



**Tel: +254-(0)20-2695586/9**

**P.O. Box 74494- 00200**

**Email: [directorgeneral@nita.go.ke](mailto:directorgeneral@nita.go.ke)**

**Commercial Street Industrial Area**

**Website: [www.nita.go.ke](http://www.nita.go.ke)**

**NAIROBI, KENYA**

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Dr Ibrahim Mohamed  
Principal Secretary  
Ministry of Labour/Social Protection

Dear Sir

**MORE REVELLATIONS ABOUT SPECIFIC PERSONS OF INTEREST RESPONSIBLE  
FOR THE SOURING LEVELS OF MANAGEMENT ROT AT NITA & OTHERS**

**COTU & FKE REPRESENTATION**

Ernest Nadome and Jacqueline Mugo have ring-fenced the Authority in pursuit of own interests. They are the mandarins in charge of appointments, recruitments and agents of malice, personal vendetta and ill-will against employees.

It is a composition of persons which has remained unchanged at the NITA Board for years during which period the Authority has undergone dramatic upheavals and turmoil.

They have usurped the roles of executive management while living in the corporate business lore of yesterday.

The rule of law is unto them and they give the last say on who should be appointed to NITA's payroll or get fired no matter the situation. Paul Kosgei is a Director General by name with no portfolio and functions under 'delegated authority' of Ernest Nadome and Jacqueline Mugo whose handmaid is Julius Olayo, Mr Fix in recruitments, deployments and matters discipline.

The COTU/FKE representation interrogated the Authority's business according to their individual wishes. They have neither the time nor the inclination to peruse board papers in any depth because of their intent to maximise own personal benefit through actions beneficial to them and harmful to the Authority & its employees.

They have completely failed in their fiduciary duties and the duty to exercise care, skill, and diligence. They should be re-tooled to better understand how to act with fidelity, honesty, integrity and in the best interest of NITA. Ernest Nadome's integrity remains on the spot over extortion and the Ministry is yet to take the necessary action over this criminal act. Secondly, Mr Nadome applies coercion and intimidation against the Management to have his relatives and social associates recruited. He also used his position at the NITA Board to settle personal scores against employees as was the case of Benjamin Lokor who separated with his sister, Lydia Nikii Nadome.

The COTU/FKE representation should be reminded that they do not and, by definition, they cannot own NITA. This is a non-listed State owned Enterprise! They should take their divergence of interests to COTU, FKE or ILO if need be.

Julius Olayo, the ethnic cabal and an overly 'powerful' Director HR & Admin has the entire COTU/FKE representation in his trail. This is the epicentre of recruitment and administrative fraud. The weak, underprivileged and job seeking Kenyans have no place at NITA! It is a ring-fenced and captured organization for a few families and relatives.

The COTU/FKE representation has cast a doubt on the Authority's reliability, integrity and obligation to stakeholders. The unholy alliance and unethical allegiance of Julius Olayo, Irene Ogamba, Paul Kosgei to COTU/FKE representation is the root cause of NITA's rot. The common denominator among these individuals is personal interests – money! (sitting allowances, per diem and recruitment of their own relatives to NITA).

Some of the COTU/FKE members have assumed leadership know when actual sense they are not aware of what they need to. For example, Ernest Nadome, an electrical artisan and a union representative is in a foreign land on matters governance. He remains reckless in conduct and has no clue whether he is a board member or an employee of NITA. The earliest he is either removed or re-trained on governance matters, the better.

The Government, through the Ministry of Labour & Social Protection should dramatically re-design the entire concept of NITA Board to reduce the COTU/FKE representation; the major cause of NITA's corporate failure and rot.

## **A FAILED CORPORATE GOVERNANCE**

NITA is symptomatic of pathological governance deficiencies. A section of the NITA Board has failed to provide strategic oversight to the Authority because of greed and self-seeking. CORRUPT Board members has made it difficult to practice effective corporate governance. The Authority is NOT operating in conformity with the rule of law, policy and

procedure. A section of its membership is no longer relevant in the strategic guidance and effective monitoring with accountability – EMPLOYEES are disillusioned!

A section of the NITA Board has contributed to the failed quality of internal accounting and control practices.

Board members do not surrender imprests advanced to them in line with PFMA,2012 guidelines and without shame yet they direct the dismissal of employees on account of imprest.

Some NITA Board members do not surrender imprest on air travel using Boarding-Passes. INSTEAD, they use Airline Itineraries to conceal the loss of days paid for in sitting allowances and per-diem thereby defrauding the Authority.

NITA's Financial Statements are products of creative/mischievous accounting. Regrettably, most of its Finance & Audit Committee members lack the least basic level of FINANCIAL COMPETENCY.

There is no significant relationship between the NITA Board characteristics & effectiveness of corporate governance.

There is no significant relationship between its Audit Committee and effectiveness of corporate governance

There is no significant relationship between the legal, regulatory and policy framework and good governance at NITA.

This is an organization on the verge of insolvency given the way it is directed, controlled and managed. The unfolding events will most certainly erode NITA's creditworthiness in the eyes of its key stakeholders like WORLD BANK GROUP (KYEOP).

The standard practice round the world requires Board's to maintain effective, efficient and transparent systems of Financial and Risk Management as well as Control in accordance with existing Treasury Regulations. MOST REGRETTABLE & SHAMEFUL is that NITA Board Members apply intimidation, coercion and threats against the Executive Management to conceal the excesses of its expenditure in Staff Vote-Heads. For example, Ksh 49 Million was spent in excess of its annual budget of Ksh 35 Million in 2015.

### **LEVY ADMINISTRATION DEPARTMENT**

This is a department whose function is integral under NITA's Industrial Training mandate. It is, however, a dying function because of competing interests.

First, the current manager Galm Rogicha Guyo is a product of fraudulent recruitment through the influence of Ernest Nadome. His academic qualifications are in complete contrast to the position he is holding. Secondly, he was a distant fourth (4<sup>th</sup>) during the interview that brought him on board.

The annual turnover of collecting Industrial Training Levy has taken a nose-dive ever since the day he took over the department.

The WRONG PEOPLE are working as Industrial Training Levy Inspectors after the forced deployment and dismissal of the substantive officers out of malice, personal vendetta and ill-will. Here is a sample;

**Bernard Okemwa –Levy Inspector- ELDORET**

He was a classroom teacher (Industrial Training Officer- ITO) employed to teach Artisans & Craftsmen/Women Elementary Mathematics.

He was inappropriately elevated to a Senior Industrial Training Levy Inspector when he is EXTREMELY UNQUALIFIED even to express himself before a client.

**Musa Opuk –Levy Inspector- KISUMU**

An ITO recruited in 2015 to teach artisans & craftsmen/women Electrical Installation & Wiring

Commonly referred to as 'Engineer' while he performs unrelated tasks while students call him 'mwalimu wa stima' because of his signature 'tester' tucked in the shirt 24/7

**Dan Kiragu – Levy Inspector – EMBU**

This is an employee on contract performing levy inspectorate duties in contravention of the Industrial Training Act.

It is also a mockery and abusive to have an employee on contract assigned a driver who is on P&P terms of service.

**EMPLOYEE ON CONTRACT – NITA ATHI RIVER**

An employee on contract swapped places with one, Linda Kanana (Ernest Nadome's nephew) who was removed on under-performance. Linda Kanana was inappropriately recruited at NITA to the disadvantage of long serving and qualified employees on contract terms of service.

**Evan Odhiambo – Levy Inspector Mombasa**

This is Eric Owino's real brother working for NITA alongside the other brother, Peter Odhiambo working in payroll.

Just like the brother, he was inappropriately recruited to NITA to the disadvantage of deserving, qualified long serving employees on contract terms of service.

He exhibits without shame a lot of allegiance to Julius Olayo than his departmental head.

His performance is wanting.

**ALL LEVY INSPECTORS AT NITA HQ;**

Most of them were rewarded on a silver plate the positions left by the 19 substantive levy Inspectors including DIT's Chief Training Levy Inspector.

A substantial number of them are immediate family members of both Senior Members of the Management and the NITA Board.

None of them is gazetted to perform as an Inspector which is in violation of the Industrial Training Act.

### **SALES REPRESENTATIVES IN LEVY ADMINISTRATION**

The decision to recruit and engage sales representatives in the registration of levy contributors is not only laughable and outrageous. It is in blatant violation of the Industrial Training Act. The Indian Trained Manager, Legal Affairs & Board Services should be shown the door for her pedestrian legal advice.

The registration of training levy contributors, enforcement and pursuing of defaulters is a responsibility bestowed upon substantively appointed levy inspectors duly gazetted by the Cabinet Secretary, Ministry of Labour & Social Protection as contemplated under section 23 of the Industrial Training Act, 2011.

The NITA Board & Management continues to engage employees on contract terms of service to perform task assignments related to Levy Administration in blatant violation of the existing legal framework. As indicated earlier, most of these 'inspectors' do not possess the basic minimum requirements academic; requisite academic qualifications or appointment letters.

NITA Board's approval to engage sales representatives at the request of Galm Guyo was an act in the wrong footing. The ex-banker lost the track and the Indian Trained Lawyer was off-side and as usual, pedestrian in her interrogation of facts. NITA is a non-listed State Owned Enterprise and NOT a profit making entity. Galm Rogicha Guyo is reminded to read the Industrial Training Act again – sales representatives belong to the banks and profit making entities. INSTEAD; the sales representatives should be engaged through Marketing and Enterprise Department and re-packaged as marketers to sell the NITA Brand.

### **FRAUDULENT RECRUITMENT & PROMOTION OF DRIVERS**

The following are the real cartels on recruitment and promotions;

- i. Ernest Nadome
- ii. Jacqueline Mugo
- iii. Alice Nyariki
- iv. Paul Kosgei
- v. Julius Ochieng Olayo

- vi. Irene Ogamba
- vii. Eric Owino - Former HR officer & Mr Fix on interview results.

The latest recruitment and promotion of drivers to Driver I position among others was a real fraud fixed by Eric Owino before he fled to Kenya Film Commission as its Head of HR & Admin. It was in blatant violation of the established regulation to employ and/or promote drivers based on a rigged psychometric test **INSTEAD** of subjecting them to **SUITABILITY TEST** through the relevant arms of government as is the Standard practice.

In early 2017, the following drivers among others were invited for Suitability Test at the Ministry of Public Works (Now Min of Roads & Infrastructure) for Driver I & II posts via internal advert. (One post).

- a. Bernard Ombete
- b. Solomon Musyoka
- c. Harun Mwangi
- d. Titus Yator
- e. Elisha Obinda
- f. Livingstone Lidonde
- g. Jonah Njenga
- h. Joseph Erot
- i. Michael Kituku
- j. Celestine Kamande

The NITA officials present were during the first round at NITA Athi River (aptitude test) and second round;

- ✓ Galm Guyo – Manager Levy Admin, Representing Management
- ✓ Eric Owino- Senior HR Officer, Representing HR
- ✓ Brenda Soi, Transport Officer – NITA and;
- ✓ A Mr Maina – Driving Test Examiner

The first preliminary test on Theory& Practical, Highway Code Questions & Road Signs saw the following being sent away after failing suitability test during the second round;

- ✓ Elisha Obinda
- ✓ Michael Kituku
- ✓ Joseph Erot
- ✓ Jonah Njenga
- ✓ Titus Yator
- ✓ Mr Karuri of Min of Labour

After the subsequent test, Solomon Musyoka who came a distant 4<sup>th</sup> in the final suitability test was appointed to the position of Driver I after parting with Ksh 70,000/- to Eric Owino & Julius Olayo.

DURING the June 2018 massive recruitment scam executed by Eric Owino solely on behalf of his masters, the recruitment and promotion of drivers was done by way of an **aptitude/psychometric** test INSTEAD of the MANDATORY GOVERNMENT SUITABILITY TEST through the respective government agency.

### **REASON FOR AVOIDING GOVERNMENT SUITABILITY TEST**

The DG, Mr Olayo and certain Board members realized that their preferred candidates for promotion and recruitment would NOT pass suitability test. They opted for the aptitude/psychometric test which was easy to manipulate and rig. Most of those earmarked were promoted or confirmed without suitability test.

#### **ELISHA OBINDA**

This was a Cook at NITA Kisumu who acquired a driving licence hardly three (3) years ago  
Julius Olayo's relative

Confirmed into P&P terms of service without suitability test

#### **TITUS YATOR**

DG's personal/official driver

It is known that he never stepped into a secondary school class

Promoted into the position of a Driver I WITHOUT SUITABILITY TEST

He has been sent away TWICE by Govern Driving Test Examiners for failing SUITABILITY TEST.

#### **BERNARD OMBETE**

Julius Olayo's personal/Official driver

He is a known relative to Julius Olayo and they both joined NITA from Kenya Forest Service

Formerly a Forest Guard at KFS who was dismissed.

Promoted into the position of Driver I **WITHOUT SUITABILITY**

Joined NITA using doctored letters of reference

### **OTHER DRIVERS CONFIRMED INTO P&P TERMS IN JUNE 2018**

Most of the were recruited through back-door under contract terms of service

Most of them are relatives to members of the executive management and the Board

Even though driver-recruitment is restricted to a D or D+ in KCSE, some of the drivers recruited in June 2018 have no known level of education based on their difficulty in processing of work-tickets and their handling of police officers from GVCU. In fact, most of them did not tender job application letters in the first place.

They have been mark-timing in the Authority for the last two years waiting for their turn to be confirmed into P&P

Confirmed into p&p without suitability test.

### **THE CONSEQUENCES OF RECRUITING DRIVERS THROUGH FRAUD**

Most officers are NOT comfortable with the competency of the said drivers in the highways because their lives are at risk. We demonstrate a few incidences of those inappropriately recruited to drive officers;

### **FRED KAPELI NANGA NABANGA**

This a brother-in law to William Mwanza- Manager, Industrial Training who misuses him at will.

Out of reckless/careless driving, he caused an accident which occasioned the loss & write off of a NISSAN X-TRAIL belonging to the Authority.

He was also involved in a serious fuel-card fraud while driving the Authority's Toyota RAV 4 KCA 568F. If indeed he redeemed fuel for cash, why is he still in service? This matter was silenced by Stephen Ogenga (Director Industrial Training) because Mr Nabanga is a brother in law to his official deputy, William Mwanza, Manager, Industrial Training.

Through his reckless driving with officers on board more recently, he caused an accident with a cash-in transit motor-vehicle to a point that SENIOR OFFICERS were about to be shot at by the police officers escorting the cash-in-transit.

Irene Ogamba & Stephen Ogenga were surcharged for being off-route while the driver was Mr Nabanga along Thika Rd.

This is an ever absent minded person and remains UNFIT to drive staff.

### **THE LATE KIPKEMBOI KESSE**

This was the DG's own relative who reported to Eldoret as soon as a new office was opened in 2015 WITHOUT attending any interview or suitability test. He was actually handpicked from the village and directed to report in Eldoret long before a motor vehicle was assigned to the office.

He was involved in a fatal accident which later claimed the life of a senior officer, Henry Munyasia – RIP.



## **MISUSE OF NITA'S MOTOR VEHICLE KCA 128 F**

MV assigned to Eldoret Levy Office

Apart from Monday – Friday, this is the DG's private car during weekends and public holidays.

It is used to ferry construction materials, animal feeds and remains the family's shopping basket during weekends & public holidays.

He intends to replace it with the new fleet hoping that his contract will be extended. He does not keep uppermost in his mind over his duty to serve in the best interest of the public by leading from the front.

## **EMPLOYEES WHO HAVE REMAINED ON TEMPORARY, CASUAL OR CONTRACT TERMS OF SERVICE FOR YEAR.**

Internally advertised positions have attracted external applicants who get recruited at the expense of internal applicants.

Internally advertised opportunities are rewarded or dished out to immediate family members, friends and relatives for NITA's cartels

It is an abuse of recruitment processes to consider external applicants for vacancies reserved for internal applicants. It is one of the many reasons that employees are revolting against.

Some of them like a **Mr Simiyu** are about to retire while serving on Contract Terms of Service. Is NITA another *shamba la wanyama*?

MOST recently, Mr Olayo has ignored to capture the correct dates of entry by employees on contract terms of service in the staff portal. It is wrong and offensive to place employees on a blanket entry point of May 2018.

NITA STAFF @2019