

Decree No. (60) of 2023
Regulating the
Transfer of Employees in the Government of Dubai¹

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

After perusal of:

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

Cabinet Resolution No. (46) of 2019 Concerning the System of Exchange of Insurance Benefits between Pension Funds Operating in the UAE;

Law No. (5) of 1995 Establishing the Department of Finance;

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. (1) of 2016 Concerning the Financial Regulations of the Government of Dubai, its Implementing Bylaw, and their amendments;

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

Decree No. (29) of 2020 Forming the Supreme Committee for Development of the Government Sector in the Emirate of Dubai;

Decree No. (46) of 2022 Concerning the End-of-Service Gratuity Management Schemes of Employees in the Emirate of Dubai;

Resolution No. (15) of 2021 Concerning the Power to Transfer Employees between Government Entities in Exceptional Circumstances;

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

Executive Council Resolution No. (7) of 2020 Regulating Employment Under Special Contracts in the Government of Dubai;

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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.

Executive Council Resolution No. (14) of 2022 Concerning Filling Vacant Posts at Government Entities in the Emirate of Dubai; and

The human resources legislation applicable to the Government Entities affiliated to the Government of Dubai and other entities not governed by the above-mentioned Law No. (8) of 2018 Concerning Management of the Government of Dubai Human Resources,

Do hereby issue this Decree.

Section One **Definitions, Scope of Application, and Types of Transfer**

Definitions **Article (1)**

The following words and expressions, wherever mentioned in this Decree, 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.
Law:	Law No. (8) of 2018 Concerning Management of the Government of Dubai Human Resources.
GPSSA:	The General Pensions and Social Security Authority.
DGHR:	The Dubai Government Human Resources Department.
Director General:	Director General of the DGHR.
Department:	Any of the Government departments; public agencies or corporations; or councils and authorities affiliated to the Government, which are subject to the Law.
Other Entity:	A Government Entity that is not governed by the Law or a non-government entity which is established pursuant to legislation issued by the Ruler, or owned by or affiliated to the Government, a Department, or a Government Entity; and

	which is classified by the GPSSA as a Government sector employer.
Local Entity:	A Department or Other Entity.
Other Government Entity:	A Federal Government Entity or a Local Government Entity affiliated to any emirate, other than the Emirate.
Employee:	A male or female person who occupies a budgeted post in a Local Entity or Other Government Entity.
UAE National:	Any person holding the UAE nationality.
Total Salary:	The monthly salary, which comprises the Basic Salary and the General Allowance under the Law, or a similar form of compensation adopted by any Other Entity.
Inter-entity Transfer in Ordinary Circumstances:	The transfer of an Employee outside the entity for which he works where the prior consent of the Employee is required for the transfer.
Inter-entity Transfer in Exceptional Circumstances:	The transfer of an Employee outside the entity for which he works in any of the cases stipulated in this Decree, where the prior consent of the Employee is not required for the transfer.
Existing Rights:	The Basic Salary, General Allowance, and other similar benefits, even if they exceed the salary of the highest point of the pay scale for the Employment Grade to which the Employee is transferred. These do not include Job Titles, supervisory levels, or any other allowances or additional compensation to which entitlement is related to the post from which the Employee is transferred.

Scope of Application

Article (2)

The provisions of this Decree apply to civilian Employees who are transferred in accordance with the conditions, rules, and regulations stipulated herein, depending on the type of transfer.

Types of Transfer

Article (3)

Types of transfer are as follows:

1. intra-entity transfer in ordinary circumstances;
2. intra-entity transfer in special circumstances;
3. Inter-entity Transfer in Ordinary Circumstances;
4. Inter-entity Transfer in Exceptional Circumstances; and
5. inter-entity transfer from Departments to Other Government Entities, or vice versa.

Section Two

Intra-entity Transfer in Ordinary Circumstances

Intra-entity Transfer

Article (4)

The intra-entity transfer of an Employee in ordinary circumstances from one post to another; from a supervisory level to a non-supervisory level or vice versa; from one organisational unit to another; or from one position to another within a Department will take effect without the need for the Employee's consent.

Conditions for Intra-entity Transfer

Article (5)

The intra-entity transfer of Employees in ordinary circumstances will be valid subject to the following:

1. The transfer decision must be issued by the competent authority at the Department.
2. The transfer decision must not involve any disciplinary penalty.
3. The objective of transfer must be achieving the public interest.
4. The transfer must not result in demoting the Employee to an Employment Grade lower than his grade before the transfer.
5. The Existing Rights of the Employee must not be prejudiced.

6. The post to which the Employee is to be transferred must be vacant, evaluated, and approved within the Functional Structure of the Department; or be filled in accordance with the above-mentioned Executive Council Resolution No. (14) of 2022.
7. The transfer must be in line with the Employee's competencies, qualifications, and experience.
8. The grade of the post to which the Employee is to be transferred must be equal to that of his current post.

Section Three **Intra-entity Transfer in Special Circumstances**

Transfer of Employees Assigned the Duties of Other Posts **Article (6)**

- a. An Employee who is assigned the duties of another post may be transferred to that post after the lapse of at least three (3) months from the date of assignment.
- b. An Employee who is transferred in accordance with paragraph (a) of this Article will be entitled to the salary of the first point of the pay scale of the Employment Band to which he is transferred; or to his current salary plus a salary increment of twenty percent (20%) of his Total Salary before the transfer, whichever is higher.

Transfer Based on Internal Application or Nomination **Article (7)**

- a. An Employee who successfully passes the selection process for a vacant post based on internal application or nomination within the Department may be transferred to that post even if it is more than two (2) grades higher than his current post. In that case, the Employee will be awarded the salary of the first point of the pay scale of the Employment Band of the post to which he is transferred, or will be awarded his current salary plus a salary increment of twenty percent (20%) of his Total Salary before the transfer, whichever is higher.
- b. A Department may award an Employee who is transferred to a post on grade (16) based on internal application or nomination a salary increment that exceeds the percentage prescribed by paragraph (a) of this Article, subject to the following:
 1. The highest point of the pay scale for grade (16) must not be exceeded.

2. The prior written approval of the DGHR must be obtained. This approval will be granted in accordance with the methodology adopted by the DGHR for considering salaries and wages in the labour market.

Transfer Based on Obtaining Academic Qualifications Article (8)

An Employee who obtains a new academic qualification during his service may be transferred, in accordance with the Law, to another vacant post within the Department which is commensurate with this new qualification. In that case, the Employee will be awarded the salary of the first point of the pay scale of the Employment Band to which he is transferred, or his current salary plus a salary increment of twenty percent (20%) of his Total Salary before the transfer, whichever is higher.

Transfer Due to Unsatisfactory Performance Article (9)

A UAE National Employee will be transferred as a result of his unsatisfactory performance to another post within the Department, in accordance with the rules and procedures stipulated in sub-paragraph (b)(2) of Article (124) of the Law.

Transfer Due to Restructuring Article (10)

Subject to the provisions of the Law, where a UAE National Employee's post is eliminated due to restructuring the Department or any of its organisational units, the Director General of the Department may:

1. transfer the Employee to another post within the Department, on a grade equal to his previous grade, while retaining his Existing Rights, provided that the Employee's competencies, qualifications, and experience are commensurate with the post to which he is transferred; or
2. in the absence of a post commensurate with the Employee's competencies, qualifications, and experience, transfer the Employee to another post within the Department, provided that he is capable of performing the duties of that other post and regardless of whether the Employment Grade of the post is equal to or lower than his previous grade. In that case, the transfer must not prejudice the Existing Rights and Employment Grade of the Employee.

Transfer Due to Health Conditions

Article (11)

Subject to the provisions of the Law, the Director General of a Department may, upon the recommendation of the Medical Committee formed pursuant to the provisions of the Law, transfer a UAE National Employee to another post due to his health condition, subject to the following:

1. The UAE National Employee must be transferred to another post within the Department on an Employment Grade which is equal to his previous grade while retaining his Existing Rights; and the Employee's competencies, qualifications, experience, and health condition must be commensurate with the post to which he is transferred.
2. In the absence of a post which is commensurate with the competencies, qualifications, experience, and health condition of the UAE National Employee, he may be transferred to another post on the same or a higher Employment Grade within the Department, provided that he is capable of performing the duties of that other post. In that case, the transfer must not prejudice the Existing Rights and Employment Grade of the Employee; and the Department must provide the Employee with the necessary training to enable him to perform the duties of the post to which he is transferred.

Section Four

Inter-entity Transfer in Ordinary Circumstances

Conditions for Inter-entity Transfer in Ordinary Circumstances

Article (12)

- a. Inter-entity Transfer in Ordinary Circumstances between Local Entities will take effect regardless of whether these entities are governed by the Law.
- b. Inter-entity Transfer in Ordinary Circumstances will be valid subject to the following:
 1. The transferred Employee must be a UAE National.
 2. The approval of the Department to which the Employee is to be transferred and the Department from which the Employee is to be transferred must be obtained.
 3. The Employee's prior written consent to the transfer must be obtained.
 4. The transfer of the Employee must not be prohibited due to any legal or regulatory impediments.

Rules of Inter-entity Transfer in Ordinary Circumstances
Article (13)

- a. The personnel file and all employment entitlements of an Employee, including his annual leave balance, will be transferred to the Local Entity to which he is transferred in accordance with the legislation applicable to that entity.
- b. A Local Entity from which an Employee is transferred may retain copies of all documents related to him.
- c. A transferred Employee must obtain a clearance certificate from the Local Entity from which he is transferred, in accordance with the rules and procedures adopted by it, before joining the Local Entity to which he is transferred.
- d. A Local Entity to which an Employee is transferred will bear all the costs arising from the transfer, including any variation in the amount of contributions to the GPSSA scheme.

Rights Arising from Inter-entity Transfer in
Ordinary Circumstances
Article (14)

- a. An Employee who is transferred from a Local Entity to another in ordinary circumstances under this Decree will have the following rights:
 - 1. The Employee's service periods with the Local Entity from which he is transferred and the Local Entity to which he is transferred will be deemed a continuous period of service.
 - 2. The Employee's Existing Rights enjoyed before the transfer may not be prejudiced, unless he expressly agrees to the contrary.
 - 3. The Employee will be entitled to the salary of the first point of the pay scale of the Employment Grade to which he is transferred, or his Total Salary before the transfer, whichever is higher. He may also be awarded a salary increment not exceeding twenty percent (20%) of his post-transfer Total Salary, provided that his Total Salary, inclusive of this increment, does not exceed the salary of the highest point of the pay scale for the Employment Band or Employment Grade to which he is transferred, as prescribed by the legislation applicable to the Local Entity to which he is transferred. To be awarded this increment, the Employee must have qualifications and experience higher than those required for occupying the post to which he is transferred.

4. The Employee will receive all the allowances, additional compensation, and other financial and employment benefits stipulated in the legislation applicable to the Local Entity to which he is transferred, provided that he meets the relevant eligibility requirements.
- b. A Department may award an Employee who is transferred to it a salary increment that exceeds the percentage specified in sub-paragraph (a)(3) of this Article, subject to the following:
 1. The post to which the Employee is transferred must be on grade (12) or above.
 2. The salary of the Employee may not exceed the salary of the highest point of the pay scale for his Employment Grade.
 3. The prior written approval of the DGHR must be obtained. This approval will be granted in accordance with the methodology adopted by the DGHR for considering salaries and wages in the labour market.

Section Five

Inter-entity Transfer in Exceptional Circumstances

Conditions for Inter-entity Transfer in Exceptional Circumstances

Article (15)

- a. Inter-entity Transfer in Exceptional Circumstances between Local Entities will take effect regardless of whether, or not, these entities are governed by the Law.
- b. Inter-entity Transfer in Exceptional Circumstances will be valid subject to the following:
 1. The Employee to be transferred must be a UAE National. However, a non-UAE National Employee may, where required, be exempted from this condition.
 2. Any of the cases of Inter-entity Transfer in Exceptional Circumstances stipulated in Article (16) of this Decree must apply.

Cases of Inter-entity Transfer in Exceptional Circumstances

Article (16)

The Inter-entity Transfer in Exceptional Circumstances of an Employee between Local Entities will take effect in any of the following cases:

1. transfer pursuant to legislation issued by the Ruler or the Chairman of the Executive Council of the Emirate;

2. restructuring the Local Entity for which the Employee works;
3. transfer of certain functions or organisational units from a Local Entity to another
4. establishment of a new Local Entity;
5. dissolution or merger of a Local Entity; or
6. any other case approved by the Supreme Committee for Development of the Government Sector.

Rules of Inter-entity Transfer in Exceptional Circumstances
Article (17)

- a. The Inter-entity Transfer in Exceptional Circumstances of an Employee between Local Entities will be subject to the following rules:
 1. The personnel file and all employment entitlements of the Employee, including his annual leave balance, will be transferred to the Local Entity to which he is transferred in accordance with the legislation applicable to that entity.
 2. The Local Entity from which the Employee is transferred may retain copies of all documents related to that Employee.
 3. Where required, the transferred Employee must obtain a clearance certificate from the Local Entity from which the Employee is transferred, in accordance with the rules and procedures adopted by that entity.
 4. Any other rules stipulated in the legislation in force in the Emirate must be met.
- b. The Director General is hereby vested with the power to issue resolutions transferring Employees between Local Entities in exceptional circumstances, and to determine the date of their transfer, where the issuance of these resolutions is required.
- c. The entity determined by the Department of Finance, in coordination with the DGHR, will bear the costs of Inter-entity Transfer in Exceptional Circumstances.
- d. The DGHR and the Department of Finance will consider the allowances and additional compensation received by the Employees before their transfer to Local Entities, and determine the extent to which these allowances and additional compensation can be included in their Total Salaries at the Local Entities to which they are transferred, in accordance with the conditions and rules agreed upon by these Employees and Local Entities in this respect.

Rights Arising from Inter-entity Transfer in Exceptional Circumstances

Article (18)

An Employee who is transferred in exceptional circumstances between Local Entities in accordance with the provisions of this Decree will have the following rights:

1. The Employee's service periods with the Local Entity from which he is transferred and the Local Entity to which he is transferred will be deemed a continuous period of service.
2. The Employee's Existing Rights enjoyed before the transfer may not be prejudiced.
3. The Employee will retain his Employment Grade in case of transfer between Departments.
4. Subject to the provisions of paragraph (d) of Article (17) of this Decree, the Employee will be entitled to the salary of the first point of the pay scale of the Employment Grade to which he is transferred, or his Total Salary before the transfer, whichever is higher.
5. The Employee will receive all the allowances, additional compensation, and other employment benefits stipulated in the legislation applicable to the Local Entity to which the Employee is transferred, provided that he meets the relevant eligibility requirements.
6. Where the Local Entity to which the Employee is transferred does not pay children's education allowance, the Employee who used to receive this allowance in accordance with the legislation applicable to the Local Entity for which he worked before the transfer will be entitled to receive this allowance from the Local Entity to which he is transferred at the same value and for the same number of children in respect of whom it was paid, until they reach the age of eighteen (18) years. This allowance will, in coordination with the Department of Finance, be paid in accordance with the procedures adopted by the entity to which the Employee is transferred.

Section Six

Transfer of Employees from Departments to Other Government Entities and Vice Versa

Transfer from Departments to Other Government Entities

Article (19)

The competent authority at a Department may approve the transfer of an Employee to any Other Government Entity, subject to obtaining the written consent of the Employee to the transfer. In that case, the rights of the transferred Employee will be determined in

accordance with the legislation applicable to the entity to which the Employee is transferred.

Transfer from Other Government Entities to Departments
Article (20)

- a. The competent authority at a Department may approve the transfer of an Employee from any Other Government Entity to it subject to the following:
 1. The transferred Employee must be a UAE National.
 2. The approval of the entity from which the Employee is to be transferred must be obtained.
 3. The Employee's prior written consent to the transfer must be obtained.
 4. The transfer of the Employee must not be prohibited due to any legal or regulatory impediments.
- b. The personnel file and all employment entitlements of an Employee, including his annual leave balance, will be transferred to Department to which he is transferred in accordance with the legislation applicable to that Department.
- c. The Department to which an Employee is transferred will bear all the costs arising from the transfer, including any variation in the amount of contributions to the GPSSA scheme.
- d. An Employee transferred pursuant to this Article will have the following rights:
 1. The Employee's service periods with the Department and the Other Government Entity will be deemed a continuous period of service.
 2. The Employee's Existing Rights enjoyed before the transfer may not be prejudiced, unless he expressly agrees to the contrary.
 3. The Employee will be entitled to the salary of the first point of the pay scale of the Employment Grade to which he is transferred, or his Total Salary before the transfer, whichever is higher. He may also be awarded a salary increment not exceeding twenty percent (20%) of his post-transfer Total Salary, provided that his Total Salary, inclusive of this increment, does not exceed the salary of the highest point of the pay scale for the Employment Grade to which he is transferred. To be awarded this increment, the Employee must have qualifications and experience higher than those required for occupying the post to which he is transferred.

4. The Employee will receive all the allowances, additional compensation, and other financial and employment benefits stipulated in the Law and the resolutions issued in pursuance thereof.
- e. A Department may award an Employee who is transferred to it a salary increment that exceeds the percentage specified in sub-paragraph (d)(3) of this Article, subject to the following:
 1. The post to which the Employee is transferred must be on grade (12) or above.
 2. The salary of the Employee may not exceed the salary of the highest point of the pay scale for his Employment Grade.
 3. The prior written approval of the DGHR must be obtained. This approval will be granted in accordance with the methodology adopted by the DGHR for considering salaries and wages in the labour market.

Section Seven General Provisions

Calculation of End-of-service Gratuities of Transferred Employees Article (21)

The End-of-service Gratuity of an Employee who is transferred under this Decree will be calculated as follows:

1. The End-of-service Gratuity for the period preceding the transfer will be calculated based on:
 - a. the end-of-service gratuity calculation method prescribed by the legislation by which the Employee was governed before his transfer;
 - b. the Basic Salary which the Employee used to receive before his transfer; and
 - c. the methods and periods applicable to the calculation of end-of-service gratuity as prescribed by the legislation in force by which the Employee would be governed should he had been placed on his grade based on the Table of Grades and Salaries.
2. The end-of-service gratuity for the period following the transfer will be calculated as per the method prescribed by the legislation governing the Employee at the time of end of his service.
3. The number of the Employee's years of service before the transfer will be taken into account when calculating his end-of-service gratuity after the transfer.

Air Ticket Allowance Article (22)

- a. The air ticket allowance to which an Employee transferred from any Other Government Entity to a Department, and his eligible family members, are entitled will be paid on the anniversary of the date of his transfer to the Department. In all events, the transferred Employee and his eligible family members will be entitled to air ticket allowance only if the Employee completes a full year in active service with the Department after the transfer.
- b. The air ticket allowance to which an Employee transferred between Local Entities, and his eligible family members, are entitled will be paid on the anniversary of the date of his entitlement to the tickets at the entity from which he is transferred; or on the anniversary of the date of his transfer to the new entity if the entity from which the Employee is transferred does not pay air ticket allowances to its Employees.
- c. Where the entity to which the Employee is transferred does not pay air ticket allowances, the entity from which the Employee is transferred will pay a cash allowance in lieu of the annual air tickets of the Employee and his eligible family members calculated pro rata to his actual period of service in the Year for which the allowance is payable.
- d. The amount of air ticket allowance awarded to the transferred Employee and his eligible family members will be determined in accordance with paragraphs (a) and (b) of this Article and pursuant to the human resources legislation applicable to the entity to which the Employee is transferred.

Probation Period of Transferred Employees Article (23)

An Employee who is transferred to a Local Entity under this Decree will not be subject to the probation period prescribed by the human resources legislation of that entity.

Cooperation with the DGHR Article (24)

All Government Entities in the Emirate must fully cooperate with DGHR to enable it to perform the functions assigned to it under this Decree, the resolutions issued in pursuance hereof, and other legislation in force in the Emirate.

Applicability of the Provisions of the Law and Other Legislation in Force
Article (25)

Where this Decree is silent, the provisions of the Law and the human resources legislation applicable to Local Entities will apply to the transfer of Employees.

Employees Issued with Initial Approvals to
Be Granted Nationality
Article (26)

For the purposes of implementing this Decree, an Employee who is issued with an initial approval by the Ruler to be granted the UAE nationality and who holds a UAE passport will be treated as a UAE National.

Issuing Implementing Resolutions
Article (27)

The Director General will issue the resolutions required for the implementation of the provisions of this Decree.

Repeals
Article (28)

The above-mentioned Resolution No. (15) of 2021 is hereby repealed. Any provision in any other legislation is also hereby repealed to the extent that it contradicts the provisions of this Decree.

Publication and Commencement
Article (29)

This Decree will be published in the Official Gazette and will come into force on the day on which it is published.

Mohammed bin Rashid Al Maktoum
Ruler of Dubai

Issued in Dubai on 21 November 2023
Corresponding to 7 Jumada al-Ula 1445 A.H.