



OFFICE OF THE PRESIDENT

Telegraphic address: "Rais"
Telephone: Nairobi 2227411
When replying please quote

MINISTRY OF INTERIOR
AND CO-ORDINATION
OF
NATIONAL GOVERNMENT

P. O. Box 30510 – 00100
Nairobi

Ref. ESTAB.22/6

Date: 2nd September, 2022

All Regional Commissioners

All County Commissioners

UNION OF KENYA CIVIL SERVANTS AGENCY FEES DEDUCTIONS

Reference is made to Union of Kenya Civil Servant letter ref. UKCS/I&CNG/VOL.1(71) dated 17th May 2022.

Following the above quoted letter by Union of Kenya Civil Servants to all Government Ministries, that **ALL** unionisable Public Servants but are **NOT** members of UKCS but benefited from Salary Reviews through the Collective Bargaining Agreement and are in Job Groups 'N' and below, be surcharged an amount equivalent to **1.5%** of the officers' basic salary and remitted to the union in the form of agency fees.

Kindly bring this information to all affected officers under you on the enforcement of the Legal Notice No. 19 of 26th January 2022, and the Ministry of Public Service, Gender, Senior Citizens Affairs and Special Programmes – State Department for Public Service Circular ref no. **MPYG/DPSM/21/27 VOL.1 (107)** dated **11th May 2022**.

Moffat M. Kangi, EBS
FOR: CABINET SECRETARY

Encl.



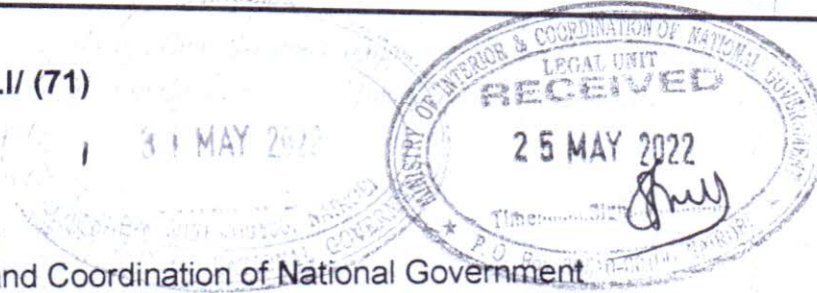
UNION OF KENYA CIVIL SERVANTS

Ufundi Co-op. Plaza, 8th Floor,
Moi Avenue, Next to Jeevanjee Gardens
P.O. Box 48083-00100 GPO, Nairobi
Tel: 0722 225 908, 0737 435 755
Email: info@ukcs.or.ke

Head/legal / CSC

UKCS/I&CNG/VOL.II (71)

17th May, 2022



Principal Secretary
Ministry of Interior and Coordination of National Government
State Department of National Government
P.O Box 30395-00100
NAIROBI.

Attn: Director Human Resources

Dear Sir/Madam,

RE: DEDUCTION OF AGENCY FEES

Kindly note the contents of the Legal Notice No. 19 of 26th January, 2022 on the above matter.

This is a legal directive that all unionisable public servants who have benefited from the negotiations by the Union of Kenya Civil Servants Collective Bargaining Agreement yet they are not subscribing members of the union must be surcharged an amount of 1.5% of their basic salary.

Kindly refer to the directive from the Principal Secretary State Department for Public Service Ref. No. MPSSGA&SP/2 dated 18th March 2022. as attached.

We look forward for your timely action on this.

Yours faithfully,

**HON. TOM M. ODEGE, MP
SECRETARY GENERAL**

Encl.

DHRM&D
This is for your action in line with the legal notice & Directive of the Ministry of Public Service
29/5/2022 CSC/ML

National Chairman - Alisokor M. Ishaq
1st National Vice Chairman - Titi Mbwana
2nd National Vice Chairman - Benedict Makuthu

Secretary General - Tom M. Odege
1st Deputy Secretary General - Lameck O. Abrahams
2nd Deputy Secretary General - Confat Ademba
1st Ass. Secretary General - Julius Metto
2nd Ass. Secretary General - Francis Ateto

National Organising Secretary - Paul Ndungu
Deputy National Organising Secretary - Wilson Asingo
National Treasurer - Abdul Malik Abdalla
Deputy National Treasurer - Judy Wangari
Women Leader - Mary Mukiri
National Young Worker - Ellon Cheruiyot



REPUBLIC OF KENYA
MINISTRY OF PUBLIC SERVICE, GENDER,
SENIOR CITIZENS AFFAIRS AND SPECIAL PROGRAMMES
STATE DEPARTMENT FOR PUBLIC SERVICE
Office of the Principal Secretary

www.psyg.go.ke
Telephone: Nairobi 227411
Fax: 2243620
When Replying please quote

P.O. BOX 30050-00100
NAIROBI
KENYA

Ref. No: MPSGSCA&SP/2

18th March, 2022

All Principal Secretaries/Accounting Officers

The Solicitor General

**THE UNION OF KENYA CIVIL SERVANTS (DEDUCTION OF AGENCY FEES)
ORDER, 2022**

1. Your attention is invited to Legal Notice No. 19 dated 26th January, 2022 issued by the Cabinet Secretary for Labour (copy attached).
2. The Legal Notice stipulates that a sum equal to 1.5% of the monthly basic salary be deducted from each unionisable employee who is not a member of the Union of Kenya Civil Servants (UKCS) or any other trade union but is covered by the Collective Bargaining Agreement registered by the Employment and Labour Relations Court at Nairobi as RCA No.384 of 2017 on 20th December, 2017.
3. The provisions of the Legal Notice are in line with Section 49 (1) of the Labour Relations Act, 2007 which provides that a trade union that has concluded a collective agreement registered by the Industrial Court with an employer, group of employers or an employers' organisation, setting terms and conditions of service for all unionisable employees covered by the agreement may request the Cabinet Secretary for Labour to issue an order requiring any employer bound by the collective agreement to deduct an agency fee from the wages of each unionisable employee covered by the collective agreement who is not a member of the trade union.
4. Accordingly, it is hereby notified that the indicated agency fees shall be deducted centrally from the salaries of the affected employees through the Integrated Payroll and Personnel Database (IPPD) system with effect from the month of March, 2022.
5. Authorized/Accounting Officers are requested to bring the contents of this Circular to the attention of all affected staff within their jurisdiction.

A copy of the Legal Notice No. 19 dated 26th January, 2022 is hereby attached.



Mary W. Kimonye (Mrs), CBS
PRINCIPAL SECRETARY

Encl.

Copy to: The Head of the Public Service
Executive Office of the President
State House
NAIROBI

The Cabinet Secretary
Ministry of Public Service, Gender,
Senior Citizens Affairs and
Special Programmes
NAIROBI

The Secretary/CEO
Public Service Commission
NAIROBI

The Chief Executive Officer
Council of Governors
NAIROBI



REPUBLIC OF KENYA
MINISTRY OF PUBLIC SERVICE, GENDER, SENIOR
CITIZENS AFFAIRS AND SPECIAL PROGRAMMES
STATE DEPARTMENT FOR PUBLIC SERVICE *
Office of the Principal Secretary

Telegraphic address: "Personnel",
Telephone: Nairobi 227411
Telex: 23125
Fax: 2243620
When Replying please quote

P.O. BOX 30050-0100
NAIROBI

Ref. No. MPYG/DPSM/21/27 VOL.1 (107)

11th May, 2022

All Principal Secretaries/Accounting Officers

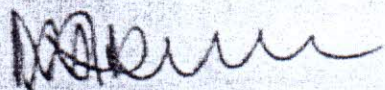
The Solicitor General

RE: UNION OF KENYA CIVIL SERVANTS (DEDUCTION OF AGENCY FEE ORDER,
2022)

1. Your attention is invited to this Office Circular Letter No. MPSGSCA&SP/2 dated 18th March, 2022 and Legal Notice No. 19 dated 26th January, 2022 issued by the Cabinet Secretary for Labour.
2. The Legal Notice stipulates that a sum equal to 1.5% of the monthly basic salary be deducted from each unionisable employee who is not a member of the Union of Kenya Civil Servants (UKCS) or any other trade union but is covered by the Collective Bargaining Agreement registered by the Employment and Labour Relations Court at Nairobi as RCA No.384 of 2017 on 20th December, 2017.
3. Through the Circular under reference, it was notified that the indicated agency fees shall be deducted centrally from the salaries of the affected employees through the Integrated Payroll and Personnel Database (IPPD) system with effect from the month of March, 2022.
4. This Office has received numerous requests for clarification on how this will be implemented, given that the data capture on payroll changes is usually undertaken at the entity level by respective Authorized/ Accounting Officers.

5. This is to clarify that:-

- (i) Management of employees emoluments, including third party recoveries and deductions through the IPPD System is delegated to the respective Accounting/Authorized Officers in each Ministry, Department, County and Agency (MDCA); and
 - (ii) Deduction of Agency Fee, as provided for in the Legal Notice No. 19 dated 26th January, 2022 will be effected at the Ministry/Department/County/Agency level as is the practice.
6. Consequently, you are requested to deduct the Agency Fee from the unionisable employees covered by the Collective Bargaining Agreement but are not members of the Union of Kenya Civil Servants accordingly and in line with the relevant legal provisions.
7. You may wish to request the Union to furnish you with the current list of the affected staff from your Organization to guide you in the process.
8. A copy of the Legal Notice No. 19 dated 26th January, 2022 is hereby attached.



Mary W. Kimonye (Mrs.), CBS
PRINCIPAL SECRETARY

End.

- Copy to:
- The Head of the Public Service**
Executive Office of the President
State House
NAIROBI
 - The Cabinet Secretary**
Ministry of Public Service, Gender, Senior Citizens Affairs
& Special Programmes
NAIROBI
 - The Secretary/CEO**
Public Service Commission
NAIROBI
 - The Chief Executive Officer**
Council of Governors
NAIROBI

SPECIAL ISSUE

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Kenya Gazette Supplement No. 16

6th February, 2022

(Legislative Supplement No. 10)

LEGAL NOTICE No. 19

THE LABOUR RELATIONS ACT

(No. 14 of 2007)

IN EXERCISE of the powers conferred by section 49 of the Labour Relations Act, 2007, the Cabinet Secretary for Labour makes the following Order —

THE UNION OF KENYA CIVIL SERVANTS (DEDUCTION OF AGENCY FEES) ORDER, 2022

1. This Order may be cited as the Union of Kenya Civil Servants (Deduction of Agency Fees) Order, 2022.
2. The Cabinet Secretary for Public Service, Gender, Senior Citizens Affairs and Special Programmes shall—
 - (a) deduct the sum specified in the Schedule from the wages of each unionisable employee who is not a member of the Union of Kenya Civil Servants or any other trade union but is covered by the Collective Bargaining Agreement registered by the Employment and Labour Relations Court at Nairobi as RCA No. 384 of 2017 on 20th December, 2017;
 - (b) pay, within ten days, the sums deducted under paragraph (a) by crossed cheque or electronic fund transfer made payable to the Union of Kenya Civil Servants, account number 01120120993000 at Cooperative Bank of Kenya, Moi Avenue Branch, Nairobi;
 - (c) commence deduction of the agency fees within thirty days of being served with this Order by the trade union; and
 - (d) file returns with the Registrar of Trade Unions at P.O. Box 40326-00100, Nairobi, within one month of making all the payments to the Union.

SCHEDULE

A sum equal to 1.5% of the monthly basic salary of unionisable employee.

Dated the 26th January, 2022.

SIMON K. CHELUGUI,
Cabinet Secretary for Labour.