



Law for the Reestablishment of the Professional Civil Service

7 April 1933

The Reichsgovernment has enacted the following law, which is hereby proclaimed:

Art. 1

1. For the reestablishment of a national professional civil service and for the simplification of administration, officials may be discharged from office according to the following regulations, even when the necessary conditions according to the appropriate law do not exist.
2. Officials, as used in this law, means immediate [unmittelbare] and mediate [mittelbare] officials of the Reich, immediate and mediate officials of the federal states [Laender], officials of communes [Gemeinde] and communal associations, officials of public legal corporations as well as institutions and undertakings placed upon the same status as these public legal corporations (Third decree of the Reichspresident for the safeguarding of business and finance of 6 October 1931 -- RGB1. I P. 537, 3rd part, Chapter V, Section I, Art. 15, subparagraph 1). The stipulations apply also to employees of agencies supplying social insurance, who have the rights and duties of officials.
3. Officials as used in this law also includes officials in temporary retirement.
4. The Reichsbank and the German State Railway Co. are empowered to make corresponding regulations.

Art. 2

1. Officials who since 9 November 1918 have attained the status of officials without possessing the required or usual preparation or other qualifications are to be dismissed from service. Their former salaries will be accorded them for a period of 3 months after their dismissal.
2. A right to waiting allowances, pensions, or survivor's pension and to the continuance of the official designation, the title, the official uniform and the official insignia is not possessed by them.
3. In case of need a pension, revocable at any time, equivalent to a third of the usual base Pay of the last position held by them may be granted them, especially when they are caring for dependent relatives; reinsurance according to the provisions of the Reich's social insurance law will not take place.
4. The stipulations of Section 2 and 3 will receive corresponding application in the case of persons of the type designated in Sec. 1, who already before this law became effective had been retired.

Art. 3

1. Officials, who are of non-aryan descent, are to be retired; insofar as honorary officials are concerned, they are to be removed from official status.
2. Section 1 is not in effect for officials who were already officials since 1 August 1914, or who fought during the World War at the front for the German Reich or who fought for its allies or whose fathers or sons were killed in the World War. The Reichsminister of the Interior can permit further exceptions in

understanding with the appropriate special minister or the highest authorities of the federal states in the case of officials abroad.

Art. 4

Officials, whose former political activity does not offer a guarantee that they at all times without reservation act in the interest of the national state can be dismissed from service. For a period of 3 months after dismissal they are accorded their former salary. From this time on they receive 3/4 of their pension and corresponding survivor's benefits.

Art. 5

1. Every official must allow himself to be transferred to another office of the same or equivalent career, even into such a one having less rank or regular salary-reimbursement for the prescribed costs of transfer taking place, if the needs of the service require it. In case of transferment to an office of lower rank and regular salary the official retains his previous official title and the official income of his former position.
2. The official can, in place of transfer to an office of lesser rank and regular income (section 11) demand to be retired.

Art. 6

For the simplification of administration officials can be retired, even if they are not yet unfit for service. If officials are retired for this reason, their places may not be filled again.

Art. 7

1. Dismissal from office, transfer to another office and retirement will be ordered by the highest Reichs or federal state agency which will render final decision without right of appeal.
2. The dispositions according to Art 2 to 6 must be made known at the latest by 30 Sept 1933 to those affected. The time can be shortened by agreement with the Reichsminister of the Interior, if the appropriate Reichs or federal state agency declares that the measures authorized in 'this law have been carried out.

Art. 8

A pension will not be granted to the officials dismissed or retired in accordance with Art 3 and 4, if they have not completed a term of service of at least 10 years; this applies also in the cases in which according to the existing stipulation a pension is already accorded after a shorter term of service. Articles 36, 47 and 49 of the Reichs officials' law, the law of 4 July 1921 on increased computation of time in service accomplished during the war (RGB1 p. 825) and the corresponding provisions of federal state laws remained unchanged.

Art. 9

1. In the calculation of length of service valid for pension purposes, excepting time of service accrued in their last employment, only a term served in the Reichs, Federal State, or communal service according to the existing regulations may be credited to officials dismissed or retired according to Articles 3 and 4.

Also accrediting of this length of service is only permissible, if it bears some relationship in preparation or career to the position last held; such a relationship of lower career to a higher one is to be regarded as an orderly promotion. If the official would have obtained a higher pension by the addition of later years of service to time served in an earlier position regularly obtained by qualifications and preparation, the ruling more favorable to him takes precedence.

2. The implementative regulations govern the calculation of time served with public corporations and with institutions and undertakings placed upon the same basis as these public corporations.

3. Accreditation and certification of time served valid for pension purposes, which conflict with the carrying out of the provisions of Section 1, are nullified.

4. In the case of officials of the Reich and of public corporations, institutions, and agencies under the supervision of the Reich, the Reichsminister of the Interior in agreement with the Reichsminister of Finance can mitigate hardships; the highest federal state authorities can do the same in the case of other officials.

5. Sections 1 to 4 as well as Article 8 will also be applied to such officials who already, before this law came into effect, were retired either permanently or temporarily upon whom Articles 2 to 4 would have been applied if the officials had been still in service at the time this law came into effect. The new accrediting of time of service valid in the calculation of pensions and the accrediting of pensions and of waiting allowances must, at the latest, take place on 30 Sept 1933 with effect as of 1 Oct 1933.

Art. 10

1. Guiding principles, which are established for the amount of pay for officials will be based upon the calculation of service remunerations and pension. In case decisions by the competent authorities on the applying of the guiding principles do not yet exist, they are to be issued without delay.

2. After decisions by the competent authorities concerning the application of the guiding principle have been made, if officials are found to have received higher remunerations than are due them according to the decisions, they then have to reimburse the surplus amounts received since 1 April 1932 at the pay office where the payments were given out. The argument of no longer existing enrichment (Articles 812vBGB and subs) is excluded.

3. Subsections 1 and 2 are valid also for persons who have been retired inside of one year before this law became effective.

Art. 11.

1. If, in the accrediting of pay-seniority of officials who leave the service on account of Articles 3 and 4, employment outside of the Reichs, Federal State, or communal service has been calculated, then the pay-seniority is to be newly calculated. Therein only an employment in the Reichs, Federal State, or communal service, or according to the implementative regulations, in the service of public corporations and institutions and undertakings equivalent to the former may be accredited. Exceptions can be permitted by the Reichsminister of the Interior in agreement with the Reichsminister of Finance for Reichs officials; for other officials, by the highest federal state authorities.

2. If a new accrediting of pay-seniority according to Section 1 comes into consideration, then in the case of officials retired or dismissed according to Articles 3 and 4, the new determination of pay-seniority will be carried out in conjunction with the determination of the pension amount.

3. The same is valid for the persons named in Article 9, Section 5.

Art. 12.

1. The salaries of Reichsministers appointed since 9 Nov 1918, which are not calculated according to the provisions of Articles 16 to 24 of the Reichsminister law of 27 March 1930 (RGB1 I P. 96) are to be newly calculated. In the new calculation, the above-mentioned provisions of the Reichsminister law are to be applied as if they had been already in effect at the time of the Reichsminister's dismissal from office. According to this law, excess payments received since 1 April 1933 are to be paid back. The argument of no longer existing enrichment (Article 812 and subs BGB) is inadmissible.
2. Section 1 will receive application upon the members of the federal state government appointed since 9 Nov 1918 with the provision that in place of the Reichsminister law the corresponding provisions of the federal state law will be in effect; however, payments may only be made to the amount which results from the application of the fundamental principles of Articles 16 to 24 of the Reichsminister law.
3. The new calculation of payments must take place before 31 December 1933.
4. Retroactive payments will not take place.

Art. 13

The survivors payments will be calculated with corresponding application of Articles 8 to 12.

Art. 14.

1. Against the officials who have been dismissed or transferred upon the authority of this law, the institution of civil service punishment proceedings on account of misdemeanors committed while in office with the object of cancellation of pension, survivors benefits, designation of office, title, official uniform and insignia. The institution of the proceedings must take place on 31 December 1933 at the latest.
2. Section 1 is also valid for persons who within one year of the date that this law becomes effective have been retired and upon whom the Articles 2 and 4 would have been applied, if these persons had still been in service when this law came into effect.

Art. 15

The provisions concerning officials will be applied in an appropriate manner to employees and workers. The implementative regulations govern detailed application.

Art. 16

If unreasonable hardships occur in the carrying out of this law, then higher payments or transition money may be granted in accordance with the general regulations. The decisions in this matter will be made by the Reichsminister of the Interior in agreement with the Reichsminister of Finance in the case of Reichsofficials, in other cases by the highest federal state authorities.

Art. 17

1. The Reichsminister of the interior will issue in agreement with the Reichsminister of Finance, the necessary regulations for the execution and carrying through of this law and the general administrative provisions.

2. If necessary the highest federal state authorities will issue supplementary regulations. In this matter they must confine themselves to the framework of the Reichs regulations.

Art. 18

With the expiration of the periods established in this law, the general provisions valid for the professional civil services will be again completely valid, without prejudice to the measures taken on the basis of this law.

Berlin, 7 April 1933

The Reichschancellor
Adolf Hitler

The Reichsminister of the Interior
Frick

The Reichsminister of Finance
Count Schwerin von Krosigk