



**TREES  
FOR THE  
FUTURE**

# **HUMAN RESOURCES POLICY MANUAL ("Employee Handbook")**

For use in the TREES for the TREES For The Future Inc. Kenya Field Office

## PART I: PREFACE

Employees are the most important resources of Trees for The Future (“TREES”). As such, TREES requires that employment practices are based on justifiable business requirements, principals of equity and fair judgement, and applicable law.

The Employee Handbook is intended to guide ‘TREES’ staff to understand their conditions of employment. It explains the rules and regulations for an effective and harmonious organization. All Employees are encouraged to read the manual carefully. Rules and regulations have been kept simple and must be read in the spirit of applicable laws, specific project environments, budgets, and goals.

Employees are advised in the first place to discuss matters/issues with their immediate supervisors or managers before referring them to TREES’ Program Office or Headquarters. However, any cases of a criminal nature or matters concerning sexual harassment and/or discrimination must be reported immediately to the TREES Executive, Senior Director, Global Human Resources or through the whistleblowing line.

The guidelines in this Employee Handbook are not intended to be exclusive or all-inclusive. TREES reserves the right to take the appropriate corrective action on a case-by-case basis.

This Employee Handbook is for internal use only. By agreeing to become an Employee of TREES and signing your employment contract with TREES an Employee agrees to be bound by the terms of this Employee Handbook. This Employee Handbook is meant to be used as a reference tool and be referred to whenever an Employee has a question about any matter pertaining to his or her employment with TREES. If an Employee cannot find answers to any questions they may have in this Employee Handbook, they should discuss with their supervisor who will be glad to help.

This Employee Handbook will be issued to all new Employees with the letter of appointment and as part of the employment contract. Whereas other particular terms and condition of service shall be spelt out in the letter of appointment and contract, and any other employment policy document this Employee Handbook is considered an essential complement to it. Each Employee shall, therefore, acknowledge that they have read and understood the contents of this Handbook.

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Employee Signature

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Print Name Here

## PART II: AMENDMENT

This Employee Handbook shall be subject to amendment or review from time to time as may be found necessary by TREES in accordance with changing operational or management circumstances, or applicable law and through any means considered adequate such as memoranda and notice boards. Any review of this Employee Handbook made shall be subject to approval by the TREES' Executive Director. TREES shall notify Employees of any amendments, additions or changes to these policies within thirty (30) days from the date of such amendments, additions or changes.

At no time will this Employee Handbook claim to supersede the laws of the Republic of Kenya (“**Kenya**”). Where the provisions of this manual are at variance with the terms of any laws of Kenya, the provisions such as written law shall prevail to the extent of each variance.

These policies are effective **August, 2023**

## PART III: DEFINITION OF KEY WORD TERMS

For the purpose of this Employee Handbook the following words shall have the meanings assigned to them below:

**“Board”** shall mean the Board of Directors of TREES, based in the USA;

**“Casual Employee”** means a person the terms of whose engagement provide for his payment at the end of each day and who is not engaged for a longer period than twenty-four hours at a time.

**“Child”** means a person who has not attained the age of eighteen years;

**“Directive”** shall mean the directive or circular issued by the Executive Director of TREES or a designee;

**“Domicile”** means a place in the country where a person was born or is ordinarily resident as declared upon engagement with TREES;

**“Employee”** shall mean a person employed by TREES for wages or a salary;

**“Employment Act”** shall mean Kenya’s Employment Act, (No.11 of 2007), as may be amended from time to time and shall also mean any successor legislation in its place.

**“Executive Director”** shall mean the Executive Director of TREES based at the Headquarters, from time to time, who may delegate part of his/her fiduciary responsibilities to a person or persons.

**“Finance Department”** refers to the Directors, Deputy Directors and Managers based at the Headquarter office, Controller and Accountant based in Kenya.

**“Headquarters”** refers to TREES head office, based in Silver Spring, Maryland, USA;

**“Kenya Field Office Management”** refers to the **Country Director, Human Resource Specialist, Director of Finance and Operation, Director of Field Programs**

**“Management”** refers to Directors, Deputy Directors, Managers, Operations Coordinators and Accountants, HR Specialist, Technician Supervisors or designees, as the case may be, and other managers within TREES who may be appointed by the Executive Director from time to time;

**“Senior Management”** or **“Directors”** are synonymous and refer to TREES’ senior leadership, including the Executive Director and all Directors.

**“Spouse”** means one wife or husband only, notwithstanding the fact that an employee may be permitted by law to have more than one wife.

**“Written Laws”** means the Constitution and all ordinances, Acts of Parliament, subsidiary legislation, Presidential Orders and any other law applicable in Kenya, as amended from time to time;

**“Transfer”** shall mean the appointment of an Employee to a different position. It also includes movement of an Employee from one geographical location to another;

**“TREES”** shall have the meaning ascribed to it in Part I;

**“Kenya”** shall have the meaning ascribed to it in Part II; and

**“USA”** shall mean the United States of America.”

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# SECTION ONE: INTRODUCTION

## ABOUT TREES

TREES is a non-profit organization initiating and supporting agroforestry self-help projects in cooperation with other groups and farmers across the world.

## GOVERNANCE

**The Board;** TREES Board of Directors provides mission-based leadership and strategic governance to the organization and its field offices in various countries. While day-to-day operations are led by the Executive Director and staff, the Board-Executive Director relationship is a partnership, and the appropriate involvement of the Board is both critical and expected.

**The Executive Director;** The responsibility of the Executive Director is to work with leadership staff in the achievement of set organizational strategic objectives and ensure financial and organizational compliance with local and international laws governing the operations of nonprofit organizations. By appointment or designation, the Executive Director may devolve such responsibilities to the TREES Kenya country leadership, as he or she deems appropriate from time to time.

**The Role of the Senior Director, Global Human Resources and Designate Human Resource Specialist** The role of the **Senior Director, Global Human Resources and** designate Human Resource Specialist of TREES, or such other person as may be designated to play that role by TREES, is to work with Employees to ensure the creation of an enabling environment, which allows every Employee to have an equal opportunity for growth and development and to give their best output in their positions. The role also ensures compliance with the provisions of this Employee Handbook.

**The Role of the Finance Department;** The role of the Finance Department to oversee, report on and track the TREES finances, ensure tax and financial reporting compliance, and ensure procurement of goods and services is completed using fair and competitive practices and TREES Programs receive the best value for the money spent.

**The Role of the Training Department;** The role of the Training department is to ensure all staff and partners are trained on TREES training methodology and are equipped with all materials necessary to train farmers. and to review and revise training materials. The training department also develops and maintains the training site and activities conducted at the site.

**The Role of the Monitoring, Evaluation and Learning (MEL) Department;** The role of the MEL Department is to ensure accurate and timely reporting of the status of projects with farmers including: registration and annual reporting on status of projects. The MEL team also develops new tools and methods for tracking project progress at various stages.

**The Role of the Programs Department;** The role of the Programs Director and supporting Deputy Directors is to offer leadership; planning, coordination, program oversight, logistics and coaching to team

members to ensure all elements are in place at the right time to achieve agroforestry and tree planting success.

**TREES' Kenya Field Office Management [Country Director, Operations Coordinators, Human Resource Specialist, Technician Supervisors];** The Kenya Country Director in coordination with the Kenya Field Office Management are responsible for the operations and management of TREES' field activities in Kenya. The Country Director, in consultation with TREES' VP of Programs and Senior Director, Global Human Resources, will designate an acting Country Director in the event that the Country Director is outside the duty station for an extended period of time. Depending on project circumstances guiding staffing levels, the Country Director may also act as office manager.

The Country Director works with a team of Employees [ Kenya, Field Office Management] to support and assist in carrying out the day-to-day work of field activities. The Country Director will establish sections and units within the field office with specifically defined roles and responsibilities. Channels of communication will be established to support and supervise the Employees and to ensure that tasks and responsibilities are carried out efficiently.

Further roles and duties will be provided within the employee's specific job role, duty and description. TREES reserves its right to amend, review or alter the roles and duties of each individual.

## **THE VISION**

A world where farmers leave a legacy of opportunity through sustainable practices and productive lands.

## **THE MISSION**

To end hunger and poverty by training farmers to regenerate their land.

## **VALUES AND CULTURE**

Employees shall adhere to and aspire to embody TREES Values as indicated in Appendix II: Values and Culture.

## **PURPOSE OF THE MANUAL**

This Employee Handbook is intended to guide Employees to understand their conditions of employment with TREES. It explains the rules and regulations for an effective and harmonious organization. All Employees are encouraged to read this Employee Handbook carefully. Rules and regulations have been kept simple and must be read in the spirit of Written Law, specific project environments, budgets and goals.

## **RELATION WITH OTHER DOCUMENTS**

This manual is based on a general and practical understanding of Kenya's Written Laws as applicable to labor matters. The basis for TREES' preparation and interpretation of this Employee Handbook is:

- The Employment Act, (Cap 226 of 2007, Revised 2012)

- Occupational Health and Safety Act, 2006;
- The National Social Security Act;
- The NHIF Act
- Work Injury Benefits Act
- Income Tax Act Cap 480, Laws of Kenya
- Workers Compensation Act, 2000;
- Labour Relations Act, (Cap 234 of 2010)
- The contracts of service
- TREES code of conduct
- Judicial Reference;
- Subsidiary Legislation (issued from time to time by the Commissioner of Labour); and
- Non-Governmental Organization's Industry Standard Practice and Procedure.

## **REVISIONS TO THE MANUAL**

The Kenya Field Office has the primary responsibility of maintaining and administering these policies and procedures. The Field Office is responsible for staying informed regarding locally mandated changes to any laws or policy. The Kenya team is responsible for advising the **Senior Director, Global Human Resources** to review, supplement, or eliminate any of the policies and/or benefits described in this Employee Handbook that are not legally mandated by the local labor law. Employees will be notified of the changes as they occur.

## **ARBITRATION**

The Executive Director or designee shall apply this Employee Handbook for governing the conduct and regulating the conditions of service of Employee of TREES in Kenya.

If any dispute arises regarding the interpretation of the manual, the Board of Directors shall be the deciding authority and its decision shall be final.

## SECTION TWO: RECRUITMENT AND HIRING

TREES believes that to ensure continued success of the organization it needs to select 'the best person for the job'. The recruitment and selection process is designed to attract candidates with the competencies, experience, qualifications and potential to meet the requirements for the position and the needs of the Company.

TREES is committed to engaging without discrimination qualified, competent, and committed staff, enabling them to derive satisfaction from their jobs by offering them attractive working conditions, challenging assignments and opportunities for advancement /growth.

TREES is an equal opportunity employer. No employee shall be discriminated on grounds of race, color, gender, tribe, religion, political or other opinion, nationality, ethnic or social origin, disability, pregnancy, or HIV status. Efforts will be made to achieve fair gender representation in all cadres of staff.

TREES is vigilant in its recruitment procedures. It will follow the set out procedures every time there it recruits a new staff member.

### **RECRUITMENT PROCEDURE**

The Kenyan Field Office Management (in coordination with TREES Management and Directors,) will assess the need for filling a new or existing position based on the program needs and availability of funds. Prior to beginning the hiring process a Job Requisition Form shall be completed and approved. To request interns an Intern Requisition Form shall be completed and approved. (See Appendix VIII for links to forms)

Job descriptions will be prepared for all positions and will be approved by the Country Director in coordination with the Kenyan Field Office Management ] and VP Programs and will be included in the contract that each Employee will enter into with TREES. When available, existing job descriptions for the position should be used for consistency or modified to reflect any recent changes. Each job description will define:

- The purpose of the position;
- The key duties and responsibilities;
- The key outputs and person specification

The job description shall detail the minimum educational and professional training and working experience required of the position holder. It shall also detail personal attributes and abilities required of the position holder. Given the changing environment and program needs, job descriptions will be reviewed regularly, and necessary changes will be incorporated.

The recruitment process to be conducted by TREES shall be competitive and transparent.

TREES shall only employ competent personnel who meet the requirements of the vacant positions as detailed in the job descriptions and person specification of each position.

## **EMPLOYMENT CATEGORIES**

**TREES, in view of its nature of business, shall only hire employees of fixed term contracts.**

**Regular Full-Time;** Most Employees are hired as regular full-time employees. The Country Director [in coordination with the Kenyan Field Office Management ], with approval from the Programs Director and Senior Director, Global Human Resources, shall approve the engagement by TREES of any regular full-time employees. . Generally, these employees are eligible for the full benefits package, subject to the terms, conditions and limitations of each benefits program and their individual employment contract.

**Temporary Employees/Interns;** Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work the company's full-time schedule for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary workers are not eligible for company benefits unless specifically stated otherwise in the contract of engagement.

Temporary employees/Interns may be hired at the request of the Country Director [in coordination with the Kenya Field Office Management], after consultation with the Programs Director and the Senior Director, Global Human Resources.

Employees on temporary employment shall not be hired for a continuous period of more than three (3) months.

Temporary Employees may be provided with office space, and office equipment and supplies appropriate for the position at TREES. Per diem will be provided if temporary employees are required to travel overnight and will be provided at the same rate as provided to regular full-time employees.

**Casual Workers;** Will be hired by TREES as will be required, to complete specific assignments, e.g., transportation of materials, translation services, repairs. A contract of service will be issued to Casual Workers stipulating the terms and conditions of service.

The decision to hire a casual worker will be made by the Country Director [in coordination with the Kenya Field Office Management] with approval from the Programs Director and Senior Director, Global Human Resources. Payment will be based upon prevailing local rates, experience, and quality of work. The method of payment will depend upon the type of service performed; for instance, payment could be per kilometer for transportation services, per page for translation services, per day or per completed activity. In the case of payment per day, payment should be provided only for days worked.

Regardless, casual workers are not TREES' Employees and are not eligible to receive benefits or leave.

**Acting Appointments:** When an employee is required to temporarily perform duties classified at a higher grade for a period of not less than 30 days. The acting period shall be 6 (six) months but may be extended for a further 6 (six) months.

An acting employee will be entitled to a percentage of their own Gross/ consolidated pay as the acting allowance. All acting appointments or higher duties shall be recommended by the Country Director [in coordination with the Kenya Field Office Management]. The approval is then forwarded to the Programs Director and Senior Director, Global Human Resource for final approval.

### **Other Category other than employment**

**Volunteers;** Individuals who offer their services to TREES on a temporary basis but are not considered to be employed. When their services are provided on an on-going bases, for more than one (1) month, the Country Director will provide the volunteer with a contract of engagement. Unless otherwise defined by the contract of engagement, volunteers do not receive salary or benefits that are given to Employees, though in some cases they may be entitled to per diem and reimbursement of expenses if they travel overnight on behalf of TREES'.

**Consultants;** TREES shall employ the services of consultants on assignments where short-term technical input is required. The contracting of consultants shall be approved by the Country Director [in coordination with the Kenya Field Office Management] with approval from the Programs Director, Senior Director, Global Human Resources and TREES' and the Directors. Such consultants shall be required to work hand-in-hand with the Country Director and/or relevant employees for purposes of capacity building, supervision or to complete a specific project. All consultants should have a detailed scope of work (SOW) and timeline. The Consultant shall sign a contract and will receive his/her professional fees upon completion of the assignment or at designated intervals in the contract corresponding with approved deliverable(s).

### **BACKGROUND AND REFERENCE CHECKS**

To ensure that individuals who join TREES are well qualified and to ensure that TREES maintains a safe and productive work environment, we conduct background checks on all applicants who accept an offer of employment. Background checks may include verification of any information on the applicant's resume or application form such as Academic/Professional certifications and previous employer details.

Background checks may also include a criminal record check, although a criminal conviction does not automatically bar an applicant from employment. Confirmation of employment with TREES is conditioned amongst other factors, on receipt of a satisfactory background check report. All background checks are conducted in conformity with the applicable labor laws.

Reports are kept confidential and are only viewed by individuals involved in the recruiting process. If information obtained in a background check would lead TREES to non-confirmation of employment, a

copy of the report will be provided to the employee, and the employee will have the opportunity to dispute the report's accuracy.

The successful candidate will be offered the position subject to at least two references from previous employment or in the case of a newly qualified student, their tutor, lecturer, dean and a personal or professional reference. These references will be taken up BEFORE employment commences. Referees will be sought directly.

All qualifications will be checked against actual certificates and copies taken for their personnel files

## **GENERAL RECRUITMENT GUIDELINES**

- The Director of Programs shall be responsible for the approval and appointment of the Country Director.
- The Programs Director, Senior Director, Global Human Resources and Country Director [in coordination with the Kenya Field Office Management] shall be responsible for the appointment of other staff in collaboration with an interview panel of supervisors.
- For some positions that have a dotted reporting line to Headquarters staff, the dotted line supervisor will be involved in the interviewing and selection process. This includes Accountants, Procurement Officers, HR Specialists, Monitoring M&E Coordinators, and Training Staff.
- All vacant positions within TREES shall be advertised in the media and other appropriate places.
- TREES may undertake selective recruitment through headhunting where there is justification. Headhunting shall also be on a competitive basis.
- Internal Employees shall also be encouraged to apply on a competitive basis. Internal candidates would be considered if they express interest in the position and are functioning in their current position at a satisfactory level.
- The Human Resources Specialist shall be responsible for screening applications and identifying a short-list of applicants, the Country Director and the interview panel shall participate in the interview process and selection of candidates.
- Where technical expertise is required, external interviewers may be co-opted to interview applicants.
- The Kenya Field Office of TREES shall not be responsible for paying travel expenses incurred by candidates selected for interview.
- All candidates shall be expected to provide details for three (3) professional referees.
- Recruitment process will take at most thirty days from the date of approval for recruitment.
- Some managerial and technical positions may be recruited through a consultant and the final interviews done internally.
- All vacant positions are open and will be advertised in compliance with our equal employment opportunity guideline.
- All our adverts will include a 'recruitment and selection policy statement' which gives details of our equal opportunities policy and safe recruitment procedures.
- All applicants should submit their details through the provided addresses.
- We shall ensure all applicants receive correspondence regardless of whether they are successful in reaching the interview stage or not.

- Applicants will be considered on the basis of their suitability for the post, regardless of their marital status, age, gender, culture, religious belief, ethnic origin, HIV Status or sexual orientation.
- A minimum of two people, usually the line manager and HR representative, will sit on the interview panel. Both will be involved in the overall decision making. At the interview, candidates will be questioned using the same set criteria and same questions. The questions will be formulated from the person specification.
- Candidates will always be required to: To explain satisfactorily any gaps in employment, To explain satisfactorily any anomalies or discrepancies in the information available, the panel will then select the most suitable person for this position based on these scores.

## **ADVERTISING**

Once the need to fill a vacant position with TREES has been approved, the Human Resources Specialist draft an advert, prepare the job description and specification if not available. The job advert shall include background information on TREES, the position being advertised, a summary of the information in the job description and person specification, application procedure, format of application (letter of application, curriculum vitae and/or resumes, names and addresses of referees, copies of testimonials) and closing date of receipt of applications. The method of delivery or response shall be a designated email address.

## **SELECTION PROCESS**

Candidates will be screened based on the degree to which their qualifications meet the requirements of the position. Curriculum vitae and/or resumes that meet the requirements will be selected. The Country Director and Interview panel shall be responsible for interviewing the short-list of candidates identified by the Human Resources Specialist and selecting the best candidate for the job.

The interview panel shall use score sheets to rate the individual candidates against the agreed criteria.

The interview panel in addition shall pay special attention to recommendations from referees, assessments of the candidate's personality and ability to fit into TREES' culture and the candidates' underlying reasons for wishing to join TREES.

## **OFFER OF APPOINTMENT AND ACCEPTANCE**

Once a candidate has been identified, references will be obtained from former supervisors. In general, an offer will not be extended until the reference process has been completed. The Country Director [in coordination with the Kenya Field Office Management] with approval from the Programs Director will approve all salary and benefit decisions (or any other office responsible).

When the competition is very high for technician positions, technician candidates may be asked to participate in a Training of Trainers to gauge their interest and observe their training skills and application of technical knowledge.

TREES shall provide a written offer of appointment to the selected candidate (stating the terms and conditions of employment) signed by the Country Director (depending on the position being filled). This



shall be accepted in writing by the selected candidate within a period not exceeding ten (10) working days.

Once an acceptance has been obtained, an employment contract will be prepared. The job description should be attached to the employment contract. Anyone who provides false or misleading information in order to obtain employment may be subject to immediate termination of the offer of employment.

If the selected candidate does not accept the job offer within the given time period, then TREES shall offer the appointment to the second-best candidate.

New Employees shall report for duty within thirty (30) days from acceptance of offer. However, depending on the level of the job offered, negotiations with the candidate may be held by TREES if one's notice period exceeds thirty (30) days.

The first day of reporting to duty shall be the effective date of appointment. The new Employee shall be required to present two (2) recent passport photographs and fill a personal data form.

On acceptance of appointment, the new staff member shall be required to complete the employee Bio-data. All new employees must furnish the Human Resource Specialist with a declaration of dependants; these include spouse, own children and next of kin. New employees must also provide photocopies of their ID, all statutory registration numbers (KRA PIN, NSSF etc) original certificates, academic testimonials, birth certificates, passport size photographs. Any changes in personal status shall be reported promptly to the Human Resource Specialist completing a fresh Bio-data Form.

## **JOB DESCRIPTIONS**

Employees who are hired by TREES on a contract of service should have a job description that indicates the position title, project, supervisor, effective date, and the working location of the employee. The main body of the description should include a summary statement, the essential duties and responsibilities and the qualifications for the position. Job descriptions should ideally be reviewed each year during evaluations and updated where needed. All revised descriptions must be forwarded to the TREES head office and placed in the Employee's personnel file.

## **EMPLOYMENT CONTRACT**

All Employees will receive an employment contract which will provide the terms and conditions of employment with TREES. The contract of service shall include, among others, the following information: terms of reference, period of contract, salary, title, duties, and hours of work. The contract of service shall state that the employee has read and understands the Kenya HR Policy Manual, TREES code of conduct which shall include among others: absence from duty, staff regulations, confidentiality policy, evaluation procedures, leave, facilitation provided for work, insurance, termination of engagement and severance pay conditions. Any changes to the contract of service shall need to be forwarded to the Executive Director from time to time.

## **PAYROLL ENROLLMENT**

All full-time employees are required to be paid through TREES automatic payroll systems. Employees are required to have and maintain a legal in country bank account that can receive direct deposit. Upon contract signature, the Country Director or HR specialist should complete an electronic New Hire Form for each new employee (See Appendix VIII for links to forms). Newly hired employees will provide their personal information including names, national ID, address, contact information, marital status and number of children for use to calculate taxes that will be automatically deducted from the gross salary. The net salary will be deposited into the employees' account no later than the 5<sup>th</sup> of each month for previous months' work.

## **EMPLOYMENT OF INDIVIDUALS WITH LIFE THREATENING ILLNESSES**

TREES recognizes that Employees with a life-threatening illness may wish to continue their normal pursuits, including work, to the extent that their condition allows. The decision to hire such individuals and/or to permit them to continue to work will be based on their ability to meet acceptable performance standards. Managers should be sensitive to Employees with a life-threatening illness, ensure that they are tested consistently with other Employees and respect their right to privacy.

## **ONBOARDING**

When new Employees are hired, the Country Director, HR Specialist and the Employee's supervisor will be responsible for their onboarding, to orient on TREES' policies, procedures, and programs. This onboarding process will include sharing the Kenya HR Policy Manual as well as other important organizational manuals and documents. As part of the employee contract, Employees will be required to acknowledge that they have read and agree to the terms of this Policy Manual.

## **PROBATIONARY PERIOD**

The probationary period for all new Employee's is three (3) months from the date of hire. Should an extension be needed, one three (3) month extension will be granted. This provision shall not automatically apply to temporary Employees, Casual Employees, Interns and/or Volunteers and Consultants. During the probation period, Employees will be eligible for sick leave and holidays in the same manner as set out under the Employment Act and Contract of Service.

Upon successful completion of the probation period, supervisors are responsible for completing an introductory review and established, in conjunction with the Employee, the goals for the review period.

## **PERSONNEL RECORDS**

The Human Resources Specialist shall maintain personnel files on all Employees hired by the TREES in the Kenya Field Office. The personnel files shall contain items including, but not limited to, application forms, curriculum vitae and/or resumes, supporting documentation for changes in employment, insurance information, performance evaluations, job descriptions and other forms that pertain to the Employee's employment or benefits. The personnel files are the property of TREES and access to the files shall be restricted. Supervisors may have access to portions of the file that pertain to performance. Employees

will have access to their own files but must submit a request to view their own personnel file. Files must be viewed within the designated administrative officer's supervision and Employees will be accompanied by a member of that office.

### **RELEASE OF EMPLOYEE INFORMATION**

In order to ensure Employees' confidentiality and avoid misinterpretation of personal information, TREES restricts the release of information contained in Employees' personnel files. Requests to TREES Employee's for the release of any information by outside companies or individuals should be directed to the Country Director. Other non-work-related requests for voluntary release of employee information should be discussed with the Country Director or her/his designee by the individual Employee.

### **INQUIRIES FOR EMPLOYEE INFORMATION**

TREES will only verify Employee information that outside companies ask to confirm but such confirmation will only be released by TREES subject to the provisions of the Written Law. The information verification for current and former Employees would include name, title, date of hire, current or last salary and date of termination (if applicable).

Information will not be released to inquiring parties unless there is an Employee-signed release form (consent form) with the request, instructing such release of specific information. If an Employee wishes to have their employment dates and salary information released to a specific party (e.g., mortgage company, automobile dealer), they should notify TREES and provide in writing which specific information the Employee wishes to release in writing (for this purpose, an email notification shall be sufficient).

### **INQUIRIES TO TREES MANAGERS/STAFF**

All routine inquiries received concerning any personal information regarding any Employees of TREES, including home address and phone numbers, should be directed to the Country Director. The information will be released only after consulting with the Employee and/or determining the legitimate business need to release such information.

All requests for references regarding the performance of current and former Employees should be referred to the Country Director or HR Specialist.

### **SECURITY (OCCUPATIONAL SAFETY AND HEALTH POLICY)**

Where TREES maintains a country program or branch, TREES will endeavor to provide information about any security threats. Employees should adhere to Directives issued by TREES' safety and security manual.

While Employees are expected to exercise care and diligence to protect the assets that donors have entrusted in TREES, Employees should not put their life at risk in order to protect TREES' property. It is impossible to live in a risk-free environment. In insecure environments, risks can be significant, and many project activities involve exposure to them. However, when Employees are exposed to risk, the work that can be achieved must always outweigh the risks taken.

## **INDIVIDUAL RESPONSIBILITY**

While TREES is responsible for developing the overall security policy for each country in which it operates, Employees must accept responsibility for their own personal security as well as the security of their coworkers. It is very important that Employees understand and accept this responsibility, as well as understand why failing to adhere to security can put colleagues at risk. Failure to follow the guidelines described in TREES' safety and security manual may lead to disciplinary action up to and including dismissal.

## **RE-ENGAGEMENT INTO THE COMPANY**

In some cases, the best employment decision might be the re-engagement into the Company of ex-employees. Where this happens, only ex-employees who voluntarily resigned, have been retrenched, or who voluntarily retired can be considered. Exemployees who were dismissed or who (resigned involuntarily) will not be considered. In considering these employees for re-employment, the normal recruitment procedure will be adhered to.

## **MOBILITY**

The office location of each employee is as set out in the letter of appointment. However, during the course of employment, employees may be required to work in a similar capacity in any of the Company's offices. When this happens, employees will receive relocation expenses in accordance with the Company's relocation policy. The Company reserves the right to transfer any employee, either temporarily or permanently, to an alternative Department or location. In reaching any decision, full consultation will be undertaken with the employee. The employee's personal and domestic circumstances will be taken into account and reasonable advance notice will be given of the change.

## SECTION THREE: SALARY ADMINISTRATION

### **SALARY POLICY**

TREES is committed to providing competitive compensation based on local salary practices, similar positions in like international organizations working in Kenya, Kenya's government policies and budget considerations. Salary decisions are made in keeping with internal equity and a non-discrimination policy.

### **GENERAL GUIDELINES ON SALARY PAYMENTS AND ADMINISTRATION**

- Salaries shall be paid at the end of each month (through direct deposit to their account made prior to the 5<sup>th</sup> of the following month). Payments shall be deposited into staff bank accounts as provided in the New Hire Form. If this account information changes, the employee must provide the change in writing to the Country Director or HR Specialist 30 days before the next deposit.
- Salary increments shall be at the sole discretion of TREES and shall depend on availability of funding, continuity of projects and the employee's work performance reflected in the annual review reports.
- TREES shall not provide staff loans. However, TREES shall be able to provide letters confirming employment and net salary value to a bank or any other lender at the request of an Employee.
- TREES shall not undertake any implied or actual guarantee of a loan or advance received by an Employee.

### **DETERMINING COMPENSATION FOR NEW EMPLOYEES**

Determining the salary for an offer of employment is the responsibility of the Country Director [in coordination with the Kenya Field Office Management] with approval from the Programs Director. The following factors shall be considered, among any others decided upon:

- Budget and availability of funding
- The current established salary history;
- Responsibilities of the new position and qualifications of the Employee;
- External market considerations;
- Internal equity; and
- prevailing legal requirements

The relative weight of each of these components can vary depending on the circumstances, however availability of funding and the budget shall be considered in all circumstances.

## **SALARY REVIEWS**

Salary reviews are generally conducted once a year for eligible Employees. Employees who are classified as temporary Employees do not receive performance reviews and are not eligible for salary consideration on an annual basis. Regular full-time [fixed term] Employees are considered for a salary review effective at the beginning of a pay period after which annual organizational Employee reviews are conducted.

Salary reviews shall be pegged on availability of funding, the budget and continuity of projects.

## **SALARY ADJUSTMENTS**

Occasionally, it may be necessary to adjust salaries due to an internal or external equity issue or due to a government decree or regulation by the government of Kenya. The adjustment in this case will be made according to the provisions of the decree.

A cost-of-living increase may be considered when the local economy reflects a high inflationary period, by the Country Director [in coordination with the Kenya Field Office Management] with approval from the Programs Director. The percentage increase will be applicable to all eligible Employees and is not an indication of performance. The decision to approve salary adjustments due to cost of living must be made by the Country Director [in coordination with the Kenya Field Office Management] with approval from the Programs Director based on local market circumstances; government mandates; and budget considerations.

Salary adjustments may be considered when the salary of an individual or group of Employees is not in line with similar positions within the project or with like organizations.

Salary adjustments shall be pegged on availability of funding, the budget and continuity of projects.

## **SALARY ADVANCES**

TREES generally does not offer salary advances. However, in emergency situations, the Country Director can use his/her discretion to approve a salary advance of up to one additional month's pay. This is, however, not to be a recurring offer. If it is requested a second time in a twelve (12) month period by an Employee, it must be approved by the Country Director with approval from the Programs Director. A salary advance request from the Country Director must always be approved by the Programs Director. The maximum period for the repayment of the advance shall be three (3) months. An employee with an on-going disciplinary case, on probation and/or on temporary terms will not be granted an advance. No employee shall be allowed to have two advances running at the same time.

## **MERIT INCREASE**

At times, Employees will be awarded a salary increases based on merit. This is not a guarantee and is discretionary and based on availability of funding, among other things. When they are given, merit increases – and the percentage offered – may be based on the overall performance evaluation. Merit increases are generally recommended by Country Directors [in coordination with Kenya Field Office Management], based on the Employees' performance, and are approved by the Programs Director. Merit increases will not be awarded without a completed performance review that has been submitted and approved by the Country Director.

Merit increase shall be pegged on availability of funding, the budget and continuity of projects.

### **OVERTIME PAY**

Overtime pay must be approved in advance by the immediate supervisor, Country Director. It is, however, recognized that Employees may be asked to work past the 5:00 p.m. time period or on weekends as may be required to complete urgent tasks. However, under these statutory regulations, overtime shall be payable at the rates of one- and one-half-time hourly rate on weekdays, and at the rate of twice the hourly rate on Sundays and public holidays.

### **PROMOTIONS**

If Employees are promoted from one position to another, they may be eligible to receive additional salary consideration. The percentage increase for promotion may vary depending on several factors including the budget and internal equity and or internal salary grade system. If Employees are promoted outside their annual review period, they may be considered for a pro-rated percentage increase and will be eligible to receive full merit consideration at the next performance review. All promotions or position changes require the Country Director or HR Specialist to submit a Personnel Action Form (PAF) with appropriate approvals (See Appendix VIII for links to forms)

### **SALARY DEDUCTIONS**

All salaries shall be subject to pay-as-you-earn (PAYE) deductions and National Social Security Fund contributions as required by law. Stipends shall similarly be subject to PAYE deductions if required by law. Statutory deductions (NHIF, NSSF) and or a deduction ensuing from a court order/ arrestment of earnings will be made from an employee's salary without his/her authorization. Other voluntary deductions such as contribution to a SACCO, individual pension scheme must be authorized by individual employees in writing.

### **OTHER DEDUCTIONS**

TREES reserves the right to make deductions of any monies owed to it by the employee as per labour laws. The staff member shall be notified in advance and in writing of all the deductions to be made.

## SECTION FOUR: OFFICE HOURS AND ATTENDANCE

### **WORK HOURS**

TREES' official business hours are from 8:00 a.m. to 5:00 p.m. Monday through Friday or any other days as applicable, except for listed public holidays, Employee Benefits and as prescribed by Kenyan Law. Full-time field Employees are expected to work a minimum of forty (40) hours per week. The nature of many field positions require flexibility, so field Employees may need to begin work earlier than 8:00 am or end later than 5:00 pm. The Employee's supervisor may also require an Employee to work specified core hours during the week, however, will always put the Employee's safety first. Supervisors will plan travel times to minimize driving late and after dark. Work hours on Saturdays and Sundays may also be required from time to time.

In the event that TREES does not operate a physical in-country office, staff may work from home keeping to the forty (40) hours per week requirement if so, stated in their terms of service.

### **LUNCH BREAK**

Employees are entitled to a maximum one (1) hour meal periods. The time when lunch periods are scheduled may vary depending on arrangements with supervisors or during field travel, but are normally expected to be plus or minus one (1) hour within the specified time period of 1:00 p.m. to 2:00 p.m.

### **ATTENDANCE AND PUNCTUALITY**

Timely and regular attendance is an expectation of performance for TREES employees. To ensure adequate staffing, positive employee morale, and to meet expected productivity standards throughout the company, employees will be held accountable for adhering to their workplace schedule. Not reporting to work and not calling to report the absence is regarded as unauthorized absence and is a serious matter. Patterns of absenteeism or tardiness may result in discipline even if the employee has not yet exhausted his/her leave entitlements. Unauthorized absence for more than 3 consecutive days shall be considered job abandonment and result in disciplinary process which may lead to employment separation.

### **PUBLIC HOLIDAYS**

The Kenya Field Office will observe paid public holidays as mandated by Written Law. The holiday calendar observed by the Kenya Field Office should be available to Employees each year. If a holiday occurs during the Employee scheduled leave, the day should be charged as a holiday. A list of the general public holidays in Kenya is annexed as Appendix III.

### **ABSENCE FROM DUTY**

In the event that an Employee is not able to work for a half-day or more, then notification should be provided to their immediate supervisors and any other involved managers or colleagues by 10:00 a.m. of that day.



Such information will be accepted by e-mail, message, or letter and must contain a reason acceptable to Management.

Such absence shall be deemed to be unauthorized unless approved by the Manager.

Such absence may only be approved where an employee is required to attend to urgent and unanticipated personal matters of exceptional importance to them, and which are of a nature that requires their personal attendance during working hours.

Such absence, if approved, will be treated as part of Annual Leave.

Employees should indicate to their supervisor the expected date of return as well as any form of leave that is being taken.

Employees that do not show up for work and do not communicate their whereabouts for a period of three (3) or more consecutive days will be considered to have abandoned their job and may be subject to termination in accordance with the local labor law.

### **PLANNED ABSENCE FROM DUTY**

Staff who need to attend short Family, school or medical commitments shall be expected to inform their immediate supervisor in advance and plan such time so as not to disrupt their responsibilities at TREES. All appointments shall be planned to enable the Employee to make up for the time used during that week.

Such absence, if approved, will be treated as part of Annual Leave.

### **ABSENCE DUE TO SICKNESS**

Every employee absent from duty on account of illness shall, as soon as practicable on the day of his absence, notify the Human Resource Specialist of his absence and immediately upon resuming work, supply a medical certificate of incapacity from a recognized medical doctor recommending the period of sick off/leave.

In default such leave shall be deducted from the Annual Leave Allowance. If the leave allowance is exceeded then salary will be docked as non payment for absent days

An Employee having worked for two (2) consecutive months shall be entitled to a maximum period in aggregate of seven (7) days sick leave with full pay, and thereafter to a maximum in aggregate of another seven (7) days of sick leave with half pay in each period of twelve (12) consecutive months of service.

Provided that:

- (i) An employee shall not be entitled to such payment unless he produces the medical certificate referred to above.
- (ii) An employee shall not be eligible for sick leave under this paragraph in respect of any incapacity brought about due to negligence or recklessness on his/her part.

An employee exceeding their sick leave allowance on account of ill health may be recommended for retirement on medical grounds but only after an assessment by an independent medical practitioner appointed by TREES shall have recommended termination. The concerned employee's contract shall then be terminated in accordance with their terms of engagement

## SECTION FIVE: LEAVE

### LEAVE POLICY

TREES' Kenya Field Office shall be bound by the Employment Act relating to leave, where applicable. TREES' policy on leave shall apply to all Employees on Regular full time

TREES encourages employees to maintain a healthy work life balance and therefore makes provisions for employees to embark on paid absences under various circumstances.

### CATEGORIES OF LEAVE

**Annual Leave;** Staff shall be entitled to Twenty one (21) working days annual leave. An employee shall be eligible for annual leave after she/he has worked for TREES for at least twelve (12) months from the date of appointment PROVIDED THAT in the event of termination of employment during any such period of twelve (12) months, the employee shall be entitled to leave on a pro-rata basis. Any leave requested prior to completion of the 12 months service shall be granted at the sole discretion of Human Resource Specialist.

Leave requests shall be considered and assessed with due regard to the needs of the work going on throughout the year and as such, at times, employees may be asked to re-schedule or change the dates of their leave. A minimum of Eleven (11) days must be taken in each financial year and only 10 days may be carried forward to the following financial year. Any unused annual leave at the end of the calendar year in excess of the maximum limit will be forfeited. No compensation will be provided for unutilized leave that is lost.

Leave notes must be prepared before proceeding on leave and discussed with the respective supervisor and the person who will be dealing with your matters in your absence (at least 3 days in advance). Leave days may not be tagged onto public holidays without express approval of Country Director

Temporary employee are not entitled to annual leave but may, with the express authorization of the Country Director, be granted day offs to attend to crucial matters be they personal, study or TREES related. The aforesaid day offs will not, if the Temporary employees are subsequently employed by TREES, be deducted from their annual leave entitlement.

Leave application should be submitted and approved at least seven days before the intended date of absence except in cases of an emergency. Each employee is expected to agree on an annual leave utilization plan with their line manager at the beginning of the financial year

Employees will receive a lump sum payment for the unused annual leave balance at the time of employment termination. Payment will be calculated according to the Employee's base salary in effect at the time of termination. Base salary does not include overtime pay, annual bonuses or any other payments.

**Sick Leave;** An Employee having worked for two (2) consecutive months shall be entitled to a maximum period in aggregate of seven (7) days sick leave with full pay, and thereafter to a maximum in aggregate of another seven (7) days of sick leave with half pay in each period of twelve (12) consecutive months of service.

Provided that:

- (iii) An employee shall not be entitled to such payment unless he produces the medical certificate referred to above.
- (iv) An employee shall not be eligible for sick leave under this paragraph in respect of any incapacity brought about due to negligence or recklessness on his/her part.

Sick leave shall be granted to an Employee on the recommendation of a qualified medical practitioner.

Every absence due to sickness must be reported immediately to the Employee's supervisor and communicated to the Country Director/Human Resource Specialist. Unreported absence will be deducted from annual leave or be considered to be leave without pay. All sick leave absences must be approved by the employee's supervisor or the Country Director.

**Unpaid Leave;** Leave without pay may be considered and requests will be reviewed on a case-by-case basis for TREES' Employees. Employees are eligible for unpaid leave if they have been actively employed on a full-time basis by TREES for a period of twelve (12) months or more. If approved, leave without pay will be granted for a period of up to one (1) month. Leave without pay must be approved in advance by the Country Director or their designate.

Employees must exhaust all applicable paid leave prior to requesting for leave without pay. If a holiday falls within the approved period of leave without pay, the Employee must charge leave without pay for that day. Employees do not accrue annual or sick leave during periods of leave without pay. However, TREES may continue to pay the insurance premiums for employee coverage and dependent coverage.

**Maternity;** In addition to any other leave entitlement, female employees will be entitled to three (3) months continuous maternity leave with full pay. Applications for maternity leave should be submitted two months in advance using the Expected Date of Delivery (EDD) to allow for planning of duties in the absence of the employee.

The employee may opt to consolidate her annual leave and maternity leave. Maternity leave and annual leave must be filled on separate forms with a break of at least one day between the two types of leave.

**Paternity Leave;** Male employees will be entitled to 10 working days paternity leave. Applications for paternity leave should be submitted two months in advance of EDD of the registered spouse. The employee may proceed on paternity leave only immediately after the birth of the child and such leave cannot be carried forward to another time of the year unless with prior approval from the Human Resource Manager.

**Compassionate Leave;** Employees shall be entitled to compassionate leave at the full discretion of the Human Resource Specialist with full pay of up to five (5) days in any one calendar year if such employee shall have exhausted his/her annual leave, Paternity Leave and Maternity Leave and in the opinion of the Human Resource Specialist such leave is warranted i.e. Attending to some urgent and unexpected personal affairs, e.g. death of an immediate relative (parents, spouse, child, brother, sister, etc.) exceptional calamities. In each case, the employee must produce evidence of need for such leave. Any leave must be authorized in writing by Human Resource Specialist

### **Compulsory/Administrative Leave**

An employee may be sent on compulsory/Administrative leave at the discretion of Senior Director, Global Human Resources [in coordination with the Director of Programs and Executive Director]. Instances which might call for an employee to be sent on compulsory/administrative leave include: when an employee is required to exhaust his/her leave days within a given financial year and when it is desired that an employee should not be in the office but the circumstances are such that placing him/her on suspension would be inappropriate.

## **EMERGENCY CLOSURES**

The Country Director [ in coordination with the Kenya Field Office Management and Director of Programs] may decide to close the office due to extreme circumstances. The time that TREES' office is closed due to an unforeseen circumstance will be considered emergency leave. When possible, during emergency closures TREES staff will continue to work from home and be facilitated with phone credits to continue remote communications with farmers. A closure that is surrounding a designated holiday will be holiday leave. If Employees are on annual leave during a closure, Employees will be charged with annual leave. Emergency leave is only available to regular full-time Employees who are scheduled to work on the day of the closure. Employees on extended sick leave, leave without pay or any other leave of absence are not eligible. Employees are eligible for pay during the month in which the emergency closure begins. If the office remains closed into the next month, TREES' Director of Programs will determine if there is a need to extend the emergency leave or, depending on the conditions of the emergency, if the project or office will need to be closed indefinitely and Employees dismissed.

## SECTION SIX: FACILITATION TO DO WORK

### **FACILITATION POLICY**

TREES provides a conducive working environment for its Employees by providing fully equipped offices, transportation, electronic equipment, essential protective clothing and travel expenses.

### **OFFICE MANAGEMENT AND ADMINISTRATION**

The Country Director will set up a country office and at least one regional office in each region of operation. In some cases, the head office and regional office may be in the same location. Other small subregional offices may be set up as needed to facilitate remote work and at the approval of the Programs Director and the Finance Department. The Country Director, in collaboration with the HR Specialist shall hire other office staff (in accordance with Section II) as approved by the Programs Director and the Finance Department to support the mission including Accountant, Bookkeeper, Procurement Officer and Logistician. These positions may vary by country and position. The Country Director [in coordination with the Kenya Field Office Management] shall hire technicians and other programs staff on a project-by-project basis as approved by the Programs Director and the Finance Department.

Operating expenses and procurement of goods and services is facilitated through a monthly Wire Transfer to TREES Country Bank Account. The Country Director, Accountant, and Procurement Officer, in consultation with the Programs Director and the Finance Department, shall prepare a monthly Wire Transfer Authorization form and Procurement forms. For all procurement matters, it is very important to follow the established competitive bidding procedures and keep on file documentation of the bidding process. For details on the Procurement thresholds and procedures refer to TREES Procurement Policy in a separate document.

Lease agreements for office buildings/apartments must be signed by the Country Director with approval from the Programs Director and Finance Department. Copies of these agreements should be filed as indicated in Appendix VII.

Any Memorandum of understanding (MOU), agreements or letter of understanding with local or national government bodies or national organizations must be signed by the Country Director with approval from the Programs Director. All agreements with international organizations must be signed by the Executive Director.

No assets valued at more than United States Dollars Five Hundred (USD. 500) will be disposed of without prior written approval from the Finance Director.

The Kenya Country Office is responsible for filing government requirement annual reports and audits and complying with all local and national labor and tax laws.

## **TRAVEL AUTHORIZATION**

Before commencing any travel, the traveling Employee has to submit a travel authorization request (“**TAR**”) (See Appendix VIII for links to forms) travel itinerary and budget request. Each TAR will state the travel objective, intended duration of travel, place/s to visit and amount of travel advance requested (if applicable). Each TAR requires the approval of the supervisor or Country Director. The finance officer or designated person will not issue a travel advance without a TAR approved by the Country Director.

Funds received for accommodation shall be accounted for, upon return to the Kenya Field Office, with a receipt for accommodation costs and refund of unused money. In addition, a field report, within a week of return, shall be expected to complete the accountability.

Any unused travel advance should be reconciled upon submission of the travel expense report.

Employees will be reimbursed for reasonable expenses incurred in connection with approved travel on behalf of the company. Travelers seeking reimbursement should ensure their expenses remain within the applicable limits and exercise care to avoid the appearance of impropriety. If a circumstance arises that is not specifically covered in the travel policies, the most conservative course of action should be adopted.

Expenditure above kshs. .... must be approved in writing by the Country Director.

## **TRAVEL ALLOWANCES AND PROCEDURES**

Staff traveling internationally, regionally (Between African Countries) or locally (Within their country) shall be provided with per-diem to cover the cost of meals and incidentals. Per-diem is accounted for by day and time of departure and arrival. Staff are not required to submit receipts for expenses incurred through use of per-diem. For current per-diem rates and how to calculate please see Appendix IV – Travel Allowances and Procedures.

## **COMPUTERS AND OTHER ELECTRONIC EQUIPMENT**

To remain competitive, better serve TREES’ farming communities, and facilitate work between staff TREES provides phone credits to all staff based on their level of need. TREES also provide many employees with a smartphone, tablet and or computer based on their job function. The policy for handling TREES’ electronic equipment is attached as Appendix V, code of conduct and employment contract.

## **VEHICLES AND MOTORBIKES**

To facilitate transportation to remote farmer field locations for training, implementation and oversight, TREES provides many staff members with a motorbike based on their job function and need. TREES also provides a fuel allowance and safety equipment to ensure all staff members are safe.

Any staff member issued a motorbike must sign an acknowledgement of Risk and Release of Liability Waiver and have a current motorbike driving license issued by the local authorities. The HR Specialist will make a copy of this license and keep it on record in the Employees files. Employees are required (at their own expense) to review and keep their current motorbike driving license.

Current staff that have not yet provided a motorbike driving license must do so by ..... or their driving privileges will be revoked until a license is presented.

Staff must also update their driving licenses records should the licenses be renewed or updated.

Failure to comply with these requires may lead to may lead to disciplinary action (which may eventually lead to dismissal, suspension)

Please see Appendix VII: Vehicle and Motorbike Use Guidelines for more details



# SECTION SEVEN: PERFORMANCE EVALUATIONS AND STAFF DEVELOPMENT

## PERFORMANCE EVALUATIONS

Performance reviews generally occur once a year. However, Employees will receive a review at the end of the probation period and quarterly for continuing full time employees. Supervisors are responsible to discuss performance with the Employee and set goals for the full review period.

It is the Employee's responsibility to maintain a dialogue with their supervisor that includes reinforcement, feedback, and a connection of the tasks to the larger goals of the Kenya Field Office. The performance evaluation process does the following:

- Document successes;
- Set objectives and targets at the beginning of each financial year with indicators of achievement
- Document areas of development, including next steps;
- Evaluates the achievement of stated goals;
- ; and
- Provide a basis for various decisions relating to salary changes, transfers, redundancies, promotion and termination;
- Clarifies performance expectations;
- Determines the training needs;
- Encourages self-analysis to initiate the process of self-development under the guidance of the relevant supervisor;
- Focus on long term career development;
- Provide development opportunities for the appraisee;
- Act as a motivating force and lead to greater job satisfaction;
- Assesses the performance of the employee in terms of what they have achieved against set objectives in the financial year;
- Outlines the objectives and key performance areas for the next performance review period; • Documenting the learning and development needs that will support the employee in the achievement of their objectives for the next performance cycle;
- Provides a consistent approach to manage poor performance across the business;
- Ensures appropriate support is identified and put in place to improve the employee 57 performance that falls below the required standards;
- Ensures corrective action is initiated by way of a Performance Improvement Plan (PIP) as soon as poor performance is identified and ensuring that appropriate action is taken where the performance of an employee falls short of the required standards.

## PROCESS FOR PERFORMANCE EVALUATIONS

The performance evaluation process starts with the Employee self-review. Supervisors will consider the self-review along with their direct experience with the Employee to prepare a formal evaluation. The Country Director or Regional Coordinator may also consult other Employees at the office to assess the

Employee's overall performance. The supervisor then completes a prime review of the Employee and passes that on to the Country Director for review. After this review, a meeting is scheduled between the supervisor and employee to conduct a performance evaluation based on the prime review.

The performance review includes sections related to the position skills and responsibilities, quality of work, productivity, communications, ability to work effectively as a team, leadership and interpersonal skills.

As part of the evaluation process, supervisors should submit salary increase/promotion recommendations for the Country Director consideration and approval. Supervisors are responsible for submitting the performance reviews and approved salary/promotion increases to the designate administrative officer for processing and filing.

Temporary Employees should not receive performance evaluation reviews but might be subject to feedback in the event that their performance is below what is required in the job description.

## **MANAGING POOR PERFORMANCE**

Poor performance is an indication of a gap between the employee's performance and the expected level of performance.

If a supervisor establishes that an employee is not meeting the required standard, the supervisor should address the problem.

The supervisor should first determine the reason for the poor performance. If the unsatisfactory performance is a result of inadequate skills or knowledge, then appropriate training should be provided where available.

If the unsatisfactory performance is as a result of inadequate resources, then the necessary resources should be provided, or lack of resources must be taken into account for the level of performance.

However, if the employee is sufficiently skilled and has the necessary resources, then the supervisor [in coordination with the Human Resource Specialist and the Country Director] must issue a notice of poor performance to the employee and initiate performance counseling or performance improvement plans.

Thereafter the supervisor [in coordination with the Human Resource Specialist and the Country Director] must meet with the employee and counsel the employee to identify the reason for the poor performance, and ensure the employee agrees to improve to the required standard within a reasonable timeframe to be agreed in the counseling session. [1<sup>st</sup> Meeting]. During the set out timeframe periodic assessments shall be carried out to evaluate progress.

Performance counseling sessions should have specific performance targets and timeframe within which they shall be met. These discussions should be documented and a copy of the document provided to the staff member.

If after the counseling session or after the reasonable set time frame, the employee continues to perform unsatisfactorily, the supervisor [in coordination with the Human Resource Specialist and the Country Director] must have a second counseling session within or after the timeframe to ascertain the reason for continued poor performance. The employee must be advised that failure to meet the required standard could lead to disciplinary action. [2<sup>nd</sup> Meeting]

If the employee continues to perform unsatisfactorily after a second counseling session, a letter addressing poor performance should be issued and disciplinary procedure commenced. Management will have the following options:

- a) Confirm that performance meets the agreed upon standard
- b) Extend the timeframe
- c) Terminate the employee

## **STAFF DEVELOPMENT**

TREES expects that Employees possess the required knowledge and skills for the position for which they are hired. When necessary, TREES may contribute to the cost of outside training that is unavailable through internal resources.

It will be the responsibility of the Supervisor in Liasion with the Kenya Field Office Management Team, to:

- a) Identify staff development priorities/gaps within their areas;
- b) Assess the opportunities for courses and training for individual staff members while having regard to the needs of the TREES and the employee, contract, duration and training cost; and
- c) Plan internal training schedule.

The supervisor will be required to demonstrate that the new skills obtained will be used within a reasonable time after the completion of training and that the skills are necessary and a priority for the Kenya Field Office.

Staff development will be considered if the costs are allowable under the project and funds are available. Professional Development for Training/Seminars and other courses must be requested by the Country Director with approval from the Programs Director. To request Professional Development for a staff member the Professional Development Request form shall be completed and approved (See Appendix VIII for links to forms).

## **STUDY LEAVE**

An employee may proceed for studies under Study leave with pay or Study leave without pay.

The Director of Programs, Senior Director, Global Human Resources and Country Director shall , at their sole discretion, determine which of the above options shall apply to any employee wishing to take study leave.

## **STAFF APPRECIATION ACTIVITIES**

TREES' Kenya Field Office is encouraged to organize periodic Employees' appreciation events and an annual all team member gathering. TREES may sponsor events, which may include but are not limited to, a holiday party or a celebratory event for the benefit of its Employees and their families. These events promote the improvement of working conditions, employer/employee relations, Employee morale, and performance. The scheduling of events is based on the availability of funds as determined by the Country Director with approval from the Programs Director and shall be budgeted for in the annual budget.

## SECTION EIGHT: STAFF CONDUCT

### STAFF CODE OF CONDUCT

TREES expects all Employees to conduct themselves in ways that reflect on its organizational mission and values. To that end, TREES has a “Values and Culture” statement to provide the foundation for conduct that all Employees must understand and follow. The Values and Culture statement is included in Appendix 1.

- Every Employee shall observe, comply with, and obey all lawful orders and directions which may from time to time be given him/her by supervisors or persons under whose authority, he/she may for the time be placed.
- Every Employee shall carry out his/her duties zealously and actively and display courtesy, forbearance and good temper to peers, supervisors, clients and to the public generally.
- Supervisors must by tolerance, integrity, and diligence, set an example; they shall deal tactfully but firmly with those under their authority and check any irregularity or inattention to TREES’ guidelines.
- Any Employee who becomes aware of any irregularity on the part of any other Employee, which in the opinion of that Employee would affect the interests of TREES, shall give immediate information on such irregularity to Management.
- All Employees will treat clients and co-workers with dignity and will respect the rights of others, regardless of age, ethnicity, gender, sexual orientation, color, religion, national origin, disability, or any other status protected by Written Law. Under no circumstances may an Employee use the power and influence inherent in his or her position to take advantage of a client or another Employee for their profit or advantage.

TREES further has a code of conduct policy that must be adhered to by all employees.

### CONFLICT OF INTEREST

TREES requires that all relationships and transactions between individual Employees as well as those between Employees and individuals in other organizations or business concerns be conducted in a manner free of any conflict with the interests of TREES. Employees should review with the Country Director or their supervisors, any activities they know, or can reasonably be expected to recognize, involve a conflict, possible conflict or the appearance of a conflict of interest.

Because a specific conflict of interest may raise a variety of factual, moral and legal issues, it is difficult to define with particularity the various circumstances and relationships that might in fact result in or create either an actual conflict or an appearance of a conflict of interest. Consequently, TREES outlines the approach towards recognizing and handling conflicts in our safety and security manual. TREES expects Employees themselves to be alert to, to recognize and to avoid such situations and circumstances.

The list below is merely suggestive of the types of "red-flag" situations and circumstances where Employees should exercise caution:

- having any financial dealings for personal gain with any grantee or any individual, business or other organization that furnishes merchandise, supplies, property or services to TREES or any subsidiary or affiliate. This would include, for example, arrangements to receive loans (other than bank loans), commissions, royalties, property shares or anything of value;
- making investments, other than routine (arms-length) trading in public stock and bond markets, in any companies or organizations with which TREES does business. Any such investments should be reported to the Senior Director of Finance for review;
- accepting a salary, consulting fee, honorarium, or reimbursement of expenses for writing, speaking or other services rendered to another organization for work that is a normal part of the Employee's employment with TREES;
- disclosing privileged TREES' information or confidential data to outsiders;
- misusing TREES' property for inappropriate or more than nominal personal use. This would include, for example, the use of contraband computer software with Tree's computers or the substantial and continuing use of a TREES' computer for purely personal purposes;
- serving on the board of directors or as a volunteer, paid consultant or employee of an organization or business in any way competing directly with TREES for resources and program opportunities, unless such service is being undertaken in furtherance of or consistent with an approved TREES agreement or relationship with that organization or business;
- using one's position in the company or knowledge of its affairs for personal gain;
- taking public positions on civil, political, legislative or other issues of a public nature in the name of TREES, as identifiable TREES Employee, or on TREES' stationery without the prior approval of the Programs Director or his or her designee and the Country Director; and
- serving in any capacity that might imply, without authorization, TREES' approval of the policy, product, or services of any private enterprise.

Employees must disclose actual or potential conflicts of interest or the appearance thereof to the Country Director or their supervisors as soon as they become aware of them. Failure to make required disclosures or resolve conflicts of interest satisfactorily can result in disciplinary action up to and including termination of employment with TREES.

### **RECEIVING/GIVING BUSINESS GIFTS**

This includes soliciting or accepting gifts, gratuities, favors, or anything of monetary value including and not limited to current or potential vendors or contractors or their agents.

TREES prohibits accepting gifts, other than those of nominal value (i.e. valued at United States Dollars Fifty [USD. 50] or less) or importance, or having any travel, living or entertainment expenses paid for themselves or members of their families by any person, firm, organization or corporation currently doing business or seeking to do business with TREES, whether for commercial or non-commercial purposes.

Examples of acceptable gifts of nominal value or importance might include a token of appreciation such as an inscribed plaque or plate, a simple specimen of one of the grantee's products, a lunch or dinner

provided during a project visit, or being voluntarily driven by a grantee to or from the local airport on a project visit.

Gifts of common branded promotional items of nominal value, such as ballpoint pens, pencils, notepads, letter openers, hats, calendars, shopping bags and the like are acceptable, whether from current or prospective vendors, brokers, contractors, suppliers or grantees.

Offers of inexpensive lunches or dinners may be accepted from current (as opposed to prospective) vendors, brokers, etc., but only for the express and exclusive purpose of conducting ongoing Tree's business, and only for dining in ordinary (i.e., non-extravagant) settings and surroundings not giving possible rise to the appearance of a conflict.

The offer of a short cab ride by a current vendor, broker, etc. would usually qualify as a gift of nominal value.

## **WORKPLACE INTEGRITY**

TREES seeks to achieve the highest standards of ethical (including fiscal, legal and professional) conduct and integrity in the workplace. To this end, TREES requires Employees to commit themselves to these high standards by subscribing to the organization's value and culture when they are hired. TREES is particularly concerned with responsible stewardship of its resources. Accordingly, and as a matter of organizational policy, TREES expects its employees to avoid any action or conduct that could jeopardize the organization's financial status or result in avoidable waste or loss of assets dedicated to TREES' stated mission.

To help secure and maintain workplace integrity, TREES encourages and expects all Employees (headquarters and field, expatriate or local), institutional partners and others to report and disclose information ("protected disclosures") they reasonably believe evidences on the part of TREES as an organization or any of its Employees either of the following ethical improprieties: (a) a violation of any law or regulation applicable to TREES' status or standing as a nonprofit/tax exempt organization, or (b) any theft, fraud, gross mismanagement, questionable accounting practices, gross waste of funds, or other abuse, legal or illegal, of TREES' financial or other assets. All protected disclosures from any source shall be received in confidence. Disclosures by Employees may, at the discretion of the disclosing Employee, be made anonymously.

## **DISCLOSURE PROTECTION POLICIES**

Disclosing Employees shall be fully protected from and against any and all forms of organizational retaliation for having made or attempted to make a protected disclosure. Conversely, any Employee determined to have obstructed or attempted to obstruct another Employee from making a protected disclosure shall, along with any Employee who retaliates in any way against an Employee for having made or attempted to make such a disclosure, be subject to appropriate disciplinary action, up to and including termination.

The TREES workplace integrity policy (along with the implementing procedures outlined below) is aimed specifically and primarily at the protection of TREES' assets, non-profit status, and the prevention of

waste, fraud, and other abuse of TREES' institutional assets. [Note that instances of suspected or claimed misconduct such as sexual or other harassment, discrimination, personal mistreatment, or conflicts of interest are governed by the procedures specifically dedicated to those matters in other sections of this Employee Handbook and generally fall within the responsibility of TREES' Executive Director or his or her designee whether at headquarters or in the field. In the Kenya Field Office, reports should be made to the Human Resources Specialist.

## **REPORTING SUSPECTED IMPROPRIETIES**

Any person, Employee or otherwise, may report suspected violations of this Employee Handbook, whether on the part of TREES as an organization or one of its Employees. Upon discovery, a disclosing Employee or other party should report the suspected violation as promptly as possible. Disclosures should be made in writing to better ensure an expeditious and effective response to the allegations made. All disclosures, whether written or verbal, should provide as complete as possible a factual description of the matter being disclosed.

Employees should report suspected violations of this policy to their immediate supervisors, unless they prefer to disclose the matter anonymously, in which case they would report in writing to the Country Director or Director of Programs, who will notify the Executive Director. The Executive Director will set up an Investigating Committee for follow up (see below). Employees who believe they have been obstructed from making or attempting to make protected disclosures or have suffered retaliation in any form as a result of having made or attempted to make such a disclosure should report such experiences or incidents through these same reporting procedures.

## **CONFIDENTIALITY/GOOD FAITH**

TREES will treat protected disclosures of issues of workplace integrity, or allegations of related obstruction or retaliation, with the utmost discretion and confidentiality and with due regard for the privacy of the disclosing Employee or other disclosing party, subject only to the following condition: TREES will investigate fully and fairly all reported illegal acts or other misconduct covered hereunder.

TREES expects that all protected disclosures will be made in good faith. It will hold responsible and discipline appropriately any Employee who, either intentionally or with a reckless disregard for the truth or falsity of the matter, makes unfounded allegations of illegal or other ethical misconduct against the organization or any of its employees.

## **ANONYMITY**

TREES, where possible, provides Employees and others with the option of making disclosures of ethical and related improprieties anonymously (including claims of sexual or other harassment, discrimination, personal mistreatment, or conflicts of interest). In this case they would report in writing to the Country Director or Director of Programs who will notify the Executive Director. The Executive Director will set up an Investigating Committee for follow up (see below).

## **INVESTIGATIONS**

Initial screening of protected disclosures (i.e., of waste, fraud and abuse or violations of TREES' nonprofit status) or related claims of obstruction or retaliation shall be the sole and exclusive responsibility of an



ethics Investigating Committee set up by the Executive Director. The ethics Investigating Committee shall promptly review each disclosure or claim received to determine whether it states a case meriting a response, and if so whether the disclosure or claim in question requires an ethics investigation. The ethics Investigating Committee will undertake an objective and comprehensive investigation of each disclosure or claim deemed to merit investigation, will determine whether any disciplinary or other remedial action is required, up to and including termination, will make appropriate recommendations for bringing the issue(s) investigated to conclusion, and prepare a final investigative report for action as appropriate by the Executive Director or his or her designee. The Executive Director or his or her designee shall finally determine what, if any, actions are required to bring a case to closure and ensure that those actions are thereafter fully and promptly implemented.

### **APOLITICAL POLICY**

TREES is an apolitical organization and as such, takes no stance on political issues. It is necessary for all TREES Employees to avoid any activity that may be perceived as placing them or TREES for or against a political cause, issue, or faction. In as much as Kenya's Constitution guarantees the freedom of association or political affiliation, this freedom shall not be construed to mean that such freedom binds the status of TREES nor compromises the ability of TREES to exercise its mission.

Individuals may speak out as individuals on matters of personal concern. However, care must be taken to assure that such statements are neither made, nor likely to be interpreted as being made, on behalf of TREES.

### **NON-DISCRIMINATION POLICY**

TREES believes in attracting, developing, and training people who are capable, committed, and motivated, and who help the organization further its mission. It is TREES' policy to:

- a) recruit, hire, train and promote persons in all job titles without regard to race, color, ethnicity, religion, gender, sexual orientation, national origin, age, personal appearance, political affiliation, marital status, genetic information, and/or disability;
- b) make decisions related to employment so as to further the principle of equal employment opportunity;
- c) ensure that promotion decisions are in accordance with the principles of equal employment opportunities by imposing only valid requirements on promotional opportunities; and
- d) ensure that all personnel programs and actions, including compensation, benefits, Transfers, layoffs, re-hires, training, and social and recreational programs, are administered without regard to race, color, ethnicity, religion, gender, sexual orientation, national origin, age, personal appearance, political affiliation, marital status, genetic information, and/or disability.

### **PERSONAL APPEARANCE**

TREES maintains a professional image that is consistent with its position in its field offices. Although TREES is committed to providing a relaxed and comfortable atmosphere for its Employees, it is important to always maintain a professional appearance and demeanor during work hours. Appropriateness of dress is also important when conducting field visits and training with farmers. All staff or visitors shall

dress in a manner that is culturally appropriate with a level of modesty that does not make farmers or the community uncomfortable.

## **PROPRIETARY INFORMATION**

TREES requires all Employees to respect the confidentiality of TREES' work products. Accordingly, TREES will not permit its Employees to reproduce, adapt, distribute or otherwise use and transmit specific internally published materials, databases and other proprietary information to outside parties or entities, including former Employees, unless specifically required through contractual relationships or in the exercise of normal business relationships. Employees having any questions or concerns about the propriety of using specific material should seek the advice and counsel of the Country Director prior to making any use of materials.

## **COMMUNICATION**

The main purpose of this communication policy is to establish clear guidelines for presenting the company both to existing and potential stakeholders (both internal and external) while increasing the level of understanding among all employees.

Importance of communication with External Audiences

- a) To build and strengthen stakeholder confidence in the TREES brand
- b) To enhance stakeholder/industry/market confidence in TREES ownership, management and employees.
- c) To project TREES as a responsible corporate citizen.
- d) To support corporate business initiatives and strategies.
- e) To support TREES compliance with legislative and regulatory requirements.

Importance of communication with Internal Audience

- a) To help in meeting corporate business objectives and increase each employee's knowledge of TREES and its development
- b) To increase employees understanding and buy-in of TREES objectives, strategies and values.
- c) To establish clear channels of sharing success stories throughout TREES, in order to inspire creativity among the employees and encourage teamwork among individuals and the separate sections within the organisation.

## **MEDIA COMMUNICATION – EXTERNAL COMMUNICATION**

The Country Director [in coordination with the Kenya Field Office Management] will be the official spokesperson for TREES on all or any issues relating to TREES management and the various activities it undertakes, however the Country Director [in coordination with the Kenya Field Office Management] may appoint a representative to present the firm's views as needs arise.

Unless authorized by the Country Director, staff will not engage in interviews with the press on matters relating to the TREES.

To maximise compliance with the overall communication regulations this document has identified particular individuals billed as most knowledgeable in the said fields and hence in the best position to comment on behalf of TREES. No other member of staff apart from those outlined in these guidelines is allowed to make statements/pronouncements on behalf of TREES. Any actions to the contrary by any unauthorised employee(s) will be considered to be a breach of these guidelines.

## **INTERNAL COMMUNICATION**

The Kenya Field Office Management will be responsible for the generation and distribution of all communication to TREES staff. The management team will proactively keep the internal audience informed on important issues around: policy changes; Management changes/reorganisation; Relevant industry information; New product launched; Key partnerships. English and Swahili are the corporate languages. Therefore, all internal communication will be produced in either or both languages.

No employees shall discuss or release to the public any information that is for internal use, relates to customers or competition. In the event of uncertainty regarding confidentiality issues, employees must contact their supervisor, the Kenya Field Office Management Team.

When an external party phones and asks to speak to an employee at TREES who is not available, the person's destination or business should never be disclosed.

## **CRISIS COMMUNICATION**

A crisis is a situation in which events beyond the control of TREES threaten to damage the corporate relations with its shareholders, customers and employees, or its reputation, financial position or other vital interests.

In the event of a crisis scenario, the Kenya Field Office Management Team [ in coordination with the Director or Programs and Senior Director, Global Human Resources] will be responsible for assembling a crisis management team to handle the specific crises and will remain responsible for managing all internal and external communication during a crisis.

## **DEALING WITH INFORMATION LEAKS**

The general rule is NOT TO COMMENT ON SPECULATION AND ROMOURS. Therefore, in the event of leaks in confidential information or when an employee becomes aware of rumours the Kenya Field Office Management must be immediately informed.

The Kenya Field Office Management [ in coordination with the Director or Programs and Senior Director, Global Human Resources] will assess the payload and determine the best course of action.

## SOCIAL MEDIA POLICY

This policy provides guidance for employee use of social media, which should be broadly understood for purposes of this policy to include blogs, wikis, microblogs, message boards, chat rooms, electronic newsletters, online forums, social networking sites, and other sites and services that permit users to share information with others in a contemporaneous manner.

The following principles apply to professional use of social media on behalf of TREES as well as personal use of social media when referencing TREES.

- a) Employees need to know and adhere to [TREES Code of Conduct, Human Resource Manual, contract of service and other company policies] when using social media in reference to TREES.
- b) Employees should be aware of the effect their actions may have on their images, as well as TREE's image. The information that employees post or publish may be public information for a long time.
- c) Employees should be aware that TREES may observe content and information made available by employees through social media.
- d) Employees should use their best judgment in posting material that is neither inappropriate nor harmful to TREES, its employees, or customers.
- e) Although not an exclusive list, some specific examples of prohibited social media conduct include posting commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libelous, or that can create a hostile work environment.
- f) Employees are not to publish post or release any information that is considered confidential or not public. If there are questions about what is considered confidential, employees should check with the Human Resources Department and/or supervise/Kenya Field Office Management.
- g) Social media networks, blogs and other types of online content sometimes generate press and media attention or legal questions. Employees should refer these inquiries to authorized TREES's spokespersons.
- h) If employees find encounter a situation while using social media that threatens to become antagonistic, employees should disengage from the dialogue in a polite manner and seek the advice of a supervisor/Kenya Field Office Management.
- i) Employees should get appropriate permission before you refer to or post images of current or former employees, members, vendors or suppliers. Additionally, employees should get appropriate permission to use a third party's copyrights, copyrighted material, trademarks, service marks or other intellectual property.
- j) Social media use shouldn't interfere with employee's responsibilities at TREES. TREE's computer systems are to be used for business purposes only. When using TREE's computer systems, use of social media for business purposes is allowed (ex: Facebook, Twitter, TREES blogs and LinkedIn), but personal use of social media networks or personal blogging of online content is discouraged and could result in disciplinary action.
- k) Subject to applicable law, after-hours online activity that violates [TREE's Code of Conduct] or any other company policy may subject an employee to disciplinary action or termination.
- l) If employees publish content after-hours that involves work or subjects associated with TREES, a disclaimer should be used, such as this: "The postings on this site are my own and may not

represent TREE's positions, strategies or opinions."

- m) It is highly recommended that employees keep TREES related social media accounts separate from personal accounts, if practical.

## **PROTECTION OF INFORMATION SYSTEMS**

The loading and use of pirate or other unauthorized private software on any of TREES computer equipment is prohibited. TREES expects its employees to;

- a) undertake not to copy any proprietary software, licensed for use on a specific computer or computers, other than allowed by the relevant license agreement or conditions of sale.
- b) undertake not to use any unlawfully copied version of such proprietary software in any manner in connection with or arising out of your employment.
- c) not take out, take home or duplicate or transmit any of your employer's, Employer information, secrets, systems or any other data or information stored on any computer system without authorisation.
- d) not alter, tamper with, sabotage, delete, introduce a virus into or damage any part of your employer's computer system or the information or data thereon.
- e) not use any of your TREES computer hardware or software systems to gain access to the Internet or any other external network unless authorised to do so for Employer purposes.

## **USE OF THE INTERNET AND E-MAIL**

All employees of TREES hereby acknowledge and agree that the use of the internet and e-mail in the workplace may only be done for the sole and exclusive purpose of furthering the Organization's Employer interests. Employees may not access the Organization's internet or e-mail facilities for your own or other purposes, not associated with the exclusive purpose of furthering the Organization's Employer interests and in the normal course of your duties, unless otherwise specifically approved by the Organization in writing.

In the event that it is established that you have failed to comply with the requirements set out above, the Organization will take whatever disciplinary action it deems appropriate under the circumstances.

Because the use of the internet and e-mail facilities in the Organization are accessed on Organization property and at the Organization's cost, all Employees of TREES hereby acknowledge that the Organization reserves the right to view or access all or any use by you of the internet and e-mail on Organization property and/or during working hours, at its own discretion and in the course of any legitimate investigation it may wish to conduct and that in such circumstances, you acknowledge that no information passed or accessed by you on the internet or e-mail is privileged.

Access to non-work related/pornographic/political/religious/potentially offensive websites or any other form of pornographic material by any employee under any circumstances is strictly prohibited and any employee caught either viewing or having accessed such websites or other pornographic material at the workplace, could be dismissed. Such prohibition includes the e-mailing of non-work related/pornographic/political/religious/potentially offensive material to other parties and the receipt by e-

mail of such material, where the recipient is found to have opened the file and failed to immediately delete it, upon discovering the nature and content of the e-mail.

The Organization also indemnifies itself against any claim by any person/employee where such person/employee has received/viewed non-work related/pornographic/political/religious/potentially offensive material on the internet or via e-mail.

## **COPYRIGHT LAW COMPLIANCE**

TREES respects, and requires all Employees to respect, relevant copyright laws. Copyright laws provide copyright owners with, among other things, exclusive rights of reproduction, adaptation, and distribution of their copyrighted materials. TREES therefore admonishes all Employees for the unauthorized use of copyrighted materials. Employees should avoid the systematic or indiscriminate copying and dissemination of newsletters or similar publications without appropriate prior approval of the publisher.

TREES is especially concerned that its employees respect copyright laws in the procurement and use of computer software. Accordingly, TREES will not use, nor permit its Employees to use, on its equipment or on its premises, copies of software products for which TREES or the user has not purchased a license. This prohibition applies equally to any software purchased by TREES to be installed on an employee's home computer for business use. Consequently, Employees must first obtain approval from the Country Director and Operations Team before installing any TREES purchased software for home use. Such approval will be granted only where TREES holds a license covering the specific use for the software in question.

## **OUTSIDE BUSINESS ACTIVITIES AND EMPLOYMENT**

Regular full-time Employees are not allowed to carry on or pursue any business interest for personal profit, that have a direct negative impact on time and commitment to TREES. Generally, employment contracts do not allow outside activities or employment and Employees are expected to devote their work-related energies to TREES. Employees are not to divert TREES working time, and its resources to advance personal ventures except during their personal time after work. In instances in which a time conflict emerges, the instance should be declared to his/her supervisor or designee, who will assess the extent of the conflict and advise on the best alternative in which TREES goals will not be compromised.

Employees may consider outside activities only if their employment contracts do not restrict outside employment and if outside employment activities do not prevent the Employee from fulfilling their job responsibilities and with the Executive Director approval. Failure to comply with this policy can be the cause of immediate termination of employment.

## **SEXUAL AND OTHER UNLAWFUL HARASSMENT**

While all forms of harassment are prohibited, it is the policy of TREES to specifically emphasize that sexual harassment is prohibited and will not be tolerated. All employees are entitled to employment that is free from sexual harassment and TREES will take such steps as are necessary to ensure that no employee is subjected to sexual harassment.

Sexual harassment is a violation of Title VII of the Civil Rights Act of 1964 and Section 6 of the Kenyan Employment Act, 2007, and TREES will not tolerate any action from any manager, employee, volunteer, member or vendor, male or female, which sexually harasses an employee in any way. Sexual harassment refers to behavior that is not welcome, that is personally offensive, that fails to respect the rights of others, that lowers morale and that, therefore, interferes with work effectiveness. Sexual harassment may take different forms. Sexual harassment involves, but is not limited to:

- the demand for sexual favors, whether directly or indirectly;
- impliedly or expressly making submission to unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature, a condition of an employee's continued employment or preferential treatment in employment;
- impliedly or expressly making submission to or rejection of unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature the basis for employment decisions affecting the employee; or
- creating an intimidating, hostile, or offensive working environment by:
  - making sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, and threats;
  - using sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, and obscene gestures;
  - unwanted physical contact, including touching, pinching, brushing the body, and pushing;
  - or
  - showing physical behavior of a sexual nature.

All managers, employees and volunteers must comply with this policy and take appropriate measures to ensure that such conduct does not occur. Violations of this policy will result in disciplinary action up to and including termination.

Any employee who believes he or she has been the subject of sexual harassment should immediately report the matter to his or her supervisor or the Human Resource Specialist or the Senior Director, Global Human Resources.

Complaints or reports may be made on a confidential or anonymous basis through our third party "Whistleblower Hotline" at:

Website: [www.lighthouse-services.com/TREES](http://www.lighthouse-services.com/TREES)

Phone: 800.603.2869

Email: [reports@lighthouse-services.com](mailto:reports@lighthouse-services.com)

No retaliatory measures will be taken against any employee for complaining of sexual harassment. Under no circumstances need the employee report the harassment to a supervisor against whom he/she is alleging sexual harassment.

TREES will promptly and thoroughly investigate, evaluate and attempt to resolve all complaints of sexual harassment. All employees are required to participate in such investigations. TREES will maintain the confidentiality of such complaints on a need-to-know basis.

Human Resources will immediately obtain the facts from the employee issuing the complaint and determine if the assistance of others is necessary in resolving and/or investigating the issue. Identities of complainants and the details of the conduct amounting to sexual harassment complained of shall

not be disclosed by the Management except where such disclosure is necessary for the purpose of carrying out investigations and taking disciplinary action.

Human Resources will gather information and fully investigate the allegation, and will consult all those whose input is relevant. As a result of the investigation, a recommendation will be made to TREES's executive management regarding the outcome of the sexual harassment complaint.

If it is determined that conduct amounting to sexual harassment has been committed, the Company shall take such action, in accordance with its Grievance and Discipline Procedures, as may be necessary under the circumstances, including counseling, warning, suspension, dismissal and such other forms of disciplinary action as it may deem appropriate.

Employees who fall victim to sexual harassment within the course of their employment are, in addition to making a complaint, entitled to make a complaint to the relevant law enforcement agencies and to seek such other legal remedies as may be available to them.

TREES will not permit any employment-based retaliation against anyone who brings a complaint of sexual harassment or who speaks as a witness in the investigation of a complaint of sexual harassment.

## **WORKPLACE BULLYING**

TREES defines bullying as "repeated inappropriate behaviour, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment".

Such behaviour violates the company Code of Conduct and will not be tolerated. Bullying may be intentional or unintentional. However, it must be noted that where an allegation of bullying is made, the intention of the alleged bully is irrelevant and will not be given consideration when meting out discipline.

As in other forms of harassment such as sexual harassment, it is the effect of the behavior upon the individual that is important. TREES considers the following types of behaviour examples of bullying:

Verbal bullying: Slandering, ridiculing or maligning a person or his/her associates/relatives; persistent name calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.

Physical bullying: Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault; damage to a person's work area or property. o

Gesture bullying: Non-verbal threatening gestures or glances that convey threatening messages.

Exclusion: Socially or physically excluding or disregarding a person in work-related activities.

Employees found guilty of such behaviours shall be disciplined up to and including dismissal.

TREES will not permit any employment-based retaliation against anyone who brings a complaint of bullying or who speaks as a witness in the investigation of a complaint of bullying



## **VIOLENCE IN THE WORKPLACE**

All employees, customers, vendors and business associates/partners must be treated with courtesy and respect at all times.

Employees are expected to refrain from conduct that threaten, intimidate or coerce another employee, customer, vendor or business associate/partner.

TREES resources may not be used to threaten, stalk or harass anyone within or outside the workplace. TREES will also treat threats coming from an abusive personal relationship in the workplace as it does other forms of violence.

Indirect or direct threats of violence, incidents of actual violence and suspicious individuals or activities should be promptly reported to a supervisor or the Kenya Field Office Management.

The identity of the individual making a report will be protected as much as possible and there will be no retaliation against employees making such reports in good-faith. Any one employee found culpable of threats of or actual violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including dismissal.

TREES will not permit any employment-based retaliation against anyone who brings a complaint of violence or who speaks as a witness in the investigation of a complaint of violence.

## **DRUG FREE WORKPLACE**

The unlawful manufacture, distribution, dispensing, possession or use of an illegal drug or controlled substance is strictly prohibited. It will not be tolerated within the TREES workplace, while attending business-related activities, on call, or while operating a vehicle or equipment owned or leased by TREES. Employees found to be illegally using, possessing, dispensing, distributing, or manufacturing controlled substances, will be subject to the following actions:

- Employees will be required to satisfactorily participate, at their own expense, in a drug abuse assistance or rehabilitation program (if available) or be subject to a one-month suspension, i.e., one (1) month of leave without pay; or
- Employees will be subject to immediate termination or must show extremely good cause why such termination would not be in the best interest of the company; or
- immediate termination at the discretion of TREES.

Further, if Employees are convicted of any criminal drug statute violation in the workplace, Employees must notify – as soon as possible and before attending work again – their supervisor, who will notify the Country Director and Programs Director. If Employees are convicted of a drug violation in the workplace, they will be subject to the actions in the order listed above.

Employees who voluntarily admit a drug addiction problem that has not resulted in a disciplinary action, or a criminal conviction may be eligible for sick leave to participate in a rehabilitation program. Such a leave will be granted if the Employee abstains from use of the substance while on leave, abides by all organization policies, rules, and prohibitions relating to conduct in the workplace, and if the organization will not suffer an undue hardship as a consequence of granting the leave.

The severity of this policy is dictated by the severity of the consequences of TREES' failure to maintain a drug-free workplace, which include suspension of contract payments, or termination of a contract for default. As a result, Employees may be assured that TREES drug-free workplace policy will be strictly enforced.

Although TREES is only responsible for the Employee actions within the workplace, Employees are advised that managers of the organization do not condone the use of illegal drugs outside TREES working hours. If Employees are experiencing a drug problem, they are encouraged to seek professional help.

### **PERSONAL RELATIONSHIPS BETWEEN EMPLOYEES**

TREES understands that individual Employees may develop friendships or even more intimate relationships with other Employees. As a matter of policy, the organization neither discourages nor prohibits such personal relationships between or among Employees, WITH THE FOLLOWING EXCEPTION: supervisors are not permitted to engage in romantic or sexual relationships with subordinate staff in their supervisory chain of command. Any such involvement between a supervisor and his or her subordinate risks, at best, the appearance of a conflict of interest, and at worst, potential claims for sexual harassment against TREES. Supervisors and subordinate Employees finding themselves in situations leading toward or involving romantic or sexual relationships must either disengage themselves from the relationship or request reassignment. All requests for such reassignments will be received in confidence and to the extent possible, promptly honored.

Under this Employee Handbook, no supervisory relationship is permitted between supervisors and subordinate Employees who have engaged in romantic or sexual relations at any time during employment with TREES. Accordingly, supervisors must not accept supervisory assignments over subordinate staff with whom they have had such a relationship. Similarly, subordinate staff must request reassignment if assigned to a supervisor with whom they have had a romantic or sexual relationship. Failure to comply with this policy may result in disciplinary action, up to and including termination of employment.

### **HIRING OF RELATIVES**

TREES will not permit the employment of a relative in any situation in which supervisory or financial control is not properly maintained. In the event relatives are in positions in which there is potential for a conflict of interest in supervisory judgment or financial control, then the Human Resource Specialist will review whether that conflict can be satisfactorily removed. If that conflict cannot be removed to the satisfaction of the Human Resource Specialist, then one or both Employees involved must avail themselves of any transfer if available or resign from TREES.

## **CHILDREN AT WORK**

TREES allows Employees to bring healthy Children to the office only in cases of emergency or other special situations where there is no other alternative. Employees must obtain their supervisor's permission before bringing the Children to work. Supervisors have the right to refuse permission if a child's presence could create an unsafe or unproductive work situation. Requests should be limited to emergencies in which the Employee has no other viable solution apart from staying at home. These procedures do not apply to brief, informal visits by an employee's children or dependents, as long as such episodes are infrequent and do not disrupt or distract the Employee's co-workers. Employees should ensure that visitors do not have access to TREES' computers or confidential information, and that they do not disrupt the work of the office. Children should not be transported using TREES motorbikes or TREES vehicles.

## **REPORTING RESPONSIBILITY**

It is the responsibility of all directors, officers and employees to comply with the code of conduct and to report violations in accordance with this whistle-blower policy. Under this policy, it is a disciplinary issue for an employee to know of ethical misconduct and stay silent.

# SECTION NINE: DISCIPLINARY ACTION

## DISCIPLINARY ACTIONS

All disciplinary matters will be handled with fairness and credibility. In matters of alleged employee misconduct, TREES will ensure that each case is thoroughly and fairly investigated before any disciplinary action is taken against the concerned employee. Every employee in a disciplinary situation will be given ample opportunity to state his case. Any disciplinary action that may be taken will be applied fairly and consistently with TREES disciplinary procedure.

The Director of Programs, Senior Director, Global Human Resources and the Kenya Field Office Management Team will be charged with addressing all cases of indiscipline/misconduct by all employees. TREES disciplinary procedures will:

- Be in writing.
- Specify to whom they apply.
- Be non-discriminatory.
- Provide for matters to be dealt with without undue delay
- Provide for proceedings, witness statements (if any) and records to be kept confidential.
- Indicate the disciplinary action that will be taken.
- Specify the levels of management that have the authority to take various forms of disciplinary action.
- Provide for employees to be informed of the complaint/s against them and, where possible, be provided with all relevant evidence before any hearing.
- Provide employees with the right to be accompanied by a fellow employee into a disciplinary hearing.
- Ensure, except for what amounts to a gross misconduct, no employee is dismissed for a first breach of discipline/misconduct.
- Ensure that disciplinary action is not taken until the misconduct/breach of discipline is clear and/or until the misconduct/breach of discipline has been carefully investigated.
- Ensure that employees are given an explanation for any penalty imposed.
- Provide a right of appeal and specify the procedure to be followed in this regard.
- Be recorded

Depending on the gravity of the case, TREES may take one or more of the following actions against an employee:

- Verbal or informal warning.
- Formal warning.
- Suspension.
- Termination (with Notice or Payment in lieu thereof).
- Summary dismissal.

## NATURE OF OFFENCES/INDISCIPLINE/MISCONDUCT

In addition to anything provided for in the Employment Act of Kenya, Cap. 226 of the Laws of Kenya, the following two (2) types of offences shall be recognised:

- Minor Offences;
- Gross misconduct.

### **MINOR OFFENCES**

Punishment for minor offences will result in informal or verbal warning. Minor offences include but are not limited to the following:

- a) Absenteeism from duty or early departure from work (other than persistent absenteeism or departure) without permission/leave.
- b) Idling and/or loitering during working hours.
- c) Misuse of telephone (persistently making personal calls), mail system or other TREES owned equipment – persistently making personal calls.
- d) Boisterous or disruptive activity in the workplace.

### **GROSS MISCONDUCT**

Punishment for gross misconduct may result in a written warning, suspension, termination and/or summary dismissal.

Gross misconduct offences include but are not limited to:

- a) Persistent absenteeism from duty or persistent early departure from work without permission/leave.
- b) The neglect or refusal to comply with any lawful order or insubordination or other disrespectful conduct towards ones' superiors.
- c) Improperly disclosing any information regarding the affairs of the TREES or its clients to unauthorized person/s.
- d) Theft, fraud, misappropriation of the TREES finances or breach of the fiduciary duty imposed upon all employees.
- e) Receives or solicits any reward, fees, commission or present for personal benefit without the express approval of TREES.
- f) Failure to make any declaration under the TREES ethics and conduct policy;
- g) Receives, solicits or gives a bribe.
- h) Canvasses with any member of the TREES, or any person outside TREES with a view to obtaining advancement TREES or intervention on his/her behalf on any matter affecting his service;
- i) Is convicted of a criminal offence which in the opinion of the TREES renders him/her unfit to be an employee o TREES
- j) Negligence in the care of company property;
- k) Negligence or disregard for the safety of other Employees, program beneficiaries or persons outside TREES;
- l) disclosure or distribution, outside of TREES, of confidential information belonging to the organization, including personnel information, salaries, budgets or other sensitive data;
- m) discrimination against current or intended TREES staff or stakeholders for reasons of sex, sexual orientation, race, religion, ethnic background, beliefs or other factors;

- n) unfair or discriminatory practices in the procurement of outside contracts or services for the TREES;
- o) Uses abusive language against his/her employer or a person in authority or fellow colleague/s;
- p) Becomes seriously financially embarrassed and/or bankrupt;
- q) Moonlighting
- r) Poor performance
- s) Violation of company policy/procedure
- t) Accepts other paid employment;
- u) Failure to follow security policy
- v) Negligence or disregard
- w) Deliberately falsifies official document;
- x) Mismanages TREES funds/assets;
- y) Sexual or other unlawful or unwelcome harassment;
- z) Fighting or threatening violence in the workplace;
- aa) Working under the influence of alcohol or illegal drugs;
- bb) Possession, distribution, sale or use of alcohol or illegal drugs in the workplace, while on duty, or whilst operating the TREES's vehicle/s or equipment;
- cc) Negligence or reckless conduct leading to damage of the TREES property;
- dd) Possession of dangerous or unauthorized materials, such as firearms in the workplace; and
- ee) All those offences described as constituting a breach of an employee's contract of employment and policy documents or gross misconduct under the Employment Act of Kenya or other applicable law of Kenya.

## **VERBAL OR INFORMAL WARNINGS**

It is the desire of the TREES to see disciplinary issues successfully resolved as fast as possible through discussions between the TREES and the employees a verbal or informal warning will be given to an employee where they have committed a minor offence.

The employee's supervisor [in coordination with the Kenya Field Office Management Team] shall administer the warning.

Though informal, the verbal warning will be recorded and filed in the employee's personnel file (the employee will acknowledge receiving the informal warning). These warnings may be referred to in the issuance of formal warnings.

## **FORMAL WARNINGS**

A written warning may be given to an employee who commits a gross misconduct. It may also be given to an employee who has committed a minimum of two prior minor offences (of the same kind).

In the instance where an employee is issued with a formal warning after committing two or more minor offences the offence will be categorized / deemed as a gross misconduct offence. An employee need not be issued with a formal warning upon commission of an act that calls for summary dismissal under the

Employment Act.

The formal warning shall state the exact nature of the offence. It may also indicate any future disciplinary action that may be taken against the employee if the offence is repeated. The employee is required to read and sign the formal warning.

A formal warning shall be issued by the Human Resource Specialist or the Senior Director Global Human Resources.

The formal warning will be filed in the employee's personnel file (the employee will acknowledge receiving the informal warning).

### **SUSPENSION**

Suspension is where an employee is forbidden from performing or attending to official duties pertaining to his/her office.

An employee who is on suspension will be paid half his/her salary except in cases of:-

- a) Desertion of duty.
- b) Misappropriation of funds.
- c) Fraud.
- d) Use of forged certificates to obtain employment with TREES
- e) Chronic absenteeism.

In the above instances the employee will not be entitled to any salary. Notwithstanding the above, the Director of Programs[ in coordination with the Senior Director, Global Human Resources and Kenya Field Office Management'] will have the discretion to decide whether an employee on suspension ought to receive a salary or not depending on the nature of his/her misconduct.

Other instances where suspension from duty shall be invoked is where an employee commits gross misconduct offences which call for, at the discretion of TREES, further internal investigations.

In the instance where an employee is charged in court for an offence relating to work place misconduct TREES need not wait for the outcome or determination of the court case but may enforce separation of the employer-employee relationship based on the results of its own internal investigations.

A suspension letter shall be issued by the Human Resource Specialist or Senior Director, Global Human Resources.

If an employee who was on suspension is found, upon conclusion of the TREES internal investigations, not to have been culpable of the alleged offence he/she will be entitled to be paid all his salary and benefits (where possible) which were withheld from him during the period of suspension.

## **SUMMARY DISMISSAL**

Summary dismissal shall be invoked in cases of gross misconduct which translate to fundamental breach/es of the employee's contract of employment, policy documents and/or misconduct calling for summary dismissal under the Employment Act.

An employee who is summarily dismissed shall be entitled to:

- a) Unpaid salary and allowances up to the date of dismissal;
- b) Cash payment of accrued but unutilized leave days.

An employee need not be issued with a formal warning before being summarily dismissed.

## **TERMINATION**

In the case of misconduct an employee's service with TREES employment may be terminated through either termination with notice (or payment in lieu) or summary dismissal.

A termination letter shall set out, among other things, the terminal dues and benefits due to an employee, the reasons for the termination.

An employee shall acknowledge receipt of the termination letter.

## **DISCIPLINARY PROCEDURE (IN RESPECT OF GROSS MISCONDUCT OFFENCES)**

When an employee is alleged to have committed a gross misconduct offence the matter will be referred to the Director or Programs, Senior Director Global Human Resources and the Kenya Field Office Management team for review and further dealing. Upon the offence coming to their attention it will direct that internal investigations be carried out.

An employee may be suspended for a definite period of time whilst investigations are being carried out. An employee may be interrogated and asked to give representations during the course of the investigations. This will ensure that the investigation is fair and just.

Upon conclusion of the investigations as above mentioned, the employee may either be issued with a verbal warning or issued with a notice to show cause letter or released unconditionally.

In the case where an employee has been issued with two (2) prior formal warning letters for the same misconduct/offence he/she will be issued with a notice to show cause letter if he/she commits the same misconduct/offence.

The employee who is served with a notice to show cause letter must respond to it within fourteen (14) days; The notice to show cause letter will be issued together with a copy of the investigation report [if any]. An employee may be suspended for a definite period of time after being issued with a notice to



show cause letter.

Upon consideration of the written representations contained in the response to the notice to show cause letter, the employee may either be issued with a formal warning, invited for a disciplinary hearing or [released] unconditionally.

If the employee is invited to a disciplinary hearing he/she will be given fourteen (10) days notice of the date of the hearing. The employee may, within seven (7) days after receiving the aforesaid notice prepare and submit further written representations (further to those set out in the response to the Notice to show Cause Letter). These representations will be considered together with those set out in the response to the notice to show cause during the disciplinary hearing.

The disciplinary hearing will be before Director or Programs, Senior Director Global Human Resources and/or the Kenya Field Office Management team or Director or Programs, Senior Director Global Human Resources and the Kenya Field Office Management team and any other independent 3<sup>rd</sup> party duly appointed by TREES.

For the purposes of the disciplinary hearing, the Panel will be properly constituted if it has a minimum quorum of 2.

Members of the Panel who sit in the disciplinary hearing will not sit in the appeals Panel/s.

An employee will be at liberty to bring another employee of his choice to the disciplinary hearing.

When circumstances demand, the Panel may invite witnesses to give evidence. The attendance of the disciplinary hearing will be taken before the hearing commences.

Minutes of the disciplinary hearing will also be taken. At conclusion of the hearing all in attendance will immediately sign the minutes or otherwise expressly indicate their agreement with the contents of the minutes.

The decision arising from the disciplinary hearing will be communicated to the employee in writing within 7 days after the hearing.

## **OUTCOME OF DISCIPLINARY HEARING**

After the disciplinary hearing, the TREES may take any of the following decisions:-

- (i) Issue a formal warning to the employee.
- (ii) Suspend the employee.
- (i) Revoke any suspension.
- (ii) Terminate the employee's contract of employment either through termination in the usual way (with notice or in payment in lieu of notice) or summary dismissal.

If the employee is retained in employment after the disciplinary hearing in instances where he/she had

been placed on suspension during the pendency of the disciplinary process, he/she will be reimbursed his/her salary.

### **APPEALS AGAINST DISCIPLINARY DECISION/ACTION**

An employee who feels aggrieved by the Panel's decision/s to undertake any of the above disciplinary actions may submit a written request for appeal to the Senior Director, Global Human Resources for review of the decision within a period of fourteen (14) days from the date the concerned decision is communicated.

The Senior Director, Global Human Resources, upon receipt of the request for appeal, will constitute a panel consisting of all members from management and/or any independent 3<sup>rd</sup> party but which members were not involved in coming up with the decision appealed from.

The the Senior Director, Global Human Resources may at er/his sole discretion allow an appeal out of time if in his opinion the circumstances warrant it.

### **DECISION UPON APPEAL**

Upon an appeal, the disciplinary action may be re-affirmed, revoked (conditionally or unconditionally) or substituted for a less severe disciplinary action.

# SECTION TEN: TERMINATION OF EMPLOYMENT

## TERMINATION OF EMPLOYMENT

This provision applies to Employees.

### VOLUNTARY TERMINATION

If an Employee decides to terminate employment, the Employee should submit a letter of resignation to their direct supervisor and provide a copy to the designated Human Resource Specialist. Failing to notify the designated administrative officer of the Employee pending departure could delay the receipt of important information regarding the Employee rights and responsibilities.

The Employee is required to provide an advance notice of thirty (30) days according to the provision of the contract of service and in line with the Employment Act or pay the employer in lieu of the notice period. The same shall apply to Employees on probation, subject to the provisions of the contract of service.

The time spent between giving notice and the departure should be used to go through and sort the hard copy and electronic files and e-mail accounts and turn information over to supervisors or the person who will take over the Employee's responsibilities. All personal items should be removed from the office, and any office equipment should be returned. All work products are considered the property of the TREES, and Employees are not allowed to duplicate it or take it with them.

The last week of employment must be an active working week; Employees will not be allowed to use vacation, sick leave, or a holiday for the last week of employment.

TREES reserves its rights to pay notice period.

### INVOLUNTARY TERMINATION

TREES may determine if it is necessary to terminate the employment of an Employee. The final decision to terminate an Employee will be with the specific approval of the HR Specialist, the Country Director the Programs Director and the Senior Director, Global Human Resource.

Employees to be terminated must be notified in writing. The termination letter should include the reason for termination, the termination date, and date for final payment.

There are several reasons why involuntary termination may be necessary. Most are captured above under section. Involuntary termination may also arise as a result of a redundancy

**Realignment, reorganization, or retrenchment/redundancy;** Employment may be terminated due to budgetary and program constraints. Employment may be terminated for delay in, modification or termination of TREES' project in Kenya. Under this provision, Employees will be provided with advance notice and may be eligible for severance pay and benefits under the Employment Act.

Upon an employee's position being declared redundant he/she will be entitled to:

- a) All his unpaid salary;
- b) Accrued leave days which have not been paid;
- c) Severance pay at the rate of 15 days pay for every completed year worked at TREES.

## **FINAL PAYMENT**

TREES complies with final pay provisions related to employment termination as indicated by the Written Laws. The final payment cheque will include pay for all remaining days worked, the balance of unused annual leave that does not exceed the amount authorized by the Written Laws is payable, pro-rated amount of bonuses and severance pay if applicable. Any benefit deductions due, any outstanding pay advances, if applicable, income tax withholdings and social security contributions will be deducted from the final pay. The final paycheck may include any pay in lieu of notice, when applicable.

## **CLEARING PROCESS**

Employees leaving TREES shall be expected to hand over of all or any of the TREE'S property. They shall be required to fill and sign necessary documents to facilitate their departure from TREES.

## **HANDING OVER REPORT /EXIT MEETING**

Every employee leaving TREES must prepare a hand over report setting out full details of their work matters (hard and soft copies).

An exit interview will be conducted before the expiry of an employee's notice period when he/she is separating from the TREES. The interview shall be conducted between the employee and any member if the Kenya Field Office Management or their designees. This shall afford TREES an opportunity to know why the concerned employee is leaving the TREES in order for it to effect the necessary changes for the benefit of the remaining employees.

## **STAFF DEBTS/LOANS**

Any amount owed by exiting staff to TREES shall be deducted from his/her final dues.

## **CERTIFICATE OF SERVICE**

A certificate of service will be issued to an employee on termination of their employment. The employee will be issued with a certificate of service for the period they worked for TREES. The issue of any letter of reference is a discretionary matter for the Country Director on the recommendation of the Kenya Field Office Management

# SECTION ELEVEN: BENEFITS

## **BENEFITS**

Regular f Employees are eligible to receive benefits and leave in compliance with the Employment Act.

## **HEALTH/MEDICAL INSURANCE**

TREES shall provide health or medical insurance including; medical care, hospitalization, in case of sickness. Conversely, the National Social Security Fund Act, Laws of Kenya (as read with the provisions of the Retirement Benefits Act) provides statutory work-related injuries benefits in addition to retirement plan and long-term and short-term disability. Budget permitting, TREES will provide additional medical coverage through a local private provider for the Employee and/or authorized dependents, as defined by the provider.

TREES may opt to contribute towards medical expenses with a percentage based on the Employee's annual salary. The percentage will be determined by the Country Director and will be subject to the budget and the availability of funds.

In the event that TREES provides medical coverage through a local provider, the following rules will apply:

- TREES may establish insurance coverage for all full-time Employees, their Spouses and up to two dependents. The coverage of the plan may change over time, as determined by the Management of TREES and the Country Director in consultation with the Programs Director and the Finance Team.
- Dependents of Tree's Employees to be covered under such plan will include a Spouse and Children under the age of eighteen (18) years. Additional medical coverage may be arranged at the expense of the Employee(s).
- Details of the Spouse and Children to be covered under this medical plan must be submitted to the HR Specialist of TREES before enrolling in the plan, or when there has been a change in family status. Details of the enrolled dependents cannot be changed by the Employee without prior approval of TREES' HR Specialist.

## **ACCIDENTS AND INJURIES ON THE JOBS**

TREES offers group personal accident insurance cover to Employees, in line with the Work Injury Benefits Act, No 13 of 2007 Laws of Kenya. Under the group personal accident insurance policy, the insured Employee will be insured against death or dismemberment. This policy is extended to cover medical expenses due to an accident, in any one year of insurance.

## **SOCIAL SECURITY PARTICIPATION AND CONTRIBUTIONS**

Participation in a national social security system (NSSF) is mandatory. TREES will participate in the social security program, will pay required employer contributions, and will deduct mandatory Employee

contributions through its payroll. TREES will forward the required contributions to the appropriate local office in Kenya.

As an employer, it is obligatory for TREES to inform Employees of the deductions from their salaries through the provision of a pay slip as mandated by the Employment Act.

## SECTION TWELVE: DEATH

### DEATH

Where an Employee is, during the course of his employment, killed the Country Director shall, as soon as is practicable, send a notice to the County Labor Officer.

Upon the death of an Employee during the term of a contract of service, his or her heirs or legal representative(s), upon proof of capacity or status as required by law, shall be entitled to wages and any other remuneration and property as required by law that is owed to the Employee at the date of death.

TREES as the employer of a deceased Employee shall, provide the County Labour Officer with evidence of the payment.

Where on expiry of three (3) months after an Employee's death, no legal representative has laid claim to the wages or property of the Employee; or where the employer is in doubt of or has rejected any claim made to the wages or the property of the Employee, the employer shall deliver to the District Labour Officer, as the case may be, all wages due to the Employee at the date of his/her death and shall deliver to the Officer all property of the deceased Employee to be held in trust subject to written law applicable to the disposal of a deceased person's property.

Where an Employee dies while at work, or while travelling to his or her place of work, TREES shall be required to transport the Employee's body to a place of burial notified by that Employee's next of kin.

### POLICY REVIEW

This policy may be reviewed and revised periodically.

### UNDERSTANDING THIS POLICY

If any employee or fee earner does not understand any of the provision of this policy or then they are requested to request clarification from the Human Resource Specialist.

### TREES FOR THE FUTURE

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**Signed by:**

# APPENDIX I: ORGANIZATIONAL CHART

Trees for the Future-Kenya Organo-Chart

Organizational Chart; TREES employees shall refer to the Organizational Chart for understanding of the management structure. All questions regarding this shall be addressed to the Human Resources or the Country Director. This structure may be updated from time to time with approval from the Programs Director to reflect growth and account for new positions or unfilled positions.



## APPENDIX II: VALUES AND CULTURE

### DEFINING OUR CULTURE AND VALUES

The following elements of values and organizational culture are what we need to become a high performing team:

- A. Always Make it Better
- B. Be a Team Player
- C. Can-Do Attitude
- D. Diversity
- E. Entrepreneurial Attitude
- F. Focus on Results

#### A. ALWAYS MAKE IT BETTER

We aim to be a *learning organization* that is always looking to improve everything we do. Good enough is never good enough. We should never be satisfied and always strive to improve what we do and how we do it. Every product, process and strategy can be improved and revised so that we are always getting better at everything we do.

#### B. BE A TEAM PLAYER

We aim to collaborate as a *high performing team*. We expect *we-not-me* attitude among Employees. Everyone should be humble, honest team player whom success is defined at what we achieve together. Being a good team player also means being accountable to each other and our supporters, helping advance teams towards common goals, completing commitments in a timely manner.

#### C. CAN-DO ATTITUDE

We are trying to facilitate change in the way millions of people live in the developing world. The size of the global problem we aim to solve is massive, and we do not have time to be reserved. To make our desired impact must work towards changing the mindset of countless farmers, donors, and partners. We must work with a sense of urgency and be drive, focused and wisely optimistic.

#### D. DIVERSITY

Diversification is the key strategy in our programs. We take farmers who produce only one or few crops and empower them to meet their many needs with a new diverse mix of TREES and food crops. Diversification is the key to increasing people's incomes, providing enough food to eat, and revitalizing degraded environments. We also greatly value diversity in terms of people and their talents, and we recognize that our best innovations rise from diverse thinking.

#### E. ENTREPRENEURIAL ATTITUDE

We expect our Employees to be entrepreneurial as the farmers we aim to help. In our programs we want to attract entrepreneurial farmers who are willing to make sacrifices for a better life. And we want our Employees to be entrepreneurial, finding new wants to garner attention and support, and always looking how we can take unused talent or resources and turn them into something powerful.

## **F. FOCUS ON RESULTS**

A focus on results permeates throughout our organization. We expect our headquarters office to be high performing and meet targets and deadlines, and we also expect our field teams to be successful in help farmers meet a triple bottom line of economic, social, and environmental outcomes. Beyond having and meeting measurable goals, we work to share our results, benchmarking TREES to other high performing organizations.

## APPENDIX III: HOLIDAY CALENDAR

	<b>DATE</b>	<b>HOLIDAY</b>
1.	1st January	New Year
2.	2nd April	Good Friday
3.	5th April	Easter Monday
4.	1st May	Labour Day
5.	13th May	Eid al-Fitr
6.	1st June	Madaraka Day
7.	20th July	Eid al-Adha
8.	10th October	Huduma Day
9.	20th October	Mashujaa Day
10.	20th November	Diwali
11.	12th December	Jamhuri Day
12.	25th December	Christmas Day
13.	26th December	Utamaduni Day

# APPENDIX IV: TRAVEL ALLOWANCES AND PROCEDURES

## **LOCAL TRAVEL PER-DIEM**

TREES staff traveling 'in country' outside of the county/region where they work, they will receive a per-diem of \$25/day to cover meals and incidentals. This includes the drivers.

## **REGIONAL/INTERNATIONAL TRAVEL PER-DIEM**

When someone travels internationally (or outside of the country where they work) they will receive a per-diem of \$50/day to cover meals and incidentals.

## **INTERNATIONAL TRAVEL TO CONFLICT REGIONS**

When someone travels internationally to an area considered 'a conflict zone' by the US Embassy, they will receive a per-diem of \$100/day to cover meals, incidentals and danger pay.

## **PARTIAL PER-DIEM**

If an employee leaves for travel prior to 1PM the employee will receive a full day's per-diem.

If an employee leaves for travel after 1 PM the employee will receive half day's per-diem.

If an employee returns from travel after 1PM the employee will receive a full day's per-diem.

If an employee returns from travel prior to 1PM the employee will receive half day's per-diem.

Example: An employee leaves for travel at 10 AM and returns the following day at 11 AM. The employee would receive one and a half (1.5) days of per-diem and one (1) night of lodging.

## **OVERNIGHT STAY**

When anyone travels overnight outside of the county/region where they work, they will have their lodging paid. Hotel rates must be approved and considered reasonable while balancing cost, safety, and security. All staff, including the drivers, should stay at the same hotel unless they have a preference to stay with nearby family. When HQ staff visits, in-country staff should stay at the same hotel as HQ staff.

## **VISAS, TRAVEL FARES AND LOCAL TRANSPORTATION**

If it is necessary to obtain a visa, bus or airfare and/or local transportation, costs estimates and /or invoices should be obtained for these items and provided to the country finance department prior to travel to arrange necessary purchase or funds dispersal.

## **APPROVALS**

All travel must be preapproved by the Country Director and budgeted for and approved in the monthly Wire Transfer Authorization (WTA).

## **ACCOUNTING**

Funds received for pe-diem must be signed for by the employee indicating receipt.

Funds for lodging, visas, and transportation fares must be accounted for, upon return from travel, with proper receipts submitted to the country finance department and refund of unused funds.

# APPENDIX V: COMPUTER AND ELECTRONIC RESOURCES POLICY

This policy serves to provide guidance in the use of computer and electronic resources.

“Computer and electronic resources” is defined as any TREES-owned, -leased, -licensed, or -managed electronics device or software, including e-mail and instant messaging services; voice mail and other telecommunication services and equipment, including desktop and laptop computers,; digital cameras; smart phones; tablets; drones; computer servers and networking equipment, computer drives; internet service; website; and any intranet or extranet portal or other web-based service or application that TREES may lease, license, own or manage. Any electronic resources provided to an Employee to fulfill their job responsibilities remain the property of TREES and shall be returned to TREES if damaged, replaced, or when their employment with TREES ends.

## **RIGHTS AND RESPONSIBILITIES**

All users have a responsibility to use Tree’s computer and electronic resources and the internet in a professional, lawful, and ethical manner and to conserve these resources. The primary use of TREES issued computer and electronic resources should be for business purposes. Employees are permitted limited use of computer and electronic resources, including e-mail and the internet, for personal needs if the use does not interfere with business operations, involves minimal expense, and does not adversely affect their performance. Personal use of the company computer and electronic resources, as well as any such resources that may be owned by any of TREES’ donors, is at all times subject to the following conditions:

- TREES’s computer and electronic resources are its property. Employees may not assert a proprietary interest in any information stored on the company computer and electronic resources against TREES.
- Employees should not have expectations of privacy in any message, file or other information they may create, receive, transmit or store using the company computer and electronic resources. Electronic information sent and received through the company computers and phones, including e-mail, instant and text messages, and the results of internet search activity—even those that may be accessed using third-party internet service providers and hosted applications such as webmail—is subject to search and retrieval. Employees should not use corporate computers and electronic resources to send or receive written communications that Employees wish to keep private, such as communications with a physician or personal attorney. TREES reserves the right to access and disclose, for any purpose, any and all electronic information residing in its computer and electronic resources.
- Employees may not use TREES’s computer and electronic resources for the following purposes:

- To gain knowledge of others' private or confidential information (for example, accessing the contents of another Employee's private drive or e-mail folders, or intercepting any third party's electronic communications) without their express permission;
- To engage in any activity that may constitute a crime (for example, viewing or sending Child pornography, gambling on the internet, or threatening violence against anyone);
- To engage in conduct that unreasonably interferes with anyone else's work performance or creates (or, if observed by another, could be expected to create) an intimidating, hostile, or offensive work environment, whether based on race, color, ethnicity, religion, gender, sexual orientation, national origin, age, genetic information, or disability;
- To create, view, download or transmit images or other content that is sexually explicit
- To libel or slander anyone;
- To defraud anyone;
- To facilitate any unauthorized copying or transmission of copyrighted material, or material that you know or should know to be confidential;
- To engage in any activity that violates any corporate policy of TREES, including the code of conduct, conflict of interest policy, and harassment policy; or
- To engage in any activity that violates a directive from supervisors or the Country Director.

No modification should be made to the hardware or software unless approved by the Country Director and MEL Director. Non-standard application installations or desktop customizations are subject to immediate reversion back to the TREES standard without notice. The following are violations of this policy:

- Downloading computer programs, freeware, shareware, or other unlicensed products. Users may not download or install any applications that have not been sanctioned or approved by the person responsible for information technology. However, Employees should download updates and/or patches (from Microsoft, Java and Adobe, free and purchased Apps, for example) to existing approved software when prompted to do so by those programs;
- Attempting to circumvent any group policy settings or security features put in force; and
- Attempting to destroy electronically stored information on or created using TREES' computer and electronic resources, or attempting to render it inaccessible to the organization, by deleting or destroying discs, drives or tape, or by locking, encrypting, password-protecting, or applying other security measures to data or devices without the authorization of immediate supervisors. This does not include deleting e-mails and instant messages in email folders, deleting temporary internet files, deleting internet search history, and deleting document files on drives that are no longer of any business use or personal interest, in the absence of an instruction to preserve such information.

Use of computer and electronic resources is governed by this policy. Guidance is provided to minimize risk when using these devices. Employees are cautioned that some of the information accessed is outside of TREES control and may be offensive, sexually explicit or inappropriate. By having an e-mail address and performing searches on the internet, Employees may be exposed to material that is highly offensive. While TREES takes steps to minimize this exposure, TREES is not responsible for material viewed or downloaded by Employees. Copies of popular computer software available for sale might be pirated.

Employees must exercise reasonable care to ensure that software installed on company systems is properly licensed. No Employee may use or house software if he or she knows, or has reason to know, that it is unlicensed or has been pirated.

## **PROTECTION OF EQUIPMENT**

Electronic equipment provided to Employees must be safeguarded against theft, loss, and abuse at all times. Measures should be taken to secure TREES' property when not in use. Computer equipment should never be placed in checked baggage when travelling.

Theft or loss of electronic equipment office must be reported immediately using the Equipment Incident Report Form (See Appendix VIII for links to forms). Employees must notify the local law enforcement authority and provide a copy of the police report to the appropriate person.

Instances of abuse or accident, such as drops or breakage, should be reported using the Equipment Incident Report Form (See Appendix VIII for links to forms). Damage to computer equipment through negligence or abuse is subject to disciplinary action, including but not limited to termination or salary surcharge. Surcharge may be a substitute for termination.

## **DISPOSAL OF EQUIPMENT**

Equipment that is no longer functioning or has been replaced for some other reason must be returned for proper disposal. Project offices must have a procedure in place for proper sale or disposal of electronic equipment. If offered for sale, all data stored on the device must be overwritten according to instructions provided by TREES' head office.

## **PROTECTION OF DATA**

Electronically stored data should be accessed and used only for reasons relating to the business and internal affairs of TREES by those having a need to know such information. Information that is downloaded and stored on approved portable devices should be password-protected or authorized encrypted using software. To prevent accidental loss of critical data, Employees should store corporate information in locations that are automatically backed up. Information stored elsewhere should be routinely copied to tape, disk or other storage media and subject to acceptable physical and electronic protection against unauthorized access and copying.

## **CONFIDENTIAL INFORMATION**

Generally, Employees should regard all information about TREES internal and business affairs that Employees might access in the course of their employment as confidential in relation to the outside world. Employees should not transmit it externally except when they need to, and always in furtherance of legitimate business purposes and TREES best interests. Employees should especially be aware of this obligation in the case of electronically stored information which can be copied and disseminate widely, usually with only the push of a button.

Certain items of information, however, are particularly sensitive, and are subject to restricted access even inside TREES. This information is referred to hereinafter as "confidential information." Care must be taken



to protect and restrict confidential information from access or use by anyone not authorized to access or use it, whether outside or inside TREES.

Electronically stored information must be regarded as confidential information when it is specifically identified as such, when it is password-protected or subject to some other electronic access control, or when, by its nature, the identity of its creator, or the circumstances under which it was created, one should reasonably assume that it is confidential. For example, communications with outside attorneys, accountants and auditors, and communications among Management, are presumptively confidential and should not be used or accessed except for a legitimate business or internal purpose by one having authority to access and use such information. Other items of information that must always be regarded as confidential information are salary and payroll data, birth dates, national identification numbers, medical information, employment contracts, performance reviews, documents and e-mails reflecting legal advice, and organizational information such as financial reports and contracts.

Any electronically stored information that constitutes confidential information as described above should be accessed and viewed only by the person who created it, the person to whom it was directed (in the case of received information), and anyone having a legitimate need, based on their role in the organization, to see such information (including systems operators performing routine system monitoring activities). Such information may be used only for legitimate organizational purposes. Such information stored on unrestricted drives must have appropriate security rights assigned to protect it from unauthorized access. Employees should not install or copy electronically stored information from a prior employer onto Tree's servers without having first obtained a waiver to do so.

Confidential information may not be accessed or reviewed by information technology Employees unless there is an indication of policy violation, criminal activity, or other wrongdoing, and only with the Executive Director's authorization.

## **USE OF E-MAIL AND SOCIAL MEDIA**

Employees should be aware that e-mails, instant messages, and other communications are out of their control once Employees send or post them. Employees should ensure that the content will not embarrass the Employee or TREES if they were to be made widely known.

If Employees receive e-mails that violate any of the above listed rules under "Rights and Responsibilities," Employees should delete them immediately. If an Employee distributes the e-mail to others or fails to delete it, the Employee may be held accountable for its content. If it was sent from another Employee, the recipient should report it to the Country Director or Director of Programs.

Unsolicited e-mails, particularly those with attachments, should be handled with caution. E-mail attachments can carry computer viruses that can do great damage to TREES' computer system when the attachment is opened.

## **ISSUANCE OF A MOBILE DEVICE**

For some field positions, TREES may issue a mobile business device (smart phone or tablet) for work-related communications and data collection with Country Director's approval.

Smart Phones and tablets have become indispensable tools for many Employees. TREES has established some guidelines for their use in order to protect the company and ensure that their use does not become a safety issue or a nuisance to others.

If employees keep the device turned on in their office, they should make sure that the ringer is turned down low enough so as not to disturb people in surrounding offices.

If Employees attend a meeting, they should turn the device off or set the ringer to vibrate. In the case of an emergency when Employees must accept a call during a meeting, the Employee should excuse herself/himself from the room so the meeting can continue.

Employees are strongly encouraged to use the phone for business calls and business data use only. When Employees must make a personal call from the issued device, they should keep the call brief. If it becomes a problem, personal calls and personal data use and service charges may be prorated and charged to that user's personal account. Employees will then be expected to reimburse TREES for personal use.

If Employees are issued a smart phone or tablet, they are expected to protect the equipment from loss, damage, or theft. Employees must report any incidences immediately to their supervisor using the Equipment Incident Report Form (See Appendix VIII for links to forms). Employees must promptly return the phone or tablet to the Country Director at the end of employment with TREES.

### **USE OF A MOBILE DEVICE WHILE DRIVING**

TREES does not allow the use of mobile devices to conduct business while driving with or without a hands-free device. Employee safety and the safety of others must come before business needs. Under no circumstances should Employee's place others at risk.

If Employees are charged with a traffic violation that cites the use of a mobile device while driving, and Employees are involved in a call at the time of the incident, Employees must report the incident to supervisors regardless of whether or not the device is TREES issued or it is a personal cell phone. Employees will be solely responsible for all liabilities that result from such actions, and disciplinary action may result.

## APPENDIX VI: VEHICLE AND MOTORBIKE

SEE SEPARATE VEHICLE AND MOTORBIKE GUIDELINES  
VEHICLE AND MOTORBIKE LIABILITY WAIVER

## APPENDIX VII: OTHER POLICIES

## APPENDIX VIII: FORMS

These forms currently exist as word documents. They are being created as forms that will be located in Microsoft Sharepoint by October, 2021. If you need access to one of these forms please contact the Country Director or HR Specialist for assistance.

Job Requisition Form

New Hire Form

Intern Request Form

New Office Request Form

Accident Report Form

Incident Report Form

Equipment Incident Report Form

Professional Development Request Form

Travel Authorization Form