



**The Principal Secretary
Ministry of Labour & Social Protection**

**EMPLOYEES PETITION AGAINST THE RENEWAL OR EXTENSION OF MR
PAUL KOSGEI'S CONTRACT AT NITA ON
INCOMPETENCE, INTEGRITY & ACCOUNTABILITY**

The Constitution of Kenya, 2010 provides, under Chapter 6, for leadership and integrity of all public officers. The Chapter is predicated upon the assumption that State officers are the nerve Centre of the Republic and carry the highest level of responsibility in the management of state affairs and, therefore, their conduct should be beyond reproach. This means that under the Constitution Kenyans decreed that those whose conduct does not bring honour, public confidence and integrity have no place in the management of public affairs. This is to ensure that those entrusted with the management of public affairs and resources are persons **of good character, probity and uprightness. Mr Kosgei fails this TEST on all fronts.**

The soundness of his moral principles and character, as shown by his dealings in decision making, performance of contracts, fidelity and honesty in the discharge of trusts is NOT synonymous with “probity,” “honesty,” and “uprightness.”

Mr Kosgei;

- i. Lacks moral conduct, duty and judgment.
- ii. Lacks integrity, non-committed to building enduring NITA
- iii. Does not have a deep sense of purpose and is not true to his core values
- iv. He makes decisions without the knowledge that he is accountable for outcomes

- v. Plays ball to a 'powerful' COTU/FKE representation of the NITA Board which has given themselves powers to determine the outcome of lucrative tenders, key appointments, employee separation through coercion and intimidation while directing & controlling the Authority.
- vi. Acts in Violation of Article 73 of the Constitution which provides for the responsibilities of leadership and states that:
73. (1) Authority assigned to a State officer— (a) is a public trust to be exercised in a manner that— (i) is consistent with the purposes and objects of this Constitution; (ii) demonstrates respect for the people; (iii) brings honour to the nation and dignity to the office; and (iv) promotes public confidence in the integrity of the office; and (b) vests in the State officer the responsibility to serve the people, rather than the power to rule them. (2) The guiding principles of leadership and integrity include— (a) selection on the basis of personal integrity, competence and suitability, **(Mr Kosgei's appointment in the first place was illegal)** (b) objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favouritism, other improper motives or corrupt practices; (c) selfless service based solely on the public interest, demonstrated by— (i) honesty in the execution of public duties; and (ii) the declaration of any personal interest that may conflict with public duties; (d) accountability to the public for decisions and actions; and (e) discipline and commitment in service to the people. **(Mr Kosgei exercises his functions outside this parameters of the Constitution)**
- vii. He uses this 'powerful' COTU/FKE representation to act with impunity. There are several instances we are able to cite as to the various instances which communications from other state agencies are ignored and filed away. Mr Kosgei is a corrupt and lazy thinking person who over-relies on his juniors to make decisions even when they are wrong. In brief, he serves COTU/FKE interests. **Past investigations by EACC and**

PPOA have been silenced by Mr Kosgei who has admitted having spent colossal sum of money to bribe those assigned to investigate procurement malpractices at NITA.

- viii. NITA has seen unprecedented and questionable dismissal of employees actuated by malice under Mr Kosgei's initial three years. The following employees are actively contesting their illegal dismissal through the various available mechanisms within government;

	Name	Position	Cause of Exit	Case Handling
1	Kahara Mbugua	Manager, Finance & Levy Admin	Dismissal/ Gabriel Obasie Initiated Conspiracy (2015)	Employment & Labour Relations Court
2	Purity Mwirigi	Manager, Supply Chain	Dismissal/ Gabriel Obasie Initiated Conspiracy (2015)	High Court
3	James Andako	Manager, Internal Audit	Dismissal/ Gabriel Obasie Initiated Conspiracy (2015)	Employment & Labour Relations Court
4	Elkana Kirundi	Centre Manager (NITA Msa)	Intimidated & Coerced to Resign or face dismissal (2018)	PSC/SCAC/ML&SP & ISC
5	George Anangwe	Levy Inspector	Dismissal/ Gabriel Obasie Initiated Conspiracy (2017)	PSC/SCAC/ML&SP & ISC
6	Simon Mwangi	Levy Inspector	Dismissal/ Gabriel Obasie Initiated Conspiracy (2017)	PSC/SCAC/ML&SP & ISC
7	Rachael K Iha	Levy Inspector	Dismissal/ Gabriel Obasie Initiated Conspiracy (2017)	PSC/SCAC/ML&SP & ISC
8	David K Sirma	Levy Inspector	Dismissal/ Gabriel Obasie Initiated Conspiracy (2017)	PSC/SCAC/ML&SP & ISC
9	Benjamin Lokor	Levy Inspector	Dismissal/ Gabriel Obasie Initiated Conspiracy (2017)	PSC/SCAC/ML&SP & ISC
10	Alfred O Jamal	Levy Inspector	Dismissal/ Gabriel Obasie Initiated Conspiracy (2017) & FRAUD	PSC/SCAC/ML&SP & ISC
11	Teresa Mukora	Levy Inspector	Dismissal /Insubordination	PSC/SCAC/ML&SP & ISC
12	Rosemary Nabwire	Clerk	Dismissal/Collateral Victim of a conspiracy	PSC/SCAC/ML&SP & ISC
13	Benson Nguthu	Accountant	Dismissal/Collateral Victim of a conspiracy	PSC/SCAC/ML&SP & ISC
14	Gabriel Obasie	Accountant	Dismissal/ Failed to Prescribe His Own Medicine	PSC/SCAC/ML&SP & ISC

PSC- Public Service Commission
SCAC- State Corporations Advisory Committee
ML&SP – Ministry of Labour & Social Protection
ISC- Inspectorate of State Corporations

Mr Kosgei's role in the dismissal of these employees was limited to the signing of their dismissal letters under instructions from 'above' as most allegations were initiated and reported by Mr Obasie who enjoyed unfettered attention of the FKE/COTU representation at the NITA Board.

- ix.** Mr Kosgei continues to act in breach of Constitution and more specifically; The chapter on Leadership and Integrity which requires State officers to be guided in their day-to-day conduct by principles of leadership and integrity which, among other requirements, include: **being objective and impartial in ensuring that decisions are not influenced by nepotism, favouritism, other improper motives or corrupt practices; being selfless while rendering service solely on the public interest; demonstrating the commitment to the public interest through honesty in the execution of public duties and the declaration of any personal interest that may conflict with public duties and being accountable to the public for decisions and actions.**
- x.** Mr Kosgei is behind the various procurement related malpractices at NITA where he silently champions bid-rigging in favour of his preferred bidders and Board members. ALL high value tenders are interrogated outside the requirements of the Constitution of Kenya, 2010 which outlines the

principles for Public Procurement and Disposal as: **a. Fair b. Equitable c. Transparent d. Competitive** and **e. Cost-effective**

- xi. Mr Kosgei should be investigated over maladministration, delay, administrative injustice, discourtesy, incompetence, misbehaviour, inefficiency/ineptitude within the Authority. He is not fit to lead because of his unethical and corrupt practices. His functioning is at the behest of COTU/FKE representation of the NITA Board.
- xii. His previous work history is traced to FKE and the abolished Industrial Court. He is at NITA to serve the interests of COTU/FKE representation and we call upon the Cabinet Secretary to reject his reappointment or the extension of his contract which has been imposition by COTU/FKE. It will be a disaster and disservice to add Mr Kosgei an extra day at NITA. This is the truest proof that Mr Kosgei is a subject of manipulation and compromise by those fronting his reappointment.
We remind Mr Kosgei that there are four foundations of trust which include: **Competence, Connection, Character, and Integrity**. ALL FOUR must be present to truly embody trust. He should take note that; employees have always watched what he says and does – an ardent advocate of double standards and impunity.
- xiii. Mr Kosgei ashamedly collects Daily Subsistence Allowances for events/functions which he does not attend and uses his personal driver to surrender using fictitious work tickets. He also receives airport taxi allowances whereas NITA drivers are assigned to pick and drop him at the respective airports.

Aren't these the consequences of being out of integrity? **MR KOSGEI SHOULD NOT BE IMPOSED ON THE AUTHORITY'S LEADERSHIP AS ITS DIRECTOR GENERAL.**

xiv. Mr Kosgei served the Industrial court in the capacity of a judge and it only serves as a disgrace to REMIND him of the high ethical demands of the current office which he occupies. The Code of Conduct and Ethics recognizes the ethical requirements of public servants in general and those relating to an Accounting Officer in particular, including the latter's professional obligations

He has failed to realize his duty to conduct himself in a professional manner at all times and to apply high professional standards in carrying out his work including promotion and application of best practices and procedures.

In addition, he acts as if he does not have a good understanding of the constitutional, legal and institutional framework and the principles governing NITA's operations.

xv. Mr Kosgei is behind the sanctioning of fraudulent recruitments and promotions at NITA which neither transparent, competitive nor fair. Further, these recruitments are not approved by the National Treasury.

xvi. The law establishing the collection and regulation of Industrial Training Levy prohibits apportioning the same for payment of salaries. Because of impunity and incompetence, this illegality is entertained under Mr Kosgei's watch.

From

NITA EMPLOYEES

CC Head of Public Service

The CEO/SCAC

The Ag. CEO/PSC

The IG/ISC

CS/Min of Labour & Social Protection