

[Act No. 1040, January 12, 1904]

AN ACT REGULATING THE HOURS OF LABOR, LEAVES OF ABSENCE, AND TRANSPORTATION OF OFFICERS AND EMPLOYEES IN THE PHILIPPINE CIVIL SERVICE, AND REPEALING ACT NUMBERED EIGHTY, AND ALL ACTS AMENDATORY THEREOF.

By authority of the United States, be it enacted by the Philippine Commission, that:

SECTION 1. The required office hours of all Bureaus and Offices in the Philippine civil service shall be fixed by executive order, but they shall not be less than six and one-half hours of labor each day, not including time for lunch and exclusive of Sundays and of days declared public holidays by law or executive order: *Provided*, That when the nature of the duties to be performed or the interests of the public service require it officers and employees may, by direction of the head of the Bureau or Office, be required to work on Sundays and holidays without additional compensation unless otherwise specifically authorized by law. It shall be the duty of heads of Bureaus or Offices to require of all employees, of whatever grade or class, not less than the number of hours of labor authorized by law or executive order, but the head of any Department, Bureau, or Office may, in the interests of the public service, extend the daily hours of labor therein specified for any or all of the employees under him, and in case of such extension it shall be without additional compensation unless otherwise provided by law: *Provided, however*, That during the heated term from the first day of April to the fifteenth day of June in each year and on Saturdays throughout the year the Civil Governor may, by executive order, reduce the required number of hours of labor on each day to five hours. This executive order shall not oblige the head of a Department, Bureau, or Office in the Philippine civil service to reduce the hours of labor to five hours, but it shall be within his discretion to reduce the number of hours if consistent with the needs of the public service; nor shall this provision be regarded as conferring a right upon officers or employees. This reduction of the required hours of labor shall not apply to the officers or employees of any Bureau or Office to whom an overtime wage is allowed and paid. The length of sessions of the courts shall be regulated by existing law, but the provisions of this Act shall apply to all officers and employees in the Bureau of Justice except judges. The number of hours for the daily sessions of the public schools shall be fixed by the Secretary of Public Instruction, but they shall not be less than five hours a day.

SEC. 2. (a) After at least two years' continuous faithful, and satisfactory service, the Civil Governor or proper head of a Department shall, subject to the necessities of the public service, and upon proper application therefor, grant each regularly and permanently appointed officer or employee in the civil service. Insular or provincial, or of the city of Manila, except as herein after provided, accrued leave of absence with full pay, inclusive of Sundays and of days declared public holidays by law or executive order, for each year of service in accordance with the following schedule: An employee receiving an annual salary of less than nine hundred dollars shall be granted twenty days' leave; an employee receiving an annual salary of from six hundred to nine hundred dollars with board and quarters, and an officer or employee receiving an annual salary of nine hundred dollars or more, but less than one thousand eight hundred dollars, shall be granted thirty days' leave; an officer or

employee receiving an annual salary of one thousand eight hundred dollars or more shall be granted thirty-five days' leave. Leave shall accrue while an officer or employee is on duly authorized leave of absence with pay.

(b) If an officer or employee elects to postpone the taking of any or all of the leave to which he is entitled under this section, such leave may accumulate until January first, nineteen hundred and five, after which date no person shall at any time have to his credit more than the accrued leave allowed for five years' service, and if his salary changes he shall receive the same amount of leave and pay as if he had taken the leave while receiving the salary at which it accrued.

(c) An officer or employee who has served in the Islands for three years or more, or two years if appointed under the provisions of Act Numbered Eighty, as amended, and who has accumulated to his credit the accrued leave allowed for two full years, may be granted permission to visit the United States: *Provided*, That such permission shall not be granted oftener than once in every three years.

(d) A person in the teaching service shall not be granted accrued leave in accordance with the schedule provided in this section, but in lieu thereof he may be granted leave on full pay during vacation periods, with permission to spend a vacation period in the United States not oftener than once in every three years.

(e) In case an officer, teacher, or other employee is granted leave to visit the United States, he shall be allowed, with half pay in addition to the leave granted, sixty days for the time occupied by him in going to and returning from the United States if he is serving in Manila, and if serving in the provinces sixty days plus the actual and necessary time consumed from date of departure from station to date of departure from Manila, and on returning, from date of arrival at Manila to date of arrival at station, such half salary to be paid on return to duty. On the completion of two years of continuous, faithful, and satisfactory service, after returning to the Islands from leave of absence to visit the United States granted for three or more years' service, he shall be allowed his actual and necessary traveling expenses from his place of residence in the United States to Manila, if he come by the route and steamer directed.

(f) Semiskilled and unskilled laborers, temporary and emergency employees, persons receiving a daily wage or salary, persons enlisted for a term of years, persons in the United States civil service who are paid in whole or in part from insular funds, and persons who receive compensation for official duties performed in connection with private business, vocation, or profession, such duties requiring only a portion of their time, shall not be entitled to the leave provided in this section.

(g) The provisions of this section shall be retroactive in effect so as to entitle officers and employees of the Philippine civil service, whether serving as such by regular appointment or by detail from the Army, the Navy, or the civil service of the United States, previous to the passage of this Act to any accrued leave to which they would have been entitled had Act Numbered Eighty, as amended, been applicable to them at the date of their employment or detail, computing the leave in the case of an officer on the basis of the salary and allowances received while on detail, and in the case of an enlisted man on the basis of first salary received in the Philippine civil service. No application for leave of absence presented by an officer or employee who has heretofore resigned without applying for leave shall be considered if presented after January first, nineteen hundred and four, or by an officer or employee who