

His Excellency Dr. William Samoei Ruto, CGH,
President of the Republic of Kenya

Dr Alfred Mutua, EGH,
The Cabinet Secretary for Labour and Social Protection

Mr. Shadrack Mwangolo Mwadime, CBS
The Principal Secretary for Labour & Skills Development

Amb. Anthony M. Muchiri, CBS
Chairperson, Public Service Commission (PSC)

Mr. Paul Famba, MBS
Commission Secretary/CEO
Public Service Commission (PSC)

Inspector General
State Corporations

Simon Indimuli, OGW, MBS
Secretary/CEO
State Corporation Advisory Committee

Ms. Mercy Kalondu Wambua, OGW
Commission Secretary/CEO
Commission on Administrative Justice (Office of the Ombudsman)

Mr. Abdi A. Mohamud, MBS,
Secretary/Chief Executive Officer
Ethics and Anti-Corruption Commission (EACC)

Mr. Felix K. Koskei, EGH
Chief of Staff and Head of The Public Service

Hon. Dorcas Oduor, OGW, EBS
The Attorney-General

Mr. Vincent C. Kigen
Chairman
National Employment Authority (NEA)

Your Excellency and Honorable Officials,

Underperformance and Mandatory Retirement for Director General National Employment Authority - Mrs. Edith Okoki

a. Background

The National Employment Authority (NEA) was established in April, 2016 by an Act of Parliament (the National Employment Authority Act 2016) which effectively provided the legal framework and mandates for its operations. The Authority was created out of the then National Employment Bureau (NEB) which was one of the Departments in the Ministry of East African Community, Labour and Social Protection. The Act therefore provided for the transitioning of the Bureau into the National Employment Authority. It mainly provides for a comprehensive institutional framework for: employment management; enhancement of employment promotion interventions; and increasing access to employment by the youth, minorities and marginalized groups and for connected purposes.

We, the Concerned Staff of the National Employment Authority (NEA), hereby submit this formal petition to express our deep concern, anguish, and demoralization over the management style of our Director-General, Madam Edith Okoki and her Board of Directors who do not exercise due diligence on matters brought by the DG to Board thus precursor of bad Corporate Governance.

we respectfully seek your urgent government intervention to save National Employment Authority from sinking with the DG and her Board, restore hope to the secretariat who are the means through which the Authority meets its:

- a) **Vision:** “Employment opportunities for all”
- b) **Mission:** “To formulate and implement employment policies and programmes for creation of sustainable employment for all Kenyans.”
- c) **Strategic Objectives:**
 - To advice and implement employment policies, programmes and strategies
 - To promote and monitor employment creation programmes both locally and abroad
 - To provide Public employment Services
 - To provide Labour Market Information
 - To enforce the provision of the National Employment Authority Act, 2016
 - To enforce the relevant provisions of the Labour Institution Act 2007, and Employment Act 2007 relating to Employment Management and regulation of Private Employment Agencies.
 - Establish and implement mechanism for internship
- d) **Functions:**

The functions of the Authority are provided under Section 8 of the National Employment Authority Act, 2016. In the section, the National Employment Authority’s functions shall be to:

 1. Advise on formulation of employment policies and strategies for national and county governments;
 2. Advise both the national and county governments on any policy matter concerning employment;
 3. Develop methodologies for employment measurement, management and promotion;

4. Conduct periodic surveys on labour market skills requirements and advise training institutions and job seekers appropriately to ensure that training and skills match the job market requirements;
5. Monitor implementation of employment policies and programmes;
6. Facilitate cooperation with national government, the private sector, the informal sector and foreign governments and institutions to promote and increase access to employment;
7. Facilitate continuous training and other activities of Kenyans to improve their chances of employment and work skills;
8. Register persons seeking employment;
9. Maintain an integrated and up-to-date database of all persons seeking employment;
10. Facilitate the employment and placement of jobseekers in formal and informal or any other form of employment, locally and internationally;
11. Circulate in a timely manner job vacancies advertised to job seekers throughout Kenya through appropriate means including use of social media, internet and published materials;
12. Provide counseling to the unemployed and undertake activities to promote employment;
13. Facilitate the implementation of national policies on employment;
14. Take necessary steps to encourage equal opportunity employment practices for the benefit of the unemployed;

e) Policy Priorities:

The Authority main policy priorities will be the promotion of employment in all aspects of national development. Specific policy priorities will be:

1. Employment creation, especially for the youth, minorities and marginalized groups;
2. Provision of labour market information;
3. Re-engineering of public employment services; and
4. Promotion of foreign employment.

f) Core Values

The Authority is committed to upholding the following Core Values as the guiding principles for operations in the medium and long-terms:

1. Equity and diversity in access to employment opportunities – NEA will ensure equity and diversity in access to employment opportunities for all Kenyans
2. Participation of stakeholders – The Authority promotes commitment and participation by all stakeholders in development and implementation of employment programmes
3. Creativity and Innovativeness – NEA will develop programmes that promote sustainable employment opportunities among the youth
4. Customer Focus – NEA is committed to uphold customer-driven and customer focused services that deliver results to all
5. Integrity, Transparency and Accountability – The Staff shall uphold the highest and ethical standards while ensuring openness and responsibility for results to its customers.

b. Underperformance and malpractice at National Employment Authority

The underperformance of the Authority is attributed to mismanagement and malpractice by the DG whose actions are not interdem with Authority's vision, mission, strategic objectives, functions, priorities and core values thus this negates the anticipated performance and social impact under Bottom-Up Transformation Agenda (BETA).

Below are reasons NEA is on its Knees:

i. Lack of Governance and Good Management Practices Under DG Okoki's Leadership

- a. **Disempowerment of Newly Recruited Staff:** In August 2024, NEA onboarded a number of new employees, including managers and technical staff, as part of efforts to strengthen the Authority's capacity. Shockingly, instead of being empowered to contribute, these new recruits have been systematically marginalized and stripped of meaningful duties. Many new managers have no clear assignments or responsibilities; they report to work but are not entrusted with the roles for which they were hired. This deliberate sidelining of fresh talent has left these professionals frustrated and idle, wasting public resources and denying the institution the benefit of their expertise. The practice has also demoralized other staff, who see that even competent new team members are being rendered ineffective. It appears that the Director-General prefers to concentrate authority in a small circle of long-time associates, at the expense of integrating the new staff who could bring in much-needed energy and ideas.
- b. **Culture of Exclusion and Sidelining:** A pervasive culture of exclusion has taken root under Madam Okoki's stewardship. Information and decision-making are tightly centralized around the Director-General, with a select few individuals in her favor, while entire departments and qualified professionals are kept in the dark or left out of key processes. There is little transparency or consultation in management decisions. This has bred an atmosphere of mistrust and fear. Staff members (especially those hired in recent years) often feel deliberately kept on the periphery of the organization's operations. Important meetings, strategy sessions, and opportunities are either kept secret or involve only a narrow clique of insiders. Such favoritism and secrecy not only erode teamwork and innovation but also contravene the principles of inclusive management. Ultimately, this exclusionary approach has paralyzed initiative at lower levels – many employees have given up on offering ideas or feedback, knowing they will be ignored.
- c. **Refusal to Implement HR and Staff Welfare Initiatives:** Madam Okoki's leadership has been characterized by a persistent neglect of staff welfare and human resource development. Numerous proposals aimed at improving employee conditions and motivation have been tabled – including providing a medical insurance cover, instituting a staff pension scheme or gratuity, facilitating training and career development programs, and addressing basic workplace needs (such as adequate tools and equipment for our jobs). Regrettably, the Director-General has outrightly refused to approve or implement these proposals, even when resources could be sourced or partnerships formed. As a result, NEA staff continue to lack basic employment benefits like medical cover and pension plans, and even face shortages of proper working tools. This is a deeply demoralizing state of affairs. Employees feel undervalued and expendable, as even minimal welfare improvements are denied. The failure to invest in staff not only hurts morale but also undermines NEA's effectiveness – unhealthy, insecure, or ill-equipped employees cannot deliver optimum services to the public. (see attached advisory)

- d. She refused to confirm the appointments of staff required 11 months ago despite the lapse of the 6-months' probation period in February 2025, notwithstanding a directive by PSC vide circular reference no. PSC/C&QA/CA/GEN/11/(19) dated 20th December 2021 on Non-Compliance with Human Resource Management And Administration. (See attached Circular) and Advisory by the HR Manager. (See attached advisory).
- e. Irregular "Confirmation" of Officers from Job Group P to T: The NEA Board and particularly, the Director-General have been pushing and succeeded confirming officers at Job Group "P" directly into Director roles at Job Group "T". This is done despite Public Service Commission (PSC) rules that require competitive selection for such high-level appointments. By elevating individuals without open competition, the Board and DG are circumventing merit-based recruitment processes mandated for Director-level positions.
- f. Ministry Employees Illegitimately Holding NEA Posts: The officers in question remain Ministry employees, with their personnel emoluments (salaries and benefits) still paid by the parent Ministry, not by NEA. As per public service regulations, an employee on a Ministry payroll cannot be substantively appointed to an NEA position without proper transfer or deployment. These confirmations are therefore not just irregular but legally untenable – the individuals are outside NEA's established staff establishment and thus cannot legitimately occupy NEA Director posts.
- g. Bypassing the Legitimate Chain of Succession (15 May 2025): On 15 May 2025, the Director-General issued a memo appointing the Acting Director for Labour Migration (an officer at Job Group "P") to act on her behalf in overseeing the Authority. This was done in bypass of NEA's only substantive Director at Job Group "T", In a normal succession scenario, as the sole substantive Director (Job Group T), should have been the rightful officer to act for the DG. Instead, the DG's memo elevated a junior acting officer over a senior, violating the established chain of command and raising questions about the motive and legality of this decision.
- h. Retrospective Board Approval via Rushed Meeting (16 May 2025): The very next day, on 16 May 2025, the NEA Board convened an impromptu virtual meeting with the apparent purpose of retroactively validating these irregular appointments. In that rushed meeting, the Board backdated the "confirmation" of the acting appointments – effectively attempting to legitimize the Director-General's memo after the fact. This sequence of events suggests a coordinated effort to formalize improper appointments through after-the-fact Board endorsement, rather than following due process from the outset.
- i. Specific Case – Irregular Elevation of a Junior Officer: Among the confirmations made, one particularly egregious case stands out: an officer whose substantive role is Assistant Manager, HR Planning & Development (Job Group "P") has been irregularly appointed as Director, Strategy, Planning & Quality Assurance (a Job Group "T" position). This leapfrogging of multiple job groups without competitive recruitment or requisite qualifications is a clear breach of proper hiring and promotion protocols. It not only violates PSC regulations but also exemplifies blatant favoritism, undermining the principle of meritocracy within the Authority.
- j. Furthermore, these irregular appointments pose significant financial and governance risks to NEA. The FY 2025/26 budget allocated Ksh 167.3 million for NEA personnel emoluments (salaries and benefits for NEA staff). This allocation was approved based on the established staff positions within NEA. By bringing in outside Ministry officers and attempting to install them in NEA Director positions, the Board and management risk creating unfunded personnel expenditures. Simply put, NEA's budget does not cover the salaries of these Ministry-based officers. Any attempt to pay them from NEA funds could result in misallocation or misappropriation of public funds, drawing the ire of auditors and oversight bodies. Even if the Ministry continues to pay these individuals, their presence in NEA's hierarchy without being on NEA's payroll creates confusion in accountability and reporting structure, further muddying the waters of governance.

- k. From an ethical standpoint, this manipulation of succession and appointments erodes trust and morale within the organization. Bypassing the only substantive Director and elevating junior officers due to personal preference or convenience sends a demoralizing message to career professionals: that merit, experience, and due process can be ignored. It fosters an environment of favoritism and undermines the integrity of both the Board and the Director-General's office. These concerns echo the ethical and HR issues already raised in our petition – namely, that the leadership's actions are not aligned with principles of fairness, transparency, and accountability expected in public service.

In summary, NEA's functionality and reputation are in a state of severe decline under the current Director-General's tenure. The combination of unlawful tenure extension, internal exclusionary practices, neglect of staff welfare, and disregard for legal norms has created a crisis in the organization. Our morale is at an all-time low and the Authority's mandate – to empower Kenya's millions of unemployed youth by facilitating employment opportunities – is gravely undermined. How can NEA effectively serve the youth when its own house is in disarray and its leadership is preoccupied with holding onto power contrary to the law? As dedicated public servants, this situation pains us deeply, and we are committed to seeing NEA restored to the vibrant, law-abiding institution it was meant to be.

ii. Mandatory Retirement Age of 60 years

Public Service Regulations unequivocally mandate retirement at 60 years of age for public officers (with a higher limit of 65 for persons with disabilities). The relevant provisions and directives include:

- a. Public Service Commission Act, 2017 – Section 80(1)(a) & (b): This law stipulates that “*a public officer shall retire from service with effect from the date of attaining the mandatory retirement age,*” and further that “*the Commission or other appointing authority shall not extend the service of such retired public officer beyond the retirement age.*” In other words, no public officer may legally continue in service past the age of 60, nor may any authority grant an extension once that age is reached.
- b. Head of Public Service Circular (Ref: OP.CAB.2/1 dated 5 August 2024): A directive issued by the Head of Public Service on this date emphatically reaffirmed the mandatory retirement policy. The circular instructed all government departments and state corporations that public officers must retire upon attaining 60 years (65 for persons with disabilities), and that no extensions of service beyond this age are permitted. This circular explicitly cited Section 80(1)(a) and (b) of the PSC Act to remind appointing authorities that they “lack the discretion to extend service” for anyone who has reached the mandatory retirement age. The circular was disseminated widely – to all Principal Secretaries, Heads of Departments, Boards, and CEOs of state corporations – underscoring that this policy applies uniformly across the public service.
- c. Presidential Directive, July 2024: In the wake of public concerns and youth-led calls for opportunities in the public service, H.E. President William Ruto issued a directive on 5 July 2024 mandating that all public servants aged 60 and above proceed to retirement with immediate effect. The President's announcement left no room for exceptions or contract extensions, framing this move as part of broader reforms to streamline government and open up positions for younger Kenyans. Government reports indicated that thousands of public servants were identified for retirement in line with this directive. Ministries were instructed to enforce the policy without delay.
- d. The remarks issued during the virtual consultative meeting of 13th May 2025 convened by the Chief of Staff and Head of the Public Service to Principal Secretaries, Board Chairs, CEOs, and other stakeholders. (See attached Remark, particularly page 10)

In light of the above legal and policy framework, it is abundantly clear that Madam Okoki's continued tenure past 24 May 2025 is unlawful and untenable. By reaching the age of 60, she automatically ought to have retired on that date. Any action to retain her in office beyond this point directly contravenes

Section 80 of the PSC Act and flouts the explicit instructions of both the Head of Public Service and the President of the Republic. This is not a trivial procedural matter but a fundamental governance issue – failure to uphold the retirement law in this instance undermines the integrity of our public service rules and erodes the principle of fairness in public employment. It also sets a dangerous precedent that senior officials can evade or defy regulations that others are compelled to follow.

Proposed Immediate Intervention

Given the seriousness of the above concerns, we **humbly but urgently appeal** to your esteemed offices to intervene and **save the NEA from total collapse**. In particular, we request the following actions:

1. **Enforce the Mandatory Retirement of the Director-General:** We respectfully call upon you to uphold the rule of law by ensuring that Madam Edith Okoki immediately vacates the office of Director-General of NEA, as required under the law. Her continued occupancy of the position past 24 May 2025 is illegal; therefore, the retirement directive must be enforced without any further delay. We urge the Public Service Commission and the Ministry of Labour (under which NEA falls) to coordinate in effecting this removal in line with Section 80 of the PSC Act and the directives cited. This step is critical to restore respect for our laws and to send a clear message throughout the public service that no one is above the rules.
2. **Uphold Governance and Accountability:** We request that the relevant oversight bodies investigate the circumstances that allowed a breach of the mandatory retirement rule in this case. If any officials or Board members colluded in, or turned a blind eye to, the unlawful extension of the DG's tenure, they should be held to account under the applicable laws and codes of conduct. We believe such an inquiry would fall under the purview of agencies like the Public Service Commission, the State Corporations Inspectorate, and even the EACC (if any abuse of office or irregular benefit is suspected). Accountability must be enforced to prevent future occurrences of this nature. Furthermore, we urge the NEA Board of Directors to be reactivated and invigorated in its oversight role – the Board should never again allow lapses in compliance or managerial impropriety to go unaddressed. If the Board lacks capacity or willingness to enforce good governance, higher authorities may consider intervening in the Board's composition or directives, as appropriate within the law.
3. **Facilitate a Leadership Transition and Organizational Reforms:** In tandem with enforcing the DG's retirement, we appeal for support in initiating a proper leadership transition at NEA. This may involve appointing an Acting Director-General or fast-tracking the recruitment of a new substantive Director-General through the lawful process. The transition should be handled transparently and with stakeholder input to ensure the next leader of NEA is someone of integrity, competence, and a vision to revitalize the agency. Additionally, we beseech the Ministry of Labour and other relevant authorities to address the internal management and welfare issues afflicting NEA. This includes revisiting and implementing the HR and staff welfare proposals that have long been ignored – such as obtaining medical insurance coverage and pension plans for staff, providing adequate tools and budgetary support for operations, and cultivating an inclusive, collaborative workplace culture. An overhaul of policies and practices may be needed to shake off the current culture of fear and paralysis. We are confident that with new leadership and guidance from the Ministry, NEA can be steered back on course to fulfill its mandate to Kenya's youth.

Conclusion

Your Excellency and Honorable addressees, we submit this petition out of a genuine desire to uphold the rule of law and to save our institution from further decline. The NEA is a crucial agency for the republic – its mission touches the hopes and livelihoods of millions of young Kenyans. It is therefore imperative that it be led and managed in strict adherence to our laws and ethical standards. By intervening decisively in this matter, you will not only be enforcing the mandatory retirement policy in one instance, but also reaffirming the fundamental principle that public service is a trust – entrusted to leaders who must obey the same rules that bind everyone else. We are confident that with your timely intervention, the ongoing impunity and dysfunction at NEA can be halted and the organization can be placed back on the path of integrity, effectiveness, and service to the public.

We thank you sincerely for your attention to our plight and are hopeful that you will treat this matter with the urgency it deserves. We have come forward in good faith, driven by our conscience and dedication to public service, and we rely on the protections of the law (such as those in the Constitution and the Leadership and Integrity Act) that encourage reporting of misconduct. Safeguarding employees who expose wrongdoing is not just for our personal benefit, but it will also encourage a culture of transparency and accountability within the Authority going forward.

Yours faithfully,

Concerned Staff of the National Employment Authority (NEA)

(Names and signatures withheld for confidentiality)

Enclosures:

1. Copy of Section 80, Public Service Commission Act, 2017 (Retirement of Public Officers)
2. Head of Public Service Circular Ref. No. OP.CAB.2/1 dated 5th August 2024 (Mandatory Retirement at Age 60 Directive)
3. Excerpt of Presidential Directive (July 5, 2024) on Retirement of Public Servants at 60 Years
4. Internal Memorandum from NEA Staff to NEA Board (detailing management and welfare concerns, dated January 2025)

CC: Mrs. Edith Okoki
Director General
National Employment Authority (NEA)