

# **PUBLIC EMPLOYMENT LAW**



As Enacted by the

# **NATIONAL LEGISLATURE**

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# TITLE 32

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## *Public Employment Law*

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#### **Chapter 1. CIVIL SERVICE ACT<sup>1</sup>**

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#### **Chapter 2. BONDS**

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<sup>1</sup> Chapter 1 of the Public Employment Law, being the Civil Service Act, was repealed by Act of the Legislature approved July 19, 1973, published October 23, 1973, and constituting Chapter 66 of the New Executive Law.

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**§ 60. Officials and employees required to give bond.**

Every official and employee of the government charged in his official capacity with the collection, receipt, disbursement, transfer, custody, or control of public money, assets, government obligations, or other public property or thing of value of any kind or description whatsoever, or who in the discharge of his duties is charged with the care, custody, or control of money, assets or other property or thing of value, whether or not such money, assets, or other property or thing of value is or is not public property, is required to give bond with sufficient security before entering upon the discharge of the duties of his office, for the faithful discharge of those duties and to indemnify the government against any losses due to negligence or malfeasance; provided, however, that all officials and employees of the postal service and all officials of the fiscal service are required to give bond.<sup>2</sup>

**§ 61. Amount of bond to be given by specified officials.**

The specified officials and employees of government shall have bond in an amount not less than the amount specified in a following schedule:

|   |             |
|---|-------------|
| Department Heads and Ministers of State.....    | \$40,000.00 |
| Under Secretaries.....                          | 25,000.00   |
| Assistant Secretaries (Fiscal).....             | 15,000.00   |
| Auditors.....                                   | 20,000.00   |
| Assistant Auditors.....                         | 10,000.00   |
| <br><i>Other Chief Administrative Officers:</i> |             |
| Directors of Autonomous Bureaux .....           | 5,000.00    |
| Comptroller of the Treasury .....               | 20,000.00   |
| Supervisors of Revenues .....                   | 10,000.00   |
| Disbursing Officer .....                        | 10,000.00   |
| Inspectors and Travelling Auditors .....        | 8,000.00    |
| Chief Department Clerks.....                    | 5,000.00    |
| <br><i>Superintendents:</i>                     |             |
| Grand Cape Mount County.....                    | 10,000.00   |

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<sup>2</sup> Former section 60 repealed and new section 60 added in lieu thereof. L. 1955, ch. VIII, § 1, eff. Feb. 23, 1956. Prior legislation: Rev. Stat. (adopted L. 1929, ch. VII), § 36. Cross references: Bonds required of officers of Executive Departments, see Executive L., c. 34. Clerks of Circuit Courts required to give bonds, see Judiciary L., § 45.

|                                       |           |
|---------------------------------------|-----------|
| Careysburg District.....              | 5,000.00  |
| Marshall Territory.....               | 5,000.00  |
| Grand Bassa County.....               | 10,000.00 |
| Sinoe County.....                     | 10,000.00 |
| Rivercess Territory.....              | 5,000.00  |
| Maryland County.....                  | 10,000.00 |
| District Commissioners.....           | 5,000.00  |
| Assistant District Commissioners..... | 3,000.00  |

*Collectors of Customs:*

|                   |           |
|-------------------|-----------|
| Monrovia.....     | 10,000.00 |
| Robertsport.....  | 5,000.00  |
| Marshall.....     | 7,000.00  |
| Robertsfield..... | 6,000.00  |
| Buchanan.....     | 5,000.00  |
| Greenville.....   | 5,000.00  |
| Harper.....       | 6,000.00  |
| Foya.....         | 2,500.00  |
| Baffu Bay.....    | 3,500.00  |

*Sub-Collectors of Customs:*

|                    |          |
|--------------------|----------|
| Liberian Gene..... | 2,500.00 |
| York Island.....   | 2,500.00 |
| Ghanta.....        | 2,500.00 |
| Webbo.....         | 2,500.00 |
| Zorzor.....        | 2,500.00 |

*Collectors of Internal Revenues:*

|                         |           |
|-------------------------|-----------|
| Montserrat County.....  | 10,000.00 |
| Grand Cape Mount.....   | 4,000.00  |
| Marshall Territory..... | 4,000.00  |
| Grand Bassa County..... | 5,000.00  |
| Sinoe County.....       | 4,000.00  |
| Rivercess.....          | 4,000.00  |
| Saaatown.....           | 25,000.00 |
| Grand Cess.....         | 4,000.00  |
| Maryland.....           | 5,000.00  |

*Revenue Agents*

|              |          |
|--------------|----------|
| Kolahun..... | 4,000.00 |
| Bopolu.....  | 4,000.00 |

|                   |          |
|-------------------|----------|
| Gbarnga.....      | 4,000.00 |
| Kakata.....       | 4,000.00 |
| Sanniquellie..... | 4,000.00 |
| Tappita.....      | 3,500.00 |
| Tchien.....       | 3,500.00 |
| Webbo.....        | 3,500.00 |
| Juarzon.....      | 3,500.00 |
| Zorzor.....       | 3,500.00 |

*Clerks of Courts:*

|   |          |
|---|----------|
| Chief Clerk, Supreme Court.....   | 5,500.00 |
| 1 <sup>st</sup> and 6 <sup>th</sup> circuits.....                                     | 3,000.00 |
| 2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup> and 5 <sup>th</sup> Curcuits..... | 2,500.00 |

*Sheriffs:*

|                                     |          |
|-------------------------------------|----------|
| Montserrado County.....             | 2,500.00 |
| Other Counties and Territories..... | 2,000.00 |

*Curators:*

|                                     |          |
|-------------------------------------|----------|
| Montserrado.....                    | 4,000.00 |
| Other Counties and Territories..... | 2,500.00 |

*Postmasters:*

|                   |                       |
|-------------------|-----------------------|
| Monrovia.....     | 5,000.00              |
| Buchanan.....     | 3,000.00              |
| Haper.....        | 3,000.00              |
| Greenville.....   | 3,000.00              |
| Robertsport.....  | 3,000.00              |
| Marshall.....     | 2,000.00              |
| Rivercess.....    | 2,500.00              |
| Kakata.....       | 2,000.00              |
| Salala.....       | 750.00                |
| Harbel.....       | 2,500.00              |
| Tallah.....       | 750.00                |
| Gedetarbo.....    | 2,000.00              |
| Sanniquellie..... | 750.00                |
| Robertsfield..... | 2,500.00 <sup>3</sup> |

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<sup>3</sup> Former section 61 repealed and new section 61 added in lieu thereof. L. 1955-56, ch. VIII, § 2, eff. Feb. 23, 1956. Prior legislation: L. 1938, ch. IX; L. 1935-36, ch. III.

**§ 62. Bonds of alien and foreign-post officials and employees.**

The amount of a bond to be given by an alien fiscal official or employee of the government serving within the Republic of Liberia or by a fiscal official or employee of the government serving at a foreign post, whether or not an alien, shall be fixed in each individual case by the head of the department or agency of the government in which he serves or by the terms of his employment contract; provided, however, that the value of the bond shall not be less than the relevant amount indicated in the schedule included in section 61 hereof. Nothing in this section shall be construed to change or make different the liabilities and penalties growing out of a violation of the terms and obligations of a bond by an alien fiscal official or employee or a foreign-post fiscal official or employee of the government, as provided in this Chapter.<sup>4</sup>

**§ 63. Amount of bonds to be given by other officials.**

Every official and employee of the government who is required to give bond under the provisions of section 60 of this Chapter, the amount of which is not specifically provided in section 61 hereof, shall give bond in an amount commensurate with the status and responsibility of his office, and to the satisfaction of the head of the department or agency of government or the Superintendent of the county, territory or, district in which he serves.<sup>5</sup>

**§ 64. Duty to require bond; sufficiency.**

It shall be the duty of each head of department and agency of the government to require a satisfactory indemnity bond of every official and employee who is required to give bond under the provisions of section 60 hereof, and, if the amount of same is not specifically provided in section 61, in an amount commensurate with the status and responsibility of his office. The following schedule shall be in addition to, but not to the exclusion of, other considerations a guide in determining sufficiency of the value of the bond to be given by such officials and employees of the government:

| <i>Annual Salary</i> | <i>value of Bond</i> |
|----------------------|----------------------|
| \$100 to 200.....    | \$500                |
| 201 " 360.....       | 750                  |
| 361 " 450.....       | 1,500                |
| 451 " 600.....       | 2,000                |
| 601 " 800.....       | 2,500                |
| 801 " 1,000.....     | 3,000                |
| 1,001 " 1,200.....   | 3,500                |
| 1,201 " 1,400.....   | 4,000                |
| 1,401 " 1,600.....   | 4,500                |
| 1,601 " 1,800.....   | 5,000                |
| 1,801 " 2,000.....   | 5,500                |
| 2,001 " 2,200.....   | 6,000                |
| 2,201 " 2,500.....   | 7,000                |

<sup>4</sup> Added. L. 1955-56, ch. VIII, § 3, eff. Feb. 23, 1956.

<sup>5</sup> Added. L. 1955-56, ch. VIII, § 4, eff. Feb. 23, 1956.

|                      |             |                     |
|----------------------|-------------|---------------------|
| 2,501 "              | 3,000.....  | 8,000               |
| 3,001 "              | 3,500.....  | 10,000              |
| 3,501 "              | 4,000.....  | 12,000              |
| 4,001 "              | 5,000.....  | 15,000              |
| 5,001 "              | 6,000.....  | 25,000              |
| 6,000 "              | 10,000..... | 40,000              |
| 10,001 and over..... |             | 50,000 <sup>6</sup> |

**§ 65. Approval of bond.**

The indemnity bond to be given by a department head, a head of an autonomous government agency, or a county, territory, or district Superintendent shall be approved by the President. The bond required of every other official and employee of the government shall be approved by the head of the department or agency of government or the Superintendent of the county, territory or district in which he serves.<sup>7</sup>

**§ 66. Duration of bond.**

The indemnity bond provided by an official or employee of the government under this Chapter, being in the nature of a contract between the government and its servant, shall be treated in all cases as an express contract and when duly approved shall remain in full force and effect until the undertakings assumed thereunder and the obligations and liabilities arising therefrom are fully met and complied with; provided, however, that death of the principal indemnitor shall terminate all obligations under the contract and indemnity bond.<sup>8</sup>

**§ 67. Presumption of violation.**

A presumption of the violation of the obligation of a bond shall arise immediately upon failure or refusal on the part of an official or employee of the government to produce on demand by the government or its duly authorized representatives all money, assets, government obligations or other property or thing of value of whatsoever kind for which such official or employee was responsible; or upon summary investigation instituted by the President or other official authorized under the provisions of section 65 of this Chapter to approve such bond. Nothing in this section shall be construed in any way to prevent such official or employee from appearing and answering any complaint against him or showing any facts or circumstances at the trial which might negative or rebut the presumption; provided, however, that such official or employee of the government shall be suspended from office immediately as and when the presumption of the violation of the bond arises.<sup>9</sup>

**§ 68. Enforcement of obligation in civil action.**

Upon violation of the obligations of a bond by an official or employee of the government, the full value of all money, assets, government obligations or other property or thing of value which such official or employee detains or fails or

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<sup>6</sup> Added. L. 1955-56, ch. VIII, § 5, eff. Feb. 23, 1956.

<sup>7</sup> Added. L. 1955-56, ch. VIII, § 6, eff. Feb. 23, 1956.

<sup>8</sup> Added. L. 1955-56, ch. VIII, § 7, eff. Feb. 23, 1958.

<sup>9</sup> Added. L. 1955-56, ch. VIII, § 8, eff. Feb. 23, 1956.

refuses to produce on demand shall be recoverable in a civil action before any Circuit Court sitting in its Law Division.<sup>10</sup>

**§ 69. Admissibility of evidence.**

In the civil action on the bond, the only evidence admissible at the trial shall be to establish or prove the authenticity of the bond and proof or disproof of the violation of the obligations assumed thereunder.<sup>11</sup>

**§ 70. Satisfaction by principal indemnitor.**

When a violation of the obligation of a bond has been established in accordance with the provisions of section 89 of this Chapter to the satisfaction of the judge, the principal indemnitor under the bond shall make immediate restitution to the Republic of Liberia in an amount equivalent to the full and exact value of all money, assets, government obligations or other property or thing of value which such principal indemnitor, as an official or employee of government, detained or failed or refused to produce on demand. Failure on the part of the principal indemnitor to do so immediately shall subject his real and personal estates, upon an order of a court of competent jurisdiction, to immediate seizure and sale in satisfaction of the full amount found due.<sup>12</sup>

**§ 71. Satisfaction by sureties.**

If the proceeds from the seizure and sale of the real and personal estates of the principal indemnitor should be insufficient to satisfy the full amount found due, the sureties under the bond shall be required, jointly and severally, immediately to restore to the Republic of Liberia the full and exact sum remaining unpaid by the principal indemnitor and upon failure immediately to do so, the real and personal estates of each surety shall be subject to seizure and sale upon an order of a court of competent jurisdiction to satisfy the full and exact sum remaining unpaid. Upon recovery from the principal indemnitor or his sureties of the amount found due, it shall be paid immediately into the Treasury of the Republic by the collecting officer in satisfaction of the government's claim.<sup>13</sup>

**§ 72. Disposition of residue from sale after satisfaction of the government's claims.**

In any case of seizure and sale of the real and personal estates either of the principal indemnitor or his sureties, only so much of the real and personal estates of the principal indemnitor or his sureties as is necessary to satisfy the obligations and liabilities under the bond shall be sold. If the amount realized should be in excess of the amount due the government, the residue shall be paid over to the person or persons from whose estate such residue was collected.<sup>14</sup>

**§ 73. Sureties jointly and severally liable.**

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<sup>10</sup> Added. L. 1955-56, ch. VIII, § 9, eff. Feb. 23, 1956.

<sup>11</sup> Added. L. 1955-56, ch. VIII, § 10, eff. Feb. 23, 1956.

<sup>12</sup> Added. L. 1955-56, ch. VIII, § 11, eff. Feb. 23, 1956.

<sup>13</sup> Added. L. 1955-58, ch. VIII, § 12, eff. Feb. 23, 1958.

<sup>14</sup> Added. L. 1955-56, ch. VIII, § 13, eff. Feb. 23, 1956.



The sureties under the bond shall be jointly and severally liable to the Republic of Liberia and payment or satisfaction of the liabilities and obligations arising under the bond or any portion thereof, shall entitle such surety or sureties, after full and complete recovery by the Republic of Liberia, to subrogation and reimbursement from the principal indemnitor of all amounts lawfully paid by him or them.<sup>15</sup>

**§ 74. Criminal prosecution; penalty.**

Upon termination of the civil action instituted under the provisions of this Chapter and after full recovery by the Republic of all funds or other property found due, the principal indemnitor shall be subject to criminal prosecution for embezzlement by the Ministry of Justice upon information by the clerk of court in which the civil action is determined. The clerk of such court shall refer to the Ministry of Justice the complete records of the action. If the defendant should be found guilty of crime charged in the criminal prosecution under this section, the penalty imposed shall be limited to fine and imprisonment, since the defendant as principal indemnitor in the civil action or his sureties have already made full restitution.<sup>16</sup>

**Chapter 3. COMPENSATION AND ALLOWANCES**

§ 80. Officer not to draw pay until appointment.

§ 81. Payment of mileage.

**§ 80. Officer not to draw pay until appointed.**

Moneys appropriated for the pay of an officer in the employ of the Government shall not be drawn by any person for performing the duties of that office unless he has been duly appointed to such office according to law. Any violation of this provision shall constitute official misconduct and shall subject the offender to removal from office on impeachment and conviction.<sup>17</sup>

**§ 81. Payment of mileage.**

A person travelling on government business on foot shall receive mileage at the rate of ten cents per mile. A person travelling on such business by boat or by motor or other vehicular transport shall be reimbursed to the amount of the passage charged him.<sup>18</sup>

**Chapter 4. REPORTS**

§ 100. When reports to heads of ministries are due.

§ 101. Reports to be filed free of charge.

§ 201. Accounts of public officers.

**§ 100. When reports to heads of ministries are due.**

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<sup>15</sup> Added. L. 1955-56, ch. VIII, § 14, eff. Feb. 23, 1956.

<sup>16</sup> Added. L. 1955-56, ch. VIII, § 15, eff. Feb. 23, 1956.

<sup>17</sup> Prior legislation: L. 1953-54, ch. IV; L. 1952-53, ch. XXII.

<sup>18</sup> Prior legislation: L. 1939-40, ch. IV; Rev. Stat. (adopted L. 1929, ch. VII), sees. 45, 1193; L. 1915-16, eh. XXIII; L. 1906-07, 23 (1st); L. 1888-89, 3 (1st).

Any reporting official who is required by law to report to the head of a department of the Government and who fails to file such report within twenty days after the close of each quarter if the law specifies no other time for filing, shall be fined the sum of fifty dollars for each offense. Such matters shall be heard in a summary manner by the court upon complaint of the departmental head, and on information of the prosecuting attorney.<sup>19</sup>

**§ 101. Reports to be filed free of charge.**

Any officer with whom a report is required by law to be filed by any reporting officer of the Republic who requires the payment of a fee for receiving such report for filing, is punishable summarily by a fine of not less than ten nor more than twenty-five dollars for each such offense.<sup>20</sup>

**§ 102. Accounts of public officers.**

Unless otherwise provided by law, the accounts of all public officers shall be made up and reported quarterly. Any public officer who fails to make such reports will be guilty of official misconduct and punishable as provided in Penal Law, section 110. All public accounts shall be closed on the last day of the fiscal year.<sup>21</sup>

**Chapter 5. MISCONDUCT BY PUBLIC OFFICERS AND EMPLOYEES<sup>22</sup>**

§ 120. Officers not to act as agents for mercantile businesses.

§ 121. Influence on political action forbidden.

**§ 120. Officers not to act as agents for mercantile businesses.**

Any Government officer acting as counsel, legal adviser, or agent to any mercantile business within or without the Republic shall be removed from office unless he shall resign his position with such business.<sup>23</sup>

**§ 121. Influence on political action forbidden.**

No officer or employee of the Government shall use his official authority or influence to coerce the political action of any other person or any association of persons.<sup>24</sup>

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<sup>19</sup> Prior legislation: Rev. Stat. (adopted L. 1929, ch. VII), § 1195; Crim. Code, § 126; L. 1902-03, 38, §§ 1, 2. Cross references: Reports by heads of departments to the Legislature, see Executive L., § 32. Duty of judicial officers to report to courts, see Judiciary L., § 366.

<sup>20</sup> Prior legislation: L. 1931-32, ch. XVII, § 2.

<sup>21</sup> Prior legislation: OBB 156, Act fixing the seat of Government, § 4.

<sup>22</sup> Cross references: Penalty for ordering goods for personal use over official signature, see Penal L., § 115. Penalty for bribery, see Penal L., § 116. Refusal of officer to deliver seal to 'successor, see Penal L., § 118. Penalty for wilful omission to perform official duty, see Penal L., § 110. Penalty for official malfeasance, misfeasance, and nonfeasance, see Penal L., §§ 111, 112, 113.

<sup>23</sup> Prior legislation: Rev. Stat. (adopted L. 1929, ch. VII), §§ 1194, 1297; L. 1897-98, 34 (2nd), § 2. Cross references: Officials in Department of the Treasury not to engage in certain activities, see Executive L., § 108. Officer or employee of Foreign Service not to engage in business, see Foreign Relations L., § 28. Officers of provinces and districts of the Hinterland not to carry on profit making enterprises, see Aborigines L., § 31 1. Prior legislation: Rev. Stat. (adopted L. 1929, ch. VII), §§ 1194, 1297; L. 1897-98, 34 (2nd), § 2. Cross references: Officials in Department of the Treasury not to engage in certain activities, see Executive L., § 108. Officer or employee of Foreign Service not to engage in business, see Foreign Relations L., § 28. Officers of provinces and districts of the Hinterland not to carry on profit making enterprises, see Aborigines L., § 311.

## **Chapter 6. ANNUITIES AND PENSIONS<sup>25</sup>**

§ 150. Annuities not to be paid persons in government employ.

§ 151. Pension and annuities forfeited for subversive activities.

### **§ 150. Annuities not to be paid person in government employ.**

No person shall receive an annuity or pension from the Government during the time he is employed by the Government.<sup>26</sup>

### **§ 151. Pensions and annuities forfeited for subversive activities.**

All pensions and annuities granted to or conferred upon any official or ex-official of the government, civil or military, or other person shall be automatically forfeited when such official, ex-official or other person engages directly or indirectly in subversive' activities against the government.<sup>27</sup>

## **Chapter 7. MISCELLANEOUS**

*Cross references:*

Annual physical examinations required of government employees, see Public Health and Safety L., sec. 60.

Person convicted of infamous crime ineligible for public office, see Penal L., sec. 43.

## **Chapter 8. REPEALERS**

### **§ 190. Statutes repealed.**

The following statutes are hereby repealed:

1828 Code, Digest, art. LVIII, 2 Hub. 1272, 1299

Com. L. (Mar. 20, 1836), 2 Hub. 1344, 1353

Com. L. (July 12, 1837), 1st, 2nd, 4th pars., 2 Hub. 1344, 1356

Acts 1841, Act regulating the fees of officers, sec. 7, 2 Hub. 1420 ,

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<sup>24</sup> Prior legislation: L. 1934, ch. XIV, § 33.

<sup>25</sup> Cross references: Annuities for the President and Vice President, see Executive L., § 4. Annuities for Supreme Court Justices, see New Judiciary L., § 13.4. Pension for Foreign Service Officers, see Foreign Relations L., § 22. Annuities for Paramount Chiefs, see Aborigines L., § 78. Annuities for veterans of the armed services, see National Defense L., § 222. Pensions for school teachers, see Education L., § 59. Pensions for retiring civil service employees, see § 23 of this Title. Cross references: Annual physical examinations required of government employees, see Public Health and Safety L., sec. 60. Person convicted of infamous crime ineligible for public office, see Penal L., sec. 43.

<sup>26</sup> Prior legislation: L. 1911-12, 44 (2<sup>nd</sup> ).

<sup>27</sup> Added. L. 1955 (E. S. June), ch. XII, eff. July 19, 1955.

Cross reference: Decorations of honor forfeited for subversive activities, see Patriotic Observances L., § 60-A. Bonds required of clerks and sheriffs of Provisional Courts, see Judiciary, L., § 68. Bonds required of post office employees, see Postal Service L., § 2. Bonds required of officers of the Ministry of Finance, see Executive L., § 106. Treasurers of townships to give bonds, see Local Government L., § 87

Acts 1841, Act requiring public officers to renew their bonds, sec. 1, 2 Hub. 1424  
Acts 1841, Act to provide a revenue, sec. 8, 2 Hub. 1428  
Acts 1841, Act punishing official misconduct, sec. 8, 2 Hub. 1429  
Acts 1841, Act to regulate elections sec. 5, 2 Hub. 1431  
1841 Digest, pt. I, Act defining crimes, sec. 5 insofar as it affects public officers, 2 Hub. 1469  
1841 Digest, pt. I, Acts punishing official misconduct, sec. 9, 2 Hub. 1474  
1841 Digest, pt. I, Act to provide against vacancies in certain public offices, sees. 1, 2, 4, 2 Hub. 1475  
1841 Digest, pt. I, Act requiring public officers to renew their bonds, 2 Hub. 1475  
1841 Digest, pt. I, Act regulating commerce and revenue, sec. 26, 2 Hub.  
OBB 113, judiciary, art. XI  
OBB 156, Act fixing the seat of Government, sec. 4  
L. 1868-69, 3 (1st), sec. 3.  
L. 1872-73, 3, sec. 11 insofar as it provides how often public officers are to be paid  
L. 1896-97, 27 (1st)  
L. 1897-98, 17 (2nd), sees. 1, 2, 3  
L. 1897-98, 22 (1st)  
L. 1897-98, 34 (2nd), sec. 2  
L. 1901-02, 4 (2nd)  
L. 1902-03, 38, sees. 1, 2  
L. 1905-06, 60 (2nd)  
L. 1906-07, 11, sec. 1, first sentence  
L. 1907-08, 17 (3rd)  
L. 1908-09, 11 (1st)  
L. 1911-12, 51 Crim. Code, sec. 126  
L. 1911-12, 44 (2nd)  
L. 1920-21, ch. VIII, sec. 2  
L. 1925-26, ch. XII  
L. 1926, ch. VII  
Rev.:Stat. (adopted L. 1929, ch. VII), sees. 36, 38, 40, 41, 44, 1193-1195, 14881207, 1209B, 1297  
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