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ITALIAN STATE EMPLOYEES IN AMG TERRITORIES
APR. 1945

| TO | INIT. | DATE |
|---|---|---|
| DIRECTOR | | 1/5 |
| DEPUTY DIRECTOR | | 1/5 |
| EXEC. OFFICER | | 1/5 |
| POLAD | | 2/5 |
| HEAD, ALLIED COMMISSION | | |
| PROG. REO 324 | | 3-5 |
| CIVIL AFFAIRS SECTION | | 3/5 |
| S. | | |
| C. | | |

2A

Ref : DF/ 2.A/Ca

7 April 45

INSTRUCTIONS ON GENERAL ORDER NO 35A

14181

1 This complementary order has been rendered necessary by the fact that temporary employees (Avventizi) do not have, under Italian legislation, the same privileges as permanent officials (di ruolo).

2 There exists no provision enabling the Italian administration to suspend its temporary employees, but only the right to dismiss them with the usual notice; it has therefore been found necessary to conform to the existing legislation in order that Italian officials belonging to the same categories may receive equal treatment, whether they were under Allied or Italian jurisdiction. (Articles 1 and 2 of General Order No 35 A refer).

3 Article 3 of GO No 35 A deals with the question of the calculation of the basic salary to be paid to permanent officials during the period of their suspension. The first provisions of the Italian Government on which General Order No 35 was based were subsequently amended by RLL 44 of 23 Feb 45 which raised the amount to be paid to suspended officials by adding to their basic salaries the increases granted under RLL 16/B and RLL 328.

4 While RLL 16/B has been implemented in territory under AMG, RLL No 328 only becomes operative in provinces where the Provincial Commissioner so orders by Provincial Order. At present it is the intention not to implement this decree in North Italy.

5 It is understood that the Italian Government is preparing legislation with a view to embodying the recent increases of salaries in a consolidated decree (Testo Unico). Pending the promulgation of this decree, when calculating the basic salary of suspended officials, Provincial Commissioners in provinces where RLL No 328 has been implemented should take into account the increases granted under both RLL 16/B and RLL 328, in provinces where RLL 328 has not been implemented, the increases granted under RLL 16/B only.

6 Copies of the order on the same scale as GO 35 will be circulated shortly as will a print of the Italian version for inclusion in the Hand-

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the basic salary to be paid to permanent officers during the period of their suspension. The first provisions of the Italian Government on which General Order No 35 was based were subsequently amended by RLL 44 of 23 Feb 45 which raised the amount to be paid to suspended officials by adding to their basic salaries the increases granted under RDL 18/B and DLL 328.

4 While RDL 18/B has been implemented in territory under AMG, DLL No 328 only becomes operative in provinces where the Provincial Commissioner so orders by Provincial Order. At present it is the intention not to implement this decree in North Italy.

5 It is understood that the Italian Government is preparing legislation with a view to embodying the recent increases of salaries in a consolidated decree (Testo Unico). Pending the promulgation of this decree, when calculating the basic salary of suspended officials, Provincial Commissioners in provinces where DLL No 328 has been implemented should take into account the increases granted under both RDL 18/B and DLL 328; in provinces where DLL 328 has not been implemented, the increases granted under RDL 18/B only.

6 Copies of the order on the same scale as GO 35 will be circulated shortly as will a print of the Italian version for inclusion in the Handbook.

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G.R. UPJOHN Brig,
VP CA Section

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HEADQUARTERS ALLIED COMMISSION
APO 394
Office of the Executive Commissioner

14181 New file

Ref 9/2 G/C..

SUBJECT : Italian State Employees in AMG Territory

TO : All Regional Commissioners and SCAOs

| | INIT. | DATE |
|---|---|---|
| DIRECTOR | | |
| DEPUTY DIRECTOR | | |
| EXEC. OFFICER | | |
| P... E | | |
| ... & REG. | | |
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1 From time to time, questions arise as to the correct status and rights of individual members of the Italian civil service at present employed in Military Government Territory, e.g. questions as to an individual official's correct rank or grade or correct rates of pay or allowances. At present, such questions have of necessity to be referred to the appropriate Italian Ministry for advice, as the Ministry is the only body in possession of the knowledge requisite for a decision. It has been decided that in future all such questions may be dealt with by direct correspondence between the appropriate Ministry and the dependent Provincial State office.

2 This decision is subject to the following limitations:-
a) it is limited to matters having application to an individual only: it does not authorise direct correspondence with the appropriate Ministry upon questions having a general application to a class or group of officials;
b) it is limited to the ascertainment of the true facts and of the Italian administrative law and practice applicable thereto in an individual case: it does not authorise Italian Ministers in any way to alter the existing situation of the individual (e.g. to promote, demote or transfer him) without the consent of AC.

3 All such communications from the Prefect to the Ministry must, however, be sent through AC channels. The necessity for strictly observing these channels must be firmly impressed on the Prefect and measures taken to see that he adheres to them.

4 RCs/SCAOs and FCs will place on all such communications a stamp or other indication containing the words "forwarded" or "seen" to indicate that the proper channels have been observed. RCs/SCAOs and FCs are not required to examine in detail the Prefect's proposals or to express any opinion on them, unless they have some special reason for doing so.

5 In AMG territory no instructions or directions of general application affecting a section or category of officials may be issued without prior consent of the Allied Commission. Hence the grant of any general increase in pay or allowances, or of any bonus or indemnity to a group or section of employees must be approved by the AC Allied Commission.

6 Where salary, wage or pension changes of general application have been authorized in Italian Government territory, other than by decree, and it is considered desirable that like treatment shall be applied to AMG territory, the proper

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a) it is limited to the ascertainment of the true facts and of the Italian administrative law and practice applicable thereto in an individual case: it does not authorize Italian Ministers in any way to alter the existing situation of the individual (e.g. to promote, demote or transfer him) without the consent of AC.

3 All such communications from the Prefect to the Ministry must, however, be sent through AC channels. The necessity for strictly observing these channels must be firmly impressed on the Prefect and measures taken to see that he adheres to them.

4 RCs/SCACs and FCs will place on all such communications a stamp or other indication containing the words "Forwarded" or "seen" to indicate that the proper channels have been observed. RCs/SCACs and FCs are not required to examine in detail the Prefect's proposals or to express any opinion on them, unless they have some special reason for doing so.

5 In AMG territory no instructions or directions of general application affecting a section or category of officials may be issued without prior consent of the Allied Commission. Hence the grant of any general increase in pay or allowances, or of any bonus or indemnity to a group or section of employees must be approved by the HQ Allied Commission.

6 Where salary, wage or pension changes of general application have been authorized in Italian Government territory, other than by decree, and it is considered desirable that like treatment shall be applied to AMG territory, the proper Italian ministry will furnish copies of the relative circular or instruction to the Allied Commission. If extension to AMG territory is approved the circulars or instructions will be sent through AC channels to Regional Commissioners and SCACs for delivery to the respective provincial State offices. By this arrangement finance officers will know that the salary or pension changes are authorized in AMG territory, and the instructions will be delivered without postal delays.

7 These arrangements do not confer on the Italian Government any authority to finance provincial State offices or to issue credit or direct payment orders in AMG territory; except as already provided for expenditures chargeable to the budgets of the ministries of War, Marine and Air, the State Railways, the State Monopoly and to capitolo 20% in the budget of the Ministry of the Treasury.

8 Nothing in this letter shall compel a Regional Commissioner or SCAO to permit direct correspondence between a Ministry and Provincial State Office in AMG territory should he not desire it.

BY COMMAND OF REAR ADMIRAL STONE

NORMAN H. PIGNE, Col
Acting Executive Commissioner

Copy to: Econ Sec (10), CA Sec (10) & Independent S/Cs.

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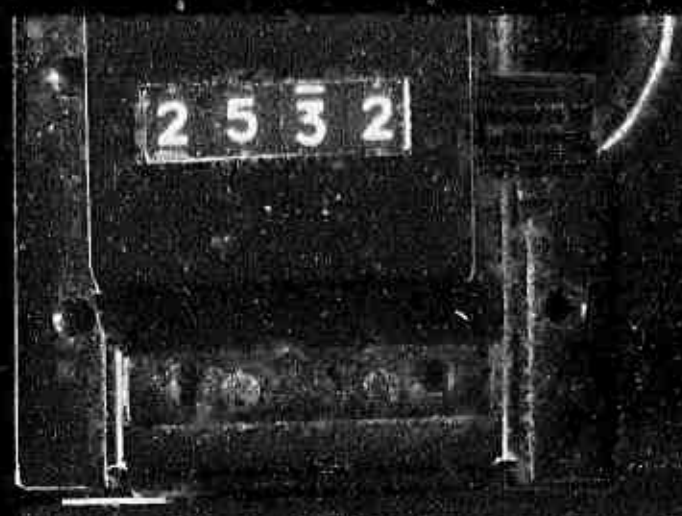
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