections and oil changes
xiii. Fuel, oil and mileage log
xiv. Particulars of transfers between stations.

M.7. Ignition Keys
The keys of all Judiciary vehicles (in the common pool) and any other transport facility must be handed to the Transport Officer or the officer-in-charge of the assets after office hours.

M.8. Driving of Judiciary vehicle
i. A Judiciary vehicle in the common pool shall not be driven by an officer/staff other than the established official driver except in exceptional circumstances and with the written authority of the Chief Registrar. An officer or staff who fails to produce such written authority, in addition to the driving licence will be subject to severe disciplinary action.

ii. Drivers of Judiciary vehicles must at all time set the highest standard of road conduct and shall also not smoke or engage in conversation or use mobile phones whilst driving. They must also ensure that the vehicle is kept clean.

iii. An officer or staff authorising the use of a Judiciary vehicle by a driver who does not possess a valid driving licence will be responsible for any loss or damage.

iv. Judges will be allocated police drivers. Any exception to this rule shall be approved by the CJ.
M.9. Motor Vehicle Work Ticket
The use of a duly signed work ticket for a Judiciary vehicle is compulsory. Any driver of a Judiciary Vehicle (or any officer or staff for the time being authorised to drive such a vehicle) found operating without a work ticket properly authorising a journey in question, or found deviating from the route authorised, or found carrying unauthorised passengers or goods, will be subject to disciplinary action.

M.10. Speed Limits
Drivers of Judicial vehicles must at all times observe the statutory speed limits.

M.11. Use Of Judicial Vehicles
i. Judiciary vehicles in the common pool are intended for official purposes and must not be used for private purposes such as business or pleasure. It is the responsibility of CRJ and designated officers to ensure that the vehicle is properly used.

ii. An employee will be surcharged for improper use of a Judiciary vehicle and may be liable to any other disciplinary action.

iii. No Judiciary vehicle in the common pool shall be on the road unless it is properly authorised for official business. In particular, no such vehicle shall be out on the road after office hours (that is 5.00 p.m.) unless it is authorised to carry out an emergency or essential service. In such a case the authority for the vehicle to be out will be given in writing by the Chief Registrar or officer-in-charge of transport or station where the vehicle is assigned.

iv. Judicial Officers or staff is expected to use pool transport when travelling to the same destination.

v. In order to facilitate proper monitoring of the use of Judiciary vehicles, officer or staff in charge of transport must submit monthly returns on all vehicles under their charge to the Chief Registrar, specifying the following information for each vehicle:-
   a) Vehicle particulars
   b) Distance travelled during the month
   c) Amount of fuel consumed
   d) Details and cost of all repairs
   e) Details of grounded vehicles and reasons
f) Any other relevant remarks.

**M.12. Vehicle Check Unit**
The Government Vehicle Check Unit may stop and check any Judiciary vehicle and prefer charges (where appropriate) against the driver or employee authorized to drive.

**M.13. Management of Parking Space**

**M.13.1. Parking Space**

- i. Overnight parking for private vehicles in Judiciary premises will not be allowed without prior arrangement with the officer or staff responsible for the facility.
- ii. Employees will be issued with parking stickers where necessary to access parking facilities in their respective work stations.
- iii. GOK vehicles will access parking in all Judiciary premises.
- iv. Any other entities associated with Judiciary may be allowed to access the parking subject to approval by the CRJ.
Section N
RECORDS MANAGEMENT
SECTION N
RECORDS MANAGEMENT

N.1 Types of Records
N.2 Objectives of Record Management
N.3 Record Management Guidelines
N.4 Tampering with records
N.5 Control of Records
N.6 Accountable documents
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SECTION N
RECORDS MANAGEMENT

The Judiciary recognizes the legal and regulatory requirements for effective record management and is committed to embracing good standards and practice. All employees are responsible for record keeping and must exercise a high degree of care and continuous responsibility in handling records. All records irrespective of format created, stored or received by employees in the course of their duties are the property of the Judiciary.

N.1 Types of Records
A record can be physical or electronic. These include but are not limited to the following;

- Electronic documents
- Hard copy documents
- Paper files
- Electronic messaging
- Photographs
- Web content
- Models, plans and architectural drawings

N.2 Objectives of Record Management
Records created in the Judiciary must be complete and accurate to the extent necessary to;

- Enable current and future Judiciary Staff to take appropriate action and make well informed decisions in their day to day operations
- Enable an authorized person to examine the conduct of Judiciary business
- Protect the financial, legal and other rights of the Judiciary
- Protect people affected by the Judiciary’s actions and decisions.

N.3 Record Management Guidelines
i. Heads of Unit/ stations/ Divisions and Directorates are responsible for ensuring that accurate and up to date records are maintained.

ii. Each unit shall establish functional registries to handle all correspondences and records.

iii. For ease of tracking, accountability and safety of records, it is a requirement that all functional units maintain a record movement register where all records
received and dispatched shall be recorded.

iv. Heads of units shall ensure that employees on transfer hand over all records in their possession before being cleared for transfer.

v. Failure by an employee to handover records will lead to disciplinary action.

N.4. Tampering with records
Any employee who makes a false entry in records or tampers shall be liable for disciplinary action.

N.5 Control of Records
The control of records shall be the responsibility of the head of the functional unit. Use of Judiciary records for unauthorized purposes will lead to disciplinary action. 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. The records must be kept in a manner which can be readily identifiable, retrieved and legible.

N.6 Accountable documents
Custody of accountable documents shall be the responsibility of the CRJ or designated officers. Designated officers must ensure that leases, title deeds and contracts are forwarded to the CRJ for safe custody.

N.7 Classified documents
The government of Kenya security manual contains instructions regarding classified documents. The appropriate classification should be clearly marked at the top and bottom of every page of all classified documents.
Section O

EMPLOYEE WELFARE
SECTION O
EMPLOYEE WELFARE

O.1 HIV and AIDS at the work place
O.2. Guidance and Counseling
O.3. Drug and Substance Abuse
O.4. House Purchase Scheme
O.5 Vehicle Purchase Scheme
O.6 Social Club
O.7. Newspapers
O.8 Compensation in case of Injury or Death
O.9. Medical Insurance Scheme
O.8.1. Medical Treatment outside Kenya
SECTION O
EMPLOYEE WELFARE

This Section provides guidelines and standards relating to health and wellness of Judiciary employees at the work place.

O.1 HIV and AIDS at the work place
HIV and AIDS is a major challenge facing employees in and out of the office. It poses a big threat to the employee, the family and the employer. It is in cognizance of this that the Judiciary shall put in place care and support mechanisms for the infected and affected employees to enable them remain productive. The National Policy on HIV and AIDS will guide the support mechanism.

O.2. Guidance and Counseling
The Judiciary appreciates that its employees work under very stressful and demanding conditions. The Judiciary shall therefore set up systems where its employees shall access counselling and debriefing services.

O. 3. Drug and Substance Abuse
The use, sale, manufacturing, dispensing or possession of controlled substances, and illicit drugs is prohibited. Alcohol abuse is not tolerated in the Judiciary.

O.4. House Purchase Scheme
The Judiciary has established a mortgage scheme aimed at equitably supporting its employees to purchase or construct a residential house. Employees are eligible to benefit from the scheme in accordance with their terms and conditions of service. The Chief Registrar of the Judiciary manages the scheme.

0.5 Vehicle Purchase Scheme
The Judiciary has established a car loan scheme aimed at equitably supporting its officers and staff to purchase personal car. Employees are eligible to benefit from the scheme in accordance with their terms and conditions of service. The Chief Registrar of the Judiciary manages the scheme.
0.6 Social Club
i. The Judiciary is committed to providing a conducive work environment through programmes that will enhance work life balance, where employees can engage socially, exercise their leadership skills, acquire team skills and develop healthy lifestyles through recreational activities such as sports and fitness.

ii. The Judiciary will endeavour to establish recreational facilities for its employees.

0.7 Newspapers.
Newspapers will be provided to employees in PLS 13 or M1 and above. However they will be restricted to two (2) newspapers per day. This restriction does not apply to the OCJ, DCJ, Judges and CRJ.

0.8. Compensation in case of Injury or Death
i. The Work Injury Benefits Act (WIBA) provides for compensation for accidents and occupational diseases rising out of and in the course of an officer’s employment. In this regard, the Judiciary shall procure Group Personal Accident (GPA) and Group Life Assurance (GLA) schemes which shall be administered by an approved Service provider.

ii. The scale of compensation for each scheme shall be as set by the Salaries and Remuneration Commission.

0.9. Medical Insurance Scheme
i. The Judiciary will provide a comprehensive medical cover for all its employees at public hospitals and specified private hospitals through a medical insurance scheme.

ii. The scheme will cover the employee, spouse and up to four (4) dependent children under the age of twenty five (25) years of age.

iii. Limits for both inpatient and outpatient services as set from negotiations with the insurance service provider. In the event that an employee exceeds the limits, the Judiciary may pay upto a maximum of Ksh 500,000 from the Ex-gratia Fund subject to availability of funds.

iv. The ex-gratia funds shall be managed by the Chief Registrar of the Judiciary.
O.10. Medical Treatment outside Kenya

i. Employees are advised to utilize locally available medical services before seeking medical treatment abroad.

ii. An employee will not be considered for medical treatment abroad except where it is confirmed by a certified medical practitioner that such specialized services are unavailable within the country.

iii. Where authority is granted for medical treatment abroad, the costs of the treatment shall be made in accordance with the provisions of the medical insurance cover.
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