ARTICLE 11. All appointments and removals herein provided shall be subject to all provisions of the Civil Service Law insofar as applicable.

ARTICLE 12. All Laws or parts of Laws in conflict herewith are hereby repealed.

THOMAS SNOWDEN,
Rear-Admiral, U. S. Navy,
Military Governor of Santo Domingo.

Santo Domingo City, D. R.,
April 9, 1920.

(E. O. 451 omitted).
See Spanish text.

MILITARY GOVERNMENT OF SANTO DOMINGO.

Executive Order No. 452.

By virtue of the powers vested in the Military Government of Santo Domingo and in pursuance of Executive Order No. 66 the following Order which shall be known as the Civil Service Law is dictated and promulgated.

CIVIL SERVICE COMMISSION

ARTICLE 1. There is hereby created a Civil Service Commission of the Dominican Republic to consist of a president and two members, appointed by the Executive Power.

ARTICLE 2. The Commission, subject to the provisions of this Act, shall have jurisdiction over the appointment, reinstatement, transfer, promotion, reduction and removal of public officers and employees, and shall be responsible for efficient and uniform methods in such matters. The Commission, with the approval of the Executive Power, shall promulgate such rules and regulations therefor, not inconsistent with the terms of this Law, as may be necessary to provide for its enforcement, and when promulgated, such rules and regulations shall have the force and effect of Law.

ARTICLE 3. The Commission may investigate any matter pertaining to the enforcement of this Act, and in connection therewith through any of its members or duly authorized representatives, may summon witnesses, compel their testimony and

the production of real or documentary evidence, and may administer oaths. The same fees therefor shall be paid from the general funds appropriated for the Commission as is provided by law for witnesses, and no fees or stamp taxes shall be charged for oaths.

ARTICLE 4. It shall be the duty of every officer and employee of the government to facilitate the work of the Commission, and it shall be the duty of every person in the Dominican Republic, when so requested, to give and produce to the Commission or its authorized representatives all competent evidence and testimony, under oath if required, in regard to matters arising under this Law or its rules and regulations.

ARTICLE 5. All appointments, reinstatements, transfers and promotions made in accordance with this Law shall be countersigned by the President of the Commission.

ARTICLE 6. If the Commission shall find that anyone is holding a position in violation of this Law or the rules and regulations issued thereunder, it shall give notice to the appointing officer who shall investigate the case, giving the employee reasonable opportunity to be heard. The appointing officer shall report his decision to the Commission within 10 days of the notice. If the Commission approve his decision, it shall be final; if the Commission disapprove, the appointing officer may appeal to the Executive Power. In any case where the Commission rules that the position is unlawfully held, it shall so certify to the proper disbursing and auditing officers, who shall withold all pay thereafter accruing to the employee unless and until the ruling is reversed on appeal to the Executive Power.

CLASSIFICATION OF THE SERVICE.

ARTICLE 7. The classified service shall include all officers and employees in the executive, legislative and judicial branches of the civil service of the Dominican Republic, Provinces and Municipalities, heretofore or hereafter appointed or employed in positions now existing or hereafter to be created, of whatever function or designation, whether compensated by a fixed salary or otherwise, except those named in Schedule "A"" and persons expressly excepted by Executive Order, **provided,** that, no rights of the classified service shall accrue to persons whose appointment to it is in violation of this Law or its rules and regulations.

ARTICLE 8. Schedule "A" comprises the following excepted officers and employees:

(a) All officers or employees appointed by the Executive Power

(b) All elective officers.

(c) The officers of the courts with judicial, and executive authority, not including stenographers and clerical help.

(d) The immediate assistant to each head of department, and the subheads of departments.

(e) All employees whose annual compensation is $360, or less.

(f) All officers or employees whose salary equals or exceeds $2,500 annually.

(g) The Guardia Nacional Dominicana; and the Municipal Police.

(h) Those holding positions and vocations for which special examinations are now provided by Law ond which are not expressly included in this Law.

(i) Those holding positions under the Receivership of Customs, established by the treaty of February 8, 1907 with the United States of America.

(j) Technical or professional officers or employees if exempt by order of the Executive Power.

(k) Teachers, instructors, principals, inspectors, officials of education and technical assistants to the Superintendent and National Council of Education.

(l) Members of school boards, municipal councils, and commissions or boards of an advisory or executive nature.

(m) Temporary Provisions: Until otherwise provided by Executive Order, officers and employees of the Ayuntamientos and of the offices of the Governors of the Provinces shall not be included in the classified service.

EXAMINATION.

ARTICLE 9. No one shall be appointed, employed or transferred in the classified service, or perform the duties of any position therein until he passes an examination as herein provided.

ARTICLE 10. The Civil Service Commission shall prepare, give due public notice of, and hold open competitive examinations for admission to the classified service, which examinations shall be of practical and suitable character and shall be held at such times and places as may most nearly meet the needs of applicants and of the service.

ARTICLE 11. Any person holding an office or position in the classified service at the date hereof shall hold it as a temporary appointee until such time as a regular appointment under the provisions of these rules can be made, and no longer; **provided,** that if the head of the department or office shall recommend that such person has been efficient in the performance of his duties and has served continuously for not less than one month, he shall become a member of the classified service without original examination but in other respects shall be subject to all the provisions herein laid down for classified employees and shall be ineligible for promotion in position, or transfer without having previously passed the corresponding examination.

ATICLE 12. Where in its opinion the conditions of good administration warrant, the Commission may give non-competitive examinations to test fitness in the service.

ARTICLE 13. Appointments to the excepted positions named in Scherule "A" may be made without examination or upon non-competitive examination; but the appointing officer may fill an excepted position as classified positions are filled, and the person so appointed shall receive all the rights of a classified employee.

BOARDS OF EXAMINERS

ARTICLE 14. The Commission shall have control over all examinations and the ratings thereof. The Commission may appoint such examining board or special examiners as it may deem necessary from officers or employees in the government service who are permitted to serve by their superiors. Such boards or examiners shall perform such duties as the Commission may direct under the direct control of the Commission, which duties shall be performed during regular office hours when possible. When said officers or employees are assigned to such duty they shall serve without extra compensation, and such duty shall be considered as a part of their regular duty.

RATINGS AND REGISTRATION.

ARTICLE 15. Examination papers shall be rated on a scale of 100, and the subjects therein shall be given such relative weight as the Commission may determine. The rating of the applicant shall then be made up of his standing in the examination, and such other qualifications as may be prescribed by the Commission on the basis it may determine. Applicants shall be duly notified of their rating.

ARTICLE 16. Competitors rated at 70 or more shall be

eligible for appointment in the classified service and shall be enrolled in the proper register in accordance with their rating, **provided,** That any eligible who is a Dominican citizen shall be given a higher place on the list than any eligible non-citizen.

ARTICLE 17. Registers for each employment for which different qualifications are necessary shall be maintained by the Commission and when necessary, separate registers shall be maintained for the municipalities and provinces.

ARTICLE 18. The term of eligibility shall be one year beginning with the date on which the eligible's name is enrolled in the register. This term may be extended for all those in a register when the Commission believes such action to be in the interest of good administration.

QUALIFICATIONS

ARTICLE 19. All persons residing in the Dominican Republic, subject to eligibility in regard to sex, age, experience, and other qualifications as prescribed, after consulation with the appointing officer, by the Commission for the particular position, may be admitted to examination upon application in the form prescribed by the Commission. Such applications must show citizenship, nativity, age, sex, education, physical capacity, previous employment, and such other data as the Commission may require.

ARTICLE 20. Persons serving under military or naval enlistment shall not be examined without the written consent of their commanding officer.

ARTICLE 21. The Commission may refuse an examination to or may strike from the list of eligibles any person for the following reasons:

(a) Dismissal from the service for inefficiency, delinquency, or misconduct within one year.

(b) Physical or mental unfitness for the position.

(c) Treasonable, criminal, infamous, dishonest, immoral or disgraceful conduct.

(d) Intentionally making a false statement in any material fact, or refusing to furnish testimony to the Commission, or practicing deception or fraud in an examination, or in securing an examination, registration, certification or appointment.

(e) The habitual use of intoxicating beverages or narcotics to excess.

CERTIFICATIONS AND APPOINTMENTS

ARTICLE 22. Positions in the classified service not excepted from competitive examination unless filled by reinstatement, transfer, promotion, or reduction, or reduction shall be filled in the following manner:

(a) The Commission, on request of the appointing officer, shall certify from the appropriate register of eligib the three names at the head thereof, unless the appointing cer shall specify the sex desired, when the three highest na s of that sex shall be certified. If there are not three eli oles, the number existing shall be certified.

(b) The appointing officer shall make the appointment from the list certified. If he shall state in writing to the Commission, reasons approved by the Commission showing why he is unwilling to accept any of the eligibles certified, a new list of eligibles may be furnished him, or a temporary appointment made if there are no further eligibles

(c) The eligible so selected by the appointing officer shall be promptly notified by the Commission and upon reporting for duty shall receive a certificate of appointment. If he refuse to accept the appointment without reason satisfactory to the Commission, he may be stricken from the list of eligibles.

(d) The first three months of the appointment shall be a probationary period, but the Commission may with the consent of the appointing officer, extend this period for any specified position not to exceed an additional three months. If during this period, after full and fair trial the appointing officer notify the probationer in writing that his conduct or service is not satisfactory, and the reasons therefor his employment shall thereupon terminate. Retention beyond the probationary period confirms permanent appointment.

(e) A probationer separated from the service without misconduct or demonstrated inefficiency shall be restored by the Commission to the register of eligibles for the remainder of his period of eligibility.

TEMPORARY APPOINTMENT.

ARTICLE 23. When no eligibles are available and when required in the public interest and authorized by the Commission, a temporary appointment of a non-eligible may be made, but the Commission shall certify eligibles to the position as soon as one or more become available, and appointment therefrom shall be made in the regular manner. In no case without prior approval

of the Commission, shall a temporary appointment continue more than 30 days after receipt of the certificate of eligibles from the Commission.

ARTICLE 24. When there is work of a temporary character at the completion of which the services of an additional employee will not be required, a temporary appointment may be made with the prior consent of the Commission for a period not to exceed three months, and may with like consent of the Commission be extended for a further period of three months. Further extension shall only be made to complete the work originally begun, and when there are no eligibles available or unusual circumstances in the opinion of the Commission to justify the extension.

ARTICLE 25. Temporary appointments shall be made from the registers of eligibles when possible. The acceptance by an eligible of a temporary appointment shall not affect his standing in any register for permanent employment.

REINSTATEMENT.

ARTICLE 26. An employee in the classified service, separated without misconduct from his position may be reinstated to a vacancy in the same position or similar position within one year from the date of separation upon approval of the Commission.

ARTICLE 27. An employee in the classified service whose position is abolished by legislative action or Executive Order shall be considered eligible for reinstatement in similar positions and shall be certified at the head of the list of eligibles regardless of the time limit in Article 26.

TRANSFER.

ARTICLE 28. An employee in any Department, office or branch of the service may, with the prior authorization of the Commission, be transferred to a similar position in another department, office or branch of the service, upon any test of fitness approved by the Commission: **provided**, that the appointment is permanent, that the heads of both departments concerned approve the transfer, and that such transfer shall not, without examination, be made to a position for which the original examination is essentially higher than or different from the examination for the position from which the transfer is proposed.

ARTICLE 29. No transfer shall be made from the unclassified service to the classified service; **provided**, that, an employee

who with his consent and by promotion or transfer from the classified service, has entered the unclassified service and has served continuously therein from the date of said promotion or transfer, may be retransferred to the classified position from which he was transferred, or to any position to which transfer could be made therefrom.

PROMOTIONS

ARTICLE 30. Subject to such regulations to govern promotions as may be made by the Commission and approved by the Executive Power, promotions in positions or pay may be made upon any test of fitness not disapproved by the Commission which may be determined by the promoting officer, with the following limitations:

(a) In case of promotion to a position for which the entrance tests are different, the person to be promoted must first pass an appropriate non-competitive examination before the Commission.

(b) No employee shall be promoted during probation except upon approval of the Commission previously obtained.

REMOVALS AND REDUCTIONS

ARTICLE 31. No employee in the classified civil service shall be removed or reduced in grade or pay by the appointing officer except for the reasons enumerated in Articles 21, 44 and 48, wilful disobedience of orders and for such cause as will promote the efficiency of the service. The employee whose removal or reduction is sought shall have notice thereof and be furnished with a copy of the charges preferred against him, and shall be allowed a reasonable time to make answer in writing. If the appointing officer decides to remove or reduce the employee, his reasons therefor shall be stated in writing, and a copy thereof filed immediately with the Commission. Papers bearing on the case shall be a part of the records of the department or office concerned and, upon request, the Commission shall be furnished with copies.

ARTICLE 32. The Commission may make investigations of removals and reductions, when it believes unlawful action has been taken, and may make recommendations for action to the Executive Power.

OFFICIAL ROSTER

ARTICLE 33. The Commission shall keep an official roster of all the officers and employees except unskilled laborers, in the civil service of the Dominican Republic.

ARTICLE 34. For this purpose every appointing officer shall report his present personnel as soon as possible to the Commission, in such manner as it may prescribe, and at the end of each calendar month thereafter, all changes in the service under his authority, affecting positions subject to contract, and all absences from the service.

ARTICLE 35. Such officers shall also furnish to the Commission, when requested, a list of all the positions and employments under their authority, together with the designations, compensations, duties, dates of employment of all persons serving therein, and such other information relative thereto as the Commission may request.

POLITICS AND RELIGION

ATICLE 36. No consideration whatsoever in any matter connected with this Law or in any appointment, promotion, or removal of a public employee or officer, shall be given to the political or religious opinion of any officer or employee, or affiliation with or support of any order, association, club, or other organization, whether social, fraternal, religious, charitable, political, educational or otherwise.

ARTICLE 37. No person employed in the civil service shall use his official authority or influence to coerce the political action of any person or organization or to influence any matter connected with the election or employment of any public officer or employee.

LEAVES OF ABSENCE

ARTICLE 38. Leaves of absence shall be discretionary with the officer granting them, and shall not be an inherent right of the employee. They may be granted by the appointing officer to any subordinate as herein provided when not inconsistent with the needs of the service. Absence from duty except as herein provided shall be without pay, and shall not exceed six months in any consecutive 12 months.

ARTICLE 39. Vacation leave. Leave may be granted with pay for a period of not to exceed two and one half days, not including Sundays and legal holidays, for each month of employment. Such leave shall be cumulative to the amount of sixty days but not more. Any officer or employee who has continuously served for a year or more may be granted in advance the vacation leave which he would acquire during the calendar year in which he applies for leave.

ARTICLE 40. **Sick leave.** In extraordinary and meritorious cases where an employee has been personally ill, or where

a member of his family or household has been afflicted with a contagious disease making his presence a menace to the health of his fellow employees, he may, after his vacation leave has been exhausted, be granted additional leave with pay for a period equal to the time he was prevented from serving; but in no case shall such additional leave be longer than thirty days in any calendar year including Sundays and legal holidays. Such additional leave shall only be granted on certificate of a practicing physician of good repute who has knowledge of the case.

ARTICLE 41. **Travel leave.** An employee on leave of absence with pay may be granted an additional leave with pay for the time actually necessary as determined by the Commission to go to and from the place where he actually passes his leave; **provided, that, such** additional leave shall be granted but once to any employee in one calendar year and in no case shall exceed fifteen days including Sundays and legal holidays; and that such employee at the end of his vacation shall resume employment under the government.

ARTICLE 42. In computing the leaves of absence made available by this Law, service immediately prior to the promulgation of this Law shall be considered up to the period of one year, and all absences during such time shall be deducted from the leave so accruing.

ARTICLE 43. An employee who desires leave of absence for more than one day shall where possible make application in advance in writing on a form prescribed by the commission addressed to the officer granting the leave. Such officer shall keep a record of the absence from duty for any cause of each employee serving under him.

ARTICLE 44. Upon failure without excuse acceptable to the appointing officer to report at the expiration of leave, the position shall be considered vacant and may be filled as herein provided. For each day of absence without authorization, two days shall be deducted from vacation leave earned or to be earned. A total of three days absence without authorization or excuse acceptable to the appointing officer during any twelve months shall be sufficient cause for removal.

ARTICLE 45. Temporary employees, shall not be granted leave with pay, but classified employees holding temporary positions may be granted such leave.

ARTICLE 46. The provisions herein laid down as to leaves of absence shall not apply to officers or employees comprised in Schedule "A", but shall apply to those who who are comprised in Schedule "A" solely by the operation of paragraphs "d, e, f, h, j"

thereof. Leaves of absence in the Guardia Nacional Dominican shall be regulated by the Commanding Officer thereof; leaves of absence in the Receivership of Customs, by the Receiver General; leaves of absence in the municipalities, by the Ayuntamientos, and leaves of absence for the positions in the Department of Public Instruction affected by paragraph "k" of Schedule "A", by rules and regulations promulgated by the National Council of Education, with the approval of the Secretary of Public Instruction. All leaves of absence of officers and employees comprised in Schedule "A" which are not provided for in this Article shall be at the discretion of the Executive Power.

WORKING HOURS

The head of each office shall require all employees to work the number of hours fixed for that office, but he may extend the hours of work for any or all employees and any superior may demand additional work of any subordinate in the line of his duty when the needs of the service require. No right for extra compensation shall accrue therefor unless provided by Law.

PENAL PROVISIONS

ARTICLE 48. Any person who shall cheat or practice deception or fraud in an examination, or in securing examination, registration, certification or appointment under this Law, whether for his own or another's benefit, or who shall defeat, deceive or obstruct any person in connection with his right thereto, or falsely rate, grade, or report upon any person under the provisions of this Law or the rules and regulations promulgated thereunder, or who shall wilfully violate the provisions of this Law or its rules and regulations shall be guilty of a crime and upon conviction in the Correctional Court shall be punished by a fine of not more than $1,000, or confined for not more than two years, or both. In addition to the penal Provisions herein laid down, any government officer or employee guilty of such violation may be removed by order of the court, or by the appointing officer in the manner provided in this Act.

REPEAL.

ARTICLE 49. All Laws or parts of Laws in conflict herewith are hereby repealed.

THOMAS SNOWDEN,
Rear-Admiral, U. S. Navy,
Military Governor of Santo Domingo.

Santo Domingo City, D. R.,
April 10, 1920.