



TEACHER MANAGEMENT

(HRM FUNCTION)

PRESENTED BY:

**MARO JOHNSON JAPHET (HRM & D)
COUNTY HUMAN RESOURCE OFFICER**

TSC TANARIVER



OUTLINE

- ❖ Types of Exit from service
- ❖ Retirement Benefits
- ❖ Computation of pension
- ❖ The Role of Heads Of Institutions on Exit Of teachers from service.
- ❖ Leaves



TYPES OF EXITS: RETIREMENT

- Retirement can be defined as the withdrawal from one's position or occupation from active working life.
- As an employee, there is an expectation of benefits upon retirement.
- These benefits are referred to as pensions.



FORMS/TYPES OF RETIREMENT

- Voluntary Early Retirement
- Retirement on Medical Grounds
- Retirement on 10/50 Year Rule
- Retirement in public interest
- Compulsory Retirement on Age Grounds



VOLUNTARY EARLY RETIREMENT

- Any teacher having attained the age of 50 years, may apply to the commission in writing expressing their intention to retire.
- They need to have served for at least 10 years in addition to being at least 50 years old.
- A teacher who voluntarily retires from service shall except under circumstances special by the commission, give the commission a three months' notice on the intention to retire.



RETIREMENT ON MEDICAL GROUNDS

- This is applicable to teachers who may no longer be capable of discharging their duties effectively on account of poor health.
- This type of retirement may be initiated by either the employer or the employee upon realization of the effects of health challenges on the productivity of the employee.
- A medical Board constituted by the Director of Medical Services will recommend the Retirement upon assessment of the teacher's medical condition.



COMPULSORY RETIREMENT ON AGE GROUNDS



-
- Ultimately, even the best among us will need a rest.
 - In line with GOK policy, public servants upon attainment of 60years, are subject to compulsory retirement.
 - However, Persons Living with Disabilities are retired at the age of 65 years in line with the Persons With Disabilities Act, 2003.
 - One must have served in the permanent and pensionable Establishment to qualify for this type of retirement.



RETIREMENT IN THE PUBLIC INTEREST

- The commission may retire a teacher on grounds of public interest upon considering every available report with regard to the complaint against the teacher and upon considering that it will be undesirable to retain the teacher in teaching service.
- A complaint or report to justify the retirement of a teacher on grounds of public interest shall demonstrate that the teacher has engaged in acts or omissions that contravene public interest and public policy as provided under:
 - i. The constitution or any written law;
 - ii. Decision made by a competent court of law; or



....continued

iii. Government policy, regulation and practice.

- A teacher who retires on grounds of public interest under this regulation will be entitled to pension in accordance with the pensions act.



RETIREMENT BENEFITS

- Upon Retirement/ Exit Benefits that an employee may be eligible to are :
- NSSF- Governed by the NSSF Act and paid by the Managing Trustee NSSF.
- This is applicable to teachers who served as untrained Teachers for the period served Under Temporary Appointment.
- Pension-Under the Pensions Act Cap.189 paid by the Director of Pensions at the National Treasury.
- Widow and Children Pension Scheme (WCPS)-Under the WCPS Act –Paid by the Director of Pensions.



OTHER FORMS OF EXIT

- Release to public service institutions/ teacher unions, public educational institutions, county government etc..
- Transfer of service to the public service commission.
- Resignation
- Dismissal
- Death in service.



PENSION COMPUTATION

1. Commuted pension gratuity (lump sum)

Formula: $\frac{\text{No. of Months worked} \times \text{Annual Basic Salary} \times \frac{1}{4} \times 20}{480}$

2. Reduced monthly pension

Formula: $\frac{\text{No. of months worked} \times \text{Annual Basic Salary} \times \frac{3}{4} \times 1/12}{480}$



TAXATION

- Any lump sum pension exceeding ksh. 600,000 is subject to taxation as per the existing KRA tax rates of 10% to 30%.
- A monthly pension exceeding ksh. 20,000 is also taxable at existing KRA tax rates.
- Retirees aged 65 years and over are not taxed.



THE ROLE OF THE PRINCIPAL IN EXIT

- To report all exits promptly to avoid overpayment to the teacher.
- To forward all requests/applications for exit from teaching service.
- To advise teachers on exit management.
- To issue clearance certificates to teachers exiting service.
- To liaise with next of kin to facilitate payment of death gratuities.
- To report all cases of absenteeism/desertion.



....Continued

- **NOTE:**

Regulation 168 of the Code of Regulations for Teachers (2015) states that “A Head of institution who fails to report a teacher’s exit from service shall be liable to disciplinary action and shall be surcharged to the extent of any loss occasioned to the commission.



PART X-LEAVE



- (This part provides for the **various categories** of leave that the Commission may grant to a teacher and outlines the conditions and procedure under which leave may be approved. The Commission may not grant leave to a teacher on account of exigencies of duty at the institution).
- **Permission to be Absent from Duty**
- 108. (1) A teacher who is unable to attend to the duties assigned by the Commission as required, shall **apply in writing to the head of institution for permission to be absent from duty**.
- (2) Permission to be **absent from duty** may be granted by the **head of institution in writing** and may only be granted in accordance with the provisions of this Code.
- (3) **A head of institution** shall apply for permission to be **absent from duty** to the **sub-county director**.
- (4) A teacher who is absent from duty **without permission granted** in writing as provided in this regulation shall have committed a gross breach of these Regulations and such absence may be without pay and may result in **interdiction or any other administrative action**.



Annual Leave



- 109. (I) A teacher in the employment of the Commission shall be **entitled to a maximum of thirty days leave with full pay** in respect of each calendar year worked irrespective of the terms and conditions of service.
- **(2) Annual leave shall only-**
 - (a) be taken during school holidays; and
 - (b) not be accumulated to be carried forward from year to year.
- 110. An application for annual leave shall be made-
 - (a) during school holidays; and
 - (b) in the manner set out in **Form N** under the Twenty Seventh Schedule ;
- 111. (I) A teacher who on account of illness, is unable to attend to the duties assigned by the Commission as required, shall apply for Sick leave to the Commission through the **Head of institution in the manner set out in Form P** under the Twenty Eighth Schedule.
- (2) An application for sick **leave shall be forwarded to the Commission not later than forty eight hours** where the teacher attended hospital as an out-patient and not later than seven days where the teacher is an in-patient



Sick Leave

- 2) (3) A head of institution shall forward a teacher's application for sick leave with the relevant medical documents to the sub county director; and
- (4) Where the teacher is unable to apply for sick leave in person due to the nature or extent of sickness, the head of institution shall inform the sub county director in writing within fourteen days from the date of receiving information of the sickness
- 112. (1) A head of institution who on account of illness, is unable to attend to the duties assigned by the Commission as required, shall apply for sick leave to the Commission through the sub county director in the manner set out in Form P under the Twenty Eighth Schedule
- {2) An application for sick leave by a head of institution shall be forwarded to the Commission not later than forty eight hours where the head of institution attended hospital as an out-patient and not later than seven days where the head of institution is an in-patient.
- (3) The sub county director shall forward a head of institution's application for sick leave with the relevant medical documents to the County Director.
- (4) Where the head of institution is unable to apply for sick leave in person due to the nature or extent of sickness, the sub county director shall inform the county director in writing within fourteen days from the date of receiving information of the sickness



Sick leave....continued....



- 113. (1) The Commission may approve sick leave for a teacher in any period of twelve months continuously, which sick leave may be granted-
 - (a) for a maximum period of three months with full pay;
 - (b) on half pay for a further three months where the sickness extends beyond the third month; and
 - (c) without pay where the sickness extends beyond six months until the teacher resumes duties.
- (2) The Commission shall, where a teacher applying for sick leave is serving on contractual terms for a period not exceeding one year, grant sick leave-
 - (a) for a maximum period of one month with full pay;





Sick leave....continued....

- (b) on half pay for a further one month when the sickness extends beyond the first month; and
- (c) without pay where the sickness extends beyond two months until the teacher resumes duty.
- (3) Where the teacher is continuously on **sick leave for a period exceeding one year**, the Commission shall recommend to the Director of Medical Services to convene a Medical Board to determine whether or not such a teacher is **fit to continue teaching**.
- (4) Where a teacher who has been on sick leave continuously for more than six months in a period of twelve months reports back for duty, the teacher shall report for posting in person to the county director and shall produce a Certificate of Medical Fitness from a registered medical practitioner



Sick Leave....continued...

- 114. (I) A registered Medical Practitioner may recommend that on account of illness, a teacher may-
 - (a) be admitted to a hospital for treatment;
 - (b) be granted off-duty to recuperate; or
 - (c) receive medical treatment at home.
- (2) Where a registered medical practitioner recommends a leave of less than six months for a teacher or head of institution, the teacher or Head of institution shall apply for sick leave to the Commission and the leave may be granted by the county director.
- (3) Where a teacher has continuously been on Sick leave for a period exceeding six months, the county director shall forward the teacher's application for Sick leave to the Secretary.



Sick Leave....continued...



- (4) The Commission shall, where a teacher fails to apply for Sick leave in accordance with these Regulations, consider the teacher to be absent from duty without permission and may take disciplinary action against the teacher.
- (5) The Commission shall consider the recommendation for Sick leave from a registered Medical Practitioner-
 - (a) only where the leave authorized does not exceed a maximum of two weeks; and
 - (b) where a further medical report submitted to the Commission to the effect that the teacher requires to be absent from duty for a period exceeding two weeks.



Sick Leave...continued...



- (6) A teacher who **donates an organ to a patient** shall apply for **Sick leave** as per the registered Medical Practitioner's recommendation.
- (7) A teacher who submits **false medical documents** to the Commission shall be subject to disciplinary action provided that such action shall not be a bar to **criminal charge under any written law**.
- II5. (I) Where a teacher is referred by a registered medical practitioner to **seek medical attention outside the country**, the teacher shall be entitled to **sick leave with pay**.
- (2) Where a teacher seeks medical attention outside the country without recommendation from a registered Medical Practitioner, the Commission may approve sick leave without pay upon verification of a medical report from the health institution which the teacher attended

Maternity Leave



- 116. (I) **A female teacher** may apply to the sub county director through the head of institution for maternity leave in the manner set out
- in **Form Q** under the Twenty Ninth Schedule.
- (2) A female teacher shall give the head of institution at least **three months** written notification of the intention to proceed on **maternity leave** which shall be accompanied by a letter from a registered medical practitioner indicating the expected date of delivery.
- (3) The Commission may grant a female teacher **maternity leave for ninety calendar days** with full pay with effect from the date of delivery and the teacher shall not forfeit her annual leave on account of having taken maternity leave.
- (4) A female head of institution may apply for maternity leave to the sub county director in the manner set out under paragraph (I).
- 117. The Commission shall take disciplinary action against a female teacher who proceeds on Maternity leave **without written approval from the Commission**





Paternity Leave



- 118. (1) The Commission shall upon application, grant a male teacher **fourteen calendar days Paternity Leave** with full pay within the duration of the wife's maternity leave which leave maybe granted **only once a year**.
- (2) An application for paternity leave shall be in the manner set out in **Form R** under the Thirtieth Schedule .
- (3) The Commission may take disciplinary action against a teacher who **proceeds on paternity leave without written approval** from the Commission.

Study Leave



- 119. (I) A teacher who intends to proceed on **study leave** shall **apply** to the Commission through the head of institution by completing the application for Study leave in the manner set out in **Form S** under the Thirty First Schedule ;
- (2) A teacher may only proceed on study leave with written approval from the Commission and after being released in writing by the Head of institution.
- (3) A teacher who **proceeds on study leave without the written approval** from the Commission and before being formally released in writing by the head of institution shall be considered to have deserted duty and shall be liable for disciplinary action.
- (4) The Commission **may take disciplinary** action against a **head of institution** who **fails to release** a teacher to proceed on study leave when the leave has been granted. 120. (I)
- The Commission may grant study leave to a teacher who:-
 - (a) has worked for the Commission **for a minimum period of five years** from the date of first appointment;
 - (b) seeks to undertake a postgraduate diploma or postgraduate degree; and
 - (c) has demonstrated a good record in performance.



Study Leave...continued..



- 120. (I) The Commission may grant study leave to a teacher who:-
 - (a) has worked for the Commission **for a minimum period of five years** from the date of first appointment;
 - (b) seeks to undertake a postgraduate diploma or postgraduate degree; and
 - (c) has demonstrated a good record in performance.
- (2) A teacher who intends to apply for a scholarship shall apply through the Commission if the teacher meets the conditions of the study leave policy stipulated and these Regulations.
- (3) The Commission may **grant study leave without pay** to a teacher who:-
 - (a) applies to study in an area that is not in the school's curricula or an area that is not covered by the study leave policy; or
 - (b) wishes to take study **leave before completing three years upon resumption of duty from study leave** irrespective of whether such leave was with or without pay.
- (4) A teacher appointed or deployed by the Commission to an **administrative position** who takes study leave for a **period exceeding six months shall relinquish the position**.
- (5) The Commission shall in approving an application for study leave by a teacher, take into consideration the **staffing position** of the institution at which the **teacher is stationed**.

Study Leave....continued.....



- 121. (1) A teacher who is **granted study leave with pay** shall **execute a Bond** in the manner set out in **Form T** under the Thirty Second Schedule .
- (2) Where the Commission grants leave with pay to a teacher on a government scholarship or a Commission scholarship, the teacher shall be bound to the Commission to the extent of the amount equivalent to the value of the scholarship, salaries and allowances paid during the scholarship.
- (3) Where the Commission grants leave with pay to a teacher on a self or private sponsorship, the teacher shall be bound to the Commission to the extent of the amount equivalent to the salaries and allowances paid during the study leave.
- (4) A teacher who contravenes the conditions of a bond under these Regulations shall pay to the Commission the remainder of the total value of the Bond.
- (5) Where a **teacher transfers service** from the Commission **to a public body**, the teacher shall be **exempted from the provisions of bonding** under these Regulations provided that the bond shall be transferred to the institution engaging the teacher.
- (6) A teacher who exits service on account of **mandatory retirement age, medical reasons or death** shall be **exempted from the provisions on bonding** under these Regulations.

Study Leave....continued....



- 122. (l) Where a teacher intends to change the area, programme or institution of study, the **teacher shall notify the Commission within thirty days** from the date of such change.
- (2) Where a teacher intends to change the area, programme or institution of study after the Commission has approved the study leave, the teacher shall notify the Commission in writing and shall provide details of the new area of study or institution and shall attach relevant documentary evidence.
- (3) A teacher shall not proceed with the new area of study or institution without a written approval from the Commission.
- 123. The Commission shall take **disciplinary action against a teacher who provides false information in regard to study leave**, or who fails to comply with any regulation on study leave under this Code.
- 124. (l) A teacher **granted study leave for a period exceeding six months shall apply to the Commission for posting at least thirty days before the expiry of the study leave.**
- (2) The Commission shall take disciplinary action against a teacher who fails to apply for posting after the expiry of study leave and shall stop the salary of the teacher where the teacher was on paid study leave.

Study Leave....continued.....



- (3) A teacher who is granted **study leave for a period less than six months** shall report back to his former station on **expiry of the study leave**.
- (4) Where a teacher fails to report back to his former station on expiry of the study leave, the Commission shall stop the teacher's salary and may take further disciplinary action against the teacher.
- 125. (1) The Commission may **extend the study leave granted to a teacher provided that the extension shall be without pay**.
- (2) The Commission may on reasonable grounds, before the expiry period of a study leave, terminate a teacher's study leave.
- 126. (1) A teacher on study leave shall submit progress reports and result slips or transcripts after every semester to the Commission.
- (2) The Commission shall **cancel the study leave and recover any salaries and allowances paid to a teacher who fails to submit progress reports** or result slip after every semester.
- (3) Where a teacher is granted study leave with pay and is on a government scholarship the teacher shall submit a Certificate of Qualification in the area of study within one year of completion of the study leave.
- (4) The Commission shall, where a teacher granted **study leave with pay and is on a government scholarship**, fails to submit a Certificate of Qualification, recover from the teacher an equivalent amount of salaries and allowances paid during the study leave period.

Study Leave with Pay



- 127. (1) The Commission may **grant study leave with pay** to a teacher on permanent and pensionable terms of service for purposes of attending a course, study or training which in the opinion of the Commission is of national interest and relevant to the teaching service.
- (2) The Commission shall, when granting study leave with pay to a teacher, consider the demand for the skills in a subject area or area of specialization irrespective of the authority awarding the scholarship or the institution where studies are to be undertaken.
- **(3) The Commission may grant study leave with pay to:-**
 - (a) a teacher who applies through the Commission and is selected for training locally or abroad, by a recognized body including government bodies or sponsoring agent, subject to the conditions of the study leave Policy;
 - (b) an untrained graduate teacher, studying for Post Graduate Diploma in Education in a public university or an accredited private university;
 - (c) an untrained technical teacher undertaking professional training in pedagogy at the Kenya Technical Teachers College or any other accredited institution;
 - (d) a trained technical teacher, admitted to a national polytechnic for a Higher National Diploma provided the subject area is in demand in the teaching service;
 - (e) teachers admitted to a public university and other accredited private universities to study a postgraduate degree in any of the areas specified in the study leave policy; and policy.

Study Leave with Pay...continued..

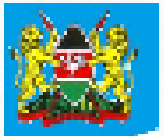


- (f) a teacher on permanent and pensionable terms who proceeds for further education on private sponsorship or is admitted privately to an accredited private university, national polytechnic or institute of technology, if studying in an area of great need as specified in the study leave
- (4) A teacher who is granted study leave with pay and is on Government or development partners sponsorship for a course of study undertaken outside the country for a period that exceeds thirty days shall contribute twenty per cent of the basic salary per month payable from the date of departure to undertake the studies to the day immediately before the expiry of the study leave.
- (5) A teacher who is granted study leave with pay and is on Government or development partners sponsorship for a course of study undertaken within the country for a period that exceeds thirty days shall contribute ten per cent of the basic salary per month payable from the date of departure to undertake the studies to the day immediately before the expiry of the study leave.
- (6) The Commission may in special circumstances, grant study leave with full pay to a teacher who is on government sponsorship for a course of study for a period exceeding thirty days.

Study Leave Without Pay



- 128. The Commission may grant **study leave without pay** to:-
 - (a) a teacher on Permanent and Pensionable terms who proceeds for further education **on private sponsorship** or **is admitted privately** to a national polytechnic or institute of technology, if studying in areas other than those specified
 - in the study leave Policy;
 - (b) teachers studying for a postgraduate degree in an area other than the areas specified in the study leave Policy; or
 - (c) a teacher studying privately for a doctorate degree.
- **129. The Commission may from time to time revise the study leave policy.**
- 130. (I) The Commission may upon application by a teacher
 - **studying on part time basis** or holiday based mode, who intends to
 - undertake research or project work, **grant a three month leave with pay to the teacher.**



Study Leave Without Pay cont..

- (2) An application by a teacher to the Commission for leave to undertake research or write a project shall be in the manner set out in **Form S** under the Thirty First Schedule.
- (3) Where the Commission grants leave to a teacher **to undertake research or project** work-
 - (a) the leave shall not be extended beyond the three months granted; and
 - (b) the area of study shall be relevant to the area of specialization and an area that would have qualified for study leave with pay in accordance with the study leave
- policy.





Compassionate Leave

- 131. (1) A teacher may be **granted leave, of up to fifteen calendar days** on **compassionate** grounds at the discretion of the sub-county director or head of institution.
- (2) An application for compassionate leave shall be made in writing by the teacher to the head of institution for approval.
- (3) An application for compassionate leave shall be made in writing by the head of institution to the sub-county director for approval.
 - **Compassionate Leave without pay/leave of absence without pay**
- 134. (1) The Commission may upon application, and on its own discretion, **grant leave of absence or compassionate leave without pay** to a teacher where in the opinion of the Commission the teacher has a proven case of exceptional hardship.



Compassionate Leave without pay/leave of absence without pay Cont..



- (2) A leave of absence under this regulation-
 - (a) shall not exceed three months;
 - (b) shall be granted by the Secretary in person only once within a calendar year; and
 - (c) may be extended at the discretion of the Commission.
- (3) An application for **leave of absence on compassionate grounds or in exceptional hardship shall be made to the Commission in writing through the head of institution.**
- 135. (I) The Commission may **grant unpaid leave to a teacher whose spouse is in diplomatic service during the period the spouse is on assignment of duty outside Kenya.**
- (2) An application for **leave by a spouse** of a person in diplomatic service shall be made to the Commission in writing and shall be accompanied by relevant documentation.
- (3) A spouse of a person in diplomatic service shall apply to for posting one month before the end of assignment of duty.



Special Leave



- 132. (I) The Commission may **grant special leave with pay to a teacher who has been selected and appointed to attend a meeting, conference, workshop, study tour or seminar for a duration not exceeding three months** where in the opinion of the Commission, the participation of the teacher is of national or public interest or is relevant to education and the teaching service.
- (2) An application for **Special Leave** shall be made to the Commission in writing and shall be accompanied by the relevant documentation.
- 133. (I) The Commission may **grant special leave with full pay** to a teacher who is selected to **represent Kenya in national, regional or international events** for the necessary period of training and subsequent participation in the sport.
- (2) An application for **special leave for sports persons** shall be made to the Commission in writing and shall be accompanied by the relevant documentation.



Compulsory leave with full pay



- 136. (1) The Secretary may in person, send a teacher on **Compulsory leave with full pay to allow for investigations** into allegations against the teacher.
- (2) The leave under paragraph (1) **shall be for a period of time not exceeding thirty days** and shall state in writing the reasons for the leave.
- (3) The Board of Management shall not have the power to send a teacher on compulsory leave.
- 137. A teacher in the employment of the Commission shall not spend leave outside Kenya without written permission from the Commission.
- 138. (1) The Commission shall **observe public holidays** as stipulated in **the Constitution**, national legislation or any other day as may be **gazetted by the Government**;
 - (2) Idd-ul-Fitr holiday will be observed on the 30th day from the date of commencement of Ramadhan or the 1 day of the next month, which will be gazetted by the Government;
 - (3) The Commission shall recognize as Public Holidays, Iddul-Adha and Diwali for teachers belonging Islamic faith and Hindu faith respectively



THANK YOU