



PUBLIC SERVICE COMMISSION

PSC/ADM/13(60)

20th February, 2025

All Cabinet Secretaries
All Principal Secretaries/Authorized Officers
Chairpersons and Chief Executive Officers of State Corporations
Chairpersons of Councils of Public Universities and Constituent Colleges
Vice Chancellors of Public Universities & Principals of Constituent Colleges
All Directors of Human Resource Management and Development in Ministries,
Departments and Agencies
All Heads of Human Resource Management and Development in State Corporations,
Public Universities and Constituent Colleges

**RE: CIRCULAR ON DEPLOYMENTS, SECONDMENTS, LEAVE OF ABSENCE AND
TRANSFERS IN THE PUBLIC SERVICE**

The Commission has a constitutional responsibility to, among other things, promote the values and principles referred to in Articles 10 and 232 of the Constitution throughout the public service and to ensure that the public service is efficient and effective.

The Commission has noted that there have been irregular deployments, secondments, leave of absence and transfers being done in various Ministries, Departments and Agencies in the public service thereby making the public service to be inefficient and ineffective and, in some cases, they end up disadvantaging the affected public officers.

In view of the above, the Commission has considered it necessary to issue this circular to guide the public service on the above subject matter.

(A) Deployments

The Commission guides that deployment involves the distribution of public officers within a public body and without change of grade and as such, it can only be done within the same public body and not from one public body to another in accordance with Regulation 36 of the Public Service Commission Regulations, 2020 and other applicable laws.

The management of State Corporations and Public Universities is done by respective Boards of State Corporations and the University Councils established pursuant to the relevant legal instrument constituting or establishing the public body in question.

The appointment of Chief Executive Officers (CEOs) (even Ag. CEOs) and staff of State Corporations is the responsibility of the Boards of State Corporations unless the constituting legal instrument for that particular State Corporation provides otherwise.

Deployments within Ministries and State Departments shall be done only by the respective Authorized Officers, in this case the Principal Secretaries, having been appointed as such by the Commission. In respect of State Corporations and Public Universities, deployment of staff within their approved establishments shall be done by the Boards/Councils or their respective Chief Executive Officer/Vice Chancellor as the case maybe, on the advice of their respective Human Resource Advisory Committees.

There shall be no deployments from Ministries/State Departments to State Corporations/Agencies/Public Universities and vice versa. Where need arises for a staff from a Ministry/State Department to serve in a State Corporation/Agency, a request shall be made to the Commission, in writing, to second the said officer.

(B) Secondments

Your attention is drawn to the provisions of Section 42 of the Public Service Commission Act, Cap.185 of the laws of Kenya as read with Regulation 37 of the Public Service Commission Regulations, 2020, which guide that the authority to second a public officer shall vest in the Commission and shall be carried out on the request of an authorized officer or a public officer.

A public officer may be seconded from a Ministry or State Department to a State Corporation/Agency or Public University or any other public body or County Government subject to approval by the Public Service Commission. In this regard:

a. In respect of requests from Ministries/State Departments:

- i. The officer in question must be on permanent and pensionable terms of service in his/her Ministry/State Department.
- i. The officer must have been appointed on contractual terms of service in the public body to which secondment is sought.

- ii. The officer in question shall submit his/her request for secondment to the Commission through the Authorized Officer of the Ministry/State Department but with an advance copy to the Commission.
 - iii. The Authorized Officer of the Ministry/State Department shall be required to expeditiously submit the officer's request to the Commission for consideration within seven (7) days of receiving the officer's request.
 - iv. Before submitting requests for secondment, the requesting officer and Authorized Officers are advised to ensure that the requirements of Section 42 of the Public Service Commission Act and Regulation 37 of the Public Service Commission Regulations, 2020 are strictly complied with, otherwise the requests may not be considered by the Commission.
 - v. Requests for secondment should be submitted on time to enable the Commission expedite decisions on such requests.
 - vi. Authorized Officers are not permitted to grant temporary/interim approvals on requests for secondments that are pending consideration by the Commission.
 - vii. An officer shall not proceed on secondment without a written approval of the Commission.
 - viii. The Commission will not consider belated requests for secondment where an officer has proceeded on secondment in advance of an approval.
- b. In respect of requests for secondment to Ministries/State Departments from State Corporations, Public Universities and other State Agencies:
- i. The officer in question must be on permanent and pensionable terms of service in his/her parent public body (State Corporation, Public University or State Agency).
 - ii. The officer must have secured a contractual appointment in the Ministry or State Department having been lawfully appointed by the Public Service Commission.
 - iii. For officers employed in State Corporations or Agencies, their requests for secondment must obtain the written approval of the relevant Board or Chief Executive Officer, as the case maybe, of the concerned State Corporation or Agency.

- iv. For officers employed in Public Universities, their requests for secondment must obtain the written approval of the relevant Council or Vice Chancellor, as the case maybe, of the University.
 - v. When considering requests for secondment, Authorized Officers/Boards/Councils/Vice Chancellors/CEOs, as the case maybe, are advised to ensure that the requirements of Section 42 of the Public Service Commission Act and Regulation 37 of the Public Service Commission Regulations, 2020 are strictly observed, with necessary modifications.
 - vi. Requests for secondment should be submitted on time to enable the expeditious processing of decisions on such requests.
 - vii. Authorized Officers are not permitted to grant temporary/interim approvals on requests for secondments that are pending consideration by the Board of State Corporations/State Agency or the Council of the Public University.
 - viii. An officer shall not proceed on secondment to the Ministry/State Department without the necessary written approval from the State Corporation, State Agency or Public University.
 - ix. There shall be no consideration of belated requests for secondment where an officer has proceeded on secondment in advance of an approval.
- c. In respect of requests for secondment to the Ministry/State Department/Agency from the County Governments, the same shall be handled as follows:
- i. The officer in question must be on permanent and pensionable terms of service in the County Government.
 - ii. The officer must have been lawfully appointed on contract in the Ministry/State Department by the Public Service Commission.
 - iii. In case of secondment to any other State Agencies, the officer must have been lawfully appointed on contract in the Agency by the governing body of that Agency.
 - iv. The officer's request must be accompanied with an approval from the relevant County Public Service Board.

- v. In cases where the officer in question is an employee of the County Assembly, his/her request must be accompanied with the written approval from the relevant **County Assembly Service Board**.
- d. **Office of the Attorney General and Office of the Director of Public Prosecutions:**
 - i. In respect of the Office of the Attorney-General and Office of the Director of Public Prosecutions, such requests shall be submitted to the Attorney-General or the Director of Public Prosecutions through the Secretary of the respective Advisory Boards.

(C) Leave of Absence

Your attention is drawn to the provisions of Regulation 38 of the Public Service Commission Regulations, 2020 which guides in detail the circumstances and grounds upon which leave of absence may be granted.

In terms of approval for leave of absence, the same shall be undertaken as follows:

- i. The officer in question must be on permanent and pensionable terms of service in the parent public body.
- ii. The officer must have been lawfully appointed on contract in the public body to which leave of absence is sought.
- iii. In respect of Ministries/State Departments, such requests shall be submitted to the Commission, through the Authorized Officer, for consideration.
- iv. The Commission will not consider belated requests for leave of absence where an officer has proceeded on secondment in advance of an approval.
- v. In respect of Sate Corporations, such requests shall be submitted to the Board or the Chief Executive Officer/Authorized Officer as the case may be for consideration.
- vi. In respect of Public Universities, such requests shall be submitted to the Council or the Vice Chancellor/Authorized Officer as the case maybe for consideration.
- vii. In respect of the Office of the Attorney-General and Office of the Director of Public Prosecutions, such requests shall be submitted to the Attorney-General or the Director of Public Prosecutions through the Secretary of the respective Advisory Boards.

- viii. Requests for leave of absence should be submitted on time to enable the Commission/Board/Council, as the case may be, to expedite decisions on such requests.
- ix. Authorized Officers are not permitted to grant temporary/interim approvals on requests for leave of absence that are pending consideration by the Commission/Board/Council.
- x. An officer shall not proceed on leave of absence without the necessary written approval.
- xi. There shall be no consideration of belated requests for leave of absence where an officer has proceeded on leave of absence in advance of an approval.
- xii. When considering requests for leave of absence, Authorized Officers/Boards/Councils/Vice Chancellors/CEOs, as the case maybe, are advised to ensure that the requirements of Regulation 38 of the Public Service Commission Regulations, 2020 are strictly observed, with necessary modifications.

(D) Transfers

You are required to ensure that while effecting any transfers within your authorized establishments, you ensure that the transfer shall lead to improved service delivery; the interest of the children, if any, of the affected public officer is considered; and the transfer is not arbitrary.

(a) Transfers done through Central Human Resource Management Postings Committee

The Service is reminded that under Section B.31 of the Human Resource Policies and Procedures Manual for the Public Service, 2016, the Commission has delegated some of its functions to the Central Human Resource Management Postings Committee as stipulated in the applicable delegation instrument. The delegated function relates specifically to the processing of transfers between Ministries/State Departments in respect of certain cadres of senior public officers.

Accordingly, in respect of transfers between Ministries/State Departments that have been processed and recommendations made by the Central Postings Committee;

- i. Such transfers must be approved by the Public Service Commission after being processed by the Committee.

- ii. All Authorized Officers shall ensure that postings/transfers of officers to their Ministries/State Departments through the Committee is accompanied with the written approval of the Commission.
- iii. Central Human Resource Management Postings Committee shall only process and make recommendations in respect of transfer of public officers between Ministries/State Departments.
- iv. It shall be the responsibility of the Directors of Human Resource Management and Development in Ministries/State Departments to ensure compliance in respect of such transfers.

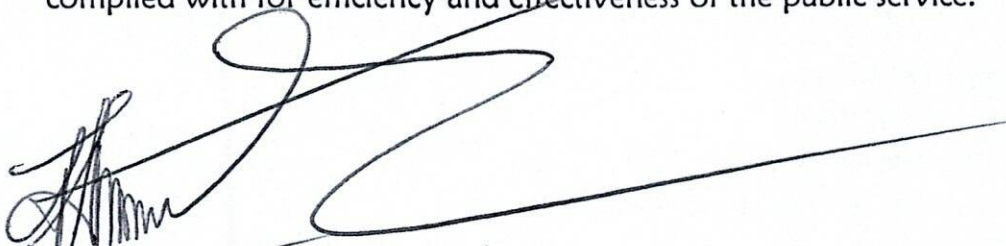
(b) Transfers in other public bodies

Transfers within public bodies shall be undertaken in accordance with the applicable human resource management instruments, approved by the Commission. For clarity purposes:

- i. There shall be no transfer of officers from Ministries/State Departments to State Corporations, Public Universities and State Agencies and vice versa. Movement of officers between Ministries/State Departments and other public bodies or State Agencies may be processed by way of secondments, transfer of service or leave of absence as the case may be.
- ii. There shall be no transfer of officers between State Corporations, Public Universities and State Agencies. Movement of officers between State Corporations, Public Universities or State Agencies may be processed by way of secondments, transfer of service or leave of absence as the case may be.

This circular supersedes any other circular issued in the public service in respect of the matters outlined herein.

You are required to note the contents of this circular, bring it to the attention of all staff in your respective Ministries/State Departments and Agencies and ensure it is strictly complied with for efficiency and effectiveness of the public service.



PAUL FAMBA, MBS
SECRETARY/CEO
PUBLIC SERVICE COMMISSION

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