(Method of Promotion from Promotional Eligible List)

Article 57. Promotion of personnel from a promotional eligible list shall be made from amongst the top five names on such list for each vacancy to be filled.

(Recommendation of Eligibles for Employment)

Article 58. In cases where the appointing officer desires to fill an authorized vacancy by initial appointment or promotion and makes due application therefor, the Authority shall, as prescribed by rules of the Authority, submit the required number of eligibles prescribed in the preceding two Articles for the employment in view from among those entered in the appropriate emplomeent eligible,lists.

(Conditional Period of Initial Appointment)

Article 59. Any initial appointment to the grade or class prescribed by rules of the Authority shall be considered conditional and shall become regular only after the appointee shall have served in the position concerned a period of not less than six months during which he shall have performed satisfactorily the duties of that position.

Necessary matters concerning conditional initial appointment shall be provided by rules of the Authority.

(Temporary Employment)

Article 60. An Appointing officer, as provided by rules of the Authority, may effect, with the approval of the Authority, temporary appointments each not to exceed six months in duration: in emergencies, to positions of an essentially temporary and transitory nature or in instances when an eligible list has not been established by the Authority. Temporary appointment may, with the approval of the Authority, be renewed once for an additional period of six months,

as

as provided by rules of the Authority, but not more than once.

The Authority may, with respect to temporary appointment, limit by grade and class, of positions the number of such appointments and specify qualifications of personnel so employed.

The Authority may cancel any temporary appointment which violates provisions of the preceding two paragraphs.

Temporary appointment shall not in any way confer the right to or preference in selection for permanent employment.

As to the matters other than those prescribed in the preceding four paragraphs, this law, cabinet orders issued thereunder and rules of the Authority shall be applied to temporary appointees.

Part 5. Temporary Retirement, Reinstatement, Retirement and Dismissal

(Temporary Retirement, Reinstatement, Retirement and Dismissal)

Article 61. Except as specially provided by law or cabinet order, the temporary retirement, reinstatement, retirement, and dismissal of personnel of the service shall be effected by the appointing officer.

Section IV. Compensation

(Basic Standard for Compensation)

Article 62. Personnel of the service shall be compensated on the basis of the duties and responsibilities of their positions.

The purport of the provision of the preceding paragraph shall be achieved as quickly as possible and in so far as practicable giving due consideration to existing practices.

Part 1. Pay Plan

(Delivery of Compensation under Pay Plan)

Article 63. The Compensation to personnel of the service shall be effected under a pay plan prescribed by law, and, unless provided therein, no money or valuable thing of any kind may be given as compensation.

The Authority shall conduct necessary investigations and sutidies and, as a result thereof, draft and submit to the Prime Minister a pay plan conforming to the position classification plan.

(Compensation Schedule)

Article 64. A compensation schedule shall be provided in the

In the compensation schedule, there shall be clearly specified by a fixed range of variation the amount of pay for each grade, which shall be determined after taking into consideration the cost of living, prevailing wage rates and other pertinent factors.

(Matters to be provided in Pay Plan)

Article 65. In addition to the compensations schedule of the preceding Article, the following shall be provided in the pay plan. Matter concerning:

1. Standards for an increase of pay within a same grade,

2. Compensation of positions upon the initial application of the position classification plan.

3. Compensation for overtime, night and holiday work.

4. Allowances for service in specially designated areas, for hazardous jobs and other extraordinary services.

5. Adjustments of compensation by the authority in regard to poisitions not requiring full-time service, those for which the facilities necessary for living are wholly or partly supplied at official expense, and others with special working conditions.

The standards of item 1 of the preceding paragraph shall be determined after taking into consideration length of service, efficiency of service and such other service connected factors.

(Determination of Amount of Compensation)

Article 66. Each person in the service shall be paid at one

of the rates set forth in the pay plan for the grade and class of the position in which he is employed.

In determining the basic pay plan, no discrimination of any kind shall be made by non-service connected factors.

(Revision of Pay Plan)

Article 67. The Authority shall at all times conduct necessary investigations and studies concerning the pay plan and shall, as frequently as it deems such action necessary, prepare and submit to the Prime Minister any revisions, either upward or downward, of the compensation schedules.

Part 2. Delivery of Compensation

(Payroll)

Article 68. A person or persons who deliver compensation of any kind to personnel of the service shall first prepare a payroll in regard to a recipient or recipients.

Payrolls shall be kept available for examination by personnel of the Authority at any time.

Except a prescribed in the two preceding paragraphs, necessary matters concerning payrolls shall be provided by cabinet order and rules of the Authority.

(Auditing of Payroll)

Article 69. Where it is necessary for ensuring that delivery of compensation is conducted in compliance with law, order or rules of the Authority, the Authority may audit payrolls or order corrections when deemed necessary.

(Action against Illegal Payment)

Article 70. In case it is discovered that compensation is paid contrary to law, order or rules of the Authority, the Authority, besides taking appropriate steps in regard to the matters under its own jurisdiction, shall, if deemed necessary, report the case according to its nature to the Board of Audit or the public procurator for action.

Section V. Efficiency

(Basic Standard for Efficiency)

Article 71. Personnel of the service shall have their efficiency fully developed and increased.

Except as prescribed in this law, matters necessary for enforcing the basic standard of the preceding paragraph shall be provided by rules of the Authority.

The Authority shall conduct necessary investigations and studies concerning programs which will develop and increase the efficiency of personnel of the service and take appropriate steps to assure the installation of such programs.

(Evaluation of Work Performance)

Article 72. The performance duty of personnel of the service shall be periodically evaluated by the head of the administrative agency of government where they are employed, who shall take such appropriate action as the result of evaluation may call for.

The Authority shall have the power of determining necessary matters concerning the evaluation mentioned in the preceding Article

and records thereof and of recommending to the head of the appropriate administrative agency such action consistent with this law as may be calculated to develop and improve the efficiency of the personnel of the service.

The Authority shall draw up plans concerning recognition for efficient performance and measures for correcting failure to perform efficiently, and submit them to the Prime Minister.

(Programs for Improving Efficiency)

Article 73. For the purpose of developing and improving the efficiency of persons in the service, the Authority and the head of the appropriate administrative agency involved shall formulate and exert their utmost in administrating programs concerning:

1. Education and training of personnel.
2. Health of personnel.
3. Recreation of personnel.
4. Safety of personnel.
5. Welfare of personnel.

In regard to the formulation and administration of the programs of the preceding paragraph, the Authority shall be responsible for their overall planning, their integration and coordination with the appropriate agencies involved and surveillance over such agencies.

Section VI. Status, Disciplinary Punishment and Guarantee.

(Basic Standard for Status, Disciplinary Punishment and Guarantee)

Article 74. In regard to their status, desciplinary punishment, and guarantee, personnel of the service shall be treated equitably.

Except in cases prescribed by this law, matters necessary for enforcing the basic standard mentioned in the preceding paragraph shall be provided by rules of the Authority.

Part 1. Status

(Guarantee of Status)

Article 75. Personnel of the service shall not, against their will, be demoted or be temporarily retired or be dismissed, unless they come under one of the causes provided by law.

Personnel of the service shall suffer reduction in pay when they come under one of the causes prescribed by rules of the Authority.

(Forfeiture of Office due to Disqualification)

Article 76. When a person in the service falls under one of the cases specified in Article 38, he shall automatically forfeit his office except as provided by rules of the Authority.

(Instances of Demotion and Dismissal Against His Will)

Article 77. In cases where a person in the service falls under one of the following cases, he may be demoted or dismissed against his will, as provided by rules of the Authority.

1. When his performance on duty fails to show any merit.
2. When, due to mental or physical debility, he has difficulty or is incompetent to perform official duties.
3. When otherwise he lacks the qualifications for fitness required for positions of a grade or grades or a class a or classes.

(Instances of Temporary Retirement)

Article 78. In cases where a person in the service falls under one of the following cases, he may be temporarily retired against his will.

1. When he requires a prolonged period of rest due to mental or physical debility.
2. When he is prosecuted with respect to a criminal case.

(Effect of Temporary Retirement)

Article 79. The period of temporary retirement in any case as specified in item 1 of the preceeding Article shall be one year; if the debility ceases to exist during the period of temporary retirement, the reinstatement shall be ordered forthwith while a person who remains still temporarily retired on the expiration of the prescribed period shall authomatically be treated as retired.

The period of temporary retirement in any case as specified in item 2 of the preceding Article shall be the same as the inherence of the case in question with the law-court concerned.

A person who is temporarily retired does not attend to his official duties, although he retains his status in the service. During his temporary retirement, he shall receive one-third of his pay.

(Exceptions to Application)

Article 80. In regard to the status of personnel mentioned

below, the provisions of Article 75, Article 77 to the preceding Article and Article 88 to 91 shall not apply.

1. Temporary personnel.
2. Personnel in conditional period of initial appointment
3. Personnel who become supernumeraries or whose positions are ablished due to an amendment or abrogation of the law concerning the official organization or of the fixed number of personnel or as a result of a reduction in budget.
4. Persons who, in consequence of a revision of the allocation of positions by the classification plan, suffer the same result as a reduction in pay or demotion.

In regard to the status of personnel enumerated in various items of the preceding paragraph, necessary matters may be provided by rules of the Authority.

As to which of the persons enumerated in item 3 of paragraph 1 shall have their pay reduced or be demoted, or be temporarily retired or dismissed, the same shall be determined on the basis of the merit of their performance on duty and other demonstrated abilities.

Part. 8. Disciplinary Punishment.

(Instances of Disciplinary Punishment)

Article 82. When he falls under one of the following cases,

a persons in the service may, as disciplinary punishment, be dismissed, suspended from duty, suffer reduction in pay or administration of a reprimand.

1. When he has acted contrary to this law or rules of the Authority.

2. When he has acted contrary to the duties of his position or has neglected his duties.

3. When he is guilty of such malfeasance as to render himself unfitting to be a servant of the whole people.

(Effect of Disciplinary Punishment)

Article 82. The period for suspension of duty shall range from one month to one year.

A persons who is suspended from duty does not attend to his official duties, although he retains his status in the service. While he is suspended from duty, he shall receive one-third of his pay.

In case of reduction in pay, less than one-third of his pay shall be deducted for a period ranging from one month to one year.

(Administrator of Disciplinary Punishment)

Article 83. Disciplinary punishment shall be administered by an appointing officer.

(Relations with Criminal Court)

Article 84. While a case which is to be subjected to dis-

ciplinary punishment is in the criminal court, no disciplinary proceedings may be taken on the same cases.

Part 3. Guarantee

Division 1. Application for Administrative Action for Working Conditions.

(Application for Administative Action for Working Conditions)

Article 85. Personnel of the service may present application to the Authority relative to salary, wages, or any of the working conditions, and ask that they be accorded appropriate administrative action by the Authority or the head of an employing agency of government.

(Examination and Evaluation of Case)

Article 86. Who the application specified in the preceding Article is received, the Authority shall conduct such investigations/hearings or other fact finding operations as may in its discretion be necessary, and evaluate the situation with due regard to fairness to the public and all persons concerned and in terms of maintaining and improving the efficiency of personel of the service.

(Action to be taken as a Result of Evaluation)

Article 87. When the Authority considers action necessary in regard to working conditions on the basis of the evaluation specified in the preceding Article, it shall take its own action for the matter under its jurisdiction, and recommend to the head of an appropriate agency of government to take action in regard to other matters.

Division 2. Examination of Disadvantageous Action taken against Will of Personnel.

(Delivery of Written Statement of Charges for Reduction of Grade, etc., taken against Will of Personnel)

Article 88. When a person in the service, against his will, has his grade reduced, or is demoted, temporarily retired, dismissed or otherwise subjected to greatly disadvantageous action, or is about to be administered disciplinary punishment, he shall at the time of such action be given by the officer taking such action a written statement of charges fully setting forth the reasons therefor.

In cases where a person in the service considers that he has been subjected to greatly disadvantageous action specified in the preceding paragraph, he may demand delivery of the written statement of charges mentioned in the same paragraph.

(Appeal for Review)

Article 89. The employe subject of the action specified in the preceding Article, paragraph 1 may, within thirty days after he has received the written statement of charges, appeal to the Authority for review thereof.

(Investigation)

Article 90. On receipt of the appeal specified in the preceding Article, the Authority, or an agency or agencies designated by the Authority, shall promptly investigate the case.

In the cases specified in the preceding paragraph, if the employe subject of the action demands a hearing, such hearing shall be accorded. If requested by the employe concerned, the hearing

shall

shall be a public hearing.

The officer who took the action or his representative and the employe subject of the action may appear at all hearings, be represented by counsel of their own choosing, be heard and present witnesses, books, records and any partinent facts and data.

Persons other than those mentioned in the preceding paragraph may present to the Authority any facts and data concerning the case.

(Action to be taken as a Result of Investigation)

Article 91. If, as a result of the investigation specified in the preceding Article, the validity of the charges is established, the Authority shall confirm the action of the employing agency of government.

If, as a result of the investigation specified in the preceding Article, it is established that the action taken is at variance with the facts or otherwise in not right, the Authority shall, in regard to the cancellation or revision of the original action, the restoration of employment rights to the person involved, the correction of any injustice that may have done him by reason of such inaccurate accusation, and the reimbursement of any compensation lost by reason of such inaccurate accusation, take its own action for the matters under its jurisdiction, and shall, in regard to others, submit a repot to the Prime Minister giving its views thereon.

Upon receipt of the report specified in the preceding paragraph, the Prime Minister shall, in compliance with such report,

take

take such appropriate action as to give necessary direction etc. to the head of the employing agency of government to which the employe involved is attached.

Division 3. Compensation for Injury and Disease incurred in line of duty.

(Compensation for Injury and Disease incurred in line of duty)

Article 92. In case where a person in the service dies, is injured or incure disease in line of duty or dies as the result thereof, a system of compensating the employe concerned and his immediate dependents for damage resultant of any such incident, shall be established and enforced.

The compensation system specified in the preceding paragraph shall be provided by law.

(Matter to be provided in Law)

Article 93. In the compensation system mentioned in the preceding Article, the following matters shall be provided.

1. Matters concerning the protection of the employe concerned against economic distress during periods of incapacity resultant of injury or disease incurred in line of duty.

2. Matters concerning the compensation of the employe for permanent or prolonged damage to his earning capacity resultant of injury or disease incurred in line of duty.

3. In the event of the death of the employe resultant of injury or disease incurred in line of duty, the compensation for damage sustained by the surviving members of his family or those who maintain their living by an income of the employe at the time of his death.

(Responsibility

(Responsibility of the Authority for Drafting Compensation System)

Article 94. The Authority shall conduct essential studies in regard to the compensation system, and submit its recommendations thereon to the Prime Minister as soon as practicable.

Section VII. Performance on Duty

(Basic Standard for Performance on Duty)

Article 95. Any person in the service, as a servant of the people, shall attend to his duties in the interest of the public, and exert his utmost in the performance of his duties.

Except those prescribed in this law, matters necessary for enforcing the basic standard specified in the preceding paragraph shall be provided by rules of the Authority.

(Subscription to Oath)

Article 96. Personnel of the service shall subscribe to the oath of office as provided by rules of the Authority.

(Duty to obey Laws and Orders and Orders of Superiors)

Article 97. Personnel of the service in the performance of their duties shall comply with laws and orders and observe the orders of their superiors on matters pertaining to the performance of their official duties. They may, however, express their opinions regarding the orders of their superiors.

(Prohibition of Acts causing Loss of Credit)

Article 98. No person in the service shall act in such a way as to cause the loss of credit of his position or reflect adversely on the national public service.

(Duty to Preserve Secrecy)

Article 99. A person in the service shall not divulge any secret which may have come to his knowledge in the performance of his duties. This shall also apply after he has retired from office.

In case a person in the service is to make a statement concerning any secret in respect of his duties as a witness or an expert witness prescribed by law and order, he shall require the permission of the head of his employing agency of government (or in the case of a retired employe, the head of the agency of government having jurisdiction over the position he occupied at the time of retirement or any position corresponding to such).

The permission referred to in the preceding paragraph shall not be refused, except under conditions and procedures provided by law or rules of the Authority.

(Undivided Attention to Duty)

Article 100. Personnel of the service, except in cases authorized by the head of their employing agency of government, shall give their full working time and occupational attention to the duties of their public position.

(Restriction of Political Activities)

Article 101. No person in the service shall solicit, or receive,

or

receive, or be in any manner concerned in soliciting or receiving any subscription or other benefit for any political party or political purpose.

No person in the service shall be a candidate for elective public office, unless otherwise provided by rules of the Authority.

No person in the service shall be an officer of any political party or political organization.

(Exclusion from Private Enterprise)

Article 102. A person in the service shall not concurrently hold a position therein and a position of an officer, adviser or councillor in any company or other organization established for the purpose of carrying on any commercial, industrial or financial or other private enterprise aiming at pecuniary gain (to be hereinafter referred to as profit-making enterprise), nor shall he carry on, on his own account, any enterprise which aims at pecuniary gain.

No person who was in the service shall, for a period of two years after leaving the service, accept an appointment involving representation of a profit-making enterprise which is closely connected with the duties of the public position he occupied for two years prior to retirement, as provided by rules of the Authority.

The

The provisions of the preceding two paragraphs shall not apply to cases wherein the approval is given by the head of the employing agency of government.

With respect to a profit-making enterprise, where a person in the service holds stocks, shares or other interests therein to such a degree as to be in a position to participate in the management of such enterprise, the Authority may call upon such employe to submit a report regarding his holdings of stocks, shares and other interests, as provided by rules of the Authority.

When the Authority, on the basis of the report specified in the preceding paragraph, considers it inappropriate for the person concerned to continue the holdings in question in the performance of his duties, it may serve a notice on the employe to the same effect, as provided by rules of the Authority.

Upon receipt of the notice mentioned in the preceding paragraph, if the employe concerned has objection to the substance thereof, he may file a protest with the Authority within thirty days from the date of receipt of the said notice.

The provisions of paragraphs 2 and 3 of Article 90 shall apply correspondingly to the instances of protest specified in the preceding paragraph.

An employe who has not filed any protest specified in paragraph 6 and an employe whose protest has not been sustained as the result of investigation by the Authority shall divest himself

of

of his holdings either in whole or in part within a period provided by rules of the Authority or relinquish his position, as provided by rules of the Authority.

(Restriction for Participation in Other Undertaking or Business)

Article 103. The permission of the head of the employing agency of government shall be required if a person in the service is, in consideration of a honorarium, concurrently to hold a position therein and a position of an officer, adviser or councillor in any undertaking other than a profit-making enterprise, or to engage in any other undertaking or to carry on business.

(Scope of Duties of Personnel)

Article 104. Apart from being assigned to duties prescribed by law and order, personnel of the service as such shall assume no other obligation whatever.

(Conditions of Work)

Article 105. Necessary matters concerning conditions of work, and other matters pertinent to the performance of duties may be provided by rules of the Authority.

The rules of the Authority mentioned in the preceding paragraph shall be consistent with the purport of this law.

Section VIII. Pension to Retired Employes.

(Basic Standard for Pension to Retired Employes)

Article 106. Persons in the service who have faithfully served for a reasonable period of time and retired shall be given pension. Necessary matters concerning pension mentioned in the preceding

paragraph shall be provided by law.

Persons who retire as the result of injury or disease incurred in line of duty or the surviving members of those who die in line of duty may be given pension as provided by law.

(Object of Pension System)

Article 107. The pension system shall have as its object the provision for each person after retirement of an income adequate to sustain him and his immediate dependents at the time of retirement or death in manner dignified and appropriate to the circumstances of retirement or death.

In the cases of paragraph 3 of the preceding Article, due adjustments with the compensation system specified in Article 92 shall be effected.

The pension system shall be designed on a sound basis and administered by the Authority.

The Authority shall conduct essential studies in regard to the pension system as soon as practicable and submit its recommendations thereon to the Prime Minister.

Chapter IV. Penal Provisions

Article 108. A person who violates the prohibition prescribed in Article 39 shall be sentenced not to exceed three years in penal servitude or fined not to exceed Yen 10,000.

Money or other benefit given or received by the person mentioned in the preceding paragraph shall be confiscated. When it is not possible to collect such amount either in whole or in part,

its

its value shall be sought and collected.

Article 109. A person falling under one of the following cases shall be sentenced not to exceed one year in penal servitude or fined not to exceed Yen 5,000.

1. A person who has been subpoenaed as a witness in accordance with the provision of Arficle 17, paragraph 2 and made a false statement.

2. A person who has been ordered to produce books, records or copies thereof in accordance with the provision of Article 17, paragraph 2 and has produced false books, records or copies thereof.

3. A person who violates the prohibition prescribed in Article 40 or Article 41.

4. A person who violates the prohibition prescribed in Article 102, paragraph 2.

Article 110. A person who has been subpoenaed as a witness in accordance with the provision of Article 17, paragraph 2 and has not responded, except for just cause, or who, in accordance with the provision of the same paragraph, has been ordered to produce books, records or copies thereof and has not complied with such order without any just cause shall be fined not to exceed Yen 3,000.

Supplementary Provisions

Article 1. In this law the provision of Article 2 of the Supplementary Provisions shall be enforced from October 1, 1947, and other provisions from July 1, 1948.

The Authority shall be set up not later than January 1, 1949.

In this law provisions other than those concerning the establishment of the Authority and the Performance on Duty (inclusive of the supplementary provisions related thereto) may be gradually applied as practicable, as provided by law or rules of the Authority.

Article 2. A Temporary National Personnel Commission (to be hereinafter referred to as the Temporary Commission) shall be set up under the jurisdiction of the Prime Minister.

The Temporary Commission shall have the power of investigating positions, employment situations and other matters pertaining to personnel administration in general and making other preparations in so far as necessary for the enforcement of this law.

The Temporary Commission shall exercise the powers of the Authority as provided in this law from July 1, 1948 up to the installation of the Authority. In this case, "the Authority" in this law shall be taken to read "the Temporary Commission" and "Commissioners" shall be taken to read "members of the Temporary Commission."

The Temporary Commission shall be composed of a chairman and two members.

The chairman and members shall retire upon the installation of the Authority. In this case the chairman shall promptly hand over charge to the President of the Authority.

The provisions of paragraph 1 of Article 5, (except the part concerning the consent of the both Houses of the Diet), paragraphs 3 to 5 of the same Article and Article 11 shall apply correspondingly in respect of the chairman and members.

The Temporary Commission shall have its office.

In the Office of the Temporary Commission there shall be one Director and necessary personnel prescribed by cabinet order.

Necessary matters concerning the implemantation of the powers of the Temporary Commission may be provided by cabinet order until July 1, 1948, after which time such matters shall be provided by law or rules of the Authority.

Article 3. In Article 5, paragraph 6, the department of the university or high school shall include the department of the universities under the "University Ordinance", the high schools under the "High School Ordinance" or the colleges under the "College Ordinance."

Article 4. Of Commissioners who are appointed at the outset, the term of office of two shall, without prejudice to the provision of Article 7, paragraph 1, be four years for one and two years for the other. In this case, which Commissioner shall have which term of office shall be decided by the Prime Minister.

Article 5. In case Commissioners other than the President are simultaneously appointed from the outset, in applying the provision of Article 11, paragraph 3, "a senior Commissioner" shall be taken to read "a Commissioner on a longer term of office".

Article 6. Dismissals by disciplinary decision referred to in Article 38, item 3 shall include those effected under the provisions heretofore in force.

Article 7. The temporary retirement of disciplinary punishment of a person who, under the regulations heretofore in force, has been ordered to be temporarily retired or has been under disciplinary proceedings or has been subjected to disciplinary action shall be the same as heretofore.

Article 8. The provision of Article 61, item 2 or item3 shall also be applied to acts committed before the enforcement of the provisions of the same Article.

Article 9. On a date to be later established by the Authority, persons actually holding positions designated by the Authority shall, as provided by rules of the Authority, be regarded as having qualified themselves in the examination or the evaluation based on this law or otherwise as having possessed the qualifications necessary for the grade and class to which the positions involved belong and occupied the latter under the procedure based on this law. This provision shall not, however, be applied to persons specified in Article 11 of the Supplementary Provisions.

Article 10. Incases of the designation of positions specified in the preceding Article, an appointing officer may, with the approval of the Authority, extend beyond the limits specified

Article 60. paragraph 1. temporary employment to the positions designated in the preceding Article for a period not to exceed three years from the date specified in the preceding Article.

Article 11. Persons actually holding, on a date to be later established by the Authority, such positions as heads and assistant heads of external and internal bureaus of the Prime Minister's Office, the various ministries, and agencies specified by the Authority and other positions of organizational level in the service, similar to the foregoing, as designated by the Authority, shall, as provided by rules of the Authority, be deemed on that date as having received temporary employment prescribed in the preceding Article; such temporary employment, however, shall not exceed three years from July 1, 1948.

In regard to the positions specified in the preceding paragraph, it shall be the duty of the Authority by greatest diligence to make allocations of positions and administer the necessary examinations or evaluations under this law within two years after July 1, 1948.

Article 12. The provision of Article 99 shall also be applied to former personnel who had retired before the enforcement of the provision of the same Article.

Article 13. Insofar it is necessary to make exceptions to this law on the basis of the special nature of the duties and responsibilities of any positions in the regular government service, such as diplomatic and consular officials, other personnel stationed abroad, school tedhers, court officials or public procurators,

such exceptions may be separately provided by law or rules of the Authority. These exceptions shall not, however, be contrary to the spirit of Article 1 of this law.

Article 14. Interim exceptions and other matters necessary for the revision or abrogation of the provisions of the laws and orders concerning personnel which are actually valid at the time of enforcing or applying the various provisions of this law, and for applying the provisions of this law to persons subject to those of such laws and orders shall be provided by law or rules of the Authority.

FAR EAST COMMAND
GENERAL HEADQUARTERS, ~~U. S. ARMY FORCES~~ PACIFIC
ADJUTANT GENERAL'S OFFICE
RADIO AND CABLE CENTER

VWD
1d

INCOMING MESSAGE

UNCLASSIFIED
ROUTINE

23 Aug 47

FROM : WAR (WDOCP OB-1)

TO : CINCFE

NR : WCL 45797

Mr Blaine Hoover (1) reports to Gen Whitney that Mr Robert Hare will return to Tokyo for work Civil Service Div; (2) inquires whether Mr Marcum has written Chicago relative Developments Legislative Program.

O'BRIEN

R E V I S E D (25 Aug 47)

ACTION : GOVT

INFORMATION: G-1, AG, CIV PERS

43760

ROUTINE
UNCLASSIFIED

TOO: 222239 Z
MCN: YH 44/23

36

22 aug '47

JIJI reports that 51 arrests have been made in the Ueno section for picking up butts for the purpose of making "new" cigarettes. This probably refers to sales of such cigarettes in violation of the government monopoly rights.

CUT WAGES BECAUSE MORE FOOD IS HERE:

The Daiyei Motion Picture Company proposes, through its president Kamaichi Kagata, that wages be cut because SCAP released food has caused a drop in black market prices, JIJI reports. "If wages go up because of the high cost of living, they should come down when living falls," he says.

CIVIL SERVICE LAW READY FOR INTRODUCTION:

KYODO says that the Government has reversed itself and that the new Civil Service Bill will recognize the right to strike and will remove limitations on collective bargaining and rights of association for civil service employees. A second problem, concerning the establishment of a Personnel Board, is expected to be ironed out today, after which the bill will be presented to the Diet.

The Communications Workers Union, KYODO says, opposes the bill as a violation of fundamental human rights and as an instrument to make civil servants the tools of capitalists. The agency does not amplify either statement.

TODAY'S EDITORIALS:

No major editorials appear in this morning's papers. ASAHI favors a healthy life for children. YOMIURI, JIJI SHIMPO and TOKYO SHIMBUN all rejoice over food prospects. NIHON KEIZAI calls for financial retrenchment and MAINICHI warns of danger that racketeers may try to get loans for shady purposes under pretense that they are engaged in the export trade.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

20 August 1947

MEMORANDUM FOR THE RECORD

SUBJECT: Amendment of Draft of National Public Service Law

1. This morning, Mr. Sato, Chief of the Legislative Bureau, on behalf of the Cabinet, stated that he strongly desired that the proposed amendment to Article 102 to the effect that "no provision of this Act shall be interpreted to prohibit legal organizations of government employees or individuals authorized to act for such organizations from taking part in political activities or supporting political parties" be omitted completely.

2. As an alternative to the above, he recommended that the language be revised as follows: "no provision of the preceding three paragraphs shall be interpreted to prohibit government employees of legal organizations or individuals authorized to act for such organizations from exercising their political rights."

3. Mr. Killen, Chief of the Labor Division, when informed of the Cabinet's desire to omit the proposed amendment to Article 102, indicated that while he did not feel strongly on this point, he felt it necessary that a general statement of this nature be made to comply with FEC policy. However, he agreed to modify his proposal by deleting the phrase "or individuals authorized to act for such organizations" so that Labor Division's proposed amendment would read "no provision of this act shall be interpreted to prohibit legal organizations of government employees from taking part in government activities or supporting political parties."

4. This alternative provision was submitted to Mr. Sato for comment and he indicated that while it was preferable to the original proposal, that it did not nullify the basic objections which the cabinet felt about the original proposal.

5. Mr. Sato indicated that the cabinet is extremely apprehensive over the confusion which the original proposed amendment might create and is convinced that such an amendment would be an open invitation for intensive political activities on the part of government unions and organizations. He urgently requests that we authorize them to omit the controversial amendment altogether or to accept their alternative article outlined in paragraph 2 above.

6. I concur in the cabinet's recommendation.

7. The above information was communicated to General Whitney, who obtained a decision from the Supreme Commander to the effect that the

Pol Affairs Div Files

Japanese Government be informed that they are free to decide the matter in a manner consistent with the proposals under consideration (as enumerated above).

8. This decision of the Supreme Commander was communicated to Mr. Sato, who immediately replied, on behalf of the Cabinet, that the Government would therefore omit any supplementary statement from the language of Article 102, which would be retained as written, with the exception of deleting the prohibition against making contributions, etc.

9. I did not discuss the point, but merely repeated the statement to the effect that he communicate the Supreme Commander's decision to the cabinet, and inform me of their final action.

CARLOS P. MARCUM
Chief, Political Affairs Division

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

14 August 1947

MEMORANDUM FOR RECORD

SUBJECT: National Public Servants Law.

1. On 13 August 1947 a conference was held in the offices of the Labor Division, Economic and Scientific Section to discuss subject law. Present were Messrs. James Killen, Paul Stanchfield, B. Mazo and Appell of the Labor Division and Messrs. Marcum and Rizzo of the Government Section. The purpose of the conference was to discuss objections to the proposed law previously raised by ESS/LA in check sheet dated 12 August 1947, Subject: Draft of Civil Service Bill, and at a conference with General Whitney on the morning of 13 August 1947.

2. Chief among these objections were that the proposed law:

a. if introduced at this session will arouse wide-spread opposition from labor organizations and endanger the stability of the present government.

b. violates FEC labor policy in that it denies labor organizations the right to participate in political activities and to support political candidates.

c. deprives government workers of the right to negotiate and bargain collectively over wages, hours and conditions of employment.

d. wipes out existing contracts between unions of government workers and the government agencies.

e. abolishes existing wage structures based on long custom and past negotiations which provide varying allowances above base rates for such factors as number of dependents.

f. duplicates certain important provisions of existing labor legislation, creating an area of overlapping jurisdiction and probable confusion and re-opening for acrimonious discussion certain phases of labor legislation already settled by the Japanese with the guidance of ESS/LA.

3. In an effort to secure the concurrence of ESS/LA to the introduction of the Bill at the present session of the Diet the Government Section representatives offered to meet the ESS/LA objections by appropriate modifications in the Bill where such modifications could be made without abandoning principles in the law considered to be vital, and where such modifications could not be agreed upon, to insert provisions in the bill which would leave the remaining controversial issues open for settlement by the Diet on or before the effective date of the law, namely, 1 July 1948. On the basis of this formula the following proposed revisions in the Bill were arrived at:

a. Modify Article 102 (Prohibition of Political Activities) by the addition of the following clause: "No provision of this Act shall be interpreted to prohibit legal organizations of government employees, or individuals authorized to act for such organizations from taking part in political activities or supporting political parties."

b. Leave Article 103 (Right to organize and Prohibitions of Strikes) open. The effect of this omission will be that until the Diet covers civil servants by specific legislation all government workers will continue to be covered by existing labor legislation which provides in part that policemen, firemen, administrative and judicial employees of the government may not strike, and imposes a maximum penalty of ten thousand yen fine against violators.

c. In Chapter II (Authority of the Commission) or Chapter III (Standards of the Authority) insert a provision to the following effect: "The Standards concerning wages, hours and working conditions to be established under this Act may from time to time be changed to meet changing conditions under procedures to be determined by the Diet on or before the effective date of enforcement of the Act." The intent of this provision is to keep the door open for the Diet by specific legislation to provide machinery and procedures for the establishment and modification of salary schedules and working conditions through means other than the sole administrative action of the Authority including if it so wishes negotiations and arbitration. Since this is one of the basic points of difference between the views of the Government Section and those of the Labor Division, ESS, the issue would be left open for future determination by the Diet consistent with SCAP policy. The Diet under the wording, would be obligated to act on or before the effective date of the Law.

d. Modify Article 63 and/or Article 65 (Compensation Based on Job Classification) by inserting an instruction to the Authority that it will move toward this objective as quickly as possible insofar as practicable giving due consideration to existing practices.

4. At the conclusion of the conference Mr. Killen stated that while he could not go so far as to concur in the introduction of the Law at the present session of the Diet, he felt that if the above four points were included, the dangers to which he had previously called attention would be sufficiently softened so that the SCAP would not be in the position of having approved legislation which runs counter to FEC labor policy. He repeated however that in his opinion the introduction of the bill at the present time would arouse the opposition of labor.

5. The Government Section representatives stated that they would submit to the Chief of the Government Section for his approval the proposed modification drafted at this conference.

6. The above suggested modifications were discussed by the Chief, Government Section with the C-in-C on the evening of 13 August 1947. The C-in-C approved all of them except the phrase "on or before the effective date of enforcement of this Act" in point 3c above. This phrase was considered an unnecessary limitation on the Diet's freedom to legislate on these matters at any time, and undesirable because it opened the possibility of bringing the entire subject of wages, hours, etc. into question in the event the Diet failed to pass specific legislation by 1 July 1948.

CARLOS P. MARCUM

FRANK RIZZO

Incl:
C/S dated 12 Aug from
ESS/LA to GS

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

CHECK SHEET

(Do not remove from attached sheets)

File No.: 004.06 (12 Aug 47) ESS/LA Subject: Draft Civil Service Bill

Note No.: 2

From: Government Section To: C-in-C Date: 12 August 47

1. The first objection to the proposed Civil Service Act raised in Check Note No. 1 above is that Article 38 of the Labor Relations Adjustment Law of 1946 adequately covers the question of whether government employees may or may not strike, rendering Article 10[illegible] of the proposed Civil Service Act unnecessary. Said Article 38 reads as follows:

> "Police officers, firemen, those employed at prisons and those officials and employees engaged in the work of a national, prefectural and municipal government administration, or judiciary, exclusive of public enterprises, shall be disallowed to resort to acts of dispute."

2. A comparison of the two articles in question shows that Article 38 of the Labor Relations Adjustment Law is a piece of limited purpose legislation denying the right to strike to persons engaged in certain activities whereas Article 10[illegible] of the proposed Civil Service Act is a definition of the special status of civil servants, and as such indicating their right to organize or refrain from organizing, but establishing the principle that civil servants may not strike against the government. Since employees of government owned or controlled enterprises are not covered by the proposed Civil Service Act, that field of labor is left open for special treatment by Diet legislation.

3. The reasons cited for objecting to the introduction of the Civil Service Act at the present session of the Diet indicate a certain misconception of the basic purposes of the bill and the philosophy of a civil service based on the merit system which it seeks to establish.

a. If collective bargaining as used in Paragraph 4a includes the right to strike, the disagreement between the Government Section and the Labor Division of ESS is fundamental for it is the view of this Section that while persons in the civil service may organize and negotiate on matters relating to their conditions of employment they should not have the right to strike. Furthermore, the agency with which they negotiate is limited by law in what it may or may not agree to as a result of negotiations with employees. The Authority set up in the proposed Act will be the agency charged with studying working conditions, wages, etc., and either settle these by rules within limits set by law or make recommendations for needed legislation. In the opinion of this Section the proposed machinery for hearing complaints from government employees is adequate.

b. The principles enunciated by the Far Eastern Commission including the encouragement of the formation of trade unions and the protection of

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

CHECK SHEET

(Do not remove from attached sheets)

File No.: Subject: Draft Civil Service Bill

Note No.: From: To: Page 2 Date:

trade unions by law are not infringed by the proposed Act for there is nothing in the Far Eastern Commission's policy decision of 6 December 1946 which relates to civil servants. The entire paper deals with trade unions. Nor, so far as Government Section can see, is any provision of the Japanese Constitution violated by the proposed Act. Insofar as any existing labor legislation is considered to be in conflict with the proposed Act, it is felt that such conflict can arise only through an effort to apply labor legislation in the civil service field where it has no place.

c. By limiting the application of the Act to government employees in the civil service as commonly understood and excluding employees of public enterprises the proposed Act makes it possible for labor in those fields to be governed by special legislation if deemed necessary by the Diet.

d. The assertion that the Act will create serious opposition on the part of labor is a matter of opinion. Such opposition however could arise only on the part of those who consider all government service a proper field for labor union activity.

e. The proposed Act has emerged as a result of many months of consultation between those persons in the Japanese Government best qualified in the field and the special Civil Service Mission which has been studying this problem at the invitation of the Japanese Government.

f. It is not seen wherein the reform of the civil service to make it conform to modern principles of sound personnel administration can in any way jeopardize the Japanese economic control program.

4. In view of the foregoing it is recommended that the Japanese Government be informed that the Supreme Commander offers no objections to the introduction of the proposed Civil Service Act at the present session of the Diet.

- -C.W.- - - - - - - - - - -

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

CHECK SHEET

(Do not remove from attached sheets) WFM/JSK-WTR/neh

File No.: 004.06 (12 Aug 47) ESS/LA Subject: Draft Civil Service Bill

Note No.:	From: ESS To: GS Date: 12 Aug 47
1	1. Reference is verbal request from Government Section for comments and/or concurrence on the National Public Servants Law forwarded to this Section 8 August 1947.

2. With regard to the specific query as to the wording of Article 102 of the above referenced law and the right to strike of government employees, it is considered that Article 38 of the Labor Relations Adjustment Law passed in the September 1946 Session of the Diet already covers the situation adequately and it is recommended that only a reference to this article would be necessary.

3. An over-all study of the provisions of the Bill has revealed a number of serious defects which lead this Section to recommend against the advisability of introducing a Bill on this subject into the current session of the National Diet.

4. Some of the principal reasons for objecting to the introduction of this Bill are as follows:

a. Inadequate provision for collective bargaining. The bill in its present form greatly restricts the possible scope of collective bargaining between government employees and the various ministries by which they are directly employed. At the same time it disregards many complex problems which will arise concerning (1) what government agencies should bargain with employees on various subjects, (2) what government agencies will have authority to make decisions in collective bargaining, (3) the machinery to be used in settlement of issues which cannot be resolved by collective bargaining.

The widespread scope of organization among Japanese workers and the established practice of collective bargaining make such issues of crucial importance and call for extensive study.

b. Conflict with democratic guarantees. The bill in its present form contains several apparent conflicts with democratic guarantees provided in the principles enunciated by the Far Eastern Commission, the new Japanese Constitution and existing Japanese labor legislation.

c. Necessity for study of relationships between various groups of government employees. Inadequate provision has been made for recognition of both the differences and interrelationships between employees in government enterprises and ministries and between administrative and non-administrative personnel.

d. Opposition by labor. It is believed that introduction of the Bill at this time would create a serious danger of controversy between organized labor and the government at a time when economic and political conditions are most unfavorable. During the period from September to November, delayed food deliveries and inflationary conditions will create considerable tension in labor relations, and there is ample evidence that extremist elements will attempt to precipitate an anti-government crisis shortly before the new harvest. The proposed bill contains new restrictions on the right to strike and on collective bargaining which are certain to be viewed antagonistically not only by government workers but also by organized labor in general, and hasty passage of such a law at this time would seriously weaken the government's chances of retaining effective labor support.

e. Inadequate public preparation. In view of the far-reaching significance of this proposed legislation on the administrative processes of the Japanese Government, the failure to provide an opportunity for interested groups of Japanese people to express views and suggestions in accordance with normal democratic procedures is, in itself, a refutation of the principles set forth in Article I of the draft bill.

f. Jeopardize current economic control programs. The initiation of government reorganization and the concomitant feelings of instability and insecurity engendered in the minds of government officials might have a serious detrimental effect upon execution of the broad economic control programs initiated by the present Japanese Government and which are as yet at a very early stage of implementation.

5. It is deemed advisable that conferences between ESS and GS be initiated immediately to resolve the problems indicated in this check sheet and to discuss the means of improving this bill for presentation to a future session of the National Assembly.

Art. 38 - Labor Relations Adjustment Law

Police officers, firemen, those employed at prisons and those officials and employees engaged in the work of a national, prefectural and municipal government administration, or judiciary, exclusive of public enterprises, shall be disallowed to resort to acts of dispute.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Economic and Scientific Section

Far Eastern Commission Policy Decision
(made on 6 Dec 46)
on

PRINCIPLES FOR JAPANESE TRADE UNIONS

(announced 24 December, thru CI&E press release)

X 1. Japanese workers should be encouraged to form themselves into trade unions for the purpose of preserving and improving conditions of work, participating in industrial negotiations to this end, and otherwise assisting the logitimate trade union interests of workers, including organized participation in building up a peaceful and democratic Japan.

X 2. The right of trade unions and their members to organize for these purposes should be assured and protected by law. Freedom of workers to join trade unions should be provided for by law. All laws and regulations preventing trade unions achieving these objectives should be immediately abrogated. Employers should be forbidden to refuse employment to, or discriminate against, a worker because he is a member of a trade union.

3. Trade unions should have the right of free assembly, speech and the press, and access to broadcasting facilities on a non-discriminatory basis, provided only that such assembly, speech, or writing does not directly interfere with the interests of the occupation.

4. Trade unions should be encouraged to negotiate with employers on behalf of their members regarding terms and conditions of employment. The Japanese Government should establish mediation and arbitration machinery for dealing with industrial disputes that cannot be settled by direct and voluntary negotiation between the worker or his representative and the employer.

The mediation and arbitration machinery should operate under conditions assuring the protection of the interests of the workers, and if employers are represented on the machinery, trade unions should be given equal representation.

5. Strikes and other work stoppages should be prohibited only when the occupation authorities consider that such stoppages would directly prejudice the objectives or needs of the occupation.

6. Trade unions should be allowed to take part in political activities and to support political parties.

7. Encouragement should be given to organized participation by trade unions and their officials in the democratization process in Japan and in measures taken to achieve the objectives of the occupation, such as the elimination of militaristic and monopolistic practices. But such participation should not be encouraged in such a way as to hinder the achievement of the principal obligation and responsibility on the unions and their officials to organize for the protection of union members and union interests.

8. Trade unions should be encouraged to promote adult education and an understanding of democratic processes and of trade union practices and aims among their members. The Japanese Government should as far as possible assist trade union officials in obtaining information on trade union activities in other countries. These objectives should be given due weight when allocations of paper supplies and imports of foreign publications are made.

9. The Japanese should be free to choose the form of organization of their unions, whether on a craft, industry, company, factory or territorial basis. Emphasis should be placed on the importance of a solid local basis for future trade union activity in Japan. However, unions should be allowed

to form federations or other groupings, for example in the same area or in related industries or on a nationwide basis.

10. The formation of trade unions should be a process of democratic self-expression and initiative, proceeding from the workers themselves. Employers should not be allowed to take part in the organization or conduct of unions or to finance them.

11. Trade union officials and standing committees should be elected by the workers concerned by secret ballot and democratic methods. It should be the responsibility of the unions to ensure that all officials have been democratically elected at regular stated intervals and that all their activities are democratically conducted.

12. No person who is subject to the purge directive of 4 January 1946, or to subsequent purge directives, should be allowed to hold office in a trade union. All persons who were directly connected in the past in a responsible capacity with the obstruction or repression of trade union organization or activity should be prohibited from employment as union officials, in labor agencies or as mediators, conciliators, or arbitrators. All persons who held office in government-sponsored or controlled trade unions should be subject to screening before being allowed to take office again.

13. Japanese Government and other agencies which were set up or functioned for the purpose of obstructing or in such way as to obstruct free labor organization and legitimate trade union activities should be abolished or their powers in respect to labor revoked. No police or other government agencies should be employed in spying on workers, breaking strikes, or suppressing legitimate union activities.

14. Any undemocratic workers' organizations or their affiliates, such as the patriotic industrial associations, should be dissolved and not allowed to revive. No new workers' organizations with militaristic, ultra-nationalistic, Fascist, or other totalitarian aims should be permitted.

15. Persons who have been imprisoned because of activity or "dangerous thoughts" in connection with trade unions and other labor organizations should be released.

16. The balance sheet and table of income and expenditure of each trade union showing also the source of large contributions should be available for public inspection. Safeguards such as an annual audit by a professionally competent auditor appointed by the members should be taken to ensure the accuracy of the statements.

* * * * * * * *

[redacted]

Draft of Civil Service Bill

ESS/LA GS 12 August 1947

1. In accordance with instructions from Chief, ESS, ESS/LA here outlines the major objections to the present draft of the Civil Service Bill now under consideration by Government Section.

2. These points were discussed thoroughly this afternoon with Colonel Marcum of Government Section.

3. ESS/LA wishes to call to the attention of Government Section three major objections to the proposed Bill and does not include in this statement many points of lesser significance which are deemed inappropriate.

4. The terms of the proposed Civil Service Bill are in conflict with the "Principles for Japanese Trade Unions," announced 24 December 1946 as a Far Eastern Commission policy decision and the new Japanese Constitution.

a. FEC Principle 1 provides "Japanese workers should be encouraged to form themselves into trade unions for the purpose of preserving and improving conditions of work * * * * *." Principle 2 provides "The right of trade unions and their members to organize for these purposes should be assured and protected by law." Principle 4 provides "Trade unions should be encouraged to negotiate with employers on behalf of their members regarding terms and conditions of employment." These statements of principles would appear to guarantee to all major groups of Japanese workers the right of collective bargaining with their employer. No limitations are placed on the rights of any special group of workers to organize or bargain collectively on wages, hours, or working conditions. It is difficult to find in these "Principles" justification for the denial to existing unions of collective bargaining rights now being practiced in their dealings with the Japanese Government.

b. FEC Principle 6 provides "Trade unions should be allowed to take part in political activities and to support political parties." Article 101 of the proposed Bill specifically prohibits the exercise of this right by government employees or their organizations.

c. The "Principles" referred to above were established after full and complete discussion by the representatives of the 11 nations making up the Far Eastern Commission. They represent the

collective judgment of these 11 nations. It is believed that this legislation with its proposed prohibitions and restrictions on the
1 (Contd) rights of political activity and collective bargaining would be considered as a direct violation of the said principles by certain member nations of FEC and threaten serious criticism of SCAP within FEC. ES/LA believes this matter to be of such significance as to warrant fullest consideration.

d. The enactment of the proposed legislation would with its severe limitation on the right of collective bargaining and negotiation raise a question of interpretation of Article 28 of the Japanese Constitution which reads as follows: "The right of workers to organize and to bargain and act collectively is guaranteed." Similar questions of interpretation would be raised with reference to the provisions of the Trade Union Law and the Labor Relations Adjustment Law which provide legal guarantees to the rights of organization and collective bargaining.

5. <u>The proposed Bill fails to make adequate provision for existing collective bargaining relationships and contractual agreements.</u>

a. Collective bargaining has been solidly established in Japan as the basis for determining wages and other conditions of employment for government employees. About 95% of all government employees are members of trade unions, and the great majority of these are covered by written contracts between the union and the Ministry which employs the union's members. Such contracts are specific and detailed. They include provisions on basic wages, various special types of allowances, overtime, welfare services, holidays, retirement or separation pay, rest periods, promotion and demotion, other personnel practices, labor-management cooperation, and numerous other subjects.

b. The proposed Bill would remove many of these subjects from the area open to collective bargaining. The Personnel Authority would, under Section III, determine the basic pay plan, the number and titles of job grades, the pay for each grade, the elements included in pay (e.g. payments in kind), compensation for overtime, night and holiday work, retirement allowances, and various special matters such as pay for part time work, deductions for absence, in-grade salary adjustments, promotion and demotion, etc. Extremely complex questions will arise regarding the status of contractual agreements already arrived at by collective bargaining, and the method of carrying out

collective bargaining in the future.

1 (Contd)

c. The Bill appears to contemplate that existing collective bargaining contracts will become void and be replaced by rulings of the Authority on these matters listed as falling within its jurisdiction. Under the Trade Union Law, however, such contracts have the force of law and cannot be casually destroyed. Transition provisions to assure that existing rights are protected and maintained are absolutely essential, and can be properly developed only after full study.

d. The Bill (as amended by GS) would nominally assure the right of employees' organizations to negotiate with their employers, but it contains no provision to enable the employer to negotiate with employees' organizations. In actuality, collective bargaining on those subjects controlled by the Authority would be meaningless unless it is carried out by and with the Authority.

e. Unless the above issues are resolved, together with many others which could be listed, the proposed Bill will be viewed by workers in both public service and government enterprises as a sharp reduction in their already established freedom to bargain collectively.

6. The proposed Bill requires a drastic change in the wage structure of government employees, and would result in discrimination against such workers by prohibiting types of payment which are generally available to Japanese wage earners.

a. The provisions of Article 63ff, which establish the method of pay determination, constitute an abrogation of the existing collective bargaining agreements between the Japanese Government and the members of the All-Japan Federation of Government Workers Unions by providing that wages shall be fixed solely on the basis of position-classification. The present wage system in use by the Japanese Government provides that wages shall be based primarily on position classification but includes allowances for dependents and minimum guarantees by age. This system is part of an agreement which was reached after the long negotiations which included the general strike threat of 1 February 1947.

b. The provisions of this draft Bill not only remove these

1 (Contd) allowances for family need and age but deprive the Japanese Government of the ability to grant such allowances even if it so desired. The payment of allowances for family dependents is a general practice in the Japanese economy. The prohibition of such payments to government employees would throw them out of line with the existing prevailing wage structure.

c. It is believed that the complex questions raised by the system of family allowances constitute a national problem which should be solved by the Japanese through collective bargaining and democratic development of national economic policy rather than by arbitrary law. It is deemed essential, therefore, that the provisions for pay-determination should be stated in such terms as to enable the Japanese Government to develop combinations of wage factors to fit the present and future needs of the economy.

7. In addition to these specific objections to the present Bill (as well as others which have been omitted for brevity) it is considered that introduction of any bill of this type during the present Diet session would have potentially disastrous effects for the reasons stated in Check Note from Chief, ESS, to Chief, GS, File CC4.06, dated 12 August 1947. Specific reference is made therein to problems resulting from opposition by labor, inadequate public preparation, and jeopardising current economic control programs.

8. The general need for adequate legislation to establish an efficient and democratic public servant system is recognized as being both desirable and necessary. No insurmountable difficulty stands in the way of this accomplishment. However, the provisions of such legislation should be drafted so as to be consistent with existing policies and developments in Japan.

9. In view of the considerations outlined above it is suggested that introduction of the proposed Bill be delayed pending further consideration of the issues raised herein.

J.S.K.

- J. S. K. - - - - - - - - - - -

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section

8 August 1947

MEMORANDUM FOR THE RECORD

SUBJECT: National Public Servants Law

1. With reference to the Japanese Government's proposed law for the reform of the civil service system, it is recommended that the following principles relative to employee-management relations be approved for incorporation into such law.

a. Rights of Employees

(1) That employees of the national government service be prohibited from striking.

(The national government service does not include employees of Government-owned or controlled enterprises).

(2) That any employee in the national government service who strikes against the people of Japan, as represented by the national government, shall lose all his employment rights and prerogatives under the law, with the exception that no action may be taken which shall deprive him of compensation or other benefits which he has earned under the provisions of the law or of the rules and regulations of the Authority.

(3) That employees of the national government service shall have the unrestricted right to organize or to refrain from organizing any type of organization, and shall be permitted to join or refrain from joining any such organization.

(4) That employees of the national government service shall have the unrestricted right, individually or collectively, to negotiate with appropriate officials for the adjustment of grievances, improvement of working conditions, and other lawful matters.

b. Responsibility of Management

It shall be the duty and responsibility of all officials charged with the direction and supervision of employees of the national government service to deal with the problems of employment as viewed by the employees individually, or in organized groups, and to make adjustments within their authorized area of administrative discretion, as required to correct

individual injustices or undesirable conditions, or as may contribute to the improvement of operating efficiency and the promotion of employee-morale.

CARLOS P. MARCUM
Chief, Political Affairs Division

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Government Section.

7 August 1947

MEMORANDUM FOR GENERAL WHITNEY

SUBJECT: Japanese Government's Request for SCAP Opinion Concerning the Right of Government Employees to Organize, Negotiate and Strike.

1. Prior to the submission of the Government's draft of the proposed law on 31 July 1947, the Government had requested an indication of SCAP opinion on the above subject, and in its letter transmitting the proposed law specifically requested a statement of SCAP opinion on this subject as a basis for drafting the Government proposal.

2. Yesterday, Mr. Sone, Deputy Director General of the Cabinet Secretariat, indicated that the Government anticipated no difficulty in satisfying the desires of this Headquarters with regard to the final draft of the National Public Servants Law, with the exception of provisions relative to the above subject, but that this subject was considered a major obstacle, inasmuch as certain members of the Cabinet advocated the application of the no-strike injunction to employees in Government-owned enterprises or in any subsequently Government-controlled enterprises, and other members of the Cabinet questioned the full application of the no-strike injunction to bona fide employees of the national public service itself. He implied that the Cabinet had reached an impasse which could not be resolved without an expression of opinion from SCAP.

3. The Special Advisors and Division Heads, with the exception of Dr. Williams, who was absent, have been consulted and they agree on the following points:

a. That the national government service shall be defined to exclude employees of Government-owned or controlled enterprises.

b. That employees of the national government service be prohibited from striking.

c. That employees of the national government service will have the unrestricted right to organize and negotiate for the adjustment of grievances, improvement of working conditions and other lawful matters.

d. That the application of a no-strike injunction to employees of Government-owned or controlled enterprises is a matter for determination by the Diet and should be effected by special legislative action.

4. I therefore recommend that:

a. The language of Article 1, Chapter I, of the Japanese Government's draft of the National Public Servants Law be amended as follows:

Article 1 (Object of this Law). The object of this law is to assure the people democratic and efficient administration of their public affairs by establishing basic standards which shall be applicable to all official positions and places of employment in the national government service (the national government service does not include official positions and places of employment in Government-owned or controlled enterprises), and by providing that personnel shall be so selected and directed in a manner consistent with democratic practices as to promote maximum efficiency in the performance of public duties.

b. Add the following as Section 8 of Chapter III:

Section 8. Employee-Management Relations

Article 110 (Rights of Employees)

Part 1. Personnel of the national government service shall have the unrestricted right to organize or to refrain from organizing a union, federation, association or other organization or group, and shall be permitted to join or refrain from joining any such organization or organizations.

Part 2. Any employee-organization may designate representatives for the purpose of consulting, negotiating or cooperating with appropriate officials of the national government service, other branches of the government or any other organization outside of the Government relative to any lawful matter with specific reference to those matters within the purview and intent of this law.

Part 3. In the exercise of these rights, personnel of the national government service shall be free from any form of restraint, interference, intimidation or coercion.

Part 4. Any person in the national government service who shall strike against the public of Japan, as represented by the national government as employer, shall lose all rights and prerogatives enumerated in this law, with the exception that no action, disciplinary or otherwise, which may be taken by competent authority, as provided under this law, shall include the deprivation or denial of compensation or other benefits to which he is entitled under the provisions of this law, or any rule or regulation of the Authority.

Article 111. (Management Responsibility). It shall be the duty and responsibility of all officials charged with the direction and supervision of employees of the national government service to deal with the problems of employment as viewed by the employees individually, or in organized groups, and to make adjustments within their authorized area of administrative discretion, as required to correct individual injustices or undesirable conditions, or as may contribute to the improvement of operating efficiency and the promotion of employee-morale.

c. The Japanese Government be told informally that the application of a no-strike injunction to the employees of government-owned or controlled enterprises is a matter for determination by the Diet in each individual case. It should also be noted that the application of such an injunction to these two categories is a matter for specific legislation by the Diet, inasmuch as such legislation could only be determined with reference to the special and varying considerations of public welfare existing at the time and would require a specific determination in each individual case as to whether such injunction will be necessary or warranted as applied to all employees of a particular enterprise, or whether the injunction should apply only to the employees of a particular enterprise at a particular place, or whether the injunction should apply to certain categories of personnel within a particular enterprise, or whether the injunction should apply to a combination of types of personnel and places of employment within a particular enterprise.

5. It is my opinion that the above recommendations will not only meet the practical requirements of the situation, but will provide a solution acceptable to domestic and international public opinion.

CARLOS P. MARCUM
Chief, Political Affairs Division

31 July, 1947.

Original draft

Based upon your proposal forwarded to the Prime Minister on July 3, we wish to submit herewith the tentative conclusion obtained after study in the form of bill.

Due to drastic re-arrangements made in order to conform the bill to usual form of legislation familiar with the Japanese people, the number of Articles exceeds one hundred, and the phraseology and form of expressions used in the bill gives an appearance that it differs to a considerable extent as compared with your recommendation. However, it can be easily understood, if the bill be read carefully through, that no difference exists between the two in respect of fundamental principles. As a matter of fact, the bill is almost a copy of your proposal in its substance.

Although certain alterations in substance were made in a few respects, those which are important are not beyond what was mentioned in the Premier Katayama's memorandum dated June 28, 1947, addressed to Mr. Hoover. With regard to these points, our views have been candidly incorporated in the present bill for your consideration.

The following is some of these important points.

(1) Members of the National Personnel Authority.

In this bill, three members of the Personnel Authority are to be appointed out of candidates of three times in number who shall be nominated by Recommendation Committee composing of members of independent character.

The reason why the above step has to be taken is that to obtain persons who are considered most suitable and able as candidates holding such a high and important position under a public competitive examination system is hardly feasible under the actual circumstances in Japan. It can not be expected that those who have high reputation as scholars, experts or men of knowledge desire to apply for the test of ability under the competitive examination.

Therefore, after due consideration has been given to the above circumstances, this bill provides that Recommendation Committee shall select with a fair discerning eye out of the general public,

and

and recommend to the Cabinet, most suitable candidates. (whose basic qualification requirements are provided in the bill).

It is to be added here that the similar procedure is also adopted in the selection of the Supreme Court Justices who are expected to be most fair, independent and able under the new Constitution.

(2) Temporary National Personnel Authority.

This bill provides for the establishment of the regular National Personnel Authority from the start, without establishing the Temporary Personnel Authority.

The reasons therefor are as follows:

(a) The Members of the Authority being selected on the recommendation basis as stated before, the regular Authority can be readily installed from the beginning, without making the Temporary Authority a necessary prerequisite.

(b) To designate and appoint to a certain position by force of law an individual holding a specific office on a specific date as stipulated in your draft will not only give an awkward impression to the Japanese as the form of legislation, but also will give rise to a doubt as to the propriety of such stipulation from the standpoint of legal concepts. As a matter of principle, it is our opinion that it should be avoided to stipulate in law that a specific individual be appointed to a certain official position.

(3) Rules of the National Personnel Authority.

According to your draft, rules of the Authority are to be the sole form of regulations to be used for the implementation and effectivation of the proposed law. This bill, however,provides, in due deference to the Constitution, for the use of Cabinet orders on certain items in the proposed law. Cabinet orders under this law, however, different from ordinary ones, will be made with the advice of the Authority, with a view to securing smooth adjustment of jurisdictional relations between the Cabinet and the Authority as well as fairness in administration thereof.

(4) This bill also provides that appointment and discharge of the Director-General of the Authority will be administered in the same manner as the general efficiency service, and furthermore, the articles pertaining to the finance of the Authority are eliminated. Since the Diet is in a position to study and amend, either to increase or decrease, the appropriation for the authority, it is considered not especially necessary to restrict by law the power of the Cabinet to reduce the appropriation.

(5) As for discharge, punishment, discipline, etc. of the efficiency service personnel, some stipulations have been added to your draft as well as fairly large scale adjustment made in the arrangement of articles in order to conform to the actual situation of our government service.

(6) Articles concerning the right for organization and strike of the efficiency service personnel are of very delicate and important nature. Since there is some vagueness in the scope of "all rights to employment" as stated in your draft and, furthermore, careful study must be made on this subject in conjunction with our standing labor legislations, we submit the present bill with this part tentative left blank.

We would like to arrive at a proper conclusion on this matter after full consideration of the opinions of your Headquarters.

(7) Stated above are the points in this bill which we consider important enough to be specially mentioned here. On other points, we hope to have some other opportunity to explain and hear your opinions.

We have drafted the present tentative bill with sincerity and fervor under the ideal that the principles of merit and efficiency may be effected at the highest degree, conforming at the same time to the actual conditions of our country, so that we may submit it to the Diet as a government measure and explain with confidence.

It is our hope and sincere wish that you would appreciate the above circumstances and study the bill with understanding and generosity.

At the same time, we wish to ask for your further kind assistance in order to bring the present great task to a successful conclusion.

THE NATIONAL PUBLIC SERVANTS LAW

(DRAFT)

JULY 31, 1947

(TENTATIVE TRANSLATION)

The National Public Servants Law

Chapter I. General Provisions

Chapter II. The National Personnel Authority

Chapter III. Standards for the Service.

Section I. Position Classification Plan.

Section II. Examination, Appointment and Dismissal

Part 1. General Rules

Part 2. Examination

Part 3. Employment Eligible Lists

Part 4. Employment

Part 5. Temporary Retirement, Reinstatement, Retirement and Dismissal

Section III. Compensation

Part 1. Pay Plan

Part 2. Delivery of Compensation

Section IV. Efficiency

Section V. Status, Disciplinary Punishment and Guarantee.

Part 1. Status

Part 2. Disciplinary Punishment.

Part 3. Guarantee

Division 1. Application for Administrative Action for Working Conditions

Division 2. Examination of Disadvantageous Action taken against will of personnel.

Division 3. Compensation for Injury and
Disease incurred in line of Duty.

Section VI. Performance on Duty.

Section VII. Pension to Retired Employes

Chapter IV. Penalty Regulations

Supplementary Provisions.

The National Public Servants Law (Draft)

Chapter I. General Provisions

Article 1. (Object of this Law) The object of this law is to assure the people democratic and efficient administration of their public affairs by establishing basic standards which shall be applicable to all official positions and places of employment(to be hereinafter referred to as the service) for national public servants (excepting committee-men and others who do not make duties of a national public servant as their principal duties; to be hereinafter referred to as personnel) and by providing that personnel shal be so selected and directed in manner consistent with democratic practices as to promote maximum efficiency in the performance of public duties.

Article 2. (Exceptions to application of this law) This law shall not apply to the following positions:

1. The Prime Minister
2. Ministers of State
3. Director General of the Cabinet Secretariat
4. Deputy Directors General of the Cabinet Secretariat
5. Director General of the Legislation Bureau
6. Confidential Secretaries to the Prime Minister and other Confidential Secretaries
7. Parliamentary Vice-Minister for each Ministry
8. Counselor for each Ministry
9. Positions for which it is provided that the appointment thereto requires an election or resolution of one or both houses of the Diet
10. Grand Chamberlain, Chamberlains and other positions in the Imperial Household prescribed by cabinet order
11. Positions in "kodan"and others corresponding to such prescribed by cabinet order

12. Auditors of the Board of Audit
13. Judges
14. Employees of the Diet.
15. Ambassadors and Ministers

Chapter II. The National Personnel Authority

Article 3. (Installation) In order to ensure the thorough-going enforcement of this law and attain its objectives, the National personnel Authority (to be hereinafter referred to as the Authority) shall be set up under the jurisdiction of the Prime Minister.

The Authority shall take charge of the following matters.

1. Integration and coordination of the position classification, appointments and dismissals of personnel of the service, their compensation, pension and other personnel administration.

2. Matters concerning examinations of personnel.

3. Other matters placed under its jurisdiction on the basis of law.

Article 4. (Personnel) The Authority shall have the following personnel: -

President

Commissioners three

Director General one

Other personnel provided by cabinet order

Article 5. (Commissioners of the Authority) Commissioners of the Authority (to be hereinafter referred to as Commissioners) shall be appointed by the Cabinet from among candidates for such commissioners.

Candidates for Commissioners for a number equal to three times the actual number of Commissioners to be appointed shall be recommended by the Committee for Recommending Commissioners of the Authority from among persons ~~over~~ 35 years old or more, of highest moral character and integrity, in known sympathy with the democratic form

of government and efficient administration therein based on merit principles, and possessing a wide range of knowledge and sound judgment concerning personnel administration.

The appointment and dismissal of a Commissioner shall be attested by the Emperor.

No person falling under one of the following cases may be appointed as Commissioner: -

1. A person who has been adjudicated incompetent, quasi-incompetent, or bankrupt and has not yet been rehabilitated.

2. A person who has been sentenced to a penalty heavier than imprisonment without hard labour by the criminal court or who has been punished upon conviction of an offence prescribed in Chapter IV.

No person who is or who has been an officer of a political party or a regular officer of the army or navy or who during the preceding three years has been a candidate for public elective office shall, as provided by Cabinet order, be eligible to appointment as Commissioner.

With respect to the appointment of Commissioners, no two persons among them shall be members of the same political party, or no three persons shall be graduates of the same department of professional subdivision of the same university or high school.

Article 6. (Committee for Recommending Commissioners)

The Committee for Recommending Commissioners shall be composed of three members nominated by a joint conference of the Chief Justice of the Supreme Court, the President of the Audit Board, and the President of the Authority upon each appointment of a Commissioner.

The provisions of the preceding Article, paragraph 4 and paragraph 5 shall apply correspondingly to the instances of the nomination prescribed in the preceding paragraph.

The Chairman of the Committee shall be elected by mutual votes of the members.

Except those prescribed in the preceding three paragraphs, necessary matters concerning the Committee for Recommending Commissioners shall be provided by cabinet order.

Article 7. (Oath taking) After he has been appointed as Commissioner, the new incumbent may not exercise the powers pertaining to his office until he has signed a letter of oath before the Chief Justice of the Supreme Court as provided by cabinet order.

Article 8. (Term of Office) The term of office of a Commissioner shall be six years. However, a Commissioner who is appointed to fill a vacancy shall remain in office during the unexpired portion of the term of his predecessor.

A Commissioner may be reappointed. However, he may not remain in office continuously for a period exceeding 18 years.

A person who has been a Commissioner shall not be eligible to appointment to any position in any agency of the National Government other than the Authority for one year after the termination of his service as Commissioner. However, in respect of the positions provided by cabinet order, the foregoing provision shall not apply.

Article 9. (Retirement and Removal from office) A Commissioner shall naturally retire from office when he falls under one of the following cases:-

1. When he has come under one of the instances mentioned in Article 5, paragraph 4 or paragraph 5.

2. When his removal from office is affirmed on public impeachment proceedings based on charges filed by the Prime Minister.

3. When he has been continuously in office as a Commissioner for 18 years.

The causes for impeachment prescribed in item 2 of the preceding paragraph shall be the following: -

1. When he is mentally or physically incompetent to perform official duties.

2. When he has acted contrary to the duties of his position or is guilty of such malfeasance as to render himself unfitting to be Commissioner.

In cases when two persons or more among Commissioners have come to belong to the same political party, all except one person shall be relieved of office.

In the cases of the preceding paragraph, those to be relieved of office shall be decided by drawing lots as provided by rules of the Authority.

Except the cases mentioned in paragraph 3, no Commissioner shall be removed from office against his will.

Article 10. (Impeachment of Commissioner) Proceedings for impeachment of a Commissioner shall be conducted by the Supreme Court.

When the Prime Minister intends to bring impeachment action against a Commissioner, he shall file charges in writing setting

forth the alleged offence, both in general and particular, and submit them to the Supreme Court.

In the case of the preceding paragraph, the Prime Minister shall forward a copy of the charges mentioned in the same paragraph to the accused Commissioner.

The Supreme Court shall set a date for hearing not less than thirty days and not more than ninety days after the filing of the charges mentioned in paragraph 2, and notify it to the Prime Minister and the accused Commissioner at least thirty days in advance of the date set for hearning.

The Supreme Court shall announce its findings within one hundred days after the original date of hearings.

The proceedings for impeachment of Commissioners shall be provided by rules of the Supreme Court.

Costs of hearings shall be borne by the national treasury, as provided by cabinet order.

Article 11 (Salary) A Commissioner shall be paid the salary corresponding to that of a Minister of State, as provided by cabinet order.

Article 12. (President of the Authority) The President of the Authority (to be hereinafter referred to as the President) shall be appointed by the cabinet from among Commissioners after consultation with reference to the Committee for Recommending Commissioners.

The President shall preside over the affairs of the Authority and represent the Authority.

When the President is unable to serve or if his post is vacant, a senior Commissioner shall act for the President in the performance of his duties.

Article 13. (Commissioners' Conference) In the Authority there shall be set up a Commissioners' Conference which is composed of the Commissioners.

When exercising the powers mentioned in the following, the Authority shall require a resolution of the Commissioners' Conference.

1. The enactment, amendment, and abrogation of rules of the Authority.
2. Submitting views or opinions of the Authority to the Prime Minister specified in Article 26; Article 28, paragraph 5; and Article 92, paragraph2.
3. Recommendations to the appropriate agency of government specified in Article 24, paragraph 1 and Article 73, paragraph 2.
4. Advice to the Prime Minister specified in Article 25.
5. Report to the Prime Minister specified in Article 27, paragraph 1.
6. Designation of Directors specified in Article 28, paragraph 2.
7. Designation of examining bodies specified in Article 49.
8. Approval of temporary employment and its renewal specified in Article 61, paragraph 1; restriction of number of personnel for temporary employment and determination of their qualifications specified in the same Article, paragraph 2; and cancellation of temporary employment specified in the same Article, paragraph 3.
9. Drafting of a pay plan specified in Article 64, paragraph 2 and preparation of a bill for revision of the pay plan specified in Article 68.
10. Confirmation of action specified in Article 92, paragraph 1.
11. Drafting of important matters concerning compensation specified in Article 93.
12. Drafting of important matters concerning pension specified in Article 109.
13. Other matters which, by a resolution of the Commissioners' Conference, require a resolution of the same conference.

Necessary matters concerning the proceedings of the Commissioners'

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Necessary matters concerning the proceedings of the Commissioners'

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Article 14. (Directorate General and other agencies) The Authority shall have a Directorate General, which shall take charge of general affairs concerning matters under the jurisdiction of the Authority.

The Authority may, as provided by cabinet order, establish local offices and make them take charge of a part of its affairs.

Article 15. (Director General of Personnel) The Director General of Personnel (to be hereinafter referred to as the Director General) shall, under the direction and supervision of the President, take charge of the affairs of the Directorate General.

Article 16. (Prohibition of personnel of the Authority holding concurrent positions) No personnel of the Authority shall hold any concurrent position in the service other than that in the Authority.

Article 17. (Rules of the Authority) The Authority may make rules concerning the matters necessary for the enforcement of this law and cabinet orders issued thereunder.

Rules of the Authority shall be published in the Official Gazette.

Article 18. Except those prescribed by law and cabinet orders issued thereunder, necessary matters concerning examination, appointment and dismissal, temporary retirement, disciplinary punishment, compensation of the personnel of the service and other incidents of their employment shall be provided by rules of the Authority.

Article 19. (Investigation) The Authority, or any person or persons designated by the Authorityk may conduct investigations

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Article 19. (Investigation) The Authority, or any person or persons designated by the Authorityk may conduct investigations

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on an employment situation involving personnel of the service, the condition of personnel management and other matters related to personnel administration.

The Authority, or person or persons designated in accordance with the provision of the preceding paragraph, may, when necessary inc conducting the investigations specified therein, subpoena witnesses or compel the production of books and records or copies thereof pertinent or alleged to be pertinent to any investigation or hearing.

Article 20. (Control of delivery of compensation) The Authority shall control delivery of compensation to personnel of the service.

Article 21. (Personnel records) The Authority shall administer matters concerning personnel records relating to personnel of the service.

The Authority shall prescribe that the Prmine Minister's Office, any ministeries or agencies of government prepare and maintain personnel records inclusive of all particulars relating to personnel of the agencies of government concerned.

The particulars to be entered in personnel records, the form thereof, and other necessary matters concerning personnel records shall be provided by rules of the Authority.

Where it is deemed that the personnel records prescribed in paragraph 2 are contrary to the rules of the Authority, the Authority may order revisions and such other steps as may be called for.

Article 22. (Statistical Reporting) The Authority shall, as provided by rules of the Authority, prescribe and administer a sy stem of statistical reporting concerning employment in the service.

When it is necessary in connection with the statistical reporting mentioned in the preceding paragraph, the Authority may require any appropriate agency of government to give required information on request or at specified time and in specified form.

Article 23. (Delegation of functions) Of the functions prescribed in this law or cabinet orders issued thereunder, the Authority may delegate unimportant functions to other agencies of government. Even in these cases, the Authority shall not be free from responsibility in regard to the exercise of such functions.

Article 24. (Recommendations for improvement of personnel administration) The Authority may make recommendations to any appropriate minister or head of other agency of government concerning improvements of personnel administration.

In such cases, the Authority shall submit a due report thereon to the Prime Minister.

Article 25. (Advice on enactment, amendment, and abrogation of cabinet orders) The enactment, amendment or abrogation of cabinet orders issued under this law shall be effected with the advice of the Authority.

Article 26. If, in order to assure the realization of the objectives of this law, the Authority has opinions concerning the enactment, or amendment or abrogation of laws and orders, it shall submit them to the Prime Minister.

Article 27. (Report on Business) The Authority shall, as provided by cabinet order, make an annual report to the Prime Minister of its activities and accomplishments covering each fiscal year of operation.

The Prime Minister shall have the report mentioned in the

preceding

preceding paragraph published.

Article 28. (Directors of Personnel) In the Authority, there shall be Directors of Personnel (to be hereinafter referred to as Directors).

Directors shall be appointed from among the personnel of the Authority who are disignated by the Commissioners' Conference.

A Director shall be assigned for duty in the Ptime Minister's Office, each ministry and agency of government determined by the Commissioners' Conference, and shall take charge of the following matters.

1. Research and collection of material concerning matters placed under the jurisdiction of the Authority.

2. Surveillance over the personnel administration of the agency of government to which he is assigned, to see whether it is properly and equitably conducted in accordance with the provisions of this law or cabinet orders issued thereunder and rules of the Authority.

3. Submitting to the President reports on the condition of personnel administration of the agency of government concerned.

Directors may, if they deem it necessary to do so for the exercise of their functions mentioned in the preceding paragraph, call for reports from the appropriate officers in each agency of government concerned or examine the books and records relating to personnel administration.

The President may, if he deems it necessary, submit to the Prime Minister his views based on the Director's reports.

The Prime Minister shall, if he deems it necessary, give necessary direction to the head of the agency of government involved on

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the basis of the President's views.

Article 29. (National Personnel Council) In the Authority there shall be set up a National Personnel Council.

The National Personnel Council shall be composed of a Chairman and a number of members.

The Chairman shall be the Director General and members shall be appointed by the Prime Minister from among persons in charge of personnel matters in the Prime Minister's office, in each ministry or other agency of government determined by the Authority.

The National Personnel Council may submit recommendations to the President on important matters relating to personnel administration.

Except those prescribed in the preceding three paragraphs, necessary matters concerning the National Personnel Council shall be provided by rules of the Authority.

Chapter III. Standards for the Service

Section I. Position Classification Plan.

Article 30 (Definition of Class) A class referred to in this law shall mean a position or a group of two or more positions which forms a basic unit for a position classification plan whereby every position is classified by occupational groups and according to grades consistent with the degree of complexity of duties and responsibilities involved, so that the same qualifications may be required for appointment to positions belonging thereto and the same scale of compensation may be paid to incumbents of such positions.

Article 31 (Enforcement of the Position Classification Plan) The position classification plan shall be gradually enforced, commencing first with segments where it is possible to do so.

Except those specially prescribed, matters necessary for the enforcement of the position classification plan shall be provided by rules of the Authority.

Article 32 (Allocation of Positions) In the event of enforcing the position classification plan, the Authority shall, as provided by rules of the Authority, allocate to one of the classes of the position classification plan every position to which such plan is applicable.

The Authority shall, as provided by rules of the Authority, review at any time the allocations prescribed in the preceding paragraph, and revise them, where deemed necessary.

Article 33 (Prohibition of Allocation of Positions by other than the Position Classification Plan) No classification of positions on any basis other than the position classification plan ~~shall~~ shall

shall be made as the standards for the qualifications for employment and the payment of compensation.

Section II. Examination, Appointment and Dismissal

Article 34. (Basic Standard for Examination, Appointment and Dismissal) Appointment and dismissal of a person in the service shall be made entirely on the basis of the result of his examination and the merit of his performance on duty ~~and~~ other demonstrated abilities.

Except those specially prescribed, matters necessary for enforcing the basic standard mentioned in the preceding paragraph shall be provided by rules of the Authority.

Part I. General Rules

Article 35. (Definition of Employment, Initial Appointment, Demotion and Transfer) Employment referred to in this law shall include initial appointment, promotion, and demotion.

An initial appointment referred to in this law is to assign to a position a person who does not hold a position in the same occupational group as the one to which he is to be assigned.

A promtion referred to in this law is to assign a person holding a position to a higher position in the same occupation group.

A demotion referred to in this law is to assign a person holding a position to a lower position in the same occupational group.

A transfer referred to in this law is to assign a person holding a position to another position in the same class.

Article 36. (Method of filling Vacancies) When a vacancy occurs in the service, an appointing officer, except in cases specially provided by law or cabinet order, may appoint a person by any one of these means - transfer, initial appointment, promotion or demotion.

This shall not, however, apply to cases where the Authority recognizes the special necessity and designates the method of employment.

Article 37. (Method of Initial Appointment) Initial appointment of personnel shall be by competitive examination (to be hereinafter referred to as exmination). However, in cases where, with respect to classes or positions prescribed by cabinet order, the approval of the Authority has been obtained, this provision shall not prevent the initial appointment to such classes or positions by means of test on the basis of demonstrated abilities other than examination (to be hereinafter referred to as ~~selection~~ test), as provided by cabinet order.

With out prejudice to the provision of the preceding paragraph, initial appointment of personnel to a position may be made from among persons who have previously held either a position of the class in which the position under assignment is located or a position belonging to one of the classes designated by rules of the Authority as requiring higher qualifications for appointment as compared with the class in which the position under assignment is located.

Article 38. (Method of Promotion) Promotion of personnel shall be by examination among incumbents of positions in the next lowest class of the same occupational group to which the promotional position under consideration belongs. However, in cases where, in view of the duties and responsibilities of the position to which appointment is to be made, the Authority deems it impracticable to hold an examination among the incumebtns concerned, promotion may be made by means of ~~selection~~ test based on the past service record of the incumbents concerned, or examination among incumbents of the positions in two or more lower classes belonging to the same occupational

group as the promotional position under consideration, or ~~selection~~ test based on the past service record of such incumbents.

Article 39. (Provisions for Disqualification) No person falling under one of the following cases shall be eligible to appointment to a grade higher than one prescribed by cabinet order:-

1. A person who has been adjudicated incompetent or quasi-incompetent.

2. A person who has been sentenced to imprisonment with or without hard labour, and of whom the execution of the sentence has not been completed or who has not yet ceased to be amenable to the execution of the sentence.

3. A person who was dismissed by disciplinary decision and of whom a period of two years has not expired since the date of dismissal.

4. A Commissioner, or Director General, or Director of the Authority who has been convicted of a crime prescribed in Article 110, Article 111; item 1 or item 3, and punished.

5. A person who, on or after the date of the enforcement of the Constitution of Japan, formed or belonged to a political party or association which advocated the overthrow by force of the Constitution of Japan or the government existing thereunder.

Article 40.(Prohibition of illegal acts concerning personnel matters) No person shall, for the purpose of effecting any one of the items mentioned below, pay or receive or offer or solicit or promise to pay or receive money or other benefit, or use threat, coercion or other similar method, or, directly or indirectly, use or offer or demand or promise to use public office or be in any way concerned with such acts.

1. To resign his position, retire temporarily, or fail to accept appointment.

2. To withdraw his application for appointment, or to suspend competition for appointment.

3. To effect or recommend appointment, promotion, retention in employment or other advantage in the service.

Article 41. (Prohibition of fraud concerning personnel matters) No person shall make any false statement, record, certificate, mark, rating or report with regard to any examination, ~~selection~~ list, personnel record or appointment.

Article 42. (Prohibition of Obstructing Right to Examination or Appointment and Furnishing Information) No person belonging to any examining body or others shall obstruct any person in his right to examination or appointment or furnish any special or secret information for the purpose of affecting the rights or prospects of any person with respect to examination or appointment in the service.

Part 2. Examination

Article 43. (Instances of holding Examination) Examination shall be held, as provided by cabinet order, by a class or classes or a position or positions.

Article 44. (Disqualifications for Examination) Persons who are ineligible to appointment may not sit at examination.

Article 45. (Prerequisities of eligibility for Examination) For persons intending to sit at examination, prerequisites as to age, sex, physical condition and other objective and uniformly applicable qualifications which constitute a minimum essential to the performance of the duties of the position may, according to a class of classes involved, be provided by cabinet order.

Article 46. (Content of Examination) Each examination shall

have as its object the accurate measurement of the relative abilities of the persons examined to perform the duties of the position or positions concerned, and shall be practical in character.

Article 47. (Entrance Examination to be open and equal) Entrance Examinations shall be open and on equal terms to any citizen, regardless of political opinion, religious faith, race, family origin, social status or other discriminative consideration.

Article 48. (Announcement of Entrance Examination) Announcement of entrance examination shall be given publication by means of Official Notification.

The announcement of examination of the preceding paragraph shall set forth the duties and responsibilities of the position or positions for which examination is to be held, the rates of pay, the prerequisites of eligibility, the subjects of examination and the individual weights thereof, the time and place of examination and where, when and how necessary application forms may be secured and filed and other qualifying procedure observed and such other information as the Authority may deem pertinent.

The Official Notification prescribed in paragraph 1, shall, as provided by rules of the Authority, be given publicity in such a way that all pertinent details relating to the examination in view may unfailingly become known to everyone of presumably qualified persons in such examination.

The Authority shall at all times exercise diligence in the efforts to secure adequate participation of presumably qualified persons in examinations.

Article 49. (Examining Bodies) Examinations shall, as provided by rules by the Authority, be conducted only by examining bodies determined by the Authority.

Article 50. (Time and Place of Examination) The time and place of examinations shall be so decided that they may be reasonably accesible to any qualified resident in the country.

Part 3. Employment Eligible Lists

Article 51. ∅(Preparation of Eligible List) In regard to employment of personnel by examination, employment eligible lists (entrance eligible lists and promotional eligible lists) shall be prepared by class or position, as provided by cabinet order.

Article 52. (Persons to be entered in Entrance Eligible List) The names and examination scores of those who have achieved the qualifying score and better under entrance examination shall be entered in the employment eligible list as eligible to appointment to the positions covered by the list.

Article 53. (Persons to be entered in Promotional Eligible List) The names and examination scores of those who have achieved the qualifying score and better in promotion examinations shall be entered in the promotional eligible list as eligible to promotion to positions covered by the list.

Article 54. (Inspection of List) Eligible lists shall be at all times open to inspection of the examinees, government offices about to recruit personnel and other interested parties upon demand.

Article 55 (Cancellation of Eligible List) The Authority may at its discretion cancel, either in whole or in part, eligible lists which have been in use for over one year or at any time for one of the causes prescribed by the Authority.

Part 4. Employment

Article 56 (Appointing Officer) Appointment to a position in the

the service, whether as the result of entrance examination, promotion examination, or other qualifying procedure, shall be made only by an appointing officer.

Except in cases specially prescribed by law or cabinet order, the appointing power shall be vested with the Cabinet, the Prime Minister, various ministers, heads of other administrative agencies of government according to the grades of position, as provided by cabinet order.

The appointing officer who is the head of an administrative agency of government prescribed in the preceding paragraph, may delegate such appointing power only to a high official of such agency.

Article 57. Initial appointment by examination shall be from amongst persons on the appropriate eligible list who are to be picked up at the rate of five such eligibles for one to be appointed in the precise order of their examination scores.

Article 58. (Method of Promotion by Examination) Promotion of personnel by examination shall be from amongst persons on the appropriate eligible list who are picked up at the rate of five such eligibles for one to be promoted in the precise order of their examination scores.

Article 59 (Recommendation of Eligibles for Employment) In cases where the appointing officer is about to make initial appointment, or promotion of personnel and makes due application therefor, the Authority shall, as prescribed by rules of the Authority, recommend the specified number of the eligibles prescribed in the preceding two Articles for the employment in view from among those entered in the appropriate employment eligible lists.

Article 60. (Conditional Period of Initial Appointment) Any initial appointment to the class prescribed by cabinet order shall be considered conditional and shall become regular only after

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the appointee shall have served in the position concerned a period of not less than six months during which he shall have performed satisfactorily the duties of that position.

Necessary matters concerning conditional initial appointment shall be provided by cabinet order.

Article 61. (Temporary Employment) An appointing officer, as provided by cabinet order, may effect, with the approval of the Authority, temporary employments each not to exceed six months in duration, in emergencies or with respect to positions of an essentially temporary and transitory nature or in the absence of the recommendation from the Authority for the eligibles for employment where their names have been entered on the employment eligible lists. Temporary employment may, with the approval of the Authority, be renewed once for an additional period of six months but not more than once.

The Authority may, with respect to temporary employment, limit by occupational group, class, and position the number and specify qualifications of personnel so employed.

The Authority may cancel temporary employment which violates provisions of the preceding two paragraphs.

Temporary employment shall not in anyway confer the right to or preference in selection for permanent employment.

As to the matters other than those prescribed in the preceding four paragraphs, this law and cabinet orders issued thereunder shall be applied to temporary appointees, except in cases specially provided.

Part 5. Temporary Retirement, Reinstatement, Retirement and Dismissal

Article 62. (Temporary Retirement, Reinstatement, Retirement and Dismissal) Except in cases specially provided by law or cabinet order, the temporary retirement, reinstatement, retirement, and dismissal of personnel of the service shall be effected by the appointing officer prescribed in Article 56, paragraph 2 and paragraph 3.

Section III. Compensation.

Article 63. (Basic Standard for Compensation) Personnel of the service shall be compensated on the basis of the duties and responsibilities of their positions.

Part 1. Pay Plan

Article 64. (Delivery of Compensation under Pay Plan) The Compensation to personnel of the service shall be effected under a pay plan prescribed by law, and, unless provided therein, no money or valuable thing of any kind may be given as compensation.

The Authority shall conduct necessary investigations and studies and, as a result thereof, draft and submit to the Prime Minister a pay plan conforming to the position classification plan.

Article 65. (Compensation Schedule) A compensation schedule shall be provided in the pay plan.

In the compensation schedule, there shall be clearly specified by a fixed range of variation the amount of pay for each grade, which shall be determined after taking into consideration the cost of living, prevailing wage rates and other factors.

Article 66. (Matters to be provided in Pay Plan) In addition to the compensation schedule of the preceding Article, the following matters shall be provided in the pay plan:-

1. Matters concerning the standards for an increase of pay within a same grade.

2. Matters concerning compensation upon the initial application of the position classification plan.

3. Matters concerning compensation in case of initial appointment promotion, demotion, and retirement.

4. Matters concerning compensation for overtime, night and holiday work.

5. Matters concerning the reduction of pay for days of absence.

6. Matters concerning allowances for service in specially designated areas, for hazardous jobs and other extraordinary services.

7. Matters concerning adjustments of compensation by the Authority in regard to positions not requiring full-time service, those for which the facilities necessary for living are wholly or partly supplied at official expense, and others with special working conditions.

The standards of item 1 of the preceding paragraph shall be determined after taking into consideration length of service, efficiency of service and such other service connected factors,

Article 67. (Determination of Amount of Compensation) Each person in the service shall be paid at one of the rates set forth in the pay plan for the class or the grade belonging thereto provided by the position classification plan in which he is employed.

In determining the compensation of personnel, no discrimination of any kind shall be made by non-service factors such as social status, family relationships, formal education, religious faith, sex and age.

Article 68. (Revision of Pay Plan) The Authority shall at all times conduct necessary investigations and studies concerning the pay plan and, shall, as frequently as it deems such action necessary, prepare and submit to the Prime Minister any revisions, either upward or downward, of the compensation schedules.

Part 2. Delivery of Compensation

Article 69. (Payroll) A person or persons who deliver compensation of any kind to personnel of the service shall first prepare a payroll in regard to a recipient or recipients.

Payrolls shall be kept available for personnel of the Authority at any time.

Except those prescribed in the two preceding paragraphs, necessary matters concerning payroll shall be provided by cabinet order.

Article 70. (Auditing of Payroll) Where, for determining whether ~~that~~ delivery of compensation or administration of other personnel matters is conducted in compliance with ~~this~~ law, cabinet orders issued thereunder, or rules of the Authority, it is necessary to do so, the Authority may audit payrolls or order corrections when deemed necessary.

Article 71. (Action against Illegal Payment). In case it is discovered that compensation is paid contrary to law or cabinet orders issued thereunder or rules of the Authority, the Authority, besides taking appropriate steps in regard to the ~~act~~

matters under its own jurisdiction, shall, if deemed necessary, report the case according to its nature to the Board of Audit or the public procurator for action.

Section IV. Efficiency

Article 72. (Basic Standard for Efficiency) Personnel of the service shall have their efficiency fully displayed and increased.

Except those prescribed in this law and cabinet orders issued thereunder, matters necessary for enforcing the basic standard of the preceding paragraph shall be provided by rules of the Authority.

The Authority shall conduct necessary investigations and studies concerning programs which would maintain and increase the efficiency of personnel of the service and take appropriate steps to assure the installation of such programs.

Article 73, (Evaluation of Work Performanne) The performance on duty of personnel of the service shall be periodically evaluated by the head of an administrative agency of government where they are employed, who shall take such appropriate action as the result of evaluation may call for.

The Authority shall have the power of determining necessary matters concerning the evaluation ~~and record~~ mentioned in the preceding Article, and record therefore and of recommending to the appropriate administrative agency such action consistent with this law as may be calculated to work up and improve the efficiency of the personnel of the service.

The Authority shall draw up plans concerning recognitions for efficient performance and measures for correcting failure to perform efficiently, and submit them to the Prime Minister.

Article 74. (Programs for improving Efficiency) The Authority and the head of the appropriate administrative agency involved shall, for the purpose of working up and improving the efficiency of persons in the service, formulate the programs enumerated here-below and shall exert their utmost in enforcing them:

1. Program concerning education and training of personnel.
2. Program concerning health of personnel.
3. Program concerning recreation of personnel.
4. Program concerning safety of personnel.
5. Program concerning welfare of personnel.

In regard to the formulation and enforcement of the programs of the preceding paragraph, the Authority shall be responsible for their overall planning, their integration and coordination with the appropriate agencies involved and surveillance over such agencies.

Section V Status, Disciplinary Punishment and Guarantee

Article 75 (Basic Standard for Status, Disciplinary Punishment and Guarantee) In regard to their status, disciplinary punishment, and guarantee, personnel of the service shall be treated equitably.

Except in cases prescribed by this law and cabinet orders issued thereunder, matters necessary for enforcing the basic standard mentioned in the preceding paragraph shall be provided by rules of the Authority.

Part 1. Status

Article 76. (Guarantee of Status) No personnel of the service (except one belonging to the classes prescribed cabinet order) shall, against will, have his grade reduced, or be demoted or be temporarily retired or be dismissed, unless he comes under one of the causes provided by law.

Article 77. (Loss of Office due to Disqualification) When a person in the service has come under one of the cases mentioned in Article 39, he shall naturally lose his office.

Article 78. (Instances of Reduction of Grade, Demotion, Temporary Retirement and Dismissal against his will) In cases where performance on duty of personnel mentioned in Article 76 fails to show any merit, the appointing officers may reduce his grade against his will.

In cases where personnel mentioned in Article 76 falls under one of the following cases, the appointing officer may demote him against his will.

1. When his performance on duty fails to show any merit.
2. When otherwise he lacks the qualifications for fitness required for positions of the class.

In cases where personnel mentioned in Article 76 falls under one of the following cases, the appointing officer may have him temporarily retired against his will.

1. When he is actually in such a state as to be incompetent to perform official duties due to mental or physical debility.
2. When he is committed to proceedings for disciplinary punishment.
3. When he is prosecuted with respect to a criminal case.

In cases where personnel mentioned in Article 76 falls under one of the following case, the appointing officer may dismiss him against his will.

1. When he is ~~actually~~ incompetent to perform official duties due to mental or physical debility.

2. When otherwise he lacks the qualifications for fitness required for positions of the class.

Article 79. (Period of Temporary Retirement) The Period of temporary retirement in any case as specified in item 1, paragraph 3 of the preceeding Article shall be one year: if the debility ceases to exist during the period of temporary retirement, the reinstatement shall be ordered forthwith, while a person who remains still temporarily retired on the expiration of the prescribed period shall naturally be treated as retired.

The period of temporary retirement in any cases as specified in item 2 and item 3, paragraph 3 of the preceding Article shall be the same as the inherence of the case in question with the authority administering disciplinary punishment or the law-court concerned.

Article 80. (Effect of Temporary Retirement) A person who is temporarily retired does not attend to his official duties, and excepting that he has his pay reduced by two-thirds in a case of item 1, paragraph 3 of article 78, is nowise different from an incumbent on actual duty.

Article 81. (Exceptions to Application) In regard to the status of personnel mentioned below, the provisions of Article 76, Article 78 to the preceding Article, Articles 89 to 92 shall not apply.

1. Temporary personnel.

2. Personnel in conditional period of initial appointment.

3. Personnel who become supernumeraries or whose positions are abolished due to an amendment or abrogation of the law concerning the official organization or of the fixed number of personnel or as a result of a reduction in budget.

4. Persons who, in consequence of a revision of the allocation of positions by the classification plan, suffer the same result as a reduction of grade or demotion.

In regard to the status of personnel enumerated in various items of the preceding paragraph, necessary matters may be provided by cabinet order.

As to which of the persons enumerated in item 3 of paragraph 1 shall have their grade reduced or be demoted, or be temporarily retired or dismissed, the same shall be determined on the basis of the merit of their performance on duty and other demonstrated abilities.

Part 2. Disciplinary Punishment.

Article 82. (Instances of Disciplinary Punishment) When he falls under one of the following cases, a person in the service may, by way of disciplinary punishment, be dismissed, suspended from duty, demoted, or have his pay reduced or reprimand administered.

1. When he has acted contrary to this law or cabinet orders issued thereunder or rules of the Authority.

2. When he has acted contrary to the duties of his position or has neglected his duties.

3. When he is guilty of such malfeasance as to render himself unfitting to be a servant of the whole people.

Article 83. (Effect of Disciplinary Punishment) The period for suspension of duty shall range from one month to one year.

The provision of Article 80 shall apply correspondingly to the instances of a person suspended from duty.

A person who is demoted by disciplinary decision may not be promoted for a period of ~~one~~ one year as from the date of demotion.

In case of reduction of pay, less than one-third of pay shall be deducted for a period ranging from one month to one year.

Article 84. (Administrator of Disciplinary Punishment) Disciplinary punishment shall be administered by an appointing officer specified in Article 56, paragraph 2 and paragraph 3.

Article 85. (Relations with Criminal Court) While a case which is to be subjected to disciplinary punishment is in the criminal court, no disciplinary proceedings may be taken on the same case.

Part 3. Guarantee

Division 1 Application for Administrative Action for Working Conditions

Article 86. (Application for Administrative Action for Working Conditions) Personnel of the service may present applications to the Authority relative to salary, wages, or any of the working conditions, and ask that they be accorded appropriate administrative action by the Authority or the employing agency of government.

Article 87. (Examination and Evaluation of Case) When the application specified in the preceding Article is received, the Authority shall conduct such investigations, hearings or other fact finding operations as may in its discretion be necessary, and evaluate the situation equitably and in terms of maintaining and improving the ~~ex~~ efficiency of personnel of the service.

Article 88. (Decision) When the Authority considers action necessary in regard to working conditions on the basis of the evaluation specified in the preceding Article, it shall take its own action for the matters under its jurisdiction, and recommend to the appropriate authority to take action in regard to other matters.

Division 2 Examination of Disadvantageous Action taken against will of Personnel

Article 89 (Delivery of Writtin Statement of Charges for Reduction of Grade, etc., taken against Will of Personnel) When a person in the service against his will, has his grade reduced, or is demoted, temporarily retired, dismissed or otherwise subjected to greatly disadvantageous action, or is about to be administered disciplinary punishment, he shall at the time of such action be

given by the officer taking such action a written statement of charges fully setting forth the reasons therefor.

In cases where a person in the service considers that he has been subjected to greatly disadvantageous action specified in the preceding paragraph, he may demand delivery of the written statement of charges mentioned in the xxx same paragraph.

Article 90. (Appeal for Review) The employe subject of the action specified in the preceding Article, paragraph 1 may, within thirty days after he has received the written statement of charges, appeal to the Authority for review thereof.

Article 91. (investigation) On receipt of the appeal specified in the preceding Article, the Authority, or an agency or agencies designated by the Authority, shall promptly investigate the case.

In the cases specified in the preceding paragraph, if the employe subject of the action demands a hearing, such hearing shall be accorded. The officer who took the action or his representative and the employe subject of the action may appear at all hearings, be represented by counsel of their own choosing, be heard and present withnesses, books, records and any pertinent facts and data.

Persons other than those mentioned in the preceding paragraph may present to the Authority any facts and data concerning the case.

Article 92. (Action to be taken as a result of Investigation) If, as a result of the investigation specified in the preceding Article, the validity of the charges is established, the Authority shall confirm the action of the employing agency of government.

If, as a result of the investigation specified in the preceding Article, it is established that the action taken is at variance with the facts or otherwise is not right, the Authority shall, in regard to the cancellation or revision of the original action, the restoration of employment rights to the person involved, the correction of any injustice that may have done him by reason of such inaccurate accusation, and the reimbursement of any compensation lost by reason of such inaccurate accusation, take its own action for the matters under its jurisdiction, and shall, in regard to others, submit a report to the Prime Minister giving its views thereon.

Upon receipt of the report specified in the preceding paragraph, the Prime Minister shall, in compliance with such report, take such appropriate action as to give necessary direction etc. to the employing agency of government to which the employe involved is ~~attached~~ attached.

Division 3. Compensation for Injury and Disease incurred in line of duty.

Article 93. (Compensation for Injury and Disease incurred in line of duty) In cases where a person in the service dies, is injured or incurs disease in line of duty or dies as the result thereof, a system of compensating the employe concerned and his immediate dependents for damage resultant of any such incident, shall be established and enforced.

The compensation system specified in the preceding paragraph shall be provided by law.

Article 94. (Matters to be provided in law) In the compensation system mentioned in the preceding Article, the following matters shall be provided.

1. Matters concerning the protention of the employe concerned against economic distress during periods of incapacity resultant of injury or disease incurred in line of duty.

2. Matters concerning the compensation of the employe for permanent or prolonged damage to his earning capacity resultant of injury or disease incurred in line of duty.

3. In the event of the death of the employe resultant of injury or disease incurred in line of duty, the compensation for damage sustained by the surviving members of his family or those who maintain their living by an income of the employe at the time of his death.

Article 95. (Responsibility of the Authority for Drafting Compensation System) The Authority shall conduct essential studies in regard to the compensation system, and submit its recommendations thereon to the Prime Minister as soon as practicable.

Section VII. Performance on Duty

Article 96. (Basic Standard for Performance on Duty) Any person in the service, as a servant of the whole people, shall attend to his duties in the interest of the public, and exert his utmost in the performance of his duties.

Except those prescribed by this law and cabinet orders issued thereunder, matters necessary for enforcing the basic standard specified in the preceding paragraph shall be provided by rules of the Authority.

Article 97. (Subsription to Oath) Personnel of the service shall subscribe to the oath of office as provided by cabinet order.

Article 98. (Duty to obey Laws and Orders and Orders of Superiors) Personnel of the service in the performance of their duties shall comply with laws and orders and observe the orders of their superiors. They may, however, express their opinions regarding the orders of their superiors.

Article 99. (Prohibition of Acts causing Loss of Credit) No person in the service, whether within or without the sphere of his duties, shall act in such a way as to cause the loss of credit of his position.

Article 100. (Duty to Preserve Secrecy) A person in the service shall not divulge any secret which may have come to his knowledge in the performance of his duties. This shall also apply after he has retired from office.

In case a person in the service is to make a statement concerning any secret in respect of his duties as a witness or an expert witness prescribed by law and order, he shall require the permission of the head of his employing agency of government (or in the case of a retired employe, the head of the agency of government having jurisdiction over the position he occupied at the time of retirement or any position corresponding to such).

Unless the publication of the secret will produce considerable disadvantage to public interests, the permission referred to in the preceding paragraph shall not be refused.

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Unless the publication of the secret will produce considerable disadvantage to public interests, the permission referred to in the preceding paragraph shall not be refused.

Article 101. (Undivided Attention to Duty) Personnel of the service, except in cases authorized by the head of their employing agency of government, shall give their full working time and occupational attention to the duties of their public position.

Article 102 (Prohibition of Political Activities) No person in the service shall solicit, or receive, [or give] or be in any manner concerned in soliciting, receiving or giving any subscription or other benefit for any political party or political purpose.

No person in the service shall be a candidate for elective public office.

No person in the service shall be an officer of any political party or political organization.

Article 103. (Right of forming Organization) Pending.

Article 104. (Exclusion from Private Enterprise) A person in the service shall not concurrently hold a position therein and a position of an officer, adviser or councillor in any company or other organization established for the purpose of carrying on any commercial, industrial or financial or other private enterprise aiming at pecuniary gain (to be hereinafter referred to as profit making enterprise), nor shall he carry on, on his own account any enterprise which aims at pecuniary gain.

No person who was in the service shall, for a period of two years

years after leaving the service, accept an appointment involving representation of a profit making enterprise which is closely connected with the duties of the public position he occupied for two years prior to retirement.

A person in the service shall not hold the stocks and shares, (including the holding in partnership of the same hereinafter), of any profit making enterprise which is closely connected with the duties of his position in an amount the value of which exceeds ten per centum of the authorized capital of such enterprise.

When, by a change of his allotted duties or by an assignment of securities through succession (including bequest), a person in the service has come to be possessed of the stocks and shares in excess of the limit specified in the preceding paragraph, he shall take appropriate action during a period of grace prescribed by cabinet order so as not to violate the provision of the preceding paragraph.

The provisions of the preceding four paragraphs shall not apply to cases wherein the approval is given by the head of the employing agency of government.

It shall be duty of each person in the service holding stocks and shares in any profit making enterprise to report such holding annually or more frequently at the discretion of the Authority and in the form prescribed by the Authority.

Article 103. (Restriction for Participation in Other Undertaking or Business) The permission of the head of the employing agency of government shall be required if a person in the service is, in consideration of a honorarium, concurrently to hold a position therein and a position of an officer, adviser or counsellor