

**REPUBLIC OF KENYA**



**COUNTY GOVERNMENT OF BUNGOMA**



**COUNTY PUBLIC SERVICE BOARD**

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**CODE OF CONDUCT AND ETHICS FOR  
PUBLIC OFFICERS IN THE COUNTY  
GOVERNMENT OF BUNGOMA**

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**AUGUST, 2020**

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## ACRONYMS

CPSB	-	COUNTY PUBLIC SERVICE BOARD
EACC	-	ETHICS AND ANTI-CORRUPTION COMMISSION
DHHR	-	DEPARTMENTAL HEAD OF HUMAN RESOURCES
DHR	-	DEPARTMENT OF HUMAN RESOURCES
LIA	-	LEADERSHIP AND INTERGRITY ACT
POEA	-	PUBLIC OFFICERS ETHICS ACT
THE BOARD	-	BUNGOMA COUNTY PUBLIC SERVICE BOARD
THE COMMISSION	-	ETHICS AND ANTI-CORRUPTION COMMISSION

## 2. PREFACE

The Bungoma County Public Service Board (the Board) is a Board established in accordance with Article 235 of the Kenyan Constitution (CoK) 2010. Article 235 contains the provision for the staffing of county governments and in accordance to this law, every county should have its own public service, which primarily handles the county's human resource management.

The objectives and purpose as per Article 235 stipulates that the county government is responsible for-

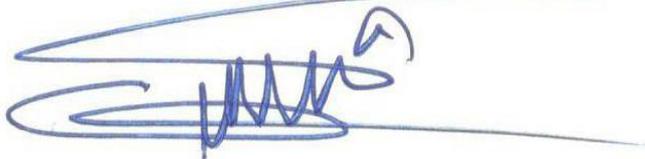
- i. Establishing and abolishing offices in its public service;
- ii. Appointing persons to hold or act in those offices, and confirming appointments; and
- iii. Exercising disciplinary control over and removing persons holding or acting in those offices.

The County Governments Act further provides the framework of uniform norms and standards for staffing for county governments.

The Board is proud of its organization and the services it delivers to the public officers and citizens of Bungoma County. It recognizes that it is only through the commitment and effort of each Public Officer in its workforce that the excellent quality of these services is achieved and public trust is maintained.

All Public Officers are expected to be aware of and comply with this Code of Conduct and Ethics. The Code clarifies the Board's expectations of its officers and re-affirms our commitment to caring for our need and maintaining fiscal responsibility on behalf of the public and our Public Officers. It provides a guide for consistent behavior in delivering of services.

All Public Officers are therefore expected to observe and demonstrate highest standard of behavior as a commitment to the Code of Conduct and Ethics.



**MAKATA S. JOSEPH**  
**SECRETARY/ CHIEF EXECUTIVE OFFICER**  
**BUNGOMA COUNTY PUBLIC SERVICE BOARD**

### **3 PREAMBLE**

The Constitution of Kenya, 2010 establishes the County government for each county and sets out their functions in part two of the Fourth Schedule. The County Governments Act, 2012 establishes a public service in the county to enable and ensure expedient discharge of county government functions to the people. Further the Act establishes the County Public Service Board which is the body empowered to recruit and employ people within the county public service. Specifically, the County Governments Act, 2012 states that:

‘The County Public Service Board shall regulate the engagement of persons on permanent and pensionable terms, contract, volunteer and casual workers, staff of joint ventures and attachment of interns in its public bodies and offices.’

Subsequently, the County Government of Bungoma through the Bungoma County Public Service Board is committed to ensuring transparency, merit, diversity and equality among others while engaging persons. Further, the County government will strive to provide its employees with a working environment that is fair, consistent, caring and supportive of professional and individual growth.

Against this backdrop, this code of conduct and Ethics has been developed pursuant to the provisions of the Leadership and Integrity Act (LIA) 2012, further to the provisions of the Public Officer Ethics Act (POEA) 2003. The Code is to be observed by and binding upon Public Officers in the County Executive. The Code is intended to establish standards of integrity and ethical conduct in the leadership and management of public affairs of the County Executive by ensuring that the Public Officers respect the values, principles and provisions of the Constitution and other applicable laws or policies on the standards of conduct and performance expected of holders of public office in the discharge of their duties.

#### **4 OBJECTIVES**

The objectives and functions of the County Public Service Board is to:

- a) establish and abolish offices in the county public service;
- b) appoint persons to hold or act in offices of the county public service including in the Boards of cities and urban areas within the county and to confirm appointments;
- c) exercise disciplinary control over, and remove, persons holding or acting in those offices as provided for under this Part;
- d) prepare regular reports for submission to the county assembly on the execution of the functions of the Board;
- e) promote in the county public service the values and principles referred to in Articles 10 and 232;
- f) facilitate the development of coherent, integrated human resource planning and budgeting for personnel emoluments in counties;
- g) advise the county government on human resource management and development;
- h) advise county government on implementation and monitoring of the national performance management system in counties; and
- i) Carry out any other activities relevant to its principal mandates.

#### **5 VISION**

Quality public workforce for the county.

#### **6 MISSION**

To provide globally competitive workforce to all departments in the county

#### **7 CORE VALUES**

- i. Integrity
- ii. Professionalism
- iii. Impartiality
- iv. Efficiency
- v. Social responsibility
- vi. Progressiveness
- vii. Accountability and transparency
- viii. Creativity and Innovation

## **8 PART I - PRELIMINARY**

This Code may be cited as the Code of Conduct and Ethics for Public Officers in the Bungoma County Public Service Board.

## **9 PART II - COMPLIANCE WITH THE PUBLIC OFFICER ETHICS ACT, 2003 AND LEADERSHIP AND INTEGRITY ACT, 2012**

A Public Officer shall comply with all the requirements of the Public Officer Ethics Act 2003 and provisions of the General Leadership and Integrity Code under Part II of Leadership and Integrity Act 2012 (“the Act”).

### **9.1 Conduct of Public Officers in the Service of the County Government of Bungoma**

A public officer shall conduct themselves both in public and in their private life in a manner that does not bring the Service into disrepute.

### **9.2 Leadership and Integrity**

A public officer appointed to a public office will be required to demonstrate respect for the people; bring honour to the service and dignity to the office; and promote public confidence and integrity, as stipulated in Chapter Six of the Constitution of Kenya (2010).

### **9.3 Independence and Impartiality**

A Public Officer shall be independent and impartial and act in a fair manner that avoids creating appearance or apprehension of bias: they shall not be influenced by self-interest, outside pressure, political party or fear of criticism in the discharge of their duties and responsibilities.

### **9.4 Competence**

A public officer in discharging their duties and responsibilities, shall ensure the highest levels of efficiency and efficacy under guarded by the highest standards of professionalism based on continuous improvement of knowledge, skills and attitudes.

## **10 GENERAL CODE**

- i. This Part prescribes a general Leadership and Integrity Code for public Officers;
- ii. The provisions of Chapter Six of the Constitution shall form part of this Code;
- iii. Unless otherwise provided in the Leadership and Integrity Act, 2012 the provisions of the Public Officer Ethics Act (No. 4 of 2003) shall form part of this Code.

- iv. If any provisions of the Leadership and Integrity Act, 2012 is in conflict with the Public Officer Ethics Act, 2003, the Leadership and Integrity Act, 2012 shall prevail.

## **11 RULE OF LAW**

- i. A Public Officer shall respect and abide by the Constitution and the law.
- ii. A Public Officer shall carry out their duties of the office in accordance with the law.
- iii. In carrying out their duties, a Public Officer shall not violate the rights and fundamental freedoms of any person unless otherwise expressly provided for in the law and in accordance with Article 24 of the Constitution.

## **12 PUBLIC TRUST**

A Public Office is a position of public trust and the authority and responsibility vested in a Public Officer shall be exercised by the public officer in the best interest of the people of Kenya.

## **13 RESPONSIBILITY AND DUTIES**

Subject to the Constitution and any other law, a Public Officer shall take personal responsibility for the reasonably foreseeable consequences of any actions or omissions arising from the discharge of the duties of the office.

## **14 PERFORMANCE OF DUTIES**

A Public Officer shall, to the best of their ability:

- i. Carry out the duties of the office efficiently and honestly.
- ii. Carry out the duties in a transparent and accountable manner.
- iii. Keep accurate records and documents relating to the functions of the office.
- iv. Report truthfully on all matters of the County Government.

## **15 PROFESSIONALISM**

A Public Officer shall:-

- i. Carry out their duties in a manner that maintains public confidence in the integrity of the office.
- ii. Treats members of the public and other Public Officers with courtesy and respect.
- iii. Not discriminate against any person, except as is expressly provided by the law.
- iv. To the extent appropriate to the office, maintain high standards of performance and level of professionalism in within the County Government.

- v. If the public officer is a member of a professional body, observe and subscribe to the ethical and professional requirements of that body in so far as the requirements do not contravene the constitution or the Leadership and Integrity Act, 2012.
- vi. Observe official working hours and not be absent without proper authorization or reasonable cause.
- vii. Maintain an appropriate standard of dress and personal hygiene.
- viii. Discharge any professional responsibilities in a professional manner.

## **16 FINANCIAL INTEGRITY**

- i. A Public Officer shall not use the office to unlawfully or wrongfully enrich himself or herself or any other person.
- ii. Subject to Article 76(2) (b) of the Constitution, a Public Officer shall not accept a personal loan or benefit which may compromise him or her in carrying out the duties.

## **17 MORAL AND ETHICAL REQUIREMENTS**

- i. For the purposes of Articles 99 (1)(b) and 193(1)(b) of the Constitution, a Public Officer shall observe and maintain the following ethical and moral requirements:
  - a) Demonstrate honesty in the conduct of public affairs subject to the Public Officer Ethics Act (No. 4 of 2003).
  - b) Not to engage in activities that amount to abuse of office.
  - c) Accurately and honestly represent information to the public.
  - d) Not engage in wrongful conduct in furtherance of personal benefit.
  - e) Not misuse public resources.
  - f) Not discriminate against any person, except as expressly provided for under the law.
  - g) Not falsify any records.
  - h) Not engage in actions which would lead to the public Officer's removal from the membership of a professional body in accordance with the law.
- ii. Not commit offences and in particular, any of the offences under Parts XV and XVI of the Penal Code (Cap 63), the Sexual Offences Act (No. 3 of 2006), the Counter-Trafficking in Persons Act (No.8 of 2010), and the Children Act (No. 8 of 2001).

## **18 GIFTS OR BENEFITS IN KIND**

- i. A gift or donation given to a Public Officer on a public or official occasion shall be treated as a gift or donation to the state.
- ii. Notwithstanding subsection (i), a Public Officer may receive a gift given to them in an official capacity, provided that:-
  - a) The gift is within the ordinary bounds of propriety, a usual expression of courtesy or protocol and within the ordinary standards of hospitality;
  - b) The gift is not monetary; and
  - c) The gift does not exceed such value as may be prescribed by the Commission in the regulations.
- iii. Without limiting the generality of subsection (ii), a Public Officer shall not:-
  - a) Accept or solicit gifts, hospitality or other benefits from a person who:-
    - Has an interest that may be achieved by the carrying out or not carrying out of the Public's Officer's duties;
    - Carries on regulated activities with respect to which the Public officer's organization has a role; and
    - Has a contractual or legal relationship with the Public officer's organization.
  - b) Accept gifts or jewellery or other gifts comprising of precious metal or stones, ivory or any other animal part protected under the Convention on International Trade in Endangered Species of Wild Fauna and Flora; or
  - c) Any other type of gift specified by the Commission in the regulations.
- iv. A Public Officer shall not receive a gift which is given with the intention of compromising the integrity, objectivity or impartiality of the Public Officer.
- v. Subject to subsection (ii), a Public Officer who receives a gift or donation shall declare the gift or donation to the Commission and the public entity which the public officer represents.
- vi. The public entity shall keep a register of:-
  - a) Gifts received by a public Officer serving in the public entity; and
  - b) Gifts given by the public entity to other Public Officers.

## **19 WRONGFUL OR UNLAWFUL ACQUISITION OF PROPERTY**

A Public Officer shall not use the office to wrongfully or unlawfully influence the acquisition of property.

## **20 CONFLICT OF INTEREST**

- i. A Public Officer shall use their best efforts to avoid being in a situation where personal interests conflict or appear to conflict with their official duties.

- ii. Without limiting the generality of subsection (i) above, a Public Officer shall not hold shares or have any other interest in a corporation, partnership or other body, directly or through another person, if holding those shares or having that interest would result in a conflict of the Public Officer's personal interests and their official duties.
- iii. A Public Officer whose personal interests' conflict with their official duties shall declare the personal interests to the public entity he or she represents or the Commission.
- iv. The Commission or the public entity may give direction on the appropriate action to be taken by the Public Officer to avoid the conflict of interest and the Public Officer shall:-
  - a) Comply with the directions; and
  - b) Refrain from participating in any deliberations with respect to the matter.
- v. Notwithstanding any directions to the contrary under subsection (iv), a Public Officer shall not award or influence the award of a contract to:-
  - a) Himself or herself;
  - b) The public officer's spouse or child;
  - c) a business associate or agent; or
  - d) a corporation, private company, partnership, persons or other body in which the officer has a substantial or controlling interest.
- vi. In this section, "personal interest" includes the interest of a spouse, child, business associate or agent or any other matter in which the Public Officer has a direct or indirect pecuniary or non-pecuniary interest.
- vii. Where a Public Officer is present at a meeting, where an issue which is likely to result in a conflict of interest is to be discussed, the Public Officer shall declare the interest at the beginning of the meeting or before the issue is deliberated upon.
- viii. A declaration of a conflict of interest under subsection (vii) shall be recorded in the minutes of that meeting.
- ix. Every public entity shall maintain an open register of conflicts of interest in the prescribed form in which an affected Public Officer or such other person shall

register the particulars of registrable interests, stating the nature and extent of the conflict.

- x. For purposes of subsection (ix), the registrable interests include the interests set out in the Second Schedule.
- xi. A public entity shall keep the register of conflicts of interest for five years after the last entry in each volume of the register.
- xii. It shall be the responsibility of the Public Officer to ensure that an entry of registrable interests under subsection (ix) is updated and to notify the public entity or the Commission of any changes in the registrable interests, within one month of each change occurring.

## **21 PARTICIPATION IN TENDERS**

A Public Officer shall not participate in a tender for the supply of goods or services to the County Government, but the holding of shares by a Public Officer in a company shall not be construed as participating in the tender unless the Public officer has a controlling shareholding in the company.

## **22 PUBLIC COLLECTIONS**

- i. A Public Officer shall not :-
  - a. Use their office or place of work as a venue for soliciting or collecting for harambees; or
  - b. Either as a collector or promoter of a public collection, obtain money or other property from a person by using his official position in any way to exert pressure.
- ii. In this section, "collection", "collector" and "promoter" have the same meaning as in section 2 of the Public Collections Act.
- iii. A public officer shall not solicit for contributions from the public for a public purpose unless the president has, by notice in the Gazette, declared a national disaster and allowed a public collection for the purpose of the national disaster in accordance with the law.
- iv. A public officer shall not participate in a public collection of funds in a way that reflects adversely on the public officer's integrity, impartiality or interferes with the performance of their duties.

## **23 BANK ACCOUNTS OUTSIDE KENYA**

- i. Subject to Article 76(2) of the Constitution or any other written law, a Public Officer shall not open or continue to operate a bank account outside Kenya without the approval of the Commission.
- ii. A Public Officer who has reasonable grounds for opening or operating a bank account outside Kenya shall apply to the EACC for approval to open or operate a bank account.
- iii. A Public Officer who operates or controls the operation of a bank account outside Kenya shall submit statements of the account annually to the EACC and shall authorize the EACC to verify the statements and any other relevant information from the foreign financial institution in which the account is held.
- iv. Subject to subsections (i) and (ii), upon the commencement of this Code, a serving Public Officer who operates a bank account outside Kenya shall close the account within six months or such other period as the EACC may, by notice in the *Gazette*, prescribe.
- v. Without prejudice to the foregoing provisions of this section, a Public Officer who fails to declare operation or control of a bank account outside Kenya commits an offence and shall, upon conviction, be liable to imprisonment for a term not exceeding five years, or a fine not exceeding five million shillings, or both.

## **24 DECLARATION OF INCOME, ASSETS AND LIABILITIES**

- i. A public officer shall be required to declare their income, assets and liabilities as required under the Public Officer Ethics Act, 2003.
- ii. A public officer shall submit an initial declaration of income, assets and liabilities within thirty days of assuming office and thereafter every two (2) years and a final declaration thirty (30) days upon exiting public service.

## **25 ACTING FOR FOREIGNERS**

- i. A Public Officer shall not be an agent of, or further the interests of a foreign government, organization or individual in a manner that may be detrimental to the security interests of Kenya, except when acting in the course of official duty.
- ii. For the purposes of this section:-
  - a. An individual is a foreign individual if the individual is not a citizen of Kenya.
  - b. An organization is a foreign organization if it is established outside Kenya or is owned or controlled by a foreign government, organization or individual.

## **26 CARE OF PROPERTY**

- i. A Public Officer shall take all reasonable steps to ensure that public property in the officer's custody, possession or control is taken care of and is in good repair and condition.
- ii. A Public Officer shall not use public property, funds or services that are acquired in the course of or as a result of the official duties, for activities that are not related to their official work.
- iii. A Public Officer shall return to the issuing authority all the public property in their custody, possession or control at the end of the appointment.
- iv. A Public Officer who contravenes subsection (ii) or (iii) shall, in addition to any other penalties provided for under the Constitution, the Leadership and Integrity Act, 2012 or any other law be personally liable for any loss or damage to the public property.

## **27 MISUSE OF OFFICIAL INFORMATION**

- i. A Public Officer shall not directly or indirectly use or allow any person under the officer's authority to use any information obtained through or in connection with the office, which is not available in the public domain, for the furthering of any private interest, whether financial or otherwise.
- ii. The provisions of subsection (i), shall not apply where the information is to be used for the purposes of:-
  - a. furthering the interests of the Leadership and Integrity Act; or
  - b. Educational, research, literary, scientific or other purposes not prohibited by law.

## **28 POLITICAL NEUTRALITY**

- i. A Public Officer shall not, in the performance of their duties: -
  - a. act as an agent for, or further the interests of a political party or candidate in an election; or
  - b. Manifest support for or opposition to any political party or candidate in an election.
- ii. A Public Officer shall not engage in any political activity that may compromise or be seen to compromise the political neutrality of the office subject to any laws relating to elections.
- iii. Without prejudice to the generality of subsection (ii) a Public Officer shall not:-
  - a. engage in the activities of any political party or candidate or act as an agent of a political party or a candidate in an election;
  - b. Publicly indicate support for or opposition against any political party or candidate participating in an election.

## **29 IMPARTIALITY**

A Public Officer shall, at all times, carry out the duties of the office with impartiality and objectivity in accordance with Articles 10, 27, 73(2)(b) and 232 of the Constitution and shall not practice favoritism, nepotism, tribalism, cronyism, religious bias or engage in corrupt or unethical practices.

## **30 GIVING ADVICE**

A Public Officer who has a duty to give advice shall give honest, accurate and impartial advice without fear or favor.

## **31 GAINFUL EMPLOYMENT**

- i. Subject to subsection (ii), a Public Officer who is serving on a full time basis shall not participate in any other gainful employment.
- ii. In this section, “**gainful employment**” means work that a person can pursue and perform for money or other form of compensation or remuneration which is inherently incompatible with the responsibilities of the Public office he or she represents or which results in the impairment of the judgement of the Public Officer in the execution of the functions of the Public office he or she represents or results in a conflict of interest.

## **32 OFFERS OF FUTURE EMPLOYMENT**

- i. A Public Officer shall not allow himself or herself to be influenced in the performance of their duties by plans or expectations for or offers of future employment or benefits.
- ii. A Public Officer shall disclose, in writing, to the public entity he or she represents and the EACC, all offers of future employment or benefits that could place the Public Officer in a situation of conflict of interest.

## **33 FORMER PUBLIC OFFICER ACTING IN A GOVERNMENT OR PUBLIC ENTITY MATTER**

A former Public Officer shall not be engaged by or act for a person or entity in a matter in which the officer was originally engaged in as a Public officer, for at least two years after leaving the Public office or entity.

## **34 MISLEADING THE PUBLIC**

A Public Officer shall not knowingly give false or misleading information to any person.

### **35 FALSIFICATION OF RECORDS**

A Public Officer shall not falsify any records or misrepresent information to the public.

### **36 CITIZENSHIP**

- i. Subject to Article 78(3) of the Constitution, a public officer who acquires dual citizenship shall lose his or her position as a public officer.
- ii. A person who holds dual citizenship shall, upon appointment to a public office, not take office before officially renouncing their other citizenship in accordance with the provisions of the Kenya Citizenship and Immigration Act, 2011, (No. 12 of 2011.)

### **37 CONDUCT OF PRIVATE AFFAIRS**

A Public Officer shall conduct private affairs in a manner that maintains public confidence in the integrity of the office.

### **38 TAX, FINANCIAL AND LEGAL OBLIGATIONS**

- i. A Public Officer shall pay any taxes due from him or her within the prescribed period.
- ii. A Public Officer shall not neglect their financial or legal obligations.

### **39 BULLYING**

- i. A Public Officer shall not bully any person;
- ii. For purposes of subsection (i), "bullying" includes repeated offensive behaviour which is vindictive, cruel, malicious or humiliating and is intended to undermine a person.

### **40 ACTING THROUGH OTHERS**

- i. A Public Officer contravenes the Code if the officer:-
  - a. Causes anything to be done through another person that would constitute a contravention of the Code if done by the Public Officer; or
  - b. Allows or directs a person under their supervision or control to do anything that is in contravention of the Code.
- ii. Subsection (i)(b) shall not apply where anything is done without the Public Officer's knowledge or consent or if the Public Officer has taken reasonable steps to prevent it.

- iii. A Public Officer who acts under an unlawful direction shall be responsible for his or her action.

#### **41 REPORTING IMPROPER ORDERS**

- i. If a Public Officer considers that anything required of them is in contravention of the Code or is otherwise improper or unethical, the public officer shall report the matter to the EACC;
- ii. The EACC shall investigate the report and take appropriate action within ninety days of receiving the report.

#### **42 SEXUAL HARASSMENT**

- i. A Public Officer shall not sexually harass a member of the public or a fellow Public Officer
- ii. "Sexually harass" includes doing any of the following, if the person doing it knows or ought to know that it is unwelcome:-
  - a. Making a request or exerting pressure for sexual activity or
  - b. Making intentional or careless physical contact that is sexual in nature; and
  - c. Making gestures, noises, jokes or comments, including innuendoes, regarding another person's sexuality.

#### **43 ENFORCEMENT OF THE CODE OF CONDUCT AND ETHICS**

##### **43.1 Breach of the Code**

- i. Any person may lodge a complaint alleging breach of this Code by a Public Officer to the Bungoma County Public Service Board or the public entity the public officer represents for enquiries;
- ii. Breach of the Code amounts to misconduct for which a Public Officer may be subjected to disciplinary proceedings;
- iii. Where a breach of the Code amounts to violation of the Constitution, the Public Officer may be removed from office in accordance with Article 251 of the Constitution.
- iv. A Public Officer may be suspended from office pending the investigation and determination of allegations made against the Public Officer where such suspension is considered necessary.

##### **43.2 Management Responsibility**

- i. As part of effective management, each head of department must ensure that officers working under him/her are aware of, sign and act in compliance with this Code.

- ii. Management must make every effort to establish and maintain adequate systems, procedures and controls to prevent and detect fraud, theft, breach of trust, conflict of interest, bias and any form of wrongdoing.
- iii. It is the responsibility of management to ensure that each incident of suspected breach of this Code of Conduct and Ethics and the Leadership and Integrity Act, 2012 is investigated and thereafter relevant action is taken in accordance with the Constitution (Article 47), the Employment Act (Part VI) and any other applicable law.

### **43.3 Enforcement of the Ethical Standards**

The County Public Service Board shall be responsible for the enforcement of this Code.

At all times, Public Officers shall:

- i. Place the interest of the Public above personal interest;
- ii. Respect the rights and dignity of all individuals ;
- iii. Help all those who seek his/her professional services without discrimination, fear or favor;
- iv. Give honest, competent and accountable professional services;
- v. Recognize the extent of his/her professional expertise and undertake only those activities that are within his/her professional competence;
- vi. Appreciate multicultural, multi-ethnic, gender and regional differences and sensitivity and Kenya's unity in diversity;
- vii. At all times maintain highest standards of professional competence and continually update and extend his/her professional knowledge and skills;
- viii. Observe time tested and universal values of integrity such as honesty, truthfulness, impartiality, incorruptibility, competence and efficiency in all dealings with the public;

Where a Public Officer fails to observe any of the above provisions or has committed, whether directly, or indirectly by agent, a breach of this Code, appropriate action will be taken by a Disciplinary Committee:

- i. The Disciplinary Committee shall carry out its mandate in line with the Constitution (Article 47), the Employment Act (Part VI) and any other applicable law;
- ii. The Disciplinary Committee shall deal with the issue based on the facts presented to it. Penalties for misconduct shall include but limited to reprimanding, suspension and dismissal;
- iii. Failure to follow the guidelines given by this Code shall in itself constitute misconduct, and it means that the officer concerned may be at risk of having to justify his/her actions to the Disciplinary Committee;
- iv. The County Public Service Board/(and/or through the DHHR to the board) Departmental Head of Human Resources of the public entity the public officer represents, will at all times inquire into an apparent failure by a Public Officer to observe the ethical requirements, and may refer the matter to the Disciplinary Committee.

#### **43.4 Reporting /Complaints Procedures and Review**

Any breach of the provisions of this Code shall be reported to the County Public Service Board/(and/or through the DHR to the board) Department Human Resources (DHR) of the public entity the public officer represents in writing by a Public Officer. The report shall specify the nature of the complaint, the dates and the place where the incidence occurred.

The complaints shall be lodged upon receipt and issued with a reference number after which:

- i. The County Public Service Board/(and/or through the DHR to the board) Department of Human Resources (DHR) of the public entity the public officer represents, shall write to the party (ies) involved within fourteen days of the receipt of the report; and
- ii. The County Public Service Board/(and/or through the DHR to the board) Department of Human Resources (DHR) of the public entity the public officer represents shall carry out its own investigations after which it will call a Disciplinary Committee meeting and give recommendations on the issue.

**43.5 Implementation of the Code**

Each Public Officer shall take personal responsibility for compliance with the provisions of this Code.

**43.6 Review of this Code**

This Code is a dynamic document with an intention to lay out the required standard of ethics and professionalism of each Public Officer. It shall be reviewed from time to time to reflect the changing environment and operations. Any review of the Code shall be notified to the Public Officers in writing (whether through an internal memo or email) within 21 days of such review.

#### 44 CODE OF CONDUCT AND ETHICS AFFIRMATION FORM

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The Code defines core values on which the vision and mission of the Bungoma County Public Service Board are based, summarizes ethical principles that reflect the Board's core values, establishes a set of specific ethical standards that guide the Board's practice and provides the basis on which stakeholders can hold the Board accountable. The Board requires that all its officers positively affirm that they have read and understood the **Code of Conduct and Ethics**.

Please complete and sign the following form to fulfill this requirement.

#### AFFIRMATION OF THE CODE OF CONDUCT AND ETHICS

- I have obtained a paper copy of the **Code Conduct and Ethics**;  
[Please review the contents of the **Code of Conduct and Ethics** before signing below:]
  
- I affirm that I am responsible to read, understand, and abide by the Code of Conduct and Ethics as well as other policies and regulations;
  
- I understand that I am engaged as an employee by the Board in a mutually beneficial relationship and that I am expected to meet the expectations of the Boards stakeholders;
  
- I understand that the Code is subject to review and I am expected to abide by any changes brought about by such review; and
  
- I understand that if I do not abide by the Code, I may be subject to a disciplinary process and sanctions.

**Signature:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Personal Number:** \_\_\_\_\_

**ID No.** : \_\_\_\_\_

**Postal Address:** \_\_\_\_\_

**Date:** \_\_\_\_\_