

THE PRINCIPAL RECIPIENT (PR)

For

THE GLOBAL FUND TO FIGHT AIDS, TB AND MALARIA (GFATM)

Human Resources Manual

Version 5 April 2013

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ACRONYMS

CAR	Council for Administrative Reform
DSA	Daily Subsistence Allowance
GFATM	The Global Fund To Fight AIDS, TB and Malaria
HR	Human Resources
PR	Principal Recipient
PD	Position Description
RGC	Royal Government of Cambodia
SR	Sub-Recipient
ToR	Terms of Reference

Chapter 1 - Introduction

This HR Manual has been developed for use by:

- the Principal Recipient of the Ministry of Health (PR-MoH);
- the Principal Recipient of the National Center for Parasitology, Entomology and Malaria Control (PR-CNM);
- the Principal Recipient of the National Centre for Tuberculosis and Leprosy Control (PR-CENAT); and
- the Principal Recipient of the National Centre for HIV/AIDS, Dermatology and STD (PR-NCHADS).

The HR Manual shall apply to all contract staff in these Principal Recipient (PR) offices and to contract staff in Sub-Recipient (SR)/Sub-Sub Recipient offices that are government agencies or departments and that receive Global Fund funds for payment of salaries to contracted staff. It may also be applied to other contracted staff employed by these government organizations and departments and to staff in local and international NGOs that receive Global Fund funds for payment of staff salaries and that do not have their own HR policies and regulations where it is adopted by management for such purposes.

The HR Manual is intended to be used together with the Office of the PR for GFATM Administrative Procedures; the Office of the PR for GFATM Financial and Asset Management Guidelines; the Office of the PR for GFATM Procurement Guidelines; and the Office of the PR for GFATM Monitoring and Evaluation Guidelines. It is intended to be consistent with the Global Fund Standard Terms and Conditions and the SR Management Guidelines.

1.1 STAFF CATEGORIES

The following categories of staff are engaged by the PR or the wider organization:

Civil Servants/Government Staff

Civil servants are appointed by the RGC and employed under the Laws on the General and the Specific Statutes of the Civil Service of the Kingdom of Cambodia and other applicable civil service employment legislation. Their terms and condition of employment are summarized in the Council for Administrative Reform (CAR) Handbook for Civil Servants. Nothing in this HR Manual may supersede these terms and conditions.

Contract Staff

Contract staff are recognized as employees of the PR and their full length of service is recognized for the purposes of leave and other related terms and conditions. They are employed on fixed-term contracts to reflect the short-term nature of funding and the fixed-term nature of the projects on which they are employed to work. Their employment is regulated by the Kram on the Labour Law dated 13th March 1997 and other applicable employment legislation.

The nature of their work is ongoing and is determined by the responsibilities of their position and the instruction of their manager. Contract staff are subject to the terms and conditions of their contracts and to the policies set out in this HR Manual.

Local and International Consultants

Local and international consultants are recognized as contractors and there is no employment relationship with the organization. They are employed on fixed-term contracts that define the scope of their work and the agreed outputs/deliverables. Their terms and conditions of engagement are defined in their employment contracts and they are not subject to the terms and conditions of this HR Manual unless specified in their contract. Their contractual payments may be based on inputs (e.g. days, months) or on outputs (e.g. deliverables).

Volunteers/Interns

Volunteers/Interns are engaged on an ad-hoc basis primarily to provide them with work experience. Their engagement is short-term and voluntary in nature and should be defined in a terms of reference. They are not staff members and thus are not covered by the terms and conditions of this HR Manual.

Temporary/Daily Wage Workers

Temporary/Daily Wage Workers may be hired for specific short tasks such as moving office, etc. They are casual labourers and thus are not covered by the terms and conditions of this HR Manual.

For the purposes of this HR Manual, the following terms are used:

- “Employee(s)” means contract staff member(s);
- “Staff member(s)” means civil servant(s) and/or contract staff member(s);
- “Consultant” means local and/or international consultant(s).

1.2 LEVELS OF AUTHORITY

The term “Director” is used to denote the senior person responsible for decision-making within each PR. This person has authority for HR management decisions within the PR, but may choose to delegate authority managers within the PR consistent with RGC and Ministry of Health regulations. Each PR has available a list of the specific HR delegations made under this HR Manual which is available from the Department/Unit of Administration.

This HR Manual thus refers to the Director as responsible for all decisions, but uses the generic term “manager” to denote a team or individual staff member’s direct line manager.

Chapter 2 - Organization Structure & Positions

2.1 ORGANIZATION STRUCTURE

Each PR maintains an organization structure chart that presents the organization structure and reporting lines. This is available from the Department of Administration.

Position Descriptions

Each established position will have a position description that is approved by the Director. A position description template and position descriptions for all positions are available from the Department /Unit of Administration and as an annex of the SOP for Recruitment of Personnel.

Terms of Reference (ToR)

Where no position exists but a consultant is engaged by the organization to provide specific services and support, a terms of reference is developed to define the consultant's scope of work and agreed outputs/outcomes. This forms part of their contract. A terms of reference template is available from the Department /Unit of Administration.

2.2 ESTABLISHMENT/REVIEW OF POSITIONS

Establishment of New Positions

When the need for a new position is identified, a position description is drafted and presented to the Director for consideration (refer to the Standard Operating Procedure for Recruitment of Personnel). The Director is likely to consider factors including current staffing levels and workloads, availability of the required skills and expertise and the availability of funding in the decision to approve the establishment of a new position.

Upon approval for the establishment of the new position, the position description is signed off by the Director and subjected to a job classification procedure to assign it to a salary grade (refer to the Standard Operating Procedure for Job Classification) within the salary system. Recruitment to fill the position may commence once the position has been assigned to a salary grade. If it is decided that a new position is not required but that there is a need for specialist skills and knowledge or short-term support, the Director may give consideration to the engagement of a short-term consultant.

Review of Current Positions

Current positions will be reviewed at least annually to ensure their suitability for the functions and objectives of the organization. Position reviews will occur:

- Annually as part of the annual performance appraisal;
- When the position becomes vacant and prior to commencement of the recruitment process;

- Annual programme review and planning process; or
- At any other time when organizational changes or reviews impact on the position's role and responsibilities.

Any changes to a position as a result of a position review will be reflected in the position description and approved by the Director. If the changes are significant, then the position may be re-classified using the SOP for Job Classification to determine if it should be assigned to a different salary grade within the salary scale. If a position is re-graded then it should be treated as a new position and the SOP for Recruitment of Personnel will be used to fill the position.

Chapter 3 - Recruitment & Selection

3.1 EMPLOYEE RECRUITMENT

The employee recruitment process is detailed in the Standard Operating Procedure (SOP) for Recruitment of Personnel which is available from the Administration Department. The process followed in the SOP is detailed in diagram 1 below:

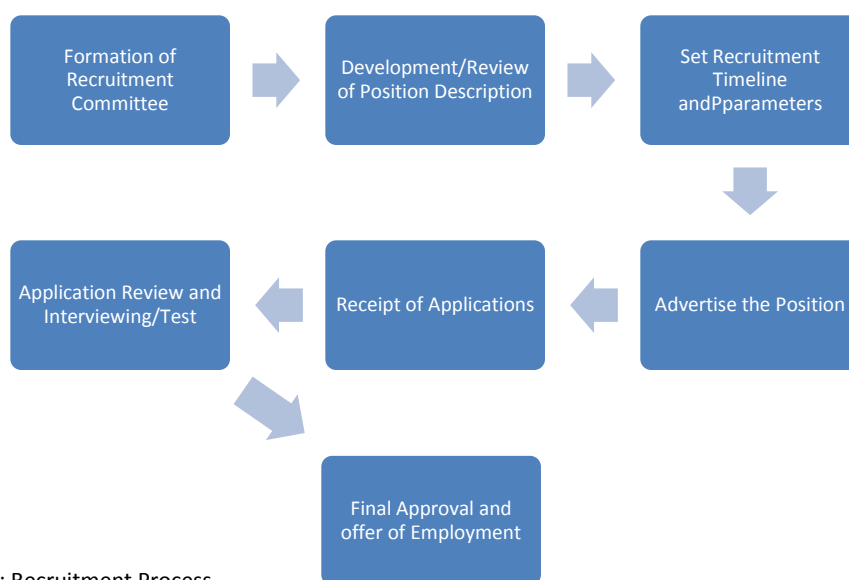


Diagram1: Recruitment Process

The SOP provides all required recruitment forms and templates as annexes, including the Position Description template and the Employee Contract template.

Internal Candidates

Internal candidates are encouraged to apply for any advertised vacancy and will be treated the same as any external candidate.

Equal Opportunity Employment

All employees are treated on their merits, without regard to race, age, sex, relationship status or any other factor not applicable to the position. Employees are valued according to how well they perform their duties, and on their ability to maintain standards of service.

Employment of Relatives

If a person applies for a position with a PR and they are a relative of an existing staff member, then both the applicant and the existing staff member must advise the Recruitment Committee who will note the relationship in writing in the recruitment procedure. Staff members may not

be involved in the selection of a close relative and close relatives shall not work in a direct line management role as this can cause conflicts and problems with working relationships.

3.2 CONSULTANT RECRUITMENT

A terms of reference is used to define the consultant's scope of work and agreed outputs/outcomes (see clause 2.1). As contractors, consultants are recruited using the procurement process. Please refer to the Procurement Guidelines. At the end of the procurement process, the successful applicant will be offered a consultant's contract (available from the Department /Unit of Administration).

Chapter 4 - General Terms of Employment

4.1 WORKING HOURS AND OVERTIME

Standard working hours are Monday through Friday from 7.30am to 12.00pm and from 2.00pm to 5.30pm, other than on official RGC public holidays. Where possible, work activities should be scheduled during these hours. Individual staff members' hours of work may be varied to meet the needs of the position by agreement between the Director and the staff member and will be recorded in the work agreement.

Part-time staff members' hours of work will also be by agreement between the Director and the staff member and will be recorded in the work agreement. Part-time staff members must notify the office of their normal working hours and display their working hours in their work area so that all staff members know when they will attend work.

Staff members will be required to work any reasonable additional hours which are necessary to perform his/her duties and staff members shall not be entitled to any additional payment for hours worked in excess of the normal hours of work. Where it is necessary to schedule work activities outside of normal hours, agreement should be reached with the relevant staff members on extra hours to be worked and time off in lieu to be taken.

4.2 ATTENDANCE

Staff members are expected to attend work at the specified working hours. If any staff member will be more than 15 minutes late, they must telephone or send a message to advise their manager. Likewise, if a staff member is sick they must telephone or send a message as early as possible to their manager.

If a staff member needs to leave work for personal reasons during working hours, they must get prior permission from their manager.

Time/Attendance Sheets

All staff members are required to complete time/attendance sheets on a daily basis. The timesheets will also records days taken for annual, holiday, sick and other leave. Staff members who are paid from more than one source of funds need to note how many hours (to the nearest hour) they worked for each donor.

The time/attendance sheet will be approved by the staff member's manager at the end of each week, forwarded to the Director for his/her approval and then provided to the finance department for payroll purposes.

4.3 PERSONNEL FILES

The organization shall maintain a personnel file for each staff member. The personnel file will be kept and maintained by the Department /Unit of Administration and shall contain all documents relating to the staff member's employment, including:

- Letter of Appointment/Contract;
- Performance Evaluation forms;
- Notifications of salary increase or promotion;
- Leave requests;
- Records of any disciplinary action; and
- Training records.

Personnel records will be kept for at least five (5) years after the end of a staff member's employment in accordance with the MoH guidelines, or in accordance with donor requirements. At any time during or after the end of employment, a staff member may submit a request to the Director to view his/her personnel file and that request will not be withheld.

4.4 PROBATION

All new employees are required to serve a probationary period of three months upon their initial appointment. The purpose of probation is to assess the skills and performance of the new employee and his/her suitability for appointment to the position. Probation also allows the employee to determine their suitability for the contracted position with the PR.

During the probation period, both the Director and the employee have the right to terminate the probation at any time but must give the other party at least five (5) working days advance notice.

At least seven (7) working days prior to the end of their probation period, the manager will conduct a performance evaluation with the new employee to determine their suitability for the position. The manager will then make a recommendation based on this evaluation to the Director to either confirm the employee's engagement or to terminate the contract. The Director will inform the employee in writing of either their confirmation or termination of employment.

The probationary period may be extended for up to one month if there are still concerns about the employee's suitability for employment.

The probationary period counts towards length of service calculations and the accrual of leave entitlements. New employees on probation are entitled to all relevant salary, benefits and allowances during the probationary period. If employment is terminated during the probationary period, the employee will only be paid for actual days worked.

4.5 ORIENTATION

All employees will receive an orientation to the organization and their position during the first weeks of their employment. The manager will arrange for the new staff member's orientation, which will typically include an overview of the organization and its functions, an introduction to their colleagues and other important work contacts and instruction on relevant work policies and processes.

Chapter 5 - Salaries & Benefits

Compensation Policy

The PRs endeavour to provide competitive compensation for their employees. Salary scales are formulated with consideration of the position profile, the budget and the market rate for equivalent positions, and take into account internal relativities with civil servants and consultants. The PRs are committed to reviewing their salary and benefits framework annually.

5.1 SALARIES

Salary Payment

All employees will be paid their salaries on a monthly basis on or before the end of the month worked. All salaries and other payments will be paid directly to the employee either by cheque or bank transfer into an account nominated by the employee. Payments are according to a monthly payroll list based on timesheets/attendance sheets and approved by the organization's authorized representative (see clause 4.2).

When an employee commences or terminates employment midway through a month, payments are made according to the number of days they work as a percentage of the total number of possible days that can be worked in the entire month.

Tax Deductions

Tax will be deducted from employees' salary payments consistent with RGC tax law. The salary stated in each employee contract is the base salary before tax.

Pay-slip

Each month, every employee will be asked to sign a payroll slip that shows their gross salary less any deductions for salary tax, allowances and benefits received, and amounts subtracted to calculate the net salary paid to them.

Salary Scales

All positions are assigned to a salary grade (between 1 and 8) in the PR salary scales (see Annex One). Employees employed in any position are assigned to a salary step within that position's salary grade.

New Employees

New employees will be assigned to a salary step (1 to 15) by the Director upon the recommendation of the Recruitment Committee and in consultation with the manager. A new employee will typically be assigned to a lower step in the salary scale, with consideration of the following factors:

- Their experience, knowledge and expertise;

- Internal relatives; and
- Their salary history.

5.2 SALARY PROGRESSION

Employees' salary increases are by progression through the steps within the salary grade. Individual salaries will be reviewed annually by the Director based upon recommendations from managers and other factors including funding and cost of living increases.

Following completion of the annual performance evaluations, managers will make recommendations to the Director regarding employees who have performed satisfactorily and who should progress to the next step by submitting Performance Evaluation Forms. After analyzing the recommendations, the Director may meet with Managers to discuss the recommendations before approving salary increases.

Salary increases will usually be one step in the same grade, but may be two steps where during the past year an employee has received additional higher education certification recognized by the Ministry of Education or professional certification recognized by an accreditation body that is relevant to the position. Employees cannot progress to a new grade unless they are appointed to a new position that is assigned to a higher grade.

Salary increases will be implemented at the time of renewal of the employee's contract. An existing employee's salary cannot be reduced, either as a result of a salary review or of appointment to a position at a different grade.

5.3 BENEFITS

5.3.1 Health Insurance

All employees are entitled to health insurance for the period of their employment. Each organization may opt to also provide to health insurance cover to civil servants. Details of the terms of the health insurance are available for the Administration Department /Unit.

5.3.2 Severance Payment

All employees are entitled to a severance payment of 5% of the salary paid during the contract period, up to a maximum of the equivalent of six (6) months' salary, upon the termination of their employment, unless they are terminated as a result of disciplinary action (see clause 9.2).

5.4 BUDGET IMPLICATIONS

Any costs resulting from the provisions of the manual being applied that are to be funded through Global Fund financing, will only be financed under a Global Fund grant following the written authorization of the Global Fund. Where costs are included in an approved detailed budget, written authorization is deemed to have been provided. Where costs are higher than budgeted amounts in approved detailed budgets, specific written authorization from the Global Fund needs to be provided for payments to be made.

Chapter 6 - Leave

6.1 PUBLIC HOLIDAYS

All staff members are entitled to all public holidays as published annually by the Ministry of Labor. This entitlement includes government recommended replacement days where a public holiday falls on a Saturday or Sunday.

6.2 ANNUAL LEAVE

All employees are entitled to paid annual leave of 1.5 days per month, for a total of 18 days per year. For every 3 years of continuous service, employees are entitled to an additional day of leave per year. Part-time employees are entitled to annual leave proportional to their work hours.

Advanced Annual Leave

Employees may use their leave as it is accrued. An employee with a minimum of six months service may be advanced annual leave when circumstances require it, up to the amount the employee would earn in 12 months, with the approval of the Director. This leave is then repaid as the employee continues to work and to accrue annual leave. Should the employee separate from the organization before the advanced annual leave has been repaid, the remaining amount will be deducted from his/her final payment.

Employees can only carry over 10 days of annual leave from one annual contract period to the next. Any other remaining annual leave will be forfeited at the end of the contract period.

Annual leave cannot be converted into cash. Any annual leave remaining upon resignation must be used during the notice period.

Taking Annual Leave

Employees must gain approval for annual leave at least one week in advance using the Leave Application Form (available from the Department /Unit of Administration). Annual Leave must be approved by the Director.

6.3 SICK LEAVE

Sick leave may be taken when a staff member is incapacitated by sickness or injury, when undergoing examination or treatment for physical (medical, dental, optical) or mental illness, or when, because of exposure to contagious diseases, the presence of the staff member at work would jeopardize the health of others.

Employees are allocated up to 12 days of short-term sick leave each year. If sick leave is taken for three (3) or more consecutive days or beyond the 12-day annual limit, a physician's certificate must be presented covering each extra day of sick leave. If no physician's certificate is

presented, the employee's absence will be treated as unauthorized leave. Long-term sick leave will be paid on the following scale:

- During the 1st month of sick leave: 100% of salary;
- During the 2nd and 3rd months of sick leave: 60% of salary; and
- During the 4th month and longer: no salary paid.

Taking Sick Leave

Where possible, an employee should apply for sick leave in advance using the Leave Application Form (available from the Department of Administration). If this is not possible, s/he is required to phone or to send a message to their supervisor at the earliest possible time, so that the supervisor may make arrangements to cover the employee's duties as needed. A leave Application Form should be completed upon return to work and a physician's certificate attached if available or required.

6.4 MATERNITY/PATERNITY LEAVE

Female employees who have been employed continuously for more than one year are eligible for up to 90 days of fully-paid maternity leave. There is no constraint on when the leave should commence, although it is normal that maternity leave would commence at least two (2) weeks prior to the estimated delivery date.

Maternity leave beyond 90 days may be granted upon the approval of the Director. This extended maternity leave will first be deducted from accumulated annual leave. Any approved leave beyond accumulated annual leave will be leave without pay. Employees who take leave with pay continue to accrue leave at the normal rate provided under the current contract or agreement.

Male employees are entitled to up to five (5) days of fully-paid paternity leave to be taken within one month after the birth of their child.

6.5 SPECIAL LEAVE

Employees may request up to three days of "special leave" to be taken when the employee has used up his/her annual leave entitlement for the year. Special Leave is defined as urgent or exceptional leave for personal and family matters granted at the discretion of the Manager. For purposes of special leave, family is defined as the employee's first-degree relatives (spouse, parents, full siblings, and children) only.

Thus special leave may be granted for events such as:

- Marriage, either of the employee him/herself (up to three days) or of a close relative (one day);
- Death or serious illness of an employee's spouse, parent or child (up to three days).

6.6 LEAVE WITHOUT PAY

Where an employee has exhausted his/her entitlement to annual leave or sick leave in full, s/he may be put on leave without pay in special circumstances at the discretion of the Manager. If approved, the unpaid leave will be recorded in the "Leave Record Form" as a break during the period of the current employment contract. During this leave, no benefits or entitlements will be provided to a staff member who has requested to take unpaid leave. Employees on leave without pay do not accrue annual and sick leave.

6.7 UNAUTHORIZED LEAVE

An unauthorized or unjustified absence from work, or absence from work during normal working hours which has not been approved in advance, is considered to be unauthorized leave and will be treated as leave without pay. Unauthorized leave, with the exception of extreme family emergencies, or serious civil commotion, may be dealt with using the disciplinary process.

Chapter 7 - Performance

7.1 PERFORMANCE APPRAISAL

Periodically, but at least every six months, staff members will participate in a performance appraisal with their manager. The performance appraisal provides an opportunity for each staff member to meet formally with their manager to:

- monitor progress towards expected results;
- review the position description/terms of reference;
- assess compliance with other contract terms; and
- provide feedback and take corrective action where necessary.

The primary aim of the performance appraisal is to improve the performance of the staff member in their role through clarifying the role and responsibilities, providing feedback on behaviour and performance and agreeing corrective actions to improve performance.

The performance appraisal system including guides for managers and staff members and the applicable forms are presented in the Office of the PR for GFATM Administrative Procedures.

7.2 MANAGING UNSATISFACTORY PERFORMANCE

Where the performance of a staff member is found to be unsatisfactory either through a performance appraisal or through observation of work activities, the manager will endeavour to determine whether the unsatisfactory performance is due to a lack of capacity or ability or due to misconduct.

If it is determined to be due to a lack of capacity or ability, the manager will take action to

- ensure that the staff member understands their role, responsibilities and expected level of performance;
- ensure that the staff member has all necessary resources to achieve the level of performance; and
- provide support, advice, coaching and training to the staff member to assist them in improving their performance.

This may be achieved through the development and agreement of a performance improvement plan by the manager and staff member. If the level of performance does not improve and/or the performance improvement plan is not fully implemented by the staff member, then their employment contract may not be renewed upon its expiry.

If a staff member's unsatisfactory performance is determined to be due to misconduct, then disciplinary action may be taken (see clause 9.2).

7.3 PERFORMANCE EVALUATION

Annually, prior to the staff member's anniversary, a performance evaluation will be conducted using the Performance Evaluation Form which is available from the Department of

Administration. The results of the performance evaluation will be taken into account when considering the issuance of a new contract to employees and any salary increase that will be offered as part of that contract (see clause 5.2).

A performance evaluation is also used at the end of a new staff member's probationary period to assess their suitability for the position (see clause 4.4) and determine their ongoing engagement or termination.

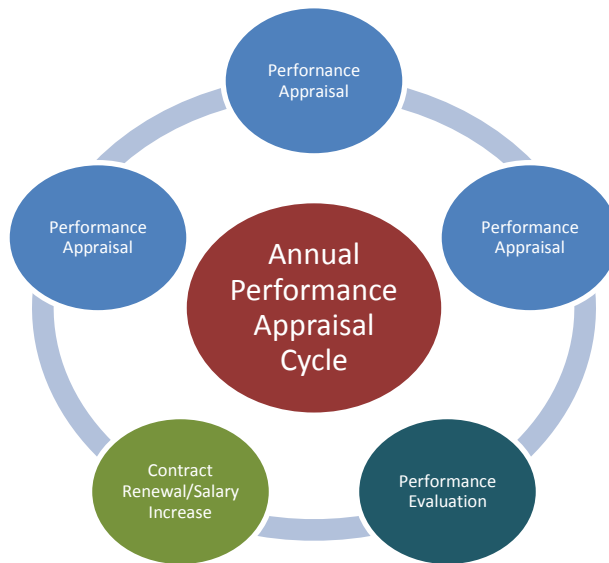


Diagram 3: Annual Performance Appraisal Cycle

Chapter 8 - Training & Development

8.1 IDENTIFICATION OF TRAINING NEEDS

In order to assure that training and development activities are related to work needs and responsibilities, the training needs for each staff member should be identified in a structured way. Training needs may be identified through:

- Selection and appointment – as part of the selection and appointment process, the manager may identify work responsibilities in which the staff member is lacking skills and knowledge and may benefit from training and development;
- Performance appraisal/evaluation – as part of the discussion about performance improvement, the manager and staff member may identify training needs that will support improvement in the performance of their role;
- Performance-based disciplinary action – when a staff member's performance has become an issue and a disciplinary process is commenced, training needs may be identified as one of the actions agreed to resolve the issue;
- Regular work activities – during regular work monitoring and discussion with an staff member, a manager may identify training needs which would support improved work performance within the position; and
- Training Needs Assessment – a one-off Training Needs Assessment exercise may be used to identify and analyze training needs within a department or organization.

Training needs will always be linked directly to the position responsibilities detailed in the position description.

8.2 ADDRESSING TRAINING NEEDS

At least once a year, each manager will record all training needs identified through the above sources in a department training needs proposal and submit the proposal to the Director using the Annual Training Proposal/Plan Form (available from the Administration Department /Unit). The Director will develop a training plan based on consolidation of annual training proposals with consideration of organization training priorities, access to training and budget availability. The training plan will be recorded on the Annual Training Proposal/Plan Form and will guide the organization of formal training and development activities throughout the year.

Where training opportunities are presented outside of this training plan, such as through partner organizations or public training courses, managers may recommend the attendance of relevant staff to the Director.

On-the-job training, coaching and mentoring will be used as primary methods for the training and development of staff members.

8.3 STUDY COSTS

Where the organization agrees to pay the costs of study for staff, the organization may require the staff member to repay the study costs if they do not remain employed with the organization for a period of time after commencement or completion of the qualification. The period of time will be agreed on a case-by-case basis.

Chapter 9 - Code of Conduct, Misconduct & Grievances

9.1 CODE OF CONDUCT

All staff members have an obligation to carry out the duties for which they are paid in an efficient and competent manner and to behave in a courteous and professional manner. Such behaviour includes:

- to obey all relevant legislation, regulations, lawful and reasonable instructions and to work as directed;
- to follow approved policies and procedures established by the organization;
- to be present at work as required and record such attendance accurately and honestly;
- to ensure competence and efficiency in the performance of assigned duties;
- to maintain expected standards of performance;
- to refrain from conduct (such as the use of intoxicants or other substances) which might impair work performance;
- to incur no liability on the part of the organization without proper authorization; and
- not to be absent from the workplace without proper authorization.

In addition, please refer to the following clauses and to the examples of serious misconduct given in clause 9.2.2 below.

Confidentiality

No staff member may disclose, duplicate, or make unauthorized use of any confidential information to any other person other than those individuals who have approved access to the confidential information to carry out their work.

Conflict of Interest

All staff members must ensure that they do not have a conflict of interest with any existing appointments, roles or activities; and that during the term of their engagement staff members do not accept any appointment or role or engage in any activity that creates a conflict of interest.

The appointee shall notify the Director immediately of any actual or potential conflict of interest and shall address the conflict of interest so as to be able to satisfactorily demonstrate to the Director that the conflict of interest has been removed.

Conflict of interest may include activities such as procurement or recruitment in which a family member or close friend is participating, or involvement in an organization that works as a supplier or beneficiary of the organization.

Other Employment

All staff members are engaged full-time unless stated otherwise in their contract and therefore they shall not engage in other employment or business unless approved in writing by the Director. Any extra work must be performed outside of working hours, and the activities shall not be in conflict with the organization's mission, goal and values.

Use of Assets

Staff members must show reasonable care of company property and resources. The use of any organizational assets, property, equipment and vehicles for any unauthorized, unlawful or improper purpose is strictly prohibited.

Computers and printers may only be used for personal use outside of working hours with the prior consent of the line supervisor. Internet access for personal use is only allowed when no additional cost is incurred by the organization. Office telephones, radios and other communication devices are for official use only.

Please refer to the Office of the PR for GFATM Administrative Procedures and the Office of the PR for GFATM Financial and Asset Management Guidelines for further details.

Personal Safety

The organizations recognizes the importance of maintaining the personal safety and security of its staff members at all times in all the locations in which they work, and will endeavour to provide a safe work environment. All staff members have the responsibility to look out for their own safety and that of their colleagues, both in the workplace and when travelling. All buildings, vehicles and equipment should be regularly maintained and any damage should be immediately reported to the relevant manager. All staff members shall obey the relevant traffic laws, including regarding the use of seat belts and helmets when driving or riding in vehicles. Consumption of alcohol during work hours constitutes serious misconduct.

If a staff member sustains an injury while working on work-related activities, whether in the office or outside, it must be reported immediately to his/her manager.

Child Protection

Staff members are responsible and accountable for preventing and reporting to the appropriate authorities any child abuse or suspected child abuse that they become aware of as part of their responsibilities.

HIV/AIDS Policy

The organizations are committed to providing a supportive workplace for its staff members, regardless of their HIV status, and will not tolerate HIV-related harassment or discrimination in the workplace.

Employees with HIV-related illnesses, as with any other chronic illness, are entitled to continue to work as normal, provided they are able to carry out their normal duties. The confidentiality

and privacy of all staff members with respect to HIV/AIDS will be protected. Information about a staff member's status will not be shared with other staff members or managers without the knowledge and consent of the employee concerned. If consent is not given, information will not be shared.

9.2 DISCIPLINARY ACTION

9.2.1 Misconduct

All staff members are responsible for conducting themselves in an appropriate manner and for understanding and acting according to all policies, management decisions and work requirements of their organization. Where a staff member is unsure of the appropriate policy or action, he/she should consult either the appropriate document or their manager.

When a staff member acts in an inappropriate manner, this is misconduct and appropriate disciplinary action may be recommended at the discretion of the manager/director.

Misconduct includes but is not limited to:

- Disobeying any work-related policies, including:
 - Office of the PR for GFATM Human Resources Manual and associated procedures;
 - Office of the PR for GFATM Administrative Procedures;
 - Office of the PR for GFATM Financial and Asset Management Guidelines and associated procedures;
 - Office of the PR for GFATM Procurement Guidelines and associated procedures;
 - Office of the PR for GFATM Monitoring and Evaluation Guidelines and associated procedures;
 - GFATM policies and processes presented in the Program Grant Agreement and the Operational Manual;
- Breaching the terms of the employment contract;
- Engaging in conduct, whether in or outside the workplace, that directly or indirectly damages the good reputation of the Ministry of Health or its programmes, GFATM or the PR office; and
- Engaging in conduct, whether in or outside the workplace, that directly or indirectly obstructs the work or purpose of the Ministry of Health or its programmes, GFATM or the PR office.

Prior to imposing any discipline, the Manager shall conduct an investigation to determine the facts related to the misconduct (see diagram 2 below). This may include collection of documents and interviews with members of the organization, suppliers, clients and/or members of the public. The Director will then meet with the staff member and the staff member's manager:

- To inform the staff member of the specific charges as well as the proposed disciplinary action, and
- To provide him/her with a reasonable opportunity to defend themselves against the charges and the proposed discipline.

The Director will then decide on appropriate disciplinary action commensurate with the gravity, nature and effect of the misconduct. He/she may apply the following steps of progressive discipline described below (without having to follow the order).

- Issue an oral warning (typically for a first minor offence);
- Issue a written warning (typically for a first moderate offence or second minor offence of a similar nature within a 3 month period);
- Terminate the staff member (typically for a second moderate or third minor offence of a similar nature within a 1 year period).

As part of an oral or written warning, the Director may require that certain steps are taken by the staff member to address the misconduct. Such steps may include action to resolve any previous action (such as providing an apology, reimbursing any unauthorized expenditure or returning organization property) or to improve future actions (such as coaching or counseling).

The Director will meet with the staff member to communicate the outcome of the investigation and the decision on disciplinary action. Any disciplinary action must take place within 15 days of the organization having become aware of the misconduct.

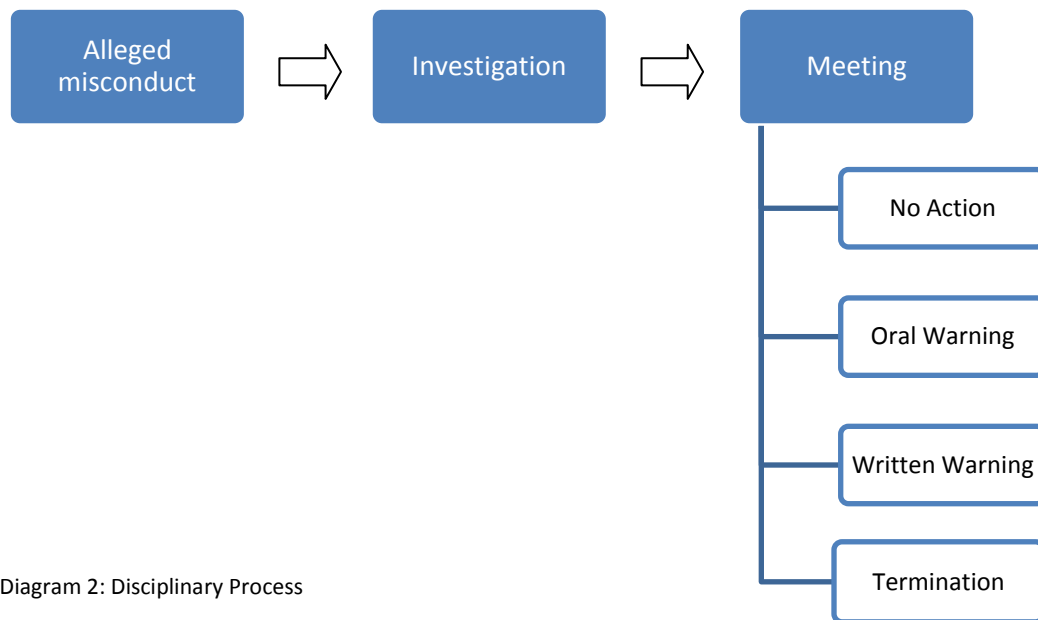


Diagram 2: Disciplinary Process

9.2.2 Serious Misconduct

Serious misconduct includes but is not limited to:

- violence, threats of violence or abuse of any other staff members of the organization, its partners or its clients;
- theft, deliberate damage or recklessness to property, equipment, or records;
- theft of funds or other resources;

- falsification of records or documents;
- bribery or corrupt practices involving commissions on procurement or similar offenses.

In the case of serious misconduct, the Director may suspend the staff member immediately while he/she investigates the alleged serious misconduct. As with misconduct, the Director will then meet with the staff member and the staff member's manager

- To inform the staff member of the specific charges as well as the proposed disciplinary action, and
- To provide him/her with a reasonable opportunity to defend themselves against the charges and the proposed discipline.

If the serious misconduct is found to be substantiated, the staff member will be terminated immediately and the CCC and the Global Fund will be informed immediately.

9.2.3 Termination

In the case of termination as a result of disciplinary action, either serious misconduct or repeated misconduct, the termination shall be immediate and no notice period is required. The staff member will be paid for all days up to the last working day and for any accrued annual leave, but will not be entitled to a severance payment. The Director may authorize the withholding of salary and other payments equivalent to any liabilities that the staff member has generated as a result of their employment or their misconduct. Additionally, the Director may require that certain steps are taken by the staff member to address the misconduct such as reimbursing any unauthorized expenditure or returning organization property.

Termination must take place within seven (7) days of the organization having become aware of the serious misconduct.

9.3 GRIEVANCES

A workplace grievance is a situation where a staff member feels they have been treated in an unfair, unjust, unlawful or discriminatory way. Grievances may relate to:

- violence, threats of violence or abuse from the manager or work colleagues;
- uneven application of policies such as promotion or leave;
- discrimination based on sexuality, race or ethnicity, religion;
- failure to respect contractual agreements.

Any grievances will be treated in a confidential, impartial and respectful manner using the following process:

1. The staff member should raise the matter up with their manager, giving the opportunity for the grievance to be fixed. If the staff member feels uncomfortable raising the matter with their manager, then they may raise the matter with another manager or directly with the Director.

2. The staff member and manager will meet to discuss and resolve the matter within a reasonable timeframe. The staff member may have a support person accompany them to the meeting(s). Both [parties should make every effort to resolve the grievance at this stage.
3. If the problem remains unresolved, the staff member may seek a further review of the decision by the next level of management.
4. If the staff member feels the grievance remains unresolved, they should document their grievance and submit it to the Director. The Director may conduct an investigation to determine the facts relating to the grievance.
5. The staff member and Director will then meet to discuss and resolve the matter within a reasonable timeframe. The staff member may have a support person accompany them to these meeting(s).
6. The decision of the Director is final and will be communicated in writing to the staff member.

Chapter 10 - Termination of Employment

10.1 TERMINATION

Contract employment may end for a number of reasons including:

Resignation

If an employee chooses to voluntarily resign from their contract after the completion of their probation period but prior to the contract expiration date, then the employee must provide at least one month's notice of their resignation in writing to the Director. If the employee fails to give one month's notice, then a deduction equivalent to the salary for the period by which the notice is short may be deducted from the final pay. This requirement also applies to employees who are on maternity leave.

Termination of Contract by PR during the contract term

If the PR chooses to end an employee's contract prior to its expiry date, then the Director/manager will meet with the employee to discuss the reasons for the early termination. The PR will provide at least one month's notice of the termination in writing, including a justification for the early termination of contract. The PR may choose to provide payment in lieu of notice.

End of Contract

If an employee chooses not to accept a new contract upon the expiry of an existing contract, then the employee is requested to provide notice in writing to the Director at least two weeks' prior to the expiration date.

If the PR chooses not to offer a new contract to an employee upon the expiry of an existing contract, then the PR is requested to provide notice of their intention in writing at least two weeks' prior to the expiration date.

Serious Misconduct

If an employee is terminated as a result of serious misconduct or of repeated misconduct, the PR will provide notice of immediate termination in writing. No notice period is required.

10.2 SEVERANCE PAYMENT

All employees are entitled to a severance payment of 5% of the salary paid during the contract period, up to a maximum of the equivalent of six (6) months' salary, upon the termination of their employment, unless they are terminated as a result of disciplinary action (see clause 9.2). No severance payment is made to staff members who are terminated as a result of serious misconduct or of repeated misconduct.

10.3 CERTIFICATE OF SERVICE

A staff member may request a Certificate of Service upon their termination. The certificate of service shall detail the staff's period of service and positions occupied and be signed by the Director.

Annex 1 - PR Salary Scales

Salary Grade		Salary Steps (\$US)														
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
8	Director/Senior Management	1600	1,680	1,764	1,852	1,945	2,042	2,144	2,251	2,364	2,482	2,606	2,737	2,873	3,017	3,168
7	Management/ Chief	1200	1,260	1,323	1,389	1,459	1,532	1,608	1,689	1,773	1,862	1,955	2,052	2,155	2,263	2,376
6	Senior Officer	900	945	992	1,042	1,094	1,149	1,206	1,266	1,330	1,396	1,466	1,539	1,616	1,697	1,782
5	Officer	600	630	662	695	729	766	804	844	886	931	977	1,026	1,078	1,131	1,188
4	Junior Officer	500	525	551	579	608	638	670	704	739	776	814	855	898	943	990
3	Assistant	300	315	331	347	365	383	402	422	443	465	489	513	539	566	594
2	Senior support staff	150	158	165	174	182	191	201	211	222	233	244	257	269	283	297
1	Support staff	60	63	66	69	73	77	80	84	89	93	98	103	108	113	119