

Executive Council Resolution No. (7) of 2020

Regulating

Appointment under Special Contracts in the Government of Dubai¹

**We, Hamdan bin Mohammed bin Rashid Al Maktoum, Crown Prince of Dubai,
Chairman of the Executive Council,**

After perusal of:

Federal Law No. (7) of 1999 Issuing the Pensions and Social Security Law and its amendments;

Law No. (3) of 2003 Establishing the Executive Council of the Emirate of Dubai;

Law No. (31) of 2009 Establishing the Dubai Government Human Resources Department and its amendments;

Law No. (8) of 2018 Concerning Management of the Government of Dubai Human Resources; and

Executive Council Resolution No. (6) of 2020 Approving the Financial Benefits of Government of Dubai Employees,

Does hereby issue this Resolution.

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¹Every effort has been made to produce an accurate and complete English version of this legislation. However, for the purpose of its interpretation and application, reference must be made to the original Arabic text. In case of conflict, the Arabic text will prevail.

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Definitions

Article (1)

The following words and expressions, wherever mentioned in this Resolution, will have the meaning indicated opposite each of them unless the context implies otherwise:

Emirate	The Emirate of Dubai.
Law:	Law No. (8) of 2018 Concerning Management of the Government of Dubai Human Resources.
Executive Council Resolution:	Executive Council Resolution No. (6) of 2020 Approving the Financial Benefits of Government of Dubai Employees.
Department:	Any of the departments; public agencies or corporations; or councils and authorities affiliated to the Government, which is subject to the Law.
Director General:	A director general of a Department, including an executive director/ chief executive officer, a secretary general, or any other person in a similar position.
DGHR:	The Dubai Government Human Resources Department.
Employee:	A male or female person who occupies a budgeted Post in a Department under a Special Contract.
UAE National:	Any person who holds the nationality of the United Arab Emirates.

Special Contract:	A contract concluded by a Department with an Employee to occupy a vacant Post in that Department, subject to the terms and conditions stipulated in this Resolution.
Total Salary:	Monthly salary, which comprises the Basic Salary and the General Allowance.
Pivotal Post:	A Post that primarily relates to the key functions of a Department and that is required for achieving its objectives and performing its functions as stipulated in the legislation establishing that Department or regulating its business.
Specialised Post:	A Post that supports the key functions of a Department, and whose incumbents are difficult to retain due to highly competitive demand for that Post, and the relevant scarcity of supply, in the labour market.
Occupational Group:	A series of Posts that fall within the same occupational field and have common characteristics. Each Post in this series is distinguished from other Posts by the area of specialisation and the level of professional competencies, skills, and knowledge required to occupy that Post.
Band:	The level of Posts that are included in Occupational Groups, as determined based on the Table of Grades and Salaries in accordance with the relevant approved criteria.
Grade:	A grade approved for a Post based on the outcome of the relevant Post Evaluation process.
Post Evaluation:	A systematic process aimed at assessing and determining the weight of each Post in a Department based on the duties and

requirements of that Post; and at comparing this Post with other similar Government Posts using the system approved by the DGHR in this respect.

Year: A year measured based on the Gregorian calendar.

Scope of Application

Article (2)

The provisions of this Resolution will apply to the UAE National and non-UAE National civilian Employees of a Department who are appointed under Special Contracts.

Requirements for Appointment under Special Contracts

Article (3)

- a. A person may be appointed under a Special Contract subject to the approval of a Director General, provided that the Post and the Employee meet the requirements stipulated in paragraphs (b) and (c) of this Article.
- b. A Post to which a person may be appointed under a Special Contract must meet the following requirements:
 1. The Post must be of Grade (13), or above, as per the Post Evaluation.
 2. Specialised academic qualifications and work experience, that are rarely found in the labour market, must be required for holding the Post.
 3. The Post must be among the Pivotal Posts of the Department.
 4. The Post must have an approved budget allocated within the annual budget of the Department.

- c. To be appointed under a Special Contract, a person must:
 - 1. have the academic qualifications, work experience, professional competencies, and specialised skills that are required for holding the Post; and add value to the Department; and
 - 2. successfully pass the professional and behavioural tests prescribed by the Department.
- d. Notwithstanding the provisions of sub-paragraph (b)(3) of this Article, where required, persons may be appointed to Specialised Posts under Special Contracts, subject to obtaining the prior approval of the DGHR.

Obligations of Departments

Article (4)

In appointing persons under Special Contracts, a Department must:

- 1. not appoint any person under a Special Contract unless all other means of appointment are exhausted in accordance with the Law and the Executive Council Resolution;
- 2. conduct negotiations in respect of the terms of appointment under Special Contracts, namely the salaries, allowances, and benefits stipulated in this Resolution; and
- 3. provide the DGHR with an annual report on the Posts to which Employees are appointed under Special Contracts and on the Department plans to transfer knowledge from these Employees to the concerned employees of the Department.

Term of Special Contracts

Article (5)

- a. A Special Contract will be valid for a period of one (1) Year, automatically renewable for the same period. The overall term of a Special Contract must not exceed four (4) Years.
- b. Notwithstanding the provisions of paragraph (a) of this Article, the term of a Special Contract may, subject to the written approval of the DGHR and in accordance with standards and rules issued pursuant to a resolution of its Director General, be extended at the request of the Department upon the lapse of the maximum overall term prescribed for the contract. The extension may not exceed one (1) Year at a time.

Salaries, Allowances, and Employment Benefits

Article (6)

- a. In addition to the financial benefits stipulated in the Executive Council Resolution, an Employee may be granted any of the following benefits:
 - 1. a monthly Total Salary that does not exceed the highest point of the pay scale of the Band to which he is appointed; and/or
 - 2. a Special Contract allowance of up to twenty-five percent (25%) of his Total Salary, where he is in an Occupational Group assigned Band 3; or up to twenty percent (20%) of his Total, where he is in an Occupational Group assigned Band 1 or Band 2. This allowance will not be deemed part of the Total Salary of the Employee.
- b. Notwithstanding the provisions of sub-paragraph (a)(2) of this Article, a Department may, based on valid reasons, increase the percentage of the Special

Contract allowance subject to obtaining the prior approval of the DGHR. This approval will be issued in accordance with the rules adopted by the DGHR in this respect.

- c. The following allowances and benefits may be granted to an Employee:
1. education allowance for up to three (3) of his children who are aged less than twenty-one (21) Years, who hold valid UAE residence permits, and who are enrolled in any of the private educational institutions in the Emirate. The education allowance will be disbursed annually in an amount not exceeding twenty-five thousand Dirhams (AED 25,000.00) per child;
 2. accommodation, or a housing allowance not exceeding one hundred and fifty thousand Dirhams (AED 150,000.00) per annum, based on a lease contract attested in the Emirate in accordance with the legislation in force.

Leave

Article (7)

An Employee is entitled to all the types of leave stipulated in the Law, except for study leave, event participation leave, and spouse escort leave.

Transfer to Vacant Posts

Article (8)

Upon the expiry of a Special Contract, a Department may, upon the request of a UAE National Employee, transfer that Employee to any vacant Post, in the Department, that suits his qualifications and work experience. In this case, the Employee will be granted the Total Salary, benefits, and allowances of the Post to which he is transferred; and his service will be deemed continuous service.

Knowledge Transfer and Building Institutional Capacity

Article (9)

- a. An Employee must train the concerned employees at his Department and transfer his knowledge to them in order to develop their professional skills and competencies. The Department must set the development plan required for implementing this training and must follow up that plan.
- b. Where an Employee continues to occupy a Post in a Department under a Special Contract for more than four (4) Years, the Department must prepare the training and development plans required for enabling UAE National employees to occupy that Post in the future. This must be taken into consideration when conducting Manpower Planning and preparing plans for Emiratisation and replacement of non-UAE National Employees.

Termination of Service

Article (10)

- a. The service of an Employee will be terminated based on any of the reasons of termination stipulated in the Law.
- b. Notwithstanding the provisions of paragraph (a) of this Article, the service of an Employee will be terminated for lack of professional competence, or for absence from work, in either of the following two (2) cases:
 1. where he obtains a “Fails to Meet Expectations” rating, whether he is a UAE national or a non-UAE national; or
 2. where he is absent from work without a prior permission, or a valid reason, for more than five (5) consecutive days or for more than seven (7) non-consecutive days within a Year.

- c. Where the service of an Employee is terminated in accordance with subparagraph (b)(1) of this Article, he will be served with a written termination notice at least two (2) months prior to the effective date of termination. The Employee's Department may reduce this period, in which case he will be granted a financial allowance equal to his Total Salary for the remainder of the notice period. The remainder of the notice period will not be deemed part of the Employee's actual period of service with the Department.
- d. Where the service of an Employee is terminated pursuant to a disciplinary decision or a court judgement; or due to absence from work, resignation, or lack of professional competence, he must refund the amount of the educational allowance and housing allowance for the remaining period of his Special Contract.

End-of-service Gratuities

Article (11)

Except for Employees who are entitled to a retirement pension or an end-of-service gratuity in accordance with the above-mentioned Federal Law No. (7) of 1999, or any other legislation, an Employee will be entitled, upon the end of his service, to an end-of-service gratuity in accordance with the Law.

Application of Provisions to Existing Situations

Article (12)

- a. A Department must, within one (1) month from the date on which this Resolution is issued, submit to the DGHR a list of Employees who are appointed by the Department under Special Contracts and the Posts they occupy. The Department must, as of the date on which this Resolution comes into force, apply its provisions to the terms of employment of these Employees.

- b. The Committee formed pursuant to the Executive Council Resolution to place employees on Grades will review the Special Contracts referred to in paragraph (a) of this Article to decide whether to apply this Resolution to the Employees appointed under these contracts or to place them on Grades in accordance with the Executive Council Resolution.

General Provisions

Article (13)

- a. An Employee may not be transferred, seconded, or assigned the duties of another Post outside his Department during the period of his employment under a Special Contract.
- b. An Employee appointed under a Special Contract may not be promoted.
- c. When appointing an Employee under a Special Contract, a Department will use the template approved by the DGHR for guidance, and must provide the DGHR with a copy of the contract concluded with him.
- d. An Employee will be entitled only to the allowances and other financial benefits stipulated in the Executive Council Resolution and this Resolution.
- e. Failure to comply with the provisions of this Resolution will result in the nullity of the act in question, and the concerned Employee will be required to refund any amounts unlawfully paid to him.

Application of the Law

Article (14)

Where this Resolution is silent, the Law and the legislation issued in pursuance thereof will apply.

Issuing Implementing Resolutions

Article (15)

The Director General of the DGHR will issue the resolutions required for the implementation of this Resolution. These resolutions will be published in the Official Gazette.

Commencement and Publication

Article (16)

This Resolution comes into force on 1 January 2020, and will be published in the Official Gazette.

Hamdan bin Mohammed bin Rashid Al Maktoum

Crown Prince of Dubai

Chairman of the Executive Council

Issued in Dubai on 11 January 2020

Corresponding to 16 Jumada al-Ula 1441 A.H.