

3rd December 2018

Dr Ibrahim M Mohammed
Principal Secretary
Ministry of Labour & Social Protection

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Dear Sir

FACTS UNCOVERING THE TRUTH ON THE UNFORTUNATE SUMMARY DISMISSAL OF INDUSTRIAL TRAINING LEVY INSPECTORS IN DECEMBER 2017.

NITA Staff wish to give you a comprehensive and detailed version into the circumstances and persons involved in the choreographed scheme that occasioned the unfortunate summary dismissal of the following officers;

- i. George Ochieng Anangwe - North Rift Region {Eldoret}
- ii. Simon Peter Mwangi - Central Rift Region{Nakuru}
- iii. Rachael Iha - Coast Region {Mombasa}
- iv. Benjamin Lorunyei Lokor - Upper Eastern Region{Embu}
- v. David Kibet Sirma - Central Kenya {Nyeri}
- vi. Alfred Jamal - Nyanza Region {Kisumu} – Julius Olayo’s Nephew and Mastermind of Ksh 12M fraud of Public Funds

Historical Brief

The facts of the case giving rise to the dismissal of the above officers began with rumours and unsubstantiated claims peddled by self-seeking employees within the Authority between July – October 2015. From information gathered in social gatherings such as bars and night clubs, specific members of the NITB were made to believe the rumours and innuendos before they proceeded to raise them at Board meetings and this triggered a chain reaction of witchhunting, forced deployments, transfers and eventually dismissals.

NITB members Ernest Nadome, Chis Nabanga (former) and Tom Kagame (the late) used information peddled by self-seeking employees in night clubs and bars to wage a wholesale condemnation against all employees at the Levy Administration Department. From the bunch of lies, rumours and ruinous allegations solicited from the trio, Ernest Nadome and Chris Nabanga escalated the matter to the NITB which fired the then Manager, Finance & Levy Administration on the grounds of irresponsible utterances obtained within night clubs in Nairobi's CBD.

The long journey to frustrate and punish the following 19 Industrial Training Levy Inspectors began as soon as Mr Kahara Mbugua got suspended/before being dismissed from service.

1. Kipkemboi Bartous
2. Wilfred Onyango
3. Keziah Wangui
4. Hellen Kabubei
5. Mary Kimani
6. Alex Seki
7. Rachael Iha
8. John K Maina
9. Simon P Mwangi
10. Pamela Orwa
11. George Anangwe
12. Fidelis Odumo
13. Kabale Buda
14. Felix Ogutu
15. Alfred Jamal
16. David Sirma
17. Benjamin Lokor
18. Stephen Kiruku
19. Edyth Mulaa

During the second week of October 2015, NITB directed the Management to invite all the above employees to appear before an Adhoc Committee of the Board to respond to the sensational and careless allegations reported to the NITB by self-seekers. It was a violation of the Mwongozo guidelines for the NITB to usurp the roles of the Director General and Executive Management in stepping into the arena of interrogating junior employee.

Secondly, it was wrong for Ernest Nadome & co. to entertain the said junior employees in night clubs to;

- i. make sensational allegations against their colleagues without establishing facts
- ii. abuse the chain of command by escalating unsubstantiated facts to the NITB instead of the existing protocol.

On the 19th November 2015, the NITB directed the management to effect a placement and deployment decision which targeted ALL the above officers notwithstanding that eight {8} of them were barely seven months in service. The decision to remove and deny these officers the opportunity to serve the Authority as per their terms of service was communicated under intimidation by the Director General's letter **Ref NITA/HR& ADMIN/STF/CON./02/Vol.1** dated 19th November 2016 under the **SUBJECT: RESTRUCTURING OF LEVY DEPARTMENT (PLACEMENT AND DEPLOYMENT OF STAFF)**. (Copy attached)

This directive was intended interim but apart from the six (6) who were sacrificed through unfortunate dismissal, the rest are still under constant radar of intimidation and threats while in isolation to perform tasks for positions they were NOT employed for in the first place. PS, we call upon your intervention to have these officers revert to their jobs and dispensation of justice for the six who were pushed out of employment on choreographed allegations bordering on impost advanced with the full authority of the Director General.

SELECTIVE AUDIT INTENDED WITH ULTERIOR MOTIVES

Between 14th -19th of January 2016, a selective audit was undertaken by internal audit at the directive of NITB to cover expenditures by the nineteen (19) officers in the FY 2014/2015 and part of FY 2015/2016. Regrettably, eight of these officers were still on probation at the time and they had not been inducted on matters related to Public Finance Management Act 2012.

From the findings of this audit, those found with imprest overlaps were treated harshly starting with an IMPREST RECOVERY & NOTICE TO SHOW CAUSE LETTERS and as a consequence to their individual responses, each of them was served with a 1st WARNING letter during the month of September 2016 and recovery of the said overlaps from their salaries. This was application of double standards, Imprest overlaps involved all recipients of imprest and the senior members of NITA Management & Board are notorious on this transgression. And in actual truth, CERTAIN members of the NITA Board don't surrender imprest advanced and in circumstances where they do, it is done on their behalf by employees through the presentation of fictitious receipts. The following officers continue to receive overlapping imprest and the disciplinary trajectory taken against Levy Inspectors in NOT APPLICABLE TO THEM;

- i. Paul Kosgei - Director General
- ii. Stephen Ogenga – Director Industrial Training
- iii. Julius Olayo- Director HR & Administration
- iv. William Mwanza- Manager Industrial Training
- v. Galm Guyo – Manager Levy Administration
- vi. Karoli Otieno- Snr ICT Officer– (While ITO in Trade Test)
- vii. Irene Ogamba – Manager Legal Officer

PS, Employees are concerned on the use of selective justice. WE condemn the harsh treatment of a section of employees. It is a disgrace for the Director General to append his signature on warning letters touching on imprest overlaps while he is the offender number one. He is acting to please and to be liked by the NITB at the expense of innocent employees. He has ceded his executive role to self-seekers and middlemen in the Authority lead by Julius Olayo, Ernest Nadome & Jacqueline Anyango Mugo.

EXTORTION BY NITA BOARD MEMBER – ERNEST NADOME & CHRIS NABANGA

During the months of April/May 2016, Mr Nadome & Mr. Nabanga demanded a sum of Ksh 500,000 from each of the nineteen (19) officers through Mr Junias Otiti, Rachael Iha and Fidelis Odumo. The purpose of this extortion which was later reviewed down to Ksh 330,000 was to;

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- i. Serve as a guarantee to take them back to their jobs as Inspectors
- ii. Stop the NITB from effecting their hypothetical threats pursuant to unsubstantiated allegations by self-seeking employees.

Bw.PS, your intervention on behalf of the aggrieved employees and employee fraternity is sought a request humbly submitted. We call on your substantive office to engage the Directorate of Criminal Investigation to investigate the criminal aspect of extortion and punish the said NITB members. The Director General is privy to this extortion and he did little to intervene. The aggrieved officers are demanding back their money from Ernest Nadome & Chris Nabanga.

SPLIT INTERNAL- AUDIT

NITA Staff wish to bring your attention the crime of conspiracy between Ernest Nadome- lead faction of NITB, Julius Olayo, Triza Lagat, Irene Ogamba and Eric Owino (now Manager, HR, Kenya Film Commission). The secret plan to prosecute an unlawful purpose through an unlawful means as evidenced by the issuance of a second **Notice to Show Cause letters** dated 16th August 2017 in reference to an Internal Audit Review of expenditures incurred by Levy officers in the FY 2014/2015 and FY 2015/2016 as directed by the NITB.

Bw.PS, this is an emotive issue. These schemers of this conspiracy concealed their criminal intentions in a selective Internal Audit exercise. We seek your intervention to get an explanation as to;

- i. The motive behind a re-visit to audited vouchers with an ulterior motive of punishing the said officers for the second time. George Anangwe, Simon P Mwangi, Benjamin L Lokor, David K Sirma & Rachael Iha were dismissed after being subjected to more than one disciplinary inquiry for an offence arising from internal audit findings split into two. The resultant penalty of dismissal purportedly imposed was in bad faith, wholly unprocedural and constituted arrant nullities.
- ii. The NITB second-directive for an internal audit re-visit exercise on the expenditures of six (6) out of 300 plus employees if it was NOT in bad faith and malicious. Members of the NITB, Management and substantial population of employees are recipients of temporary imprest to cover office tea & consumables, taxi, airport taxi, motor vehicle incidental costs among many others. Internal Audit has NEVER undertaken an independent audit on all these expenditures! From this audit, the conspiracy of Ernest Nadome and Julius Olayo led factions was intended to intentionally damage the reputation, character and integrity of the five employees.

The persons of authority at NITA have perfected the art of selective justice and deception. They conceal evidence of wrongdoing, incompetence and other embarrassing situations when it touches on them & their relatives. For example, the cases of Dan Jerenga (fraud in transport) and (concealed fraud in Trade Test) by members of one community.
- iii. KENAO through the Auditor General gave a positive rating of the Authority's Financial Statements for FY 2014/2015 & FY 2015/2016 in his basis for Qualified Audit Opinion. The Auditor General had expressed an opinion on the said Financial Statements based on the Audit and Report in accordance with the provisions of Section 48 of

the Public Audit Act, 2015 and submitted the Audit report in compliance with Article 229(7) of the Constitution. In his judgement and assessment, the Auditor General did NOT raise any substantial issues as to any risks of misstatement of the Financial Statements, whether due to fraud or error. Page | 7

The primary objective of the repeated audit exercise was to justify the intended summary dismissal of Mr Anangwe, Mr Mwangi, Ms Iha, Mr Sirma & Mr Lokor. Hon CS, the offence of conspiracy in Kenyan Law is governed primarily by the Criminal Procedure Code. We call upon your good office give a directive of an independent and impartial investigation of the wider conspiracy to bring a false accusation of fraud against the five employees with the ulterior motive of occasioning their job loss.

EMPLOYEES' PRAYERS TO THE PRINCIPAL SECRETARY

NITA Employees are praying for the following in this petition;

- a. With a view of punishing and removal, we call for the thorough investigation into the professional conduct of the following;
 - i. Board Members Ernest Nadome & Jacqueline Anyango Mugo
 - ii. Paul Kosgei – Director General {For lying to protect his job}
 - iii. Julius Olayo- Director HR & Administration
 - iv. Triza Lagat- Manager Legal
 - v. Irene Ogamba – Manager Legal Affairs.
 - vi. ALL the officers who signed the Minutes of the Staff Disciplinary Committee hearing of 12th October 2017 knowing very well that they did not participate in the proceedings.
- b. Re-deployment of ALL the thirteen (13) Industrial Training Levy Inspectors back to their jobs.
- c. Review of the cases touching on the summary dismissal of the following officers;

- i. George Ochieng Anangwe
- ii. Simon Peter Mwangi
- iii. Rachael Kasichana Iha
- iv. David Kibet Sirma
- v. Benjamin Lorunyei Lokor

Sincerely,

NITA STAFF @2018

Enc/1

Cc

Dr Joseph Kinyua
Head of Public Service

Hon Amb. Ukur Yattani
Cabinet Secretary
Min. of Labour & Social Protection