

Declassified E.O. 12356 Section 3.3/NND No.

785017

ACC

10000/109/1656

785017

10000/109/1656

PROMOTION OF ITALIAN STATE EMPLOYEES
MAR. - JUNE 1944

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.C. SECTION
APO 394

Ref/348/25/CA

16 June 1944

EXECUTIVE MEMORANDUM)

NUMBER : 62)

FILLING OF VACANCIES IN ITALIAN CIVIL SERVICE POSITIONS

1. The Italian Government has called attention of the Allied Control Commission to the fact that in Military Government Territory, A.C.C. officers not only have filled vacancies in the Italian civil service structure but also have attempted to change the civil service grade of the person installed in office by promoting him from one grade to another.

2. Cases have also arisen where A.C.C. officers have extended the appointment of an official for a fixed term of years.

3. As a matter of military necessity an occupying power may dismiss any civil servant from office and may fill any vacancy by temporary appointment for the duration of the occupation. Furthermore the temporary appointee as long as he continues in such office may be paid the salary commensurate with the office he so fills. However, an occupying power may not change the civil service grade of such temporary appointee nor appoint him for a fixed term of years. No reason of military necessity requires it and consequently that is beyond the power of an occupant.

4. Any such purported change in grade or extended appointment for a fixed term of years whether made on the verbal or written order of an A.C.C. office not only is not binding on the Italian Government but is also the source of later embarrassment to the appointee when he learns that such purported promotion in grade or appointment is not later binding on the Italian Government.

5. Where any such promotions in grade or extension of appointment for a fixed term of years have been made, the orders purporting to do so must be so amended as to ensure that their temporary nature is understood by all concerned.

6. In making temporary appointments it must be clear that the appointments are temporary only. This is particularly necessary where an official is being appointed to an office of higher grade than that which he presently holds.

7. Unless the filling of a vacancy requires an immediate temporary appointment, it is likely that through inquiry of the Italian Government it will be found that there is available for immediate placement a civil servant of appropriate grade and qualification. Any requests for suitable substitutes should be made to the Italian Government.

FILLING OF VACANCIES IN ITALIAN CIVIL SERVICE POSITIONS

Declassified E.O. 12356 Section 3.3/NND No. 785017

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DISTRIBUTION:

R.C.'s Regions III, IV, V, VIII and Rome.
S.C.A.O.'s 5 & 8 Armies.
Admin. Section (6)
Economic Section (6)

M.S. LUSH
Brigadier
Executive Commissioner

MSL/JR

348 ~~13~~

CAB-10882

13 JUN 1944

HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394.

U-836 24

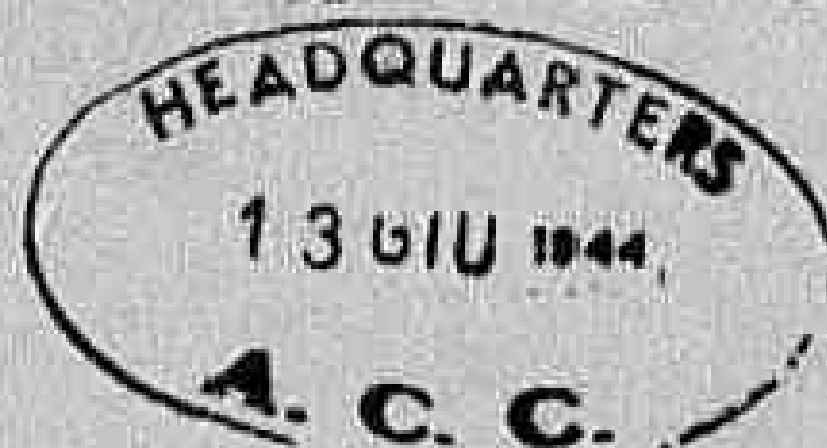
12 June, 1944.

REFERENCE : ACC/4133/L.

SUBJECT : Promotions to Italians in Military Government Territory.

TO : Executive Commissioner, ACC.

... With further reference to our letter ACC/4133/L dated 10 June 1944 and in response to telephone call in that regard from R.C. & M.G. Section, enclosed is a suggested form of Executive Memorandum.



RHW/wow.

Richard H. Wilmer

RICHARD H. WILMER.
Colonel, C. A. T.
Deputy Chief Legal Officer.

23

Legal Officer

see 25

*OK. 15/6
29/6*

with agreed policy except that like the word "rescinded" of para 5 is in pencil.

Suggested Exec. Memo.

*Prepared attached.
Exec. Memo.
taken from H.C. 171
is in accord with
E.C. does not
my suggested amendments
15/6*

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

23

EXECUTIVE MEMORANDUM)

NUMBER

(625)

June 1944.

FILLING OF VACANCIES IN ITALIAN CIVIL SERVICE POSITIONS

1. The Italian Government has called attention of the Allied Control Commission to the fact that in Military Government Territory, A.C.C. officers not only have filled vacancies in the Italian civil service structure but also have attempted to change the civil service grade of the person installed in office by promoting him from one grade to another.
2. Cases have also arisen where A.C.C. officers have extended the appointment of an official for a fixed term of years.
3. As a matter of military necessity an occupying power may dismiss any civil servant from office and may fill any vacancy by temporary appointment for the duration of the occupation. Furthermore the temporary appointee as long as he continues in such office may be paid the salary commensurate with the office he so fills. However, an occupying power may not change the civil service grade of such temporary appointee nor appoint him for a fixed term of years. No reason of military necessity requires it and consequently that is beyond the power of an occupant.
4. Any such purported change in grade or extended appointment for a fixed term of years whether made on the verbal or written order of an A.C.C. office not only is not binding on the Italian Government but is also the source of later embarrassment to the appointee when he learns that such purported promotion in grade or appointment is not later binding on the Italian Government.
5. Where any such promotions in grade or extension of appointment for a fixed term of years have been made, the orders purporting to do so must be (rescinded forthwith.) *no amended as to ensure that their temporary nature is understood by all concerned.*
6. In making temporary appointments it must be made clear that the appointments are temporary only. This is particularly necessary where an official is being appointed to an office of higher grade than that which he presently holds.
7. Unless the filling of a vacancy requires an immediate temporary appointment, it is likely that through inquiry of the Italian Government it will be found that there is available for immediate placement a civil servant of appropriate grade and qualification. Any requests for suitable substitutes should be made to the appropriate sub-commission.

1169

By Command of Lieut. General MACFARLANE.

Regiment III IV V VIII Rome.

S & P annex

Admin Sec. (6)
Personnel Sec. (6)

M.S. LUSH,
Brigadier,
Executive Commissioner.

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.O. & M.G. Section
APO 394

22

Ref/348/22/CA.

14 June 1944.

SUBJECT: Promotions of Italians in M.G. Territory.

TO : R.O. Region III.

1. The Italian Government has reported that :
 - (a) certain Italians have been appointed to governmental positions,
 - (b) promotions of Italian governmental officers have been made in grade,

and that these appointments and promotions have been ratified by Regional Orders.

2. Legal Sub-Commission advise that officers of Allied Military Government, whilst empowered to remove Italian officials and appoint temporary substitutes, do not have power to make permanent appointments and promotions in grade that will be binding on the Italian Government.

3. Legal Sub-Commission further point out that a person acting as substitute gets the salary called for by the position he is filling even though he is doing so temporarily.

4. Obviously such appointments and promotions embarrass the Italian Government. The officials concerned are also embarrassed when they learn that promotions ordered by A.M.G. are illegal.

5. Will you therefore ensure, in the light of the foregoing, that the temporary nature of the appointments and promotions made by Regional and Provincial Orders is fully understood by the Italian Government servants concerned.

6. An Executive Memorandum on this subject is in course of preparation. Your action should anticipate the publication of the memorandum.

1168

M.S.K.

WDM/RAG.

Draft Held

M. S. LASH,
Brigadier,
Executive Commissioner.

21
Executive Comm.

at fr. 20 Legal att. Commission give
opinions on appointment of Italian
Civilians to governmental posts and
on promotion of Govt. servants in grade.
pointing out that these to avoid
embarrassment to the Italian Govt. should
be temporary only.

A number of such have been made
by "Order" in Region 3.

Legal S.C. recommends that Region 3 be
advised of error and be directed to
revoke the orders. (we discussed).

Legal S.C. also recommend a directive
on the subject for information throughout M.G.
Civilian - I have asked them to prepare
a draft.

Meantime, draft letter to Region 3
is submitted for approval.

12/6 1167

Dec 22

348
11 JUN Recd

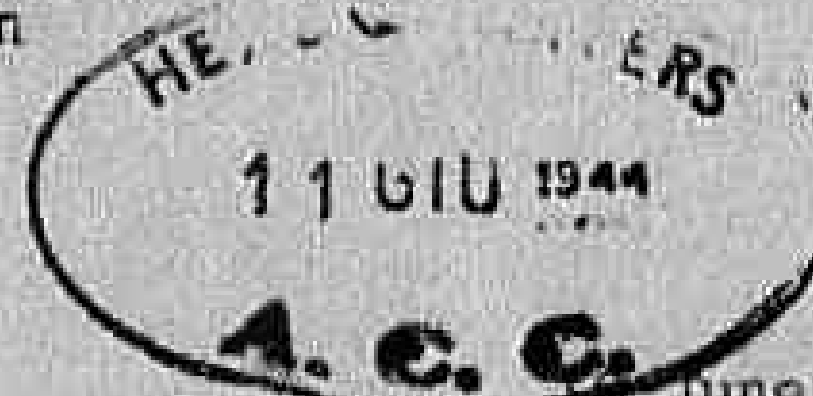
C A Bn.

20

525

RMH/iguf

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
AFO 394



June 1944

ACC/4133/L

SUBJECT: Promotions of Italians in Military Government Territory.

TO : Executive Commissioner, ACC. —

1. The Director, Communications Subcommittee has asked our advice on the power of AMG to appoint an Italian to a civil service position and to change on a permanent basis his civil service grade so that it will be binding on the Italian Government hereafter. We have advised the Director that, while in the exigencies of Military Government Italian officials may be removed from office and others substituted, officers of AMG do not have the power to make a promotion in grade which will be binding on the Italian Government. A person acting as a substitute gets the salary called for by the position he is filling even though he is doing so temporarily.

2. The above question was prompted by the fact that the RC Region 3 is reported by the Italian Government to have not only appointed certain Italians to governmental positions in Region 3 but also by order to have promoted them from one grade to a higher grade.

3. Obviously such promotion in grade is beyond the power of the occupant of occupied territory. It embarrasses the Italian government and it will also embarrass the official himself when he learns that the promotion in grade is illegal. Furthermore it will not serve to enhance the prestige of AMG.

4. The Italian Government in a long letter to the Director, Communications Subcommittee cites many specific instances of this purported promotion in grade.

5. For the reasons above expressed, I feel that the R.C. ¹⁴⁶⁶ should be advised of the error in this connection and be directed that so much of each order which purports to promote in grade, whether made on a regional or provincial basis, be rescinded.

6. To avoid the same error being repeated in other parts of Military Government Territory I think it not out of place to suggest that a general directive be issued on this subject. If you desire, I will be glad to prepare a draft of such directive for you.

Richard H. Wilmer
G. R. UPJOHN, Colonel
Chief Legal Officer.

Copy to Director, ~~Communications Subc.~~

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. Section
APO 394

Rae/ 34B/20/GA.

1 May 1944.

SUBJECT: Recommendation for Promotion of
Civilian Officials.

TO : R.C. Region II.

Reference your A/35 of 16 March 1944, enquiries which have been made confirm the recommendation made and notification has been sent to the Under-Secretary of State for Posts and Telecommunications.

[Signature]
NORMAN E. FISKE
Colonel,
Deputy Executive
Commissioner.

Incl.

3 recommendations as forwarded
with your above-quoted letter.

[Signature]
1165

U-5540 CAB.

345-18

28 APR Recd

6546

19

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. Section
APO 394

Ref/352/5/CA.

21 March 1944

SUBJECT: Transmittal of Correspondence.

TO : Tele-communications & Posts Sub-Commission.

Correspondence forwarded for comments and return.

*C.C.
Tel AC Reg.
Ref. 18.*

15-18

5. D. Field
NORMAN E FISKE
Colonel,
Deputy Executive
Commissioner.

Re. M.G. Section
Enquiries which have been made
confirm these recommendations. A suitable
notification has accordingly been sent to the M.G.
of state for Posts & Telecoms.

*H.S. 1164-11
for his. Communications
Sub. Comm.*

27. 4. 44

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION II

CAB
U1929

4916

Ref. A/BS/

16 Mar 44

Subj. Recommendation for Promotion of Civilian Official.

To: Executive Commissioner, R.C. and M.G. Section,
ACC Headquarters, Naples.

14-17
1. Attached are three letters of recommendation from officers in Matera Province concerning the promotion of Signore Crapulli Cav. Fedele, now acting Director of the Post Office at Matera. From the few contacts I have had with Signore Crapulli, these recommendations are well deserved.

2. May this subject be taken up with the appropriate Italian authorities?

✓ See 20

G.H. McCaffrey
G.H. McCaffrey
Lt. Col., Inf.
R.C.

GHM/pjh

See 20

1163

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.C. Section
APO 394

13

Ref/348/13/CA.

29 April 1944.

SUBJECT: Promotion of Italian State Employees.

TO : Communications Sub-Commission.

1. Reference your TS/4/1/19 of 24 March 1944.

2. It is considered that each case of promotion of an Italian State Employee shall be decided on its merits and that the procedure outlined in para.3 of your letter under reference is correct.

3. The action you propose in your para.4 is approved.

NORMAN E. FISKE,
Colonel,
Deputy Executive
Commissioner.

1162

Copy to: Admin Section
Exec. Section (for Labour Sub-Com)

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. SECTION
APO 394

Ref/348/12/CA

28 April 1944

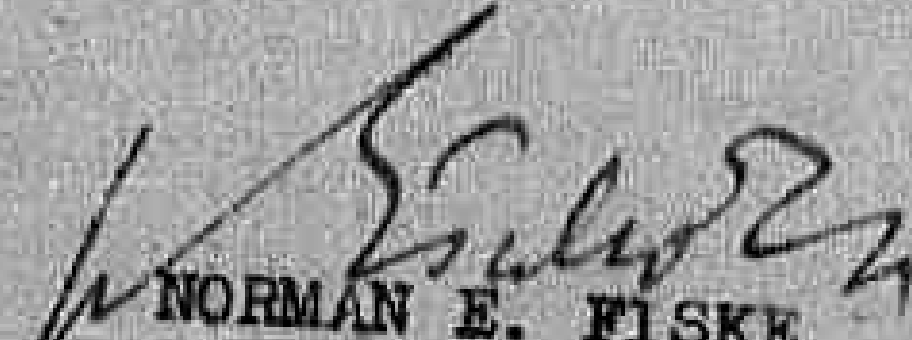
SUBJECT: Promotion of Italian
State Employees

TO : Communications Subcommittee

1. Reference your TS/4/7/19 of
24 March 1944.

2. It is considered that each case
of promotion of an Italian State Employee
shall be dictated on its merits and that
the procedure outlined in paragraph 3 of
your letter under reference is correct.

3. The action you propose in your
paragraph 4 is approved.


NORMAN E. FISKE
Colonel
Deputy Executive Commissioner

Copy to:
Admin. Sect.
Econ. Sect. (for Labor Subcom.)

1161

12A
Promotions Italian Staff
Employee.

C.S.V.

1. The matter was NOT after all discussed at RC's meeting on Apr 15.
2. Pl See 10 & 11. It seems to be agreed that each case is to be decided on its merits and the Italian Government is to have the final say. CN Henderson's para 3 & 4 of his 4 is correct in fact as I can see.

I agree

3. Support the action now is to

Yes

(A) Answer 4 in terms of my para 2 above

Admin Sec.

(Copy to Labros)

(B) Ask Admin Sec (or should it be Sec Sect (Labros) ?) to draft short instructions to send to the 2 sections and the 2 dependent Sub Commands and to Regions.

H 2414

H 2514

348
1 APR 1944
13 APR 1944
U 4801 #686

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

AGC/77/INT

13 Apr 44

SUBJECT : Promotion of Italian State Employees.

TO : RCMG Sec. 5

1 Reference your 348/5/CA of 29 Mar 44.

The views of all Admin Sub Comms have been ascertained and the consensus of opinion (with which I concur) is that promotion of Italian officials must be left in Italian hands.

2 Cases in which victimisation on party grounds is alleged should be investigated at a Regional level but finding the true motives for a man being passed over at a date long past, will not be easy; a mere allegation of victimisation is not sufficient.

3 Each case should be considered on its merits. Where victimisation is proved, submission of the case to the Italian Government by the appropriate Sub Commission should be of material assistance in obtaining an equitable decision.

4 It is agreed that a conference is desirable, in this Section the following Sub Commissions are interested:

Interior
Education
Legal

Public Safety
Public Health.

R. M. O'Pipps
R. M. O'PIPPS,
Lt. Colonel.
for VP Adm Sec.

Copy to: Telecomms attn of Col. Henderson refce TS/4/7/19 of 24 Mar 44.

Labour Sub Comm attn of Lt. Col. T.M. Smith.

1159

348 TM
7 APR Recd

10

HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

091.4613

3 April, 1944

SUBJECT: Promotion of Italian State Employees.

TO : Deputy Executive Commissioner
(THRU: Economic Section)

1. Promotion of employees of the Italian Government or of agencies controlled under the Civil Service structure by the Government should be made in accordance with the appropriate Italian Law.

2. The Labor Sub-Commission does not consider meritorious promotion from grade to grade or within grade as a wage increase where the promotion is governed by law or proper and recognized rules and regulations permit it.

3. In this case the basic law or rules should be determined, and action taken accordingly.

4. The above policy statement has been the subject of conversation with Major George Khauer, Telecommunications and Posts Sub-Commission, and Capt. B. E. L. Timmons, Finance Sub-Commission, and is indorsed by them.

5. Documents returned.

6-9

JOB/tbw

Junius R. Smith
JUNIUS R. SMITH,
Lt. Col., G.M.C.,
D/Director, Labor Sub-Commission.

To be discussed at
R.C. Conf. 15 Apr.

93/58
JUN 4 1944
62

4 apr
73

JLH/tjj

To : Regional Control and Military Government Section, HQ, ACC, Naples **9**

From : Telecommunications and Posts Sub-Commission, Rear HQ, ACC.

Subject : Promotion of Italian State Employees.

Reference : TS/4/7/19 : 24th March, 1944.

1. The enclosed letter and attachments are forwarded.
2. As the Telecommunications and Posts service is only one of many State agencies which are concerned, it would appear that the policy to be adopted in such cases will have to be stated by your office.
3. My own views are that, as it will not be possible at present to restore full normal promotion in areas not under Italian Government control, each case should be dealt with on its merits, and, where action appears to be justified, the case should be investigated by the appropriate officer on the staff of the Region and forwarded through the Regional Commissioner to the Sub-Commission concerned for transmission to the Italian Government for such action as it considers suitable.
4. The case in question does appear to justify such action, and if you concur, I will have the facts checked as far as possible by the Telecommunications Officer or Region III, and will then deal with the Italian Government over the matter.

J.L. Henderson
Colonel,

Director, Telecommunications and Posts Sub-Commission

1157

HEAD QUARTERS
REGION 3, ALLIED CONTROL COMMISSION
APO 394, U.S. Army

8

21 March 1944

SUBJECT : Request of Deputy Director
Cav. Gioffre' Luigi

TO : Hq. Telecommunications Sub-Commission
through Regional Control and
Military Government Section - ACC, Hq.

1. Please find enclosed a copy of the request of Deputy Director Cav. Gioffre' Luigi of the Circole Constructions Co in the Naples Area, and a letter of commendation from E. Rossi, Director of the same Company in the Naples Area.

2. Before taking action in this matter, it would be helpful to have your ideas as to policy which will coordinate with action taken or contemplated in other regions with regard to organizational matters of this type, in state communications agencies which are neither under present control of their National headquarters nor of government officials in Italy.

By order of Regional Commissioner:

O.W. CAMPBELL
Captain, AUS,
Adjutant.

1156

AMMINISTRAZIONE PP. TT.
Circolo Costruzioni Telegr. e Telef.
Naples, 10/11/44

7

Naples, 7/3/44

SUBJECT : Request of deputy Director
Cav. Gioffre' Luigi
Col. Poletti.

I send you the enclosed request given to me by this Deputy Director Cav. Luigi Gioffre'.

In addition I may add that he is a very good Officer who, just on months of August and September of past year, was hoping promotion to VII rank, but which the war suspended. He always assisted validly the undersigned in every difficult occasion with technical competence submitting to every sacrifice.

For those reasons I beg you to examine benevolently his request.

The Director
(E. Rossi).

1155

TO: Lt. Colonel Charles Foletti Regional Commissioner
Headquarters Region 3 A.M.C. Napoli

6

I, undersigned, Luigi Gioffré first controller of telegraphs of the State, am 55 years old and I have 36 years of service. Within 4 years I shall reach the pension limit. 16 years ago I was one of the ten winners, of the sole merit competition for 50 posts of second controller of group A (managing career 9 degree). I am one of the few civil officers who have obtained this rank by a competition, one of the very few who have sustained their examination on the telegraphic programme rather than the postal or bookkeeping programme.

According to the law. N. 2395 of the 11th Nov. 1923 my appointment was dated 1926.

Having always refused to become a Fascist, I was transferred four times during eight years, ending in utter ruin.

I was vice-manager of the telegraph office of Naples, technical manager of the telegraph office of Turin, vice-manager and regent of telegraphic construction office of Salerno, principal manager of the telegraphic construction office of Messina during the most difficult period of the war. On my request I was transferred to Naples as vice-manager of the telegraphic constructions office of this town. I was teacher in several courses of lessons for telegraphic staff. Among my technical publications there is the sole treatise on the multiple Baufo system.

In 1932 I was obliged to request the inscription to the F.N. Fascist, but I got the advancement only after having remained 12 years in 9th degree, while some other candidates the same competition, and other 23 civil officers, without having my seniority or coming from inferior classes, without having sustained any examination and having never had managing ranks, reached quickly the 6th degree.

In the last September after having I remained 6 years in the 8th degree, the Ministry had to promote me to the 7th degree, having I reached the seniority limit. But owing to the emergency, which stopped up every communication with Rome, it was impossible to have notice of the above promotion.

1154

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.O. & M.G. SECTION
APO 394

Ref/348/6/GA.

29 March 1944

SUBJECT: Promotion of Italian State Employees.

TO : Economic Section (For Labour Sub-Commission)
Admin. Section (For Interior Sub-Commission)

1. Copies of the following are enclosed:

- a) Letter TS/A/7/19 of 24 March 1944. Telecommunications & Posts Sub-Commission.
- b) Letter Region III of 21 March 1944.
- c) Letter Administration PP.TT of 7 March 1944.
- d) Request, Luigi Gioffre.

2. It is requested that consideration shall be given to the general policy to be adopted in all such cases, and recommendations on such policy be formulated and submitted to the Executive Commissioner, in order that the Italian Government may be advised.

3. It is suggested that consultations be arranged in the first instance to include a representative of Telecommunications & Posts Sub-Commission.

4. If considered necessary a further conference may be called to embrace the Finance Sub-Commission and any others likely to be effected.

5. Please Submit report at earliest.

see 11

[Signature]
MICHAEL E. FISKE
Colonel
Deputy Executive
Commissioner

Copy to: Telecommunications & Posts Sub-Commission.

Bu 10/4
to Maj Driffell White
C 6/4
16 April
24/3

27 MAR Recd
348

24 MAR 1944
JLB/tjj

CAB

U-224

To: Regional Control and Military Government Section, HQ. ACC. Naples.
From: Telecommunications and Posts Sub-Commission, Rear HQ. ACC.
Subject: Promotion of Italian State Employees.
Reference: TH/4/7/19 : 24th March, 1944.

1. The enclosed letter and attachments are forwarded.
2. As the Telecommunications and Posts service is only one of many state agencies which are concerned, it would appear that the policy to be adopted in such cases will have to be stated by your office.
3. My own views are that, as it will not be possible at present to restore full normal promotion in areas not under Italian Government control, each case should be dealt with on its merits, and, where action appears to be justified, the case should be investigated by the appropriate officer on the staff of the Region and forwarded through the Regional Commissioner to the Sub-Commission concerned for transmission to the Italian Government for such action as it considers suitable.
4. The case in question does appear to justify such action, and, if you concur, I will have the facts checked as far as possible by the Telecommunications Officer of Region III, and will then deal with the Italian Government over the matter.

J. L. Henderson
Colonel,

Director, Telecommunications and Posts Sub-Commission.

Col. Drake

1152

Could the Labour Sub-Commission
be asked to consult Italian Lab. Comm.
with a view to formulating recommendations
on policy?
Advice to the Italian authorities might then follow.
I agree J

27/3

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
APO 394, U.S. Army

21 March 1944

SUBJECT: Request of Deputy Director
Cav. Gioffre' Luigi.

TO : Hq. Telecommunications Sub-Commission
through Regional Control and
Military Government Section - AGC, Hq.

1. Please find enclosed a copy of the request of Deputy Director Cav. Gioffre' Luigi of the Circolo Constructions Co in the Naples Area, and a letter of commendation from E. Rossi, Director of the same Company in the Naples Area.

2. Before taking action in this matter, it would be helpful to have your ideas as to policy which will coordinate with action taken or contemplated in other regions with regard to organizational matters of this type, in state communications agencies which are neither under present control of their National headquarters nor of government officials in Kings Italy.

By order of Regional Commissioner:

ONE
O.W. CAMPBELL
Captain, AUS.,
Adjutant.

1151

ADMINISTRATION PP.TI
Circolo Costruzioni Telegraf. e Telef.
Naples, 3/PR

Naples, 7/3/44.

SUBJECT: Request of deputy Director
Cav. Gioffre' Luigi.
TO: Col. Poletti.

I send you the enclosed request given to me by this Deputy Director
Cav. Luigi Gioffre'.

In addition I may add that he is a very good Officer who, just on mon-
ths of August and September of past year, was hoping promotion to VII rank,
but which the war suspended. He always assisted valially the undersigned in eve-
ry difficult occasion with technical competence, submitting to every sacrifice.

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The Director
(E. Rossi).

TO: Lt. Colonel Charles Poletti Regional Commissioner
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0 1 3 2 |