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**Constitutional Court**

**Decision No. (11) of 2022 amending Some Provisions of the Human Resources Regulation of the Constitutional Court promulgated by Decision No. (22) of 2016**

President of the Constitutional Court:

Having reviewed the Legislative Decree No. (27) of 2002 establishing the Constitutional Court, as amended;

And the Human Resources Regulation of the Constitutional Court promulgated by Decision No. (22) of 2016, as amended;

And upon the submission of the Secretary-General;

**Hereby Decides:**

**Article One**

Texts of Articles (22), Clause (2), (31), (64), (68), Clause (7), (81), first paragraph, (90) third paragraph and (96) of the Human Resources Regulation of the Constitutional Court promulgated by Decision No. (22) of 2016 shall be replaced with the following texts:

**Article (22) Clause (2):**

The immediate official - under the supervision of the higher official - shall be responsible for closely monitoring the employee's job performance during the probationary period and shall provide him with all necessary assistance, support, guidance, and help to enhance his job performance. After three months from the employee's commencement of work, the direct official shall submit a performance evaluation report for the employee, notifying them in order to facilitate the improvement of their performance. Additionally, the immediate official shall submit a second report before one month from the expiry date of the probationary period. This report shall include the employee's performance evaluation outcomes during this period, along with the recommendation to either confirm his employment or terminate his service. The report shall also provide justifications and supporting documents for his recommendation. The report shall then be submitted to the President of the Court, accompanied by the opinion of the Secretary-General, in order to issue the final decision in this regard.

**Article (31):**

By a decision of the President of the Court, the employee may be granted an incentive allowance equal to the prescribed annual periodic allowance for no more than three allowances provided that it does not exceed the end of his grade, and that shall be under the following conditions:

1- An employee shall have achieved, over the last one year, at least a very good performance rating.

2-The employee shall not be granted this allowance more than once a year.

3- This allowance shall be granted at a rate not exceeding 10% of the total number of employees.

Granting this allowance does not prevent the entitlement to the annual periodic allowance on time.

**Article (64)**

The provisions of this Part shall apply to all permanent employees up to the level of Assistant Secretary-General.

**Article (68) Clause (7):**

7. The assessment of excellent and poor performance shall be based on sufficient justifications, and the report shall not be approved by the Secretary-General unless such justifications are met.

**Article (81) First Paragraph:**

“ The Civil Servant, by a decision of the President of the Court, may be promoted at the end of his service for any of the reasons provided for in Article (147) of this Regulation, with the exception of the reasons mentioned in Paragraphs (4), (5), (6), (7) of that Article, for a period of one year prior to being referred to retirement, provided that one year has passed since he obtained the last promotion, and an incentive bonus may be granted.

**Article (90) third paragraph:**

The employee shall utilize the leave that exceeds seventy-five days before the end of the Gregorian year. The commencement date of the leave shall be before the end of that year and extend into the following year. If these days are not used, they shall be deducted at the beginning of the new year, leaving the employee with only seventy-five days. The General Secretariat shall notify him of the increase in his leave balance.

**Article (96):**

A leave for the death of a spouse or a relative up to the fourth degree shall be granted for a period of three days. The employee shall inform his immediate official about the death of a relative and provide a death certificate along with clarification of the relationship with the deceased upon his return to work. The leave period shall start considering the date of death or the date of the condolence gathering.

**Article Two**

A second paragraph shall be added to Article (63) of the Human Resources Regulation of the Constitutional Court promulgated by Decision No. (22) of 2016 and a second paragraph shall be added to Article (95), and a new paragraph No. (5) shall be added to Article (105) of the same regulation, with the following provisions:

**Article (63) Second Paragraph:**

“The President of the Court may grant an annual incentive to the employees of the Court, except for those who received a poor rating in the performance evaluation, with an amount determined based on the recommendation of the Secretary-General, provided that the necessary financial allocations are available”.

**Article (95) Second Paragraph:**

"Maternity leave shall be granted to the female employee who gives birth to a stillborn child, according to medical reports".

**Article (105) Paragraph (5):**

5) "Exhausting the annual leave is not a requirement for granting the employee special leave without pay”.

**Article Three**

The Secretary-General shall implement the provisions of this Decision, and it shall come into force from the day following the date of its publication in the Official Gazette.

**President of the Constitutional Court**

**Counsellor Abdullah bin Hassan Al-Buainain**

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