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If the obligation to pay the salary falls on a Sunday or holiday, can the employer validly pay the following day? Is a *dimisión* (constructive discharge) justified for non-payment of salary on the agreed date, a holiday, but is paid the following day? I am a lawyer, but with little experience in labor matters.

The general practice, not only in the Dominican Republic, but also in places such as France and the United States, is that if the day of payment is a holiday, the payment can be validly made on the following day.

There is also the practice, not so generalized, of paying on the day before the holiday.

In procedural matters, i.e., for court litigation deadlines, the rule is clear: Article 1033 of the Code of Civil Procedure provides: "if the last day of the deadline is a holiday, it will be extended until the following day".

This rule has been so provided because it is considered more favorable to the rights of the party against whom the term runs, the debtor.

As to your second question, whether a *dimisión* (constructive discharge) is justified after receiving payment one day late, because the day of payment was a holiday. In my opinion this does

not justify a *dimisión*, first, because as I have already said it is a generally accepted practice, and it is even a rule on the occasion of procedural deadlines in favor of the debtor, that when the date of payment falls on a holiday, the obligation can be validly fulfilled on the following day; and second, because it does not seem to me that the delay of only one day constitutes a serious fault that justifies a *dimisión*. It should not be forgotten that *dimisión*, like dismissal, to be justified, must be based on serious misconduct. Minor misconduct does not justify termination of the contract of employment.