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THE PUBLIC SERVICE ACT

CAP. 298

REGULATIONS

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THE PUBLIC SERVICE ACT, 2002
(No. 8 of 2002)

*Made under sections 7, 34(3)(g) and Clauses 30 and
35 of the Public Service Scheme*

1.0 INTRODUCTION

- 1.1 The Public Service Recruitment Code of Good Practice herein after referred to as "The Code" is among several instruments which are in place to manage human resources in the Public Service. The instruments include the Public Service Management and Employment Policy of 1998, Public Service Act No.8 of 2002 herein after referred to as the Act, Public Service Regulations of 2003 (GN No.168 of 2003) herein after referred to as the Regulations and Public Service Scheme of 2003 (GN No. 169 of 2003). The Public Service Scheme stipulates that the principles of selection for appointments of Public Servants shall be provided for in the Public Service Recruitment Code of Good Practice.
- 1.2 Besides the legal requirement that establishes the Recruitment Code of Good Practice, the need for this code arises out of administrative requirements. Implementation of both the Act and the Regulations would be cumbersome if specific instructions are missing to cope with unique situations which might arise. Therefore, for the purpose of dealing with unique situations, the Code will bridge the gap between specific provisions of the Act or Regulations, and specific decisions that may need to be taken by individuals in implementing the legal framework.
- 1.3 The introduction of the Code in the Public Service brings fairness, justice, reasonableness, impartiality, consistency.

accountability, merit and transparency in the conduct of government business and, more specifically, in this area of recruitment. It is on this basis that one sees the Code as an essential instrument of the Government to develop standards so as to enable the Public Service to conduct its recruitment processes through meritocracy. Therefore, the Code is an operational document that will govern both employers and applicants in the recruitment process.

- 1.4 Nonetheless, no provisions of any regulatory mechanism however carefully framed, can be expected to cover every eventuality and every set of circumstances. Therefore where special circumstances indicate that the application of a certain provision of the Code would be inappropriate or cause hardship or ambiguity, a well-argued case may be submitted to the Permanent Secretary (Establishments) for clarification and where justified processing for a variation of the provision concerned will be made. No variation from the provisions of the Code will be authoritative without the prior approval of the Permanent Secretary (Establishments).

2.0 WHAT IS A CODE OF GOOD PRACTICE?

- 2.1 A Code of good practice is what is called "soft law". This means that the provisions of the Code do not impose any hard and fast obligations on any person. The only legal obligation may be to justify a departure from the provisions of a code. They constitute best practice in policy implementation. The Code outlines what is required by the Act and what is expected of employers, employees, appointing authorities and the applicants of any post in the Public Service.
- 2.2 The Code provide guidance by summarising some of the provisions of the law and providing guidance on good practice. Where there is any conflict between the provisions of the Act and the Codes, the provisions of the Act shall prevail.

3.0 PURPOSE

- 3.1 This Code is prepared basing on the requirement of the Public Service Scheme, 2003 which provides, among other things, that the Code of Good Practice should be in place to govern recruitment in the Public Service and interpret the key principles of selection for appointment based on merit, fairness and an open competition including the circumstances when appointment may otherwise be made.
- 3.2 The Public Service recognises that, its ability to recruit quality public servants has a direct bearing on the quality of service provided to the general public which has a direct relation to all recruitment and selection procedures and the manner each employing authority conducts itself.
- 3.3 This document puts in place standard recruitment and selection procedures before and after recruitment. Failure to adhere to the Code may jeopardise the credibility of the Public Service and so the public servants and appointing authorities involved in the recruitment and selection procedures need to be made aware of their responsibilities.
- 3.4 Appointing authorities, employers and applicants shall ensure that during the recruitment and selection process and after recruitment that the Code of Ethics and conduct for the Public Service provided for under Regulation 65 and the Third Schedule of the Regulations is adhered to.

4.0 SCOPE

- 4.1 This Code shall apply to employers, appointing authorities, public servants, and prospective candidates applying for various posts in the Public Service.
- 4.2 The Code provides for the necessary procedures applicable to both appointing authorities and potential applicants to various posts in the Public Service.

5.0 INTERPRETATION

5.1 *Recruitment*

“Recruitment” means a process of filling vacant positions based on merit, fairness and openness.

5.2 *Diversity*

“Diversity” means a practice of identifying and acknowledging individual and group differences and harnessing those differences on the basis of gender, age, ethnic origin, sex, religious beliefs and disability, for the purpose of maintaining individual and group basic rights, increased productivity and welfare of employees.

5.3 *Appointing Authority*

“Appointing authority” means a body, organ or a person empowered by the Act to make appointments of Public Servants in the Service.

5.4 *Employer*

“Employer” means a person or organisation, in the Public Service, with whom a public servant entered into a contract of Service and who is responsible for the payment of salaries of such a Public Servant.

5.5 *Disabled Person*

5.5.1 The definition of a disabled person is as defined in the Disabled Person (Employment) Act, 1982 (No.2 of 1982). Disabled person means a person who, on account of injury, disease or congenital deformity, is substantially handicapped in obtaining employment, or in undertaking work on his own account, of a kind which apart from that injury, disease or deformity would be suited to his age, experience and qualification; and

(a) the expression "disablement" in relation to any person shall be construed accordingly; and

(b) for the purpose of the definitions contained in this paragraph, the expression "disease" shall be construed as including a physical or mental condition arising from imperfect development of any organ.

OR

5.5.1 For the purpose of this Code disabled person means a person who has a physical or mental impairment which has a substantial and long term adverse effect on his or her ability to carry out normal day to day activities.

5.5.2 For Public Service purposes this means:

(a) the disability must last or be expected to last(a) for at least 12 months; and

(b) conditions which have a slight effect on day-to-day activities, but are expected to become substantial, are covered;

- (c) eligibility is based on self-declaration on the part of the applicant. In other words, the applicants must themselves indicate that they have such a disability.

6.0 ROLES AND RESPONSIBILITIES

6.1 *President:*

- 6.1.1. The President under section 4(1), 5(1) (a) of the Act, and Regulation 5 (1) of the Public Service Regulation 2003 is empowered to appoint the Chief Secretary, Permanent Secretaries, Regional Administrative Secretaries, Clerk to the National Assembly, Director of Immigration, Commissioner of Fire and Rescue Services, Directors of City Councils or Local Government Authority Commission, Deputy Permanent Secretaries, Regional and District Commissioners, Ambassadors and such other public servants as the President may determine.
- 6.1.2 The President may also under section 5 (3) of the Act appoint other public servants as provided for under any other written law.
- 6.1.3 Pursuant to Regulation 5 (1) and (2) of the Public Service Regulations 2003, powers of the President to make appointments shall be facilitated by the Chief Secretary through Permanent Secretary (Establishments).

- 6.1.4. The President, in making appointments pursuant to paragraph 6.1.1 and 6.1.2 of this Code, may wish to follow the procedures provided for in paragraph 8.0 of this Code in order to maintain a Public Service which is highly competent, ethical, politically impartial, has high standards of integrity and which avoids any form of unfair discrimination.

6.2. *Ministers*

- 6.2.1 Ministers are responsible for overseeing policy implementation in their respective Ministries and Institutions. Therefore, Permanent Secretaries shall apprise their Ministers of the recruitment progress taking place in their respective Ministries and institutions.
- 6.2.2 Except where any written law provides otherwise the Ministers shall not interfere in the selection process or express a preference among the candidates.
- 6.2.3 The Minister responsible for local government shall also be the appointing authority of Directors of Local Government Authorities excluding Directors of City Councils and Commissions.

6.3 *Public Service Commission*

- 6.3.1 The Public Service Commission shall monitor implementation of the recruitment policies and practices within the service to establish whether the recruitment procedures including the Code are being observed by the appointing authorities.

- 6.3.2 The objective is to ensure that Ministries, Independent Departments, Regions, Local Government Authorities, Agencies and Public Institutions recruitment systems are designed in accordance with the provisions of the Constitution, legislations, regulations and rules governing the Public Service.

- 6.3.3 The Commission shall issue guidance in line with this Code of Good Practice on Recruitment process whenever need arises.

- 6.3.4 The Commission shall facilitate the recruitment process for the posts of Directors of Local Government Authorities other than the Director of a City or a Commission.

6.4 Appointing Authorities

Appointing authorities and other Chief Executives should ensure that recruitment is conducted in line with this Code. They are required to operate recruitment systems in line with this Code and their operations are subject to be monitored by the Public Service Commission to ensure that they are working effectively.

- 6.5 Ad hoc Committees, Employment Boards and the District and the Regional Teachers Committees.

The ad hoc committees, employment boards and the district and regional teachers committees shall conduct recruitment process and report the finding to the appointment authority. Their responsibility shall be to ensure that recruitment exercise is carried out in accordance with the merit-based principles.

7.0 RECRUITMENT PRINCIPLES

- 7.1 With reference to the Public Service Management and Employment Policy and the Public Service Act No.8 of 2002, recruitment in the Public Service shall be based on merit, fairness and open competition.

- 7.2 The recruitment principles are geared to maintain a Public Service which is highly competent, ethical, motivated, politically impartial, has high standards of integrity and which avoids any form of unfair discrimination by:-

- (a) finding the best available person for the post;
- (b) putting all appointments above suspicion of patronage.
- (c) ensuring that recruitment and appointment procedures reinforce the political impartiality of the Public Service.
- (d) in response to mainstreaming gender in the Public Service, recruitment procedures should deliberately consider women with relevant qualifications and deliberately appoint capable women into the strategic positions.

7.3 Merit

7.3.1 Selection on merit in the Public Service means selecting the best available applicant for the post. However, it is worth to understand that merit is a relative, not an abstract concept. Merit calls for a decision based on the circumstances at the material time, namely:

(a) *The nature of the job*

What is the purpose of the job over certain period of time e.g. next 2 to 5 years? In this context a person who is best at managing a start-up might not be best at running an organisation in more settled times;

(b) *The length of the appointment*

The best candidate in terms of doing the job over 2-5 years might not be the one who would do it best on day one;

(c) *The Labour market*

The best person available will depend in part on the attractiveness of other employment opportunities at the time.

(d) To ensure optimum representation of women in the recruitment process.

7.3.2 Selection on merit in the Public Service therefore, has two main objectives;

- (a) no one should be appointed to any post unless he or she is competent to perform duties related to that post;

- (b) If two or more applicants meet the criteria for appointment, the post be offered to the applicant who, on the basis of provisions of paragraph 7.3.1, will perform best on the post.

7.3.3 Merit is more than competence and before merit is decided, competence must be defined properly. Competencies required in a particular job should be weighted according to their contribution towards the successful carrying out of the relevant job.

7.3.4 In Meritocratic selection process, four practical steps should be followed by employers through their respective appointing authorities:

- (a) establish the qualities, competencies, experience, skills etc. that are required for the vacant post. Then list them in order of priority;
- (b) decide which procedures for making the vacant post known can be expected to allow the best available candidates to come forward for consideration;
- (c) prepare procedures which will reliably determine suitability for the job on the basis established. Those procedures must distinguish how candidates compare with each other in terms of merit;
- (d) nominate a panel who are best placed to determine merit with regard to the vacant post.

7.4. *Transparency*

- 7.4.1. Transparency is about making available vacant posts in the Public Service accessible by ensuring that opportunities are made known to the entire public by advertising in widely circulated newspapers, notice boards, websites and other media. It also means that prospective applicants must be given equal and reasonable access to adequate information about vacant posts in the service and recruitment process.
- 7.4.2. Transparency involves setting clear criteria for suitability and excluding unsuitable applicants. It is linked with fairness in making clear what people need to know in order to set out their suitability for the post and what they would bring to it. Transparency is linked with merit in helping to ensure that suitable people apply.
- 7.4.3. In considering whether or not the competition is open, particular account needs to be taken especially on the following:-
- (a) a person who might be interested in a post must have opportunity to find out about it;
 - (b) prospective applicants must know clearly what is on offer i.e.:
 - (i) the nature of the work;
 - (ii) terms and conditions of appointment;
 - (iii) remuneration and other matters that will demonstrate suitability.
 - (c) The process must help to encourage applications from suitable candidates.

7.5 *Fairness*

7.5.1 Fairness means ensuring that there is no bias in assessment of candidates at any stage of the recruitment process.

To ensure that procedures are fair, it is important to look at the circumstances around and the appointing authority needs to take into account the differences between people applying for the job.

7.5.2 Fairness is partly about avoiding doing something that might be perceived as an unfair procedure or unfair treatment of someone. Therefore to achieve fairness it is necessary to establish a standard that would amount to unfairness.

7.5.3 Fair competition means giving each person full opportunity to set out their suitability for the post and what they would bring to it. Fairness requires assessment procedures that avoid bias by being:-

- (a) objective and reliable indicators of future performance;
- (b) unaffected by gender, ethnic origin, disability, age, marital status, religious beliefs or irrelevant considerations;
- (c) relevant to the job;
- (d) consistently applied.

7.5.4 Consistency is about applying the same general criteria of assessment to all applicants in order to determine who is best able for the post.

7.5.5 The most meritorious applicant shall be the one who is best at the job.

8.0 RECRUITMENT PROCEDURES

8.1 Vacant Post

8.1.1. Where a vacancy occurs or it is likely that a vacancy will occur in the Public Service, the appointing authority or employer concerned shall inform the commission for facilitation.

8.1.2 No appointment shall be made without prior approval of filling in of the vacant post by the Chief Secretary or the Permanent Secretary (Establishments), as the case may be. Request for permit to fill new vacant post must be submitted to the Chief Secretary through Permanent Secretary (Establishments). Where the vacant post is to be filled by replacement request for permit to fill that post shall be submitted to the Permanent Secretary (Establishments).

8.1.3 Before approval to fill the vacant post, the Permanent Secretary (Establishments) shall review that post to consider the following:-

- (a) that the post is within the approved establishment of the respective organisation;
- (b) that budgetary provision for the post is available within current financial year;
- (c) whether the post is strategic in terms of the priorities of the organization;
- (d) any arrangements to fill the vacant post, for example new post or replacement;

(e) availability of the required skills in the labour market;

8.1.4 Time limit to fill the approved vacant post.

(a) approved and budgeted vacant post shall be filled within the approved financial year;

(b) requests to fill vacant posts shall be forwarded to the Permanent Secretary (Establishments) between 1st September and 30th March of each financial year;

(c) approved and budgeted positions issued with recruitment permits shall be filled within a period of three months after the permit is issued;

(d) employers seeking permits to fill the vacant positions in any financial year shall seek permits to fill those positions in the same financial year;

(e) employers having employment permits to recruit can apply for an extension of recruitment time limit provided there is a valid reason and a guarantee that recruitment can be done within the respective financial year.

8.2 *Job Description and Person Specification*

8.2.2 All vacant posts will be reviewed to ensure that an up to date job description and person specification exist for the post.

8.2.3 The job description shall outline duties and

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responsibilities of the post.

- 8.2.4 The specification will be based upon the identified duties and responsibilities within the job description.
- 8.2.5 The details within the person specification will distinguish clearly between those requirements that are considered to be essential for effective job performance and desirable criteria which will enable a person to perform more successfully.
- 8.2.6 The person specification will not ask for any qualification, experience, skills or abilities which are not required for the post or which are in any way discriminatory on the basis of gender, age, locality, religion, ethnic origin etc.
- 8.2.7 The job description together with person specification will form the basis for advertisement of the post and subsequent appointment to the post. Job Description Format and Job Description Sample are attached as Appendix IA and IB. Person Specifications Format and Person Specification Sample are attached as Appendix II A and IIB.

8.3 Advertisement

- 8.3.2 Approved vacant post shall be advertised in the widely circulating newspapers and notice boards for public notice. The advertisement should be clear. For avoidance of doubt and for public awareness the Permanent Secretary (Establishments) shall determine and publish in the Gazette the newspapers on which vacant posts in the public service shall be advertised.

- 8.3.3 Prospective applicants must be given equal and reasonable access to adequate information about the job and its requirements, and about the selection process. This principle is directed to creating a fair and open field of competition at the start of the selection process, and sustaining it through to the final decision.
- 8.3.4 The advertisement and supporting literature must together contain sufficient information for an applicant to have a clear picture of the job and what is required to be done. The advertisement should state who is the employer, what the job involves, what the location and salary are, including fringe benefits, and give a brief description of the qualifications, skills, experience and personal attributes or qualities needed. The advertisement should make clear whether the job is permanent and pensionable, contract, operational, temporary month-to-month or daily paid. The information provided above will help to create a fair and open field and reduce the number of inappropriate applications.
- 8.3.5 Where the appointing authority or employer has failed to get a suitable candidate after readvertising the vacant post for more than two times, that appointing authority or employer may use the method of head hunting from other institutions by communicating first with that person and his appointing authority or employer.
- 8.3.6 However after communicating with that person, the appointing authority or employer of a candidate earmarked under paragraph 8.3.5 the appointing authority or employer seeking for a candidate shall be required to follow the procedure prescribed under Regulation 21 of the

Public Service Regulations 2003; and he has to justify to the Chief Secretary by submitting the report of the ad-hoc committee, employment board and teachers committee that he has used all the procedures laid down in this Code and failed to secure a suitable candidate for the post.

8.4 Short listing

- 8.4.6 All applications should be scrutinized to get the qualified applicants.
- 8.4.7 Qualified applicants for the job advertised should be short listed to get the best few applicants for interview.
- 8.4.8 The basis for short listing will be a matching of information from the candidates applications assessed against the requirements of the person specifications for the job.
- 8.4.9 Short listing shall be carried out by a sub committee of three to five persons *appointed* by the ad hoc Committee or the Employment Board or the Teachers Committee or any other body, as the case may be.
- 8.4.10 The short listing team shall have a specific format which shall be provided for by the commission in submitting their work. The format shall include the name of the applicant, age, experience, qualifications, etc.
- 8.4.11 Short listed candidates shall be called for interview.
- 8.4.12 Candidates for interview shall be notified about the date, time and place for interview by correspondence and through newspapers and notice boards and any cyber means.

8.4.13 Short listing exercise shall consider equal opportunity for all and shall be based on merit, fairness and openness.

8.5 Selection

8.5.6 Selection principles

- (a) Selection shall be based on relevant criteria applied consistently to all the candidates equally on merit at each stage of the selection process. Throughout the selection process decisions based on individual merit of the candidates shall determine which ones that progress to the next stage;
- (b) The criteria for selection (including any eligibility requirements) must be relevant to the job, for example, candidates shall not be assessed against higher qualifications than are needed to do the job or excluded from selection on grounds of birthplace or current residence. Using irrelevant criteria would distort fair and open competition. The purpose of setting criteria is to differentiate on a consistent and objective basis between candidates at each stage of the selection process;
- (c) Selection criteria shall be established at the outset. They should be consistent with the experience, qualifications, skills and qualities specified in the advertisement. At each stage of the selection process, it is important to be consistent in assessing the candidates against the same criteria;

8.4.13 Short listing exercise shall consider equal opportunity for all and shall be based on merit, fairness and openness.

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- (b) The criteria for selection (including any eligibility requirements) must be relevant to the job, for example, candidates shall not be assessed against higher qualifications than are needed to do the job or excluded from selection on grounds of birthplace or current residence. Using irrelevant criteria would distort fair and open competition. The purpose of setting criteria is to differentiate on a consistent and objective basis between candidates at each stage of the selection process;
- (c) Selection criteria shall be established at the outset. They should be consistent with the experience, qualifications, skills and qualities specified in the advertisement. At each stage of the selection process, it is important to be consistent in assessing the candidates against the same criteria;

- (d) Selection at all stages shall be demonstrably fair and objective and unaffected by gender, marital status, ethnic origin, age, disability, religious beliefs or other irrelevant considerations;
- (e) Except as otherwise expressly provided by this code, no person shall be appointed to a position in the service unless:-
 - (i) The selection for appointment is made on merit on the basis of fair and open competitions; and
 - (ii) The person appointed satisfies such qualifications as may be prescribed.

8.5.7 *Exemption from selection on Merit*

Paragraph 8.5.1.(e)(i) shall not apply to any position where the holder is appointed directly by the President.

8.5.8 *Exceptions to selection on merit*

- (a) The Chief Secretary may exempt from the requirements of Paragraph 8.5.1(e)(i) any appointment to a position for which his approval is required by Regulation 21 of the Public Service Regulations, 2003 where he is satisfied that:-
 - (i) The person proposed for appointment is of proven distinction; or
 - (ii) The appointment is justified for exceptional reasons relating to the needs of the service. For example, where the person

has reached an appropriate standard in a fair and open competition for another position without securing appointment, and there is a demonstrable shortage of suitable candidates for the relevant position elsewhere in the service;

- (iii) The person is defined as being a disabled person or as having a disability by or under The Disabled Persons (Employment) Act No.2 of 1982. The purpose of this is to enable the public service in its responsibilities as a good employer to offer encouragement and assistance to disabled persons.

8.5.9 Selection methods

- (a) The choice of methods to be used at each stage of selection shall be made with reference to the needs and requirements of the particular job. Sifting method, tests and exercises must be reputable, valid and good indicators of future performance;
- (b) Face to face interview shall be the primary means of selection to all vacant jobs. A range of other selection methods and processes shall also be considered in relation to each vacant job;
- (c) The appointing authority shall ensure that candidates are informed in writing of:
 - (i) The date, time, location and approximate length of the interview;
 - (ii) The format of the interview;

- (iii) Details of any other selection methods which will be used in addition to interview;
 - (iv) The responsible officer who should be contacted for any further information.
- (d) All candidates invited for interview shall be asked to indicate if they require any specific facilities or assistance. In particular, disabled applicants shall be asked to specify any particular arrangements e.g. sign language interpretation, which they will require;
- (e) Every effort should be made to use occupational and other tests when they are properly related to the person specification and job requirements. The purpose of any test used shall be clear, and objective criteria should be established for the evaluation of results. All tests used in the selection process will be from accredited providers and will be administered in a professional manner by properly trained employees;
- (f) Results from all tests and, or other exercises used in the selection process will be properly documented and recorded against each individual candidate, and details placed within the recruitment file. Feedback in relation to an applicant's participation in any test shall be available upon request provided that the request shall be within twelve months from the date when the test was undertaken.

9 INTERVIEWS

- 9.3 Face to face interviews should be the most desirable method of recruitment and selection provided that they are carried out in a systematic, objective and professional manner to ensure that the best candidate is selected for each vacant post.
- 9.4 The interview panel shall have a Pre-interview briefing before the interview for the purpose of informing members on the interviewing techniques and the manner how the interview process should be conducted and how they should conduct themselves during the interview.
- 9.5 All interviews will be conducted by a panel of a minimum of five members of the ad hoc committee or employment board, teachers committee or any other body or as the case may be including a representative from the Public Service Commission.
- 9.6 The Department responsible for human resources management shall be the Secretariat to the committee or board.
- 9.7 A member of the interview panel who has a close personal relationship of any nature with a candidate shall not sit on the interview panel without prior declaration of his interest. Where a member has declared his interest in that respect, with the permission of the panel, he may sit on the interview.
- 9.8 A member shall be aware that if he fails to declare an actual or potential interest and this is found to be contrary to the above, the recruitment process could be jeopardised and disciplinary action may be taken against a member.

- 9.9 Canvassing of any member of the Interview Panel involved in the selection process by a candidate, or attempts to influence on behalf of a candidate, may result in disqualification of that candidate or the withdrawal of a job offer, and disciplinary action may be taken against the member.
- 9.10 The structure, format and core questions to be used in the interview process will be agreed upon by all panel members. Core interview questions shall be based upon a proper consideration of the personnel specification for the job, and shall be agreed before hand by all members of the interview panel. With the permission of the Chairman, members shall be allowed to ask supplementary questions that are appropriate to clarify or expand on a candidate's response to a core question and shall relate clearly to the duties and responsibilities of the post.
- 9.11 Model answers in bullet point form shall be recorded against each core question so that candidate responses can be effectively assessed. However, the model answer is only a guide and will not serve to devalue good candidate responses to questions in any way.
- 9.12 During the interview process care should be taken to avoid any questions which could be interpreted as discriminatory. It shall be unfair to modify questions in favour of any of the candidates. The focus shall always be on job-related criteria and any questions related to gender, ethnic origin, marital status, sex, age, religious beliefs, family circumstances etc. must be avoided.
- 9.13 Reasonable adjustments may be made to the interview process so as not to disadvantage any disabled applicant.
- 9.14 The total marks for each candidate should be obtained through the average from the total marks indicated by the marking of all members of the panel.

- 9.15 Interviews shall be conducted in either English or Kiswahili.
- 9.16 The interviewing panel shall operate as a team in making its decisions and its recommendations. Taking all the evidence into account, the panel shall establish which candidates are suitable for the job; the list of suitable candidates must be in an order of merit so that there are reserves in addition to the lead candidate in case the lead candidate can not agree with the terms or turns down the job.
- 9.17 The interviewing panel, having established the order of merit, may indicate whether in their view a certain candidate is worth more in relation to others lower down in the order of merit.
- 9.18 During interview, candidates shall be required to submit the original copies of certificates, academic transcripts and any other documents relevant to confirm their academic and professional qualifications.
- 9.19 The Secretary will record the panel's findings including scores for every candidate, reasons for the decisions reached, advice or recommendation following the results of the interview and circumstances that surrounded the whole process.

10 REFERENCES

- 10.3 In exceptional circumstances, appointments *may* be made subject to receipt of references especially in managerial or superlative substantive leadership posts. The candidate may be required to submit to the appointing authority at least two written confidential references. One reference must be from the candidate's current or most recent employer and the other one as may be directed by the appointing authority. Provided that reference may not be required where appointment is for promotion within the same organisation and to the same employer.

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10.4 References submitted shall be held confidential by the appointing authority or an authorised public servant separately from selection documentation contained within the recruitment file. Reference should be used as a means of confirming or corroborating the decision reached through the selection process.

10.5 The candidate shall be required to submit a medical clearance to the appointing authority to prove his medical fitness for the job. Where the appointing authority requires a specific medical test for fitness he shall specify it before the candidate is employed.

11 ASSEMENT AND RECORDING

11.3 Proper records will be kept relating to candidates' responses to questions and performance in all selection processes for a period of at least twelve (12) months. Following completion of the selection process, all available information on assessment of the candidate against the personnel specification will be evaluated before a final decision is reached.

11.4 The report containing proposals and recommendations must be prepared in writing by the Secretary, accepted by all members of the panel, and submitted to the appointing authority by the Chairman.

12 APPOINTMENTS

12.3 Appointments made by the President

12.3.6 Posts of the Permanent Secretaries and Deputy Permanent Secretaries,

(a) Where the vacant post should be filled by transfer,

The Chief Secretary shall instruct the Permanent Secretary (Establishments) to propose a suitable candidate to fill the vacant post and thereafter, he shall submit his proposal to the Chief Secretary for his scrutiny before submission to the President for decision. However, before submitting his recommendation to the President, the Chief Secretary may vary or rescind the recommendations given above;

- (b) Where the Vacant post is to be filled by Promotion,

The Chief Secretary shall instruct the Permanent Secretary (Establishments) who after consultation with the Minister, propose three suitable candidates to be considered for promotion. In submission of proposal for promotion, the Permanent Secretary (Establishments) shall attach a certificate of service duly signed by the Minister responsible for the Ministry together with recommendations for promotion to the Chief Secretary for his scrutiny before submission to the President for decision. However, before submitting his recommendations to the President, the Chief Secretary may vary or rescind the recommendation given above;

- (c) Appointment from outside the Public Service,

- (i) The Chief Secretary shall instruct the Permanent Secretary (Establishments) to propose three suitable candidates to be considered to fill in the vacant post;

- (ii) The Permanent Secretary (Establishments) shall prepare his recommendations after consultation with the Minister and submit the same to the Chief Secretary who may scrutinize, vary or rescind them before submitting his recommendations to the President for decision.

12.3.7 Posts other than the post of the Permanent Secretary and Deputy Permanent Secretary.

- (a) Where a vacant post occurs other than the post of the Permanent Secretary or Deputy Permanent Secretary, the Permanent Secretary of the Ministry concerned shall after consultations with the Minister responsible for that Ministry, prepare a list of three names of suitable candidates and his recommendations and submit the same to the Permanent Secretary (Establishments) for scrutiny and further recommendations to the Chief Secretary;
- (b) The procedures in Paragraph 12.1.1 should apply in filling the post other than the post of the Permanent Secretary or Deputy Permanent Secretary, save that the instructions of the Chief Secretary are not applicable.

12.3.8 Decision of the President

- (a) After submission of the recommendations to the President by the Chief Secretary, the President may accept, vary or rescind the recommendations;

- (b) Where the President has accepted the recommendations and has made his decision to appoint, transfer or promote someone, he shall notify the Chief Secretary who shall also notify the Permanent Secretary (Establishments);
- (c) While notifying the Permanent Secretary (Establishments) on the decision of the President, the Chief Secretary shall instruct the Permanent Secretary (Establishments) to issue a letter of appointment or promotion or transfer.

12.3.9 Track Record of the Prospective Candidate:

The Permanent Secretary (Establishments) shall ensure that before submitting recommendations for appointment, track record of the prospective candidate is obtained.

12.3.10 The Appointee:

- (a) Where the appointee has received an official letter of appointment from the Permanent Secretary (Establishments), he shall within fourteen days from the date of the receipt, acknowledge in writing the receipt of the letter and notify the Permanent Secretary (Establishments) through his employer whether he accepts or rejects the appointment;
- (b) All Presidential appointees shall be in a probationary period of at least six months before confirmation.

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12.4 Appointments made by other Appointing Authorities

- 12.4.6 The successful candidate will be informed by the appointing authority or any authorised officer as soon as practicable after the interview process has been completed and the decision to appoint him or her has been made. Once an acceptance of the offer has been secured in writing, the unsuccessful candidates will be notified of the outcome.
- 12.4.7 It is the responsibility of the appointing authority to ensure that all candidates are informed by letter, telephone or face to face of the outcomes of their applications. Where this is not done, a letter will be issued stating the reasons for the delay in making a decision.
- 12.4.8 Unsuccessful interviewed candidate has the right to complain to the appointing authority and where not satisfied with the decision of the appointing authority, he shall have the right to appeal to the Public Service Commission and later on to the Chief Secretary.
- 12.4.9 Unsuccessful interviewed candidate shall lodge the appeal within three weeks after the stage of the recruitment process if he is dissatisfied with the procedure used, the result obtained and the appeal shall be on the grounds that the selection process was conducted in an improper manner or that an unfair practice was adopted during the selection process. Where on appeal it is proved that the improper conduct and unfair practice adopted during selection resulted or amounts to gross violation of the recruitment procedures, appropriate decision shall be made.

12.4.10 As a matter of good practice, feedback on their application and, or interview will be made available to applicants on request.

12.4.11 Applicants will be encouraged to provide feedback to the Permanent Secretary (Establishments) and the Public Service Commission on their experience of the Public Service recruitment and selection processes in order to improve the quality of those processes. Sample of a standard form is attached as Appendix III.

13.0 PRE-EMPLOYMENT

13.1 The Appointing authority or an authorised officer, as the case may be, should ensure that a letter of appointment is issued to the successful candidate within fourteen days after the appointment has been confirmed, outlining:-

- (a) the job title;
- (b) the date of commencement of employment;
- (c) salary scale;
- (d) the terms and conditions of service (whether temporary month to month, permanent and pensionable, agreement or contract, operational service or daily paid);
- (e) fringe benefits, if any;

13.2 However under special circumstances letter of appointment may be issued to a successful candidate after completion of specific course of instruction or training.

13.3 In addition to the terms outlined above, details of the initial induction programme and related arrangements should be included within the letter of appointment.

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- 13.4 Upon receipt of the applicant's acceptance letter and other required documentations, the appointing authority should issue a job description and all the necessary working documents as provided for under clause 55 of the Public Service Scheme, 2003.
- 13.5 The appointing authority or employer shall within thirty days from the date of recruitment of a new public servant ensure that all formalities to facilitate payment of salary are effected.

APPENDIX IA: JOB DESCRIPTION FORMAT

<i>Job Title</i>	
<i>Post No.</i>	
<i>Grade</i>	
<i>Salary Scale</i>	
<i>Department/Division/Unit</i>	
<i>Location/Station</i>	
<i>Organization/Employer</i>	
<i>Responsible To</i>	
<i>Staff Responsible For</i>	
<i>Job Purpose</i>	The Main Objectives to be achieved by the Post holder.
<i>Main Activities</i>	What the post holder will actually do. What prescribed duties the Post holder will have.

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APPENDIX IB: JOB DESCRIPTION SAMPLE

JOB DESCRIPTION

Job Title	Human Resource Officer		
Post No.	164	Grade	TGS
Department	Personnel and Administration	Location	
Responsible to	Director of Administration and Personnel		
Staff Responsible for	Registry assistants		
Job Purpose	<i>The Main Objectives to be achieved by the Post holder.</i> Advise officers and councillors in all Personnel matters Carry out a full range of Personnel duties Ensure that up-to-date information about the local authority's staff is available at all times.		
Main Activities	<i>What the post holder will actually do.</i> <i>What prescribed duties the Post holder will have.</i> <ol style="list-style-type: none">1. Prepare and maintain personnel files continuously.2. Prepare personal emoluments (annual).3. Counsel staff who have personal problems as required.4. Continuously update personal knowledge of staff regulations and interpret them to staff as required.5. Implement disciplinary procedures as required.6. Co-ordinate performance appraisal and implement appraisal for staff in the Personnel and Administration Department (annual).7. Prepare and implement a training programme (Annual).8. Prepare minutes of management team meetings as required.9. Any other duties which are within the scope of this appointment and which are requested by the responsible Director.		

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APPENDIX II A: PERSON SPECIFICATION FORMAT

POST: _____

GRADE: _____

Attribute	Essential (E) or Desirable (D)
Skills	
1.....	_____
2.....	_____
2.....	_____
Experience	
1.....	_____
2.....	_____
3.....	_____
Knowledge (includes required qualifications, if any)	
1.....	_____
2.....	_____
Special Requirements	
1.....	_____
2.....	_____

APPENDIX II B: PERSON SPECIFICATION SAMPLE

POST: _____

GRADE: _____

Attribute Essential (E) or Desirable (D)

Skills

- | | |
|--------------------------|---|
| 1. Communication skills | E |
| 2. Counselling skills | E |
| 3. Administrative skills | E |

Experience

1. Three years experience of administrative duties
2. Experience of Local Government work
3. Experience of personal work

Knowledge (includes required qualifications, if any)

1. knowledge of the schemes of service
2. knowledge of the local community

Special Requirements

1. Age 18 – 45
2. Able to satisfy medical requirements

APPENDIX III

**APPLICANTS FEED BACK FORM RECRUITMENT
AND SELECTION PROCESS**

NAME:
TITLE OF POST APPLIED:
ADVERTISED BY (ORGANIZATION/EMPLOYER).....
.....
ON (DATE).....
COMMENTS/VIEWS/RECOMMENDATION ON ANY STAGE OF THE
RECRUITMENT AND SELECTION PROCESS
.....
.....
.....
.....
SIGNATURE:.....
DATE:

Dar es Salaam,
22nd February, 2006

HAWA A. GHASIA,
*Minister of State, President's
Office (Public Service Management)*