Law No. (8) of 2021

Concerning Human Resources Management of Executive Directors/ Chief Executive Officers in the Government of Dubai[1]

We, Mohammed bin Rashid Al Maktoum, Ruler of Dubai,

After perusal of:

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

Law No. (8) of 2009 Concerning Liability of Heads and Directors of Government of Dubai Entities;

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

Law No. (8) of 2013 Concerning Human Resource Management of Directors General in the Government of Dubai;

Law No. (2) of 2015 Concerning Human Resources Management of Executive Directors/ Chief Executive Officers in the Government of Dubai;

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

Resolution No. (1) of 2015 Concerning the Salaries, Increments, Allowances, and Benefits of Executive Directors/ Chief Executive Officers in the Government of Dubai;

Resolution No. (6) of 2021 Approving the Performance Management System of Executive Directors/ Chief Executive Officers in the Government of Dubai; and

Executive Council Resolution No. (25) of 2007 Concerning Collection of Monthly Contributions of the Government of Dubai Employees Insured by the General Pensions and Social Security Authority,

Do hereby issue this Law.

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[1] *Every 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.*

Title of this Law
Article (1)

This Law will be cited as "Law No. (8) of 2021 Concerning Human Resources Management of Executive Directors/ Chief Executive Officers in the Government of Dubai.

Definitions
Article (2)

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

UAE:	The United Arab Emirates.
Emirate:	The Emirate of Dubai.
Ruler:	His Highness the Ruler of Dubai.
Government:	The Government of Dubai.
Executive Council:	The Executive Council of the Emirate of Dubai.
Law:	Law No. (8) of 2018 Concerning Management of the Government of Dubai Human Resources.
DGHR:	The Dubai Government Human Resources Department.
Department:	Any of the Government departments; public agencies or corporations; or councils and authorities, which are subject to the Law.
Director General:	A person who undertakes the general supervision of a Department; establishes, follows up, and implements its strategies, policies, and work plans and programmes; manages its resources; and is responsible for its overall performance outcomes. This includes the head or director general of a Department, or the chairman of its board of directors or board of trustees.
Executive Director/ CEO:	An official in a Department, other than a Director General to whom the above-mentioned Law No. (8) of 2013 applies. This includes executive directors/ chief executive officers, secretaries general, deputy and assistant directors general, and directors of Sectors who hold the Executive Director/

CEO grade, and any person who occupies a post deemed by the DGHR at the Executive Director/ CEO grade in accordance with the relevant approved standards.

Sector:	An organisational level that includes a number of Organisational Units which must, for operational efficiency purposes, be within a single supervisory framework within the organisational structure approved by the competent authority in the Emirate.
Total Salary:	The monthly salary of an Executive Director/ CEO, which comprises the Basic Salary and the General Allowance.

Scope of Application
Article (3)

This Law applies to all civilian Executive Directors/ CEOs of the Departments which are subject to the Law.

Power of Appointment
Article (4)

An Executive Director/ CEO will be appointed pursuant to a resolution of the Chairman of the Executive Council.

Employment Bands and Financial Benefits
Article (5)

a. An Executive Director/ CEO will be appointed to a pay grade known as the "Executive Director/ CEO Grade".

b. The employment band to which an Executive Director/ CEO is entitled will be determined pursuant to a resolution issued by the Chairman of the Executive Council upon the recommendation of the DGHR. Such a recommendation must be based on the outcomes of the post assessment performed by the DGHR in accordance with the assessment criteria referred to in Article (7) of this Law.

c. The Total Salary for each employment band and the allowances and employment benefits of an Executive Director/ CEO will be determined pursuant to a resolution issued in this respect by the Chairman of the Executive Council.

d. No employment benefits, increments, allowances, or other financial benefits, other than those stipulated in this Law and the relevant resolution issued by the Chairman of the Executive Council, may be paid to an Executive Director/ CEO.

Total Salary
Article (6)

a. The Total Salary of an Executive Director/ CEO will be comprised of:

   1. a Basic Salary equal to fifty percent (50%) of the Total Salary; and

   2. a General Allowance equal to fifty percent (50%) of the Total Salary. The General Allowance will be comprised of:

      - cost of living allowance;
      - children's social allowance;
      - social allowance for UAE nationals; and
      - housing allowance.

b. An Executive Director/ CEO who holds any of the following designations will be paid the salary of the highest point of the pay scale of the employment band on which he is placed:

   1. executive chairman;
   2. secretary general;
   3. Executive Director/ CEO of a Department; or
   4. deputy Director General.

c. An Executive Director/ CEO who holds any of the following designations will be paid the salary of the first point of the pay scale of the employment band on which he is placed:

   1. Executive Director/ CEO of a Sector;
   2. assistant Director General;
   3. assistant secretary general; or
   4. deputy or assistant Executive Director/ CEO.

Assessment Criteria of Posts
Article (7)

The post of an Executive Director/ CEO will be assessed, and the employment band to which he is entitled will be determined, by the DGHR in accordance with the following criteria:

1. the scope and type of the post's responsibility for the workforce of the Department;
2. the scope and type of the post's responsibility for the financial resources of the Department;
3. the nature of the post, diversity of its functions, and the specialised duties it involves;
4. the complexity of the post;
5. the relation of the post to other Departments;
6. the impact of the post on other Departments;
7. the impact of the post on the strategic plans of the Emirate and the general policies of the Government; and
8. any other criteria approved by the Chairman of the Executive Council upon the recommendation of the DGHR.

Enrolment in the Retirement Scheme
Article (8)

a. The Government will be responsible for enrolling Executive Directors/ CEOs holding the UAE nationality in the retirement scheme adopted by the Government. The pensionable salary will be the Total Salary of the Executive Director/ CEO.

b. The pensionable salary will be calculated in accordance with the provisions of this Law as of 1 January 2015.

Performance Appraisal
Article (9)

The performance appraisal for Executive Directors/ CEOs will be conducted in accordance with the performance management system adopted pursuant the above-mentioned Resolution No. (6) of 2021 or any other superseding legislation.

Annual Leave
Article (10)

a. An Executive Director/ CEO will be entitled to annual leave of thirty (30) working days with full Total Salary.

b. A Department must document the approved annual leave of an Executive Director/ CEO.

c. An Executive Director/ CEO whose work conditions prevent him from using his annual leave balance will be paid, at the end of each Year, an amount, calculated based on the basic salary, in lieu of unutilised accrued annual leave balance.

d. Any Executive Director/ CEO who is in service by the effective date of this Law, or Employee who is appointed to a post at the Executive Director/ CEO grade under this Law, will retain his annual leave balance that has accrued prior to his appointment at the Executive Director/ CEO grade and will have the right to utilise that balance throughout his period of service. However, the Executive Director/ CEO will not be entitled to the cash amount referred to in paragraph (c) of this Article in lieu of the unutilised accrued annual leave balance.

e. An Executive Director/ CEO whose service ends will be entitled to an amount, calculated based on his Basic Salary, in lieu of unutilised accrued annual leave balance of up to two (2) Years' entitlement.

Transfer
Article (11)

a. Without prejudice to his grade and financial benefits, an Executive Director/ CEO may, upon the recommendations of the Directors General of the new and former Departments, be transferred from one Department to another or to any other Government entity pursuant to a resolution of the Chairman of the Executive Council.

b. Without prejudice to his grade and financial benefits, an Executive Director/ CEO may, pursuant to a resolution of the Director General, be transferred from one post to another within his Department, provided that his new post is relevant to his specialisation and is commensurate with his academic qualifications and work experience.

c. Unless the Chairman of the Executive Council decides otherwise, where an Executive Director/ CEO is transferred to a post whose band is lower than the band of his former post, the transfer must not affect the financial benefits to which the Executive Director/ CEO used to receive before the transfer.

Secondment
Article (12)

a. An Executive Director/ CEO may, pursuant to a resolution issued by the Chairman of the Executive Council upon the recommendation of the Director General, be seconded to any Department; to any local or federal government entity; to any foreign, Arab, or regional government, entity, or organisation; or to any company fully or partially owned by the Government, for a renewable period not exceeding one (1) Year.

b. A seconded Executive Director/ CEO will receive his Total Salary and other employment entitlements from the entity to which he is seconded. Where an Executive Director/ CEO is seconded to a regional or international entity outside of the UAE, he will receive his Total Salary from the Government in addition to any other payments or benefits provided to him by the entity to which he is seconded.

c. The period of secondment will be deemed part of the actual service period of the Executive Director/ CEO. During the secondment period, the performance appraisal of the Executive Director/ CEO will be conducted in coordination with the entity to which he is seconded in accordance with the performance management system of Executive Directors/ CEOs adopted pursuant the above-mentioned Resolution No. (6) of 2021.

Assignment
Article (13)

a. Pursuant to a resolution of the Director General, an Executive Director/ CEO may, for a renewable period not exceeding six (6) months, be assigned the duties of another post which is vacant or whose incumbent is absent, provided that the aggregate period of assignment does not exceed one (1) Year and that the grade of this post is not lower than the Executive Director/ CEO grade.

b. In addition to his original duties, an Executive Director/ CEO may not be assigned the duties of more than one (1) post.

c. An Executive Director/ CEO who is assigned the duties of another post in addition to his original duties will be entitled to a monthly cash allowance known as the "**Assignment Allowance**" whose amount and disbursement conditions and rules are determined pursuant to a resolution of the Chairman of the Executive Council.

Termination of Service of Executive Directors/ CEOs
Article (14)

The service of an Executive Director/ CEO will be terminated for any of the following reasons:

1. a decree or resolution issued by the Ruler;
2. reaching the retirement age;
3. resignation, provided that it is accepted pursuant to a resolution of the Chairman of the Executive Council;
4. medical unfitness;
5. professional incompetence;
6. dismissal from service or retirement pursuant to a disciplinary decision, or discharge from service pursuant to a court judgement;
7. implementation of approved restructuring plans, provided that a relevant decree is issued by the Ruler or a relevant resolution is issued by the Chairman of the Executive Council;
8. absence from work without an acceptable reason for fifteen (15) consecutive days or for twenty-one (21) non-consecutive days in a single Year;
9. his death; or
10. revocation or withdrawal of his UAE nationality.

Transfer and Handover of Duties
Article (15)

a. Upon termination of service, an Executive Director/ CEO must observe a transition period in which he will transfer and hand over to the Executive Director/ CEO who will replace him in the post all his duties and all the files, documents, information, and other things in his possession.

b. The transition period referred to in paragraph (a) of this Article will be four (4) months, will be deemed part of the actual service period of the Executive Director/ CEO, and will entitle him to all applicable financial benefits prescribed by this Law and the resolutions issued in pursuance hereof.

c. The transition period referred to in paragraph (b) of this Article may be reduced or waived pursuant to a resolution of the Chairman of the Executive Council, in which case the Executive Director/ CEO will not be entitled to any salaries or financial benefits for the waived transition period or the part excluded from the same.

Extension of Service
Article (16)

The service of an Executive Director/ CEO who reaches the retirement age may be extended pursuant to a resolution of the Chairman of the Executive Council and for the period he deems appropriate.

Confidentiality, Conflict of Interest, and Intellectual Property Rights
Article (17)

a. During his service period and thereafter, an Executive Director/ CEO must maintain the confidentiality of the information he has access to as part of his job duties, and must not disclose to others any information that may negatively affect the Department, the Government, or the Emirate.

b. An Executive Director/ CEO must not, in respect of any bid or tender relating to his Department or to its affiliates, participate in making decisions or in taking any action in favour of any company or corporation owned in whole or in part by him, by his spouse, or by any of his relatives up to the fourth degree, or those in which he is a member of the board of directors.

c. The intellectual property rights in works of authorship and work-related methodologies developed by an Executive Director/ CEO during his employment with a Department will vest in the Government.

Liability of Executive Directors/ CEOs
Article (18)

An Executive Director/ CEO will not incur civil liability towards third parties for any act or omission related to his employment functions and committed in the course of performing his employment duties. Without prejudice to the Department's right to have recourse against the Executive Director/ CEO who commits such an act or omission wilfully or as a result of gross fault, the Department will be solely liable for that act or omission.

Application of Provisions to Existing Situations
Article (19)

a. The DGHR will apply the provisions of this Law to the terms of employment of the Executive Directors/ CEOs who are in service by the effective date of this Law.

b. Employees who have been receiving the Total Salary for the Executive Director/ CEO pay grade, and who do not hold any of the designations specified in paragraphs (b) and (c) of Article (6) of this Law, will continue to receive the Total Salaries and financial benefits they used to receive prior to commencement of this Law.

Application of the Law
Article (20)

Where this Law and the resolutions issued in pursuance hereof are silent, the Law will apply to Executive Directors/ CEOs to the extent that its provisions do not conflict with the nature of the post of the Executive Director/ CEO.

Supersession and Repeals
Article (21)

a. This Law supersedes the above-mentioned Law No. (2) of 2015.

b. The above-mentioned Resolution No. (1) of 2015 is hereby repealed. Any provision in any other legislation will also be repealed to the extent that it contradicts the provisions of this Law.

Issuing Implementing Resolutions
Article (22)

The Chairman of the Executive Council will issue the resolutions required for the implementation of the provisions of this Law.

Commencement and Publication
Article (23)

This Law comes into force on the day on which it is issued, and will be published in the Official Gazette.

Mohammed bin Rashid Al Maktoum

Ruler of Dubai

Issued in Dubai on 27 April 2021

Corresponding to 15 Ramadan 1442 A.H.