

FEC-267FEC-RESTRICTEDFEC-2675 October 1948FAR EASTERN COMMISSIONNATIONAL PUBLIC SERVICE LAW
Text Appearing in Official GazetteNote by the Secretary General

1. The enclosure, the text of the National Public Service Law promulgated on 21 October 1947 is circulated herewith by the Secretariat for the information of the Far Eastern Commission.

2. The enclosure is the official text as it appears in the Official Gazette.

3. This is the law referred to by the Supreme Commander for the Allied Powers in his letter of 22 July 1948 and in the Japanese Cabinet Order of 31 July 1948.

NELSON T. JOHNSON
Secretary General

FEC-267

ENCLOSURETHE NATIONAL PUBLIC SERVICE LAW
Text Appearing in Official Gazette

Chapter I. General Provisions

(Object of this Law)

Article 1. 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 public service (the national public service as defined in this law does not include members of the Diet) 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.

(Regular and Special Government Service)

Article 2. The national public service shall be divided into the regular government service and the special government service.

The regular government service shall be comprised of all positions in the national public service other than those in the special government service.

The special government service shall be comprised of the following types of positions:

1. The Prime Minister
2. Ministers of State
3. Director-General of the Cabinet Secretariat
4. Deputy Director-General of the Cabinet Secretariat
5. Director-General of the Bureau of Legislation
6. Parliamentary Vice-Minister of each Ministry
7. Vice-Minister of each Ministry
8. Counselor of each Ministry
9. President of the Construction Board and President of the Central Liaison Office
10. Confidential Secretaries to the Prime Minister (not exceeding three in number) and other Confidential Secretaries (one for each Minister of State or head of agency included in the special government service)
11. Positions the appointment to which requires an election, resolution or consent of one or both Houses of the Diet.
12. Personnel of Government enterprises, "Kodan" and others similar thereto as designated by law or rules of the National Personnel Commission
13. Advisers, Consultants, Committee-men and other personnel similar thereto as designated by law or rules of the National Personnel Commission
14. Employes engaged in common labour
15. Grand Steward, Grand Chamberlain, Chamberlains and other personnel of the Imperial House Office as designated by law or rules of the National Personnel Commission
16. Ambassadors and Ministers
17. Judges, one Confidential Secretary to the Chief Justice of the Supreme Court and Judicial Research Officials
18. Employes of the Diet.

The provisions of this Law shall apply specifically to all positions in the regular government service (to be hereinafter referred to as the service and persons holding positions therein as personnel).

The provisions of this Law shall not apply to positions in the special government service unless specifically provided by an amendment to this Law.

Chapter II. The National Personnel Commission

(Installation)

Article 3. In order to ensure the thorough-going enforcement of this Law and attain its objectives, the National personnel Commission shall be set up under the jurisdiction of the Prime Minister.

The Commission shall take charge of the following matters:

1. Integration and coordination of position classification, appointments and dismissals of personnel of the service, their compensation, pension and other personnel administration matters;
2. Matters concerning examination of personnel;
3. Other matters placed under its jurisdiction on the basis of law.

(Personnel)

Article 4. The Commission shall have the following personnel:

Chairman
Commissioners three
Executive Director one
Other personnel provided by Cabinet Order

(Commissioners of the Commission)

Article 5. Commissioners of the Commission (to be hereinafter referred to as Commissioners) shall be appointed, with the consent of the Diet, by the Cabinet from among persons 35 years old or more, who are 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.

In case the House of Councillors does not consent to the appointment of the Commissioner despite the consent of the House of Representatives, the consent of the House of Representatives shall be taken as the consent of the Diet in the same manner as provided by Paragraph 2 of Article 67 of the Constitution of Japan.

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

No person falling under one of the following specifications shall 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 labor by the criminal court or who has been punished upon conviction of an offense prescribed in Chapter IV;

3. A person who falls under one of the specifications mentioned in Item 3 or Item 5 of Article 38.

No person shall be eligible for appointment as a Commissioner who has been a candidate for national or prefectural elective public office or who is or has been an officer of a political party within one year previous to the proposed date of appointment, as provided by rules of the Commission.

With respect to the appointment of Commissioners, no two persons among them shall be members of the same political party or graduates of the same professional subdivision of the same department of the same university or high school (in universities where there is no professional subdivision, graduates of the same department).

(Oath Taking and Performance of Duties)

Article 6. After he has been appointed as a Commissioner, the new incumbent shall not exercise the powers pertaining to his office until he has signed a written oath before the Chief Justice of the Supreme Court, as provided by rules of the Commission.

The provisions of Section VII of Chapter III shall apply correspondingly to Commissioners.

(Term of Office)

Article 7. The term of office of a Commissioner shall be four 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 shall not remain in office continuously for a period exceeding 12 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 Commission for one year after the termination of his service as Commissioner. Exceptions, however, may be authorized by rules of the Commission.

(Retirement and Removal from Office)

Article 8. A Commissioner shall, automatically retire from office when he falls under one of the following specifications:

1. When he has come under one of the instances mentioned in Paragraph 4 of Article 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 12 years.

The causes for impeachment prescribed in Item 2 of the preceding paragraph shall be as follows:

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 removed from office, with the consent of

the Diet, by the Cabinet. However, in cases specifically provided by rules of the Commission, a Commissioner may be immediately removed by the Cabinet.

The provision of the preceding paragraph shall not jeopardize the position of a Commissioner who has not changed his political status in regard to party affiliations.

The provision of Paragraph 2 of Article 5 shall apply correspondingly to the instances specified in Paragraph 3.

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

(Impeachment of Commissioner)

Article 9. 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 the Prime Minister and the accused Commissioner at least thirty days in advance of the date set for hearing.

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

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.

(Salary)

Article 10. A Commissioner shall be paid a salary corresponding to that of a Minister of State.

(Chairman of the Commission)

Article 11. The Chairman of the Commission (to be hereinafter referred to as the Chairman) shall be appointed by the Prime Minister from among Commissioners.

The Chairman shall preside over the affairs of the Commission and represent the Commission.

When the Chairman is unable to [omitted] attached to his duties or if his post is vacant, a senior Commissioner shall act for the Chairman in the performance of his duties.

(Commissioners' Conference)

Article 12. In the Commission there shall be set up a Commissioners' Conference which is composed of the Commissioners. The Executive Director of the Commission shall be present at the Commissioners' Conference as Executive Secretary.

When exercising the powers enumerated below, the Commission shall require a resolution of the Commissioners' Conference:

1. The enactment, amendment, or abrogation of rules of the Commission;

2. Recommendations to the head of the appropriate agency of government as specified in Article 22;
3. Submitting opinions of the Commission to the Prime Minister as specified in Article 23;
4. Report to the Prime Minister as specified in Article 24;
5. Drafting of a position classification plan as specified in Article 29;
6. Determination of standards for evaluation and designation of an evaluating body as specified in Article 36 (including cases to be correspondingly applied in Article 37);
7. Designation of examining bodies as specified in Article 48;
8. Approval of temporary employment and its renewal, restriction of number of personnel for temporary employment and determination of their qualifications, and cancellation of temporary employment as specified in Article 60;
9. Drafting of a pay plan as specified in Article 63;
10. Preparation of revisions of the pay plan as specified in Article 67;
11. Recommendations to the head of an appropriate agency of government, and drafting plans concerning recognition for efficient performance or measures for correcting failure to perform efficiently as specified in Article 72;
12. Evaluation of a case as specified in Article 87;
13. Evaluation of action and submitting a report to the Prime Minister as specified in Article 92;
14. Drafting of important matters concerning compensation as specified in Article 95;
15. Evaluation of a protest as specified in Article 103;
16. Drafting of important matters concerning pension as specified in Article 108;
17. Other matters which, by a resolution of the Commissioners' Conference, require a resolution of the same conference.

Regular meetings of the Commissioners' Conference shall, as a rule, be held at least once a week at a fixed place, as provided by rules of the Commission.

Proceedings at a meeting of the Commissioners' Conference shall be recorded in its minutes.

The minutes specified in the preceding paragraph shall be prepared by the Executive Secretary.

Necessary determinations concerning the proceedings of the Commissioners' Conference shall be provided by rules of the Commission.

(Secretariat of the Commission and other agencies)

Article 13. The Commission shall have a Secretariat, which shall take charge of general affairs concerning matters under the jurisdiction of the Commission.

The Commission may establish local offices with the approval of the Diet.

(Executive Director of the Commission)

Article 14. The Executive Director of the Commission shall, under the direction and supervision of the Chairman, take charge of the affairs of the Secretariat, and act as the Executive Secretary of the Commissioners' Conference and Chairman of the National Personnel Council.

(Prohibition of Personnel of the Commission from holding concurrent Positions)

Article 15. No Commissioner and Executive Director shall hold any concurrent position in the service other than that in the Commission.

(Rules of the Commission)

Article 16. The Commission shall, with the approval of the Prime Minister, make rules concerning matters necessary for the execution of this Law.

Rules of the Commission shall be published by the Prime Minister in the Official Gazette.

(Investigation)

Article 17. The Commission, or any person or persons designated by the Commission may conduct investigations of an employment situation involving personnel of the service, the condition of personnel management and other matters related to personnel administration.

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

(Control of Delivery of Compensation)

Article 18. The Commission shall control delivery of compensation to personnel of the service.

(Personnel Records)

Article 19. The Commission shall administer matters concerning personnel records relating to personnel of the service.

The Commission shall prescribe that the Prime Minister's Office and any ministries 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 determinations concerning personnel records shall be provided by rules of the Commission.

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

(Statistical Reporting)

Article 20. The Commission shall, as provided by rules of the Commission, prescribe and administer a system of statistical reporting concerning employment in the service.

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

(Delegation of Functions)

Article 21. Of the functions prescribed in this Law, the Commission may delegate unimportant functions to other agencies of government. Even in these cases, the Commission shall not be free from responsibility in regard to the exercise of such functions.

(Recommendations for Improvement of Personnel Administration)

Article 22. The Commission may make recommendations to any appropriate minister or head of other agency of government concerning improvements of personnel administration.

The Commission may make recommendations to any appropriate minister or head of another agency of government concerning the change of placement and transfer of personnel between the various ministries or agencies of the National Government so as to contribute to the improved efficiency of administrative operations throughout the Government.

In the cases of the preceding two paragraphs, the Commission shall submit a due report thereon to the Prime Minister.

(Advice on Enactment, Amendment or Abrogation of Laws and Orders)

Article 23. If, in order to assure the realization of the objectives of this Law, the Commission has opinions concerning the enactment, or amendment or abrogation of laws and orders, it shall submit them to the Prime Minister.

(Report on Business)

Article 24. The Commission shall, as provided by the Prime Minister, make an annual report to the Prime Minister of its activities and accomplishments covering each fiscal year of operation.

The Prime Minister shall publish the report mentioned in the preceding paragraph.

(Directors of Personnel)

Article 25. In the Prime Minister's Office, the various ministries and other agencies of government designated by rules of the Commission, there shall be, as a member of its staff, a Director of Personnel.

The Director shall be head of a bureau or division in charge of business pertaining to personnel functions, and assist the head of the agency of government concerned by taking charge of business pertaining to personnel functions.

(National Personnel Council)

Article 26. In order to ensure close contact and mutual cooperation concerning the enforcement of this Law between the Commission and the Prime Minister's Office, the various ministries and other agencies of government, there shall be set up in the Commission a National Personnel Council.

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

The Chairman shall be the Executive Director and members shall be the Directors specified in the preceding Article.

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

Except as prescribed in the preceding four paragraphs, necessary determinations concerning the National Personnel Council shall be provided by rules of the Commission.

Chapter III. Standard for the Service

Section I. General Rules

(Principles of Equal Treatment)

Article 27. In the administration of this Law, all of the people shall be accorded equal treatment and shall not be discriminated against by reason of race, religious faith, sex, social status or family origin.

(Principle of Meeting Changing Conditions)

Article 28. The standards concerning compensation, hours of work and other working conditions to be established under this Law may from time to time be changed to meet changing conditions under procedures to be determined by the Diet.

Section II. Position Classification Plan

(Establishment of Position Classification Plan)

Article 29. The position classification plan shall be prescribed by law.

The Commission shall develop a position classification plan whereby all positions in the service are classified by classes determined according to the kinds of duties and by grades according to the degrees of complexity of duties and responsibilities involved.

In the position classification plan, classification of positions shall be so effected that the same qualifications may reasonably be required for and the same schedules of basic pay may be applied equitably to all positions in the same grade and class.

The plan as provided in the preceding three paragraphs shall be submitted to the Diet for approval before the enforcement of this Law.

(Enforcement of the Position Classification Plan)

Article 30. The position classification plan shall be gradually enforced, commencing first with segments where it is practicable.

Except as prescribed in this Law, determinations necessary for the enforcement of the position classification plan shall be provided by rules of the Commission.

(Allocation of Positions)

Article 31. In the event of enforcing the position classification plan, the Commission shall, as provided by rules of the Commission, allocate to one of the grades of a class of the position classification plan every position to which such plan is applicable.

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

(Prohibition of Classification of Positions by other than the Position Classification Plan)

Article 32. In regard to positions to which the position classification plan is applicable, no classification of positions on any basis other than the position classification plan shall be made as the basis for the development and application of qualification standards for employment and the payment of compensation.

Section III. Examination, Appointment and Dismissal

(Basic Standard for Appointment and Dismissal)

Article 33. 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 of duties or other demonstrated abilities.

Except as prescribed in this Law, determinations necessary for enforcing the basic standard mentioned in the preceding paragraph shall be provided by rules of the Commission.

Part. 1. General Rules:

(Definition of Employment, Initial Appointment, Promotion, Demotion and Transfer)

Article 34. Employment as referred to in this Law is defined as the appointment of any person to any position in the service by any of the following means: initial appointment, promotion, demotion and transfer.

An initial appointment as referred to in this Law is defined as an appointment of a person to any position in a class by any means other than by promotion, demotion, or transfer.

A promotion as referred to in this Law is defined as the assignment of a person to a position in the same class in a grade higher than he is holding.

A demotion as referred to in this Law is defined as the assignment of a person to a position in the same class in a grade lower than he is holding.

A transfer as referred to in this Law is defined as the assignment of a person to a position in the same grade and class in a different subdivision of the same organization or a different organization in the service.

(Method of filling Vacancies)

Article 35. When a vacancy occurs in the service, an appointing officer, except as specially provided by law or rules of the Commission, may appoint a person by any one of the following means; transfer, initial appointment, promotion or demotion. This shall not, however, apply to cases where the Commission recognizes the special necessity and designates the method of employment.

(Method of Initial Appointment)

Article 36. Initial appointment of personnel shall be by competitive examination. However, in cases where, with respect to a grade or grades of a class or classes of positions prescribed by rules of the Commission, the approval of the Commission has been obtained, this provision shall not preclude such initial appointment by means of an evaluation of demonstrated abilities other than by competitive examination.

The evaluation specified in the proviso of the preceding paragraph shall be conducted by the Commission or an evaluating body appointed by the Commission in accordance with standards established by the Commission.

Without prejudice to the provisions of the preceding paragraphs, initial appointments of personnel to a position may be made from among persons who have previously held a position of the same or higher grade in the same class, as provided by rules of the Commission.

(Method of Promotion)

Article 37. Promotion of personnel shall be by competitive examination to be hereinafter referred to as examination among incumbents of positions in the next lower grade of the same class to which the promotional position under consideration belongs. This provision shall not, however, preclude the Commission from restricting the scope of persons to be examined, at the request of an appointing officer, to employees under his jurisdiction.

In cases where, in view of the duties and responsibilities of the position to which appointment is to be made, the Commission deems it impracticable to hold an examination among the incumbents concerned, promotion may be made by means of an evaluation based on the past service record of such incumbents.

The provision of Paragraph 2 of the preceding Article shall apply correspondingly to the instances of the evaluation under the preceding paragraph.

(Provisions for Disqualification)

Article 38. No person falling under one of the following types of cases shall be eligible to appointment in the service, except as provided by rules of the Commission or quasi-incompetent:

1. A person who has been adjudicated incompetent or quasi-incompetent;
2. A person who has been sentenced to a penalty heavier than imprisonment without hard labor by the criminal court, 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 Executive Director who has committed a crime prescribed in Article 109, Item 3 of Article 110 and has been convicted;
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.

(Prohibition of Illegal Acts concerning Personnel Matters)

Article 39. No person shall, for the purpose of realizing 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. Resignation, temporary retirement or failure to accept appointment;
2. Withdrawal of his application for examination or appointment, or suspension of competition for appointment;
3. Effecting or recommending employment, promotion, retention in employment or other advantage in the service.

(Prohibition of Acts of Fraud concerning Personnel Matters)

Article 40. No Person shall make any false or dishonest statement, record, certificate, mark rating, evaluation or report with regard to any examination, evaluation, personnel record or appointment.

(Prohibition against Obstructing the Right to Examination of Appointment and Furnishing of Information)

Article 41. No person belonging to any examining body or other personnel in the service shall obstruct any person in his right to examination or appointment or furnish any special or secret information for the purpose of favourably affecting or discrimination against the rights or prospects of any person with respect to examination or appointment in the service.

Part 2. Examination

(Instances of holding Examination)

Article 42. Examination shall be held, as provided by rules of the Commission, according to grade or grades of a class or classes of positions.

(Disqualifications for Examination)

Article 44. Persons who are ineligible to appointment for reasons other than those specified in Article 44 shall not compete in an examination.

(Prerequisites of Eligibility for Examination)

Article 44. For persons intending to compete in an examination, objective and uniformly applicable qualifications which constitute a minimum essential to the performance of the duties of a grade or grades of a class or classes of positions involved, shall be determined as prerequisites by rules of the Commission.

(Content of Examination)

Article 45. Each examination shall have as its object the accurate measurement of the relative abilities of the persons examined to perform the duties of the grade and class of positions concerned, and shall be practical in character.

(Entrance Examination to be Open and Equal)

Article 46. Entrance Examinations shall be open and on equal terms to any citizen who possesses the minimum qualifications

determined as prerequisites by rules of the Commission.

(Announcement of Entrance Examination)

Article 47. Announcement of entrance examinations 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 grade and class of 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 Commission may deem pertinent.

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

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

(Examining Bodies)

Article 48. Examinations shall, as provided by rules of the Commission, be conducted only by examining bodies determined by the Commission.

(Time and Place of Examination)

Article 49. The time and place of examinations shall be so decided that they may be reasonably accessible to any qualified citizen in the country.

Part 3. Employment Eligible Lists

(Preparation of Eligible List)

Article 50. In regard to employment of personnel by examination, employment eligible lists (entrance eligible lists and promotional eligible lists) shall be prepared by grade and class of positions, as provided by rules of the Commission.

(Persons to be entered in Entrance Eligible Lists)

Article 51. The names and examination scores of those who have achieved the qualifying score or better under entrance examination shall be entered in the entrance eligible list in the precise order of their examination scores as eligible to appointment to the appropriate positions in the grade and class covered by the list.

(Persons to be entered in Promotional Eligible List)

Article 52. The names and examination scores of those who have achieved the qualifying score or better in promotion examinations shall be entered in the promotional eligible list in the precise order of their examination scores as eligible to promotion to the appropriate positions in the grade and class covered by the list.

(Inspection of Eligible List)

Article 53. Employment Eligible Lists shall be at all times open

to inspection of the persons examined, appointing agencies of government and other interested parties upon demand.

(Cancellation of Eligible List)

Article 54. The Commission 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 Commission.

Part 4. Employment

(Appointing Officer)

Article 55. Appointment to a position in the service, whether as the result of entrance examination, promotion examination, or other qualifying procedure, shall be made only by an appointing officer.

Except as specifically prescribed by Law, 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 positions 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, as provided by Cabinet Order.

(Method of Appointment from Entrance Eligible List)

Article 56. Initial appointment from an entrance eligible list shall be made from amongst the top five names on such list for each vacancy to be filled.

(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 Commission shall, as prescribed by rules of the Commission, submit the required number of eligibles prescribed in the preceding two Articles for the employment in view from among those entered in the appropriate employment eligible lists.

(Conditional Period of Initial Appointment)

Article 59. Any initial appointment to the grade or class prescribed by rules of the Commission 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 determinations concerning conditional initial appointment shall be provided by rules of the Commission.

(Temporary Employment)

Article 60. An appointing officer, as provided by rules of the Commission, may effect, with the approval of the Commission, 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 Commission. In

such cases, temporary appointment may, with the approval of the Commission, be renewed once for an additional period of six months, as provided by rules of the Commission, but not more than once.

The Commission 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 Commission 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.

Except as prescribed in the preceding four paragraphs, this Law, Cabinet Orders issued thereunder and rules of the Commission shall apply to temporary appointees.

Part 5. Temporary Retirement, Reinstatement, Retirement and Dismissal

(Temporary Retirement, Reinstatement, Retirement and Dismissal)

Article 61. 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 Commission 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.

(Compensation Schedule)

Article 64. 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 pertinent factors.

(Matters to be provided in Pay Plan)

Article 65. In addition to the compensation schedule of the preceding Article, the following items shall be provided in the

pay plan: Matters 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 Commission 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.

(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.

(Revisions of Pay Plan)

Article 67. The Commission 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 Commission at any time.

Except as prescribed in the preceding two paragraphs, necessary determinations concerning payrolls shall be provided by Cabinet Order and rules of the Commission.

(Auditing of Payroll)

Article 69. Where it is necessary to ensure that delivery of compensation is conducted in compliance with law, order or rules of the Commission, the Commission may audit payrolls or order corrections when it is 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 Commission, the Commission, besides taking appropriate steps in regard to the matters under its own jurisdiction, shall, if it is deemed necessary, according to its nature report the case 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, determinations necessary for enforcing the basic standard of the preceding paragraph shall be provided by rules of the Commission.

The Commission 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 on 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 Commission shall have the power of making necessary determinations 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 Commission 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 Commission and the head of the appropriate administrative agency involved shall formulate and exercise diligence in administering 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 Commission 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, disciplinary punishment, and guarantee, personnel of the service shall be treated equitably.

Except as prescribed by this Law, determinations necessary for enforcing the basic standard mentioned in the preceding paragraph shall be provided by rules of the Commission.

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 of pay grade when they come under one of the causes prescribed by rules of the Commission.

(Forfeiture of Office due to Disqualification)

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

(Removal from Office by Impeachment)

Article 77. Provisions for impeachment of persons in the service shall be prescribed by law.

(Instances of Demotion and Dismissal against His Will)

Article 78. 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 Commission:

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 or classes.

(Instances of Temporary Retirement against His Will)

Article 79. 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 80. The period of temporary retirement in any case as specified in Item 1 of the preceding 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 still remains temporarily retired on the expiration of the prescribed period shall automatically 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 inherece of the case in question with the law court concerned.

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

(Exceptions to Application)

Article 81. In regard to the status of personnel mentioned below, the provisions of Article 75, Article 78 to the preceding Article inclusive and Articles 89 to 92 inclusive 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 pay grade or demotion.

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

As to which of the persons enumerated in Item 3 of Paragraph I shall be demoted, or be temporarily retired or dismissed, the decision shall be made on the basis of the merit of their performance on duty and other demonstrated abilities.

Part 2. Disciplinary Punishment

(Instances of Disciplinary Punishment)

Article 82. When he falls under one of the following cases, a person 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 Commission;
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 community.

(Effect of Disciplinary Punishment)

Article 83. The period for suspension of duty shall range from one month to one year.

While still retaining his status in the service, a person who is suspended from duty does not attend to his official duties. 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 84. Disciplinary punishment shall be administered by an appointing officer.

(Relations with Criminal Court)

Article 85. 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 on Working Conditions

(Application for Administrative Action on Working Conditions)

Article 86. Personnel of the service may present application to the Commission relative to salary, wages, or any of the working conditions, and ask that they be accorded appropriate administrative action by the Commission or the head of an employing agency of government.

(Review and Evaluation of Case)

Article 87. When the application specified in the preceding Article is received, the Commission 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 personnel of the service.

(Action to be taken as a Result of Evaluation)

Article 88. When the Commission 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 on the matters under its jurisdiction, and recommend to the head of an appropriate agency of government to take action in regard to other matters.

Division 2. Review of Disadvantageous Action taken Against the Will of Personnel

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

Article 89. When a person in the service, against his will, has his pay 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 90. The employee subject to the action specified in Paragraph 1 of the preceding Article may, within thirty days after he has received the written statement of charges, appeal to the Commission for review thereof.

(Investigation)

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

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

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

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

(Action to be taken as a Result of Investigation)

Article 92. If, as a result of the investigation specified in the preceding Article, the validity of the charges is established, the Commission 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 justified, the Commission 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 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 93. In case 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.

(Matters to be provided in Law)

Article 94. In the compensation system mentioned in the preceding Article, the following matters shall be provided:

1. Protection of the employe concerned against economic distress during periods of incapacity resultant of injury or disease incurred in line of duty.
2. 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, 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 of the Commission for Drafting Compensation System)

Article 95. The Commission shall conduct essential studies in regard to the compensation system as soon as practicable, and submit its recommendations thereon to the Prime Minister.

Section VII. Performance on Duty

(Basic Standard for Performance on Duty)

Article 96. Any person in the service, as a servant of the community, shall attend to his duties in the interest of the public, and exert his utmost in the performance of his duties.

Except as prescribed in this Law, determinations necessary for enforcing the basic standard specified in the preceding paragraph shall be provided by rules of the Commission.

(Subscription to Oath)

Article 97. Personnel of the service shall subscribe to the oath of office, as provided by rules of the Commission.

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

Article 98. 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 99. 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 100. 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 or 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 held at the time of retirement or any position similar thereto).

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

(Undivided Attention to Duty)

Article 101. Personnel of the service, except in cases authorized by the head of their employing agency of government because of special circumstances, shall give their full working time and occupational attention to the duties of their public position.

(Restriction of Political Activities)

Article 102. No person in the service shall solicit, 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 in cases provided by rules of the Commission.

No person in the service specified by law or rules of the Commission shall be an officer of any political party or political organization.

(Exclusion from Private Enterprise)

Article 103. 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 held for two years prior to retirement.

The provisions of the preceding two paragraphs shall not apply to cases wherein approval is given by the Commission on the recommendation of the head of the employing agency of government, as provided by rules of the Commission.

With respect to a profit-making enterprise, when 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 Commission may call upon such employe to submit a report regarding his holdings of stocks, shares and other interests, as provided by rules of the Commission.

When the Commission, 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 notice to the employe to the same effect, as provided by rules of the Commission.

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 Commission within thirty days after he has received the said notice.

The provisions of Paragraphs 2 and 3 of Article 91 shall apply correspondingly to the instances of protest as specified in the preceding paragraph.

An employe who has not filed any protest as specified in Paragraph 6 and an employe whose protest has not been sustained as the result of investigation by the Commission shall divest himself of his holdings either in whole or in part within a period provided by rules of the Commission or relinquish his position, as provided by rules of the Commission.

(Restriction of Participation in Other Undertaking or Business)

Article 104. 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, the permission of the head of the employing agency of government shall be required.

(Scope of Duties of Personnel)

Article 105. Apart from taking charge of duties prescribed by law or order, personnel of the service as such shall assume no other obligation whatever.

(Conditions of Work)

Article 106. Necessary determinations concerning conditions of work and other matters pertinent to the performance of duties may be provided by rules of the Commission.

The rules of the Commission mentioned in the preceding paragraph shall be consistent with the purport of this Law.

Section VIII. Pension to Retired Employees

(Basic Standard for Pension to Retired Employees)

Article 107. Persons in the service who have faithfully served for a reasonable period of time and retired shall be given pension.

Necessary determinations 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 a pension as provided by law.

(Object of the Pension System)

Article 108. 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 93 shall be effected.

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

The Commission 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 109. 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 ten thousand yen.

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 value shall be sought and collected.

Article 110. 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 five thousand yen.

1. A person who has been subpoenaed as a witness in accordance with the provision of Paragraph 2 of Article 17 and has made a false statement;

2. A person who has been ordered to produce books, records or copies thereof in accordance with the provision of Paragraph 2 of Article 17 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 Paragraph 2 of Article 103.

Article 111. A person who has been subpoenaed as a witness in accordance with the provision of Paragraph 2 of Article 17 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 three thousand yen.

Supplementary Provisions:

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

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

In this Law provisions other than those concerning the establishment of the Commission 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 Commission.

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 are necessary for the enforcement of this Law.

The Temporary Commission shall exercise the powers of the Commission as provided in this Law from July 1, 1948 up to the installation of the Commission. In this case, "the Commission" 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 of the Temporary Commission shall retire upon the installation of the Commission. In this case the chairman of the Temporary Commission shall promptly hand over charge to the Chairman of the Commission.

The provisions of Paragraph 1 of Article 5, Paragraphs 3 to 5 inclusive of the same Article and Paragraph 2 of Article 11 shall apply correspondingly in respect of the chairman and members.

The Temporary Commission shall have a Secretariat.

In the Secretariat of the Temporary Commission there shall be one Executive Director and necessary personnel prescribed by Cabinet Order.

Necessary determinations concerning the implementation of the powers of the Temporary Commission may be provided by Cabinet Order until July 1, 1948, after which time such determinations shall be provided by law or rules of the Commission.

Article 3. In Paragraph 6 of Article 5, 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 Paragraph 1 of Article 7 be five years for one and three 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 Commissions other than the Chairman are simultaneously appointed from the outset, in applying the provision of Paragraph 3 of Article 11, "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 Item 3 of Article 38 shall include those effected under the provisions heretofore in force.

Article 7. The temporary retirement or 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 Item 2 or Item 3 of Article 82 shall also apply to acts committed before the application of the provisions of the same Article.

Article 9. On a date to be later established by the Commission, persons actually holding positions designated by the Commission shall, as provided by rules of the Commission, 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 held the latter under the procedure based on this Law. This provision shall not, however, apply to persons specified in Article 11 of the Supplementary Provisions.

Article 10. In cases of the designation of positions specified in the preceding Article, an appointing officer may, with the approval of the Commission, extend beyond the limits specified in Paragraph 1 of Article 60 temporary employment to the positions designated in the preceding Article for a period not to exceed three years from the dates as specified in the preceding Article.

Article 11. Persons actually holding, on a date to be later established by the Commission, 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 Commission and other positions of organizational level in the service, similar to the foregoing, as designated by the Commission, shall, as provided by rules of the Commission, 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 as specified in the preceding paragraph, it shall be the duty of the Commission 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 100 shall also apply to former personnel who had retired before the enforcement of the provision of the same Article.

Article 13. In case 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 teachers, court officials or public procurators, such exceptions may be separately provided by law or rules of the Commission. 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 Commission.

Prime Minister
KATAYAMA Tetsu
Minister for Foreign Affairs
ASHIDA Hitoshi
Minister for Home Affairs
KIMURA Kozaemon
Minister of Finance
KURUSU Takeo
Minister of Justice
SUZUKI Yoshio
Minister of Education
MORITO Tatsuo
Minister of Welfare
HITOTSUMATSU Sadayoshi
Minister of Agriculture and Forestry
HIRANO Rikizo
Minister of Commerce and Industry
MIZUTANI Chozaburo
Minister of Transportation
TOMABECHI Gizo
Minister of Communications
MIKI Takeo
Minister of Labor
YONEKUBO Mitsusuke

I hereby promulgate the Law concerning the appointment, removal etc., of Governmental Officials before the application of the provisions of the National Public Service Law shall be made.

Signed: HIROHITO, Seal of the Emperor

This twenty-first day of the tenth month of the twenty-second year of Showa (October 21, 1947)

Prime Minister

KATAYAMA Tetsu

FEC-267/1FEC-RESTRICTEDFEC-267/112 November 1948FAR EASTERN COMMISSIONCABINET DRAFT OF PROPOSED REVISION
OF NATIONAL PUBLIC SERVICE LAWNote by the Secretary General

The enclosure, a Japanese Cabinet draft of the proposed revision of the National Public Service Law, has been received by the Secretariat and is circulated herewith for the information of the Far Eastern Commission.

NELSON T. JOHNSON
Secretary General

FEC-267/1

E N C L O S U R ECABINET DRAFT OF REVISED NATIONAL SERVICE LAW

Ashida Cabinet Draft
Revised National Public Service Law
Proposed for Submission to the Japanese Diet
(Subject to Revision)

NATIONAL PUBLIC SERVICE LAW
Chapter 1. General Provisions
(Object of this Law)

Article 1. 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 Public Service and by providing the 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.

This law shall solely establish the standards for administration of the civil service referred to in the constitution of Japan, Article 73.

No person shall willfully violate or attempt or conspire to violate this law or any part of it, or the rules or directives issued thereunder, or commit or attempt to commit any fraud incident to, or obstruct the enforcement of this law or rules or regulations enacted or directives issued thereunder.

If any provision of this law or the application thereof is held invalid, the remainder of this law or other applications of such provision shall not be affected.

Insofar as they are inconsistent or in conflict with prior laws or implementations thereunder, the provisions of this law shall control.

(Regular and special government service).

Article 2. The National Public Service shall be divided into the Regular Government Service and the Special Government Service.

The regular government service shall be comprised of all positions in the National Public Service other than those in the Special Government Service.

The Special Government Service shall be comprised of the following types of positions:

1. The Prime Minister.
2. Ministers of State
3. Commissioners of the National Personnel Authority and auditors of the Board of Audit.
4. Director-General of the Cabinet Secretariat.
5. Deputy Director-General of the Cabinet Secretariat.
6. Parliamentary Vice-Ministers.
7. Director of the Liaison and Coordination Agency.

8. Confidential secretaries to the Prime Minister (not exceeding 3 in number) and other confidential secretaries (1 for each Minister of State or head of agency included in the Special Government Service).

9. Positions, the appointment to which requires an election or requires a resolution or consent of one or both houses of the Diet.

10. Director of the Imperial House Agency, Grand Chamberlain, Chamberlains and other personnel of the Imperial House Agency as designated by law or rules of the National Personnel Authority.

11. Ambassadors and Ministers.

12. Judges, one confidential secretary to the Chief Justice of the Supreme Court and one confidential secretary to each associate justice.

The provisions of this law shall apply specifically to all positions in the Regular Government Service (to be hereinafter referred to as the service and persons holding positions therein as personnel) The National Personnel Authority shall have authority to determine whether positions are in the National Public Service or other service, and, within the provisions of this article, to determine whether positions are in the Regular Government Service or the Special Government Service.

The provisions of this law shall not apply to positions in the Special Government Service unless specifically provided by an amendment to this law.

The government shall not pay salary, wage, or other compensation for services to personnel other than in the Regular Government Service or the Special Government Service.

The provisions of the preceding paragraph shall not apply to contracts between the National Government or a subdivision thereof, and foreign nationals for personal services on an individual basis.

Chapter 2. The National Personnel Authority.

(Installation).

Article 3. In order to ensure the thorough-going enforcement of this law and attain its objectives, the National Personnel Authority (hereinafter referred to as the authority) is created and charged with prime responsibility for enforcement of this law. In administering the National Civil Service, the authority shall be set up under the jurisdiction of the cabinet and shall report to the prime minister under standards provided for in the National Public Service Law. Subject to this law the authority shall develop, coordinate, integrate, and order policies, standards, procedures, rules, and programs and recommend legislative and other necessary action for the government service with respect to the following matters:

1. Position classification, compensation, dual compensation, pay plan, examination, qualification, recruitment, employment eligible lists, certification of eligibles, appointment, conditional period, temporary appointment, part-time employment, dual employment, oath of office, promotion, demotion, transfer, reinstatement, reassignment, retirement, pension, dismissal, reduction in force, evaluation of work performance, the definition of technical personnel terms, and related matters.

2. Hours of work, leave of absence, temporary retirement, health, safety, recreation, education and training, welfare, personal conduct, political activity, expulsion from private enterprise, preservation of secrecy, discipline, impeachment, equitable treatment, status, guarantee, employee application for administrative action, grievance procedure, compensation for illness and injury, and investigation, research, and inspection regarding governmental personnel administration and related matters.

3. Personnel records and statistics, control and audit of payrolls to the extent that the delivery of authorized compensation in conformity with this law and rules and directives of the authority is assured.

4. Administration of national personnel council.

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

Within the administrative sphere in which the authority is empowered to act by this law, the decisions and actions of the authority shall be subject to review only by the authority under its own procedures.

The provisions of the preceding paragraph shall not in any way affect the right of access to the courts on questions of law.

(Personnel)

Article 4. The authority shall be composed of three commissioners. One of the commissioners shall be designated and appointed as president.

The authority shall appoint a Director-General and such other personnel as it may deem necessary to properly and adequately conduct the business of the authority within the limitations of its budget.

The authority shall control its own internal operating organizational structure, and the provisions of the National Government Organization Law (number 120 of 1948) shall not apply to the National Personnel Authority.

(Commissioners of the Authority).

Article 5. Commissioners of the Authority (to be hereinafter referred to as commissioners) shall be appointed, with the consent of the Diet, by the cabinet from among persons 35 years old or more, who are 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 judgement concerning personnel administration.

In case the House of Councillors does not consent to the appointment of the commissioner despite the consent of the House of Representatives, the consent of the House of Representatives shall be taken as the consent of the Diet in the same manner as provided by paragraph 2 of Article 67 of the Constitution of Japan.

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

No person falling under one of the following specifications shall 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 labor by the criminal court or who has been punished upon conviction of an offense prescribed in Chapter 4;
3. A person who falls under one of the specifications mentioned in item 3 or item 5 of Article 38.

No person shall be eligible for appointment as a commissioner who has been a candidate for national or prefectural elective public office or who is or has been an officer of a political party within 5 years previous to the proposed date of appointment, as provided by rules of the authority.

With respect to the appointment of commissioners, no two persons among them shall be members of the same political party or graduates of the same department of the same university.

(Oath taking and performance of duties).

Article 6. After he has been appointed as a commissioner, the new incumbent shall not exercise the powers pertaining to his office until he has signed a written oath before the Chief Justice of the Supreme Court, as provided by rules of the authority.

The provisions of section 7 of Chapter 3 shall apply correspondingly to commissioners.

(Term of Office).

Article 7. The term of office of a commissioner shall be 4 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 shall not remain in office continuously for a period exceeding 12 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 1 year after the termination of his service as commissioner.

(Retirement and removal from office).

Article 8. A commissioner shall, automatically retire from office when he falls under one of the following specifications:

1. When he has come under one of the instances mentioned in paragraph 4 of Article 5;
2. When his removal from office is affirmed on public impeachment proceedings based on charges filed by the cabinet;
3. When he has been continuously in office as a commissioner for 12 years.

The causes for impeachment prescribed in item 2 of the preceding paragraph shall be as follows:

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 malfesance as to render himself unfitting to be commissioner.

In cases when 2 persons or more among commissioners have come to belong to the same political party, all except one person shall be removed from office, with the consent of the Diet, by the Cabinet.

The provision of the preceding paragraph shall not jeopardize the position of a commissioner who has not changed his political status in regard to party affiliations.

The provision of paragraph 2 of Article 5, shall apply correspondingly to the instances specified in paragraph 3.

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

(Impeachment of commissioner).

Article 9. Proceedings for impeachment of a commissioner shall be conducted by the Supreme Court.

When the cabinet intends to bring impeachment action against a commissioner, charges shall be filed by the cabinet in writing setting forth the alleged offense, both in general and particular, and submitted to the Supreme Court.

In the case of the preceding paragraph, the cabinet 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 30 days and not more than 90 days after the filing of the charges mentioned in paragraph 2, and notify the cabinet and the accused commissioner at least 30 days in advance of the date set for hearing.

The Supreme Court shall announce its findings within 100 days after the original date of hearing.

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.

(Salary)

Article 10. A commissioner shall be compensated on the same basis as a Minister of State and no commissioner shall be paid by the government, less in total compensation than is paid for all purposes to any Minister of State.

(President of the Authority).

Article 11. The president of the authority (to be hereinafter referred to as the president) shall be appointed by the cabinet from among the commissioners.

The president shall preside over the affairs of the authority and represent the authority.

When the president is unable to attend to his duties or if his post is vacant, a senior commissioner shall act for the president in the performance of his duties.

(Meetings of the Authority).

Article 12. Regular meetings of the authority shall, as a rule, be held at least once a week at a fixed place, as provided by rules of the authority.

Proceedings at a meeting of the authority shall be recorded in its minutes.

The minutes specified in the preceding paragraph shall be prepared by the executive secretary.

Necessary determinations concerning the proceedings of the authority shall be proved by rules of the authority.

The Director-General of the authority shall be present at the meetings of the authority as executive secretary.

When exercising the powers enumerated below, the authority shall require a resolution of the authority:

1. The enactment, amendment, or abrogation of rules of the authority;
2. Disbursements from the reserve fund as specified in Article 13;
3. Recommendations to the head of the appropriate agency of government as specified in Article 22;
4. Submit opinions of the authority to the Diet and the cabinet as specified in Article 23;
5. Report to the Diet and the cabinet as specified in Article 24;
6. Drafting of a position classification plan as specified in Article 29;
7. Determination of standards for evaluation and designation of an evaluating body as specified in Article 36 (including cases to be correspondingly applied in Article 37);
8. Designation of examining bodies as specified in Article 48;
9. Approval temporary employment and its renewal, restriction of number of personnel for temporary employment and determination of their qualifications and cancellation of temporary employment as specified in Article 60, except as provided by rules of authority.
10. Drafting of a pay plan as specified in Article 63;
11. Preparation of revisions of the pay plan as specified in Article 67;
12. Recommendations to the head of an appropriate agency of government, and drafting plans concerning recognition for efficient performance or measures for correcting failure to perform efficiently as specified in Article 72, except as provided by rules of the authority;
13. Evaluation of a case as specified in Article 87;
14. Drafting of important matters concerning compensation as specified in Article 95;

15. Evaluation of a protest as specified in Article 103;
16. Drafting of important matters concerning pension as specified in Article 108;
17. Other matters which, by a resolution of the authority, require a resolution of the authority.

(Secretariat and budget of the authority).

Article 13. The authority shall have a secretariat, and legal counsel under its own jurisdiction.

The organization of the authority's secretariat and necessary determinations concerning legal counsel shall be as provided by rules of the authority.

The authority shall annually and prior to the beginning of the fiscal year, present to the cabinet for inclusion in the national budget, a request for its necessary expenses for the ensuing fiscal year. Such requests shall cover purchase of land, construction of buildings, rental of offices, purchase of furniture, equipment, supplies, payment of salaries, wages and allowances of staff together with all other services and things necessary to the complete administration and enforcement of this law. Such requests for appropriations shall be submitted to the cabinet for inclusion in the national budget.

Prior to December 31, 1951, an emergency operation fund under the supervision of the president of the authority shall be provided among the expenditures mentioned in the preceding paragraph; disbursement from this fund shall require the resolution of the authority.

In the event the cabinet or the governmental budget authority desires to revise the annual request of the authority for operating funds so presented, the request as compiled by the authority and the request as revised by the cabinet shall be presented to the Diet for consideration.

The authority may establish local offices as it deems necessary with the approval of the Diet.

(Director-General of the Authority)

Article 14. The Director-General of the authority shall be the executive assistant to the president. Subject to general supervision of the president, the director-general shall direct and supervise all administrative and technical activities of the authority; plan programs to achieve the objectives of this law; plan, recruit, organize, direct staff of the authority; and do such other proper and legal acts as may be necessary to achieve the objectives of this law; act as the executive secretary of the meetings of the authority and chairman of the National Personnel Council.

Except for family allowances as provided by law, the director-general shall be compensated on the same basis as a vice minister and the director-general shall be paid by the government, not less in total compensation that is paid for all purposes to any vice minister.

(Prohibition of personnel of the authority from holding concurrent positions).

Article 15. No commissioner or director-general shall hold concurrently, any other position.

(Rules and directives of the authority)

Article 16. If the authority shall make rules, issue directives, and establish procedures concerning matters necessary for the execution of this law. The authority may revise its rules from time to time at its discretion.

Rules and revision of the rules of the authority shall be published in the official gazette.

The Authority is authorized to issue directives in the absence of a rule or to implement a rule by the issuance of directives in any area where they are authorized to make rules or take other action under this law.

(Investigation)

Article 17. The authority, or any person or persons designated by the authority may conduct investigations of 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 in conducting the investigations specified therein, subpoena witnesses or demand the presentation of books and records or copies thereof pertinent or alleged to be pertinent to any investigation or hearing.

(Control of delivery of compensation)

Article 18. The authority shall control delivery of compensation to personnel of the service and no compensation shall be paid or delivered to personnel of the service contrary to the rules or directives of the authority.

(Personnel records)

Article 19. The authority shall administer matters concerning personnel records relating to personnel of the service.

The authority shall prescribe that the prime minister's office and any ministries 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 determinations concerning personnel records shall be provided by rules of the authority.

Where it is deemed that the personnel records maintained by the prime minister's office or any ministry or agency of the government are contrary to the rules of the authority, the authority may order revisions and such other steps as may be called for.

(Statistical reporting)

Article 20. The authority shall, as provided by rules of the authority, prescribe and administer a system 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.

(Delegation of functions)

Article 21. Of the functions prescribed in this law, the authority may delegate certain of these functions as prescribed by rules of the authority 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.

(Recommendations for improvement of personnel administration)

Article 22. The authority may make recommendations to any appropriate minister or head of other agency of government concerning improvements of personnel administration.

The authority may make recommendations to any appropriate minister or head of another agency of government concerning the change of placement and transfer of personnel between the various ministries or agencies of the National Government or other matters relating to labor utilization so as to contribute to the improved efficiency of administrative operations throughout the government.

In the cases of the preceding 2 paragraphs, the authority shall submit a due report thereon to the cabinet.

(Advice on enactment, amendment or abrogation of laws and orders)

Article 23. If, in order to ensure 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 Diet and to the cabinet simultaneously.

(Report on business)

Article 24. The authority shall make an annual report to the Diet and the cabinet of its activities and accomplishments covering each fiscal year of operation.

The cabinet shall publish the report mentioned in the preceding paragraph.

(Directors of personnel)

Article 25. In the prime minister's office, the various ministries and other agencies of government designated by rules of the authority, there shall be, as a member of its staff, a director of personnel.

The director shall be head of a bureau or division in charge of business pertaining to personnel functions, and assist the head of the agency of government concerned by taking charge of business pertaining to personnel functions.

(National personnel council)

Article 26. In order to ensure close contact and mutual cooperation concerning the enforcement of this law between the authority and the prime minister's office, the various ministries and other agencies of government, there shall be set up in the authority a national personnel council.

The national personnel council shall be composed of a chairman and members.

The chairman shall be the director-general and members shall be the directors specified in the preceding article.

The national personnel council may submit recommendations to the president on important matters relating to personnel administration.

Except as prescribed in the preceding 4 paragraphs, necessary determinations concerning the national personnel council shall be provided by rules of the authority.

Chapter 3. Standard for the service.

Section 1. General rules

(Principles of equal treatment)

Article 27. In the administration of this law, all of the people shall be accorded equal treatment and shall not be discriminated against by reason of race, religious faith, sex, social status, family origin, or political opinions or affiliations except as provided in item 5, Article 38,
(Principle of meeting changing conditions).

Article 28. The standards concerning compensation, hours of work and other working conditions to be established under this law may be from time to time revised by the Diet to meet changing conditions. It shall be the duty of the authority to recommend such changes.

The authority shall report to the Diet and the cabinet simultaneously on the propriety of salary and wage schedules not less than once each year and if factors entering into wage determination at any time suggest a wage revision of such schedules by 5% or more either upward or downward, such report thereon shall be made to the Diet and the cabinet with appropriate recommendations by the authority.

Section 2. Position classification plan.

(Establishment of position classification plan)

Article 29. The position classification plan shall be prescribed by law. The authority shall develop a position classification plan whereby all positions in the service are classified according to the kinds of duties and by the degrees of complexity of duties and responsibilities involved.

In the position classification plan, classification of positions shall be so effected that the same qualifications may reasonably be required for and the same schedules of basic pay may be applied equitably to all positions in the same class under substantially the same employment conditions.

The plan as provided in the preceding 3 paragraphs shall be submitted to the Diet for approval.

The classification plan as provided by Article 14 of the law administering the new pay, enacted May 31, 1948, shall be construed as being and meeting the requirements of the plan referred to in this article and otherwise in this law and shall remain in effect until subsequent modifications are recommended by the national personnel authority and enacted by the Diet.

(Enforcement of the position classification plan)

Article 30. The position classification plan may be gradually enforced, commencing first with segments where it is practicable.

Except as prescribed in this law, determinations necessary for the enforcement of the position classification plan shall be provided by the rules of the authority.

(Allocation of positions)

Article 31. In effectuating 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.

(Prohibition of classification of positions by other than the position classification plan)

Article 32. In regard to all positions in the regular service, no classification of positions on any basis other than the position classification plan shall be made.

Section 3. Examination, appointment and dismissal.

(Basic standard for appointment and dismissal)

Article 33. Appointment 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 of duties or other demonstrated abilities as determined by the rules of the authority.

The authority shall at its discretion determine whether an examination shall be original entrance, or promotional, or both.

Dismissal of a person in the service shall be for cause as provided by law.

Except as prescribed in this law, determinations necessary for enforcing the basic standard mentioned in the preceding paragraphs shall be provided by rules of the authority.

Part 1. General Rules:

(Definition of technical terms)

Article 34. The authority by rule shall define, amplify and authorize the use of technical terms as it deems necessary in administering this law.

(Method of filling vacancies)

Article 35. When a vacancy occurs in the service, an appointing officer, except as specially provided by law or rules of the authority, may appoint a person by any one of the following means; transfer, initial appointments, promotion or demotion. This shall not, however, apply to cases where the authority recognizes the special necessity and designates the method of employment.

(Method of initial appointment)

Article 36. Initial appointment of personnel shall be by competitive examination. However, in cases where, with respect to positions prescribed by rules of the authority, the approval of the authority has been obtained, this provision shall not preclude such initial appointment by means of an evaluation of demonstrated abilities other than by competitive examination.

The evaluation specified in the proviso of the preceding paragraph shall be conducted by the authority or an evaluating body appointed by the authority in accordance with standards established by the authority.

(Method of promotion)

Article 37. Promotion of personnel shall be by competitive examination, to be hereinafter referred to as examination, among incumbents of positions of lower levels than that to which the promotional position under consideration belongs. This provision shall not, however, preclude the authority at its discretion from restricting the scope of persons to be examined when such restriction is deemed necessary.

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 incumbents concerned, promotion may be made by means of an evaluation based on the past service record of such incumbents.

The provision of paragraph 2 of the preceding article shall apply correspondingly to the instances of the evaluation under the preceding paragraph.

(Provisions for disqualification)

Article 38. No person falling under one of the following types of cases shall be eligible to appointment in the service, except as provided by rules of the authority:

1. A person who has been adjudicated incompetent or quasi-incompetent;
2. A person who has been sentenced to a penalty heavier than imprisonment without hard labor by the criminal court, 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 the disciplinary decision and of whom a period of 2 years has not expired since the date of dismissal;
4. A commissioner or director-general who has committed a crime prescribed in Article 109, item 3 of Article 110 and has been convicted;
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.

(Prohibition of illegal acts concerning personnel matters)

Article 39. No person shall, for the purpose of realizing 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. Resignation, temporary retirement or failure to accept appointment;
2. Withdrawal of his application for examination or appointment, or suspension of competition for appointment;
3. Effecting or recommending employment, promotion, retention in employment or other advantage in the service.

(Prohibition of acts of fraud concerning personnel matters)

Article 40. No person shall make any false or dishonest statement, record, certificate, mark, rating, evaluation or report with regard to any examination, evaluation, personnel record or appointment.

(Prohibition against obstructing the right to examination or appointment and furnishing of information)

Article 41. No person belonging to any examining body or other personnel in the service shall obstruct any person in his right to examination or appointment or furnish any special or secret information for the purpose of favorably affecting or discriminating against the rights of prospects of any person with respect to examination or appointment in the service.

Part 2. Examination.

(Instances of holding examination)

Article 42. Examination shall be held, as provided by rules of the authority.

(Disqualifications for examination)

Article 43. Persons who are ineligible to appointment for reasons other than those specified in Article 44 shall not compete in an examination.

(Prerequisites of eligibility for examination)

Article 44. For persons intending to compete in an examination, objective and uniformly applicable qualifications which constitute a minimum essential to the performance of the duties of positions involved, shall be determined as prerequisites by rules of the authority.

Article 45. Each examination shall have as its object the accurate measurement of the relative abilities of the persons examined to perform the duties of the positions concerned.

(Entrance examination to be open and equal)

Article 46. Entrance examinations shall be open and on equal terms to any citizen who possesses the minimum qualifications determined as prerequisites by rules of the authority.

(Announcement of entrance examination)

Article 47. Announcement of entrance examinations 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 positions for which examination is to be held, the rates of pay, the prerequisites of eligibility, 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 reasonably become known to all persons presumably qualified for such examinations. Examinations announced or in process may be cancelled or revised by the authority.

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

(Examining bodies)

Article 48. Examinations shall, as provided by rules of the authority, be conducted only by examining bodies determined by the authority.

(Time and place of examinations)

Article 49. The time and place of examinations shall be so decided that they may be reasonably accessible to any qualified citizen in the country.

Part 3. Employment eligible lists.

(Preparation of eligible list)

Article 50. In regard to employment of personnel by examination, employment eligible lists (entrance eligible lists and promotion eligible lists) shall be prepared as provided by rules of the authority.

(Persons to be entered in entrance eligible list)

Article 51. The names and examination scores of those who have achieved the qualifying score or better under entrance examination shall be entered in the entrance eligible list in the precise order of their examination scores as eligible to appointment to the positions covered by the list.

(Persons to be entered in promotional eligible list)

Article 52. The names and examination scores of those who have achieved the qualifying score or better in promotion examinations shall be entered in the promotional eligible list in the precise order of their examination scores as eligible to promotion to the positions covered by the list.

(Inspection of eligible list)

Article 53. Employment eligible lists shall be at all times open to inspection of the persons examined, appointing agencies of government and other interested parties upon demand.

(Cancellation of eligible list)

Article 54. The authority may, at its discretion, cancel eligible lists which have been in use for over 1 year or at any time for one of the causes prescribed by the authority.

Part 4. Employment

(Appointing officer)

Article 55. Except as specifically prescribed by law, the appointing power shall be vested with the cabinet, each minister (this refers to the prime minister, the attorney general and ministers of each ministry to be same hereinafter), the president of the board of audit, the president of the national personnel authority and the heads of each independent organization. The authority of the head of these organs to appoint personnel in the service shall be restricted to positions within the organizations structure of such official while the cabinet shall appoint personnel only to positions within the organizations directly presided over by the cabinet. However, the authority to appoint heads of independent organizations shall be vested with each minister.

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. All such delegations of appointing power shall be certified to the authority in writing in advance of the effective date.

No person shall be appointed, employed, promoted or transferred in the service or assigned to perform the duties of any position in the service who has not met the requirements of this law and the rules enacted and orders issued thereunder.

(Method of appointment from entrance eligible list)

Article 56. Initial appointment from an entrance eligible list shall be made from among the top 5 names on such list for each vacancy to be filled except that prior to July 1, 1951, the national personnel authority by resolution may restrict the choice to less than the top 5 names as applied to any position or group of positions.

(Method of promotion from promotional eligible list)

Article 57. Promotion of personnel from a promotional eligible list shall be made from amongst the 5 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 of 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 of employment in view from among those entered in the appropriate employment eligible lists.

(Conditional period of initial appointment)

Article 59. Any initial or promotional appointment to any position in the regular service 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 6 months during which he shall have performed satisfactorily the duties of that position.

Necessary determinations concerning conditional initial appointment or the establishment of a conditional period in excess of six months 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. In such cases, temporary appointment may, with the approval of the authority, be renewed once for an additional period of six months, as provided by rules of the authority, but not more than once.

The authority may, with respect to temporary appointment, limit 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 or rules of the authority.

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

Except as prescribed in the preceding 4 paragraphs, this law and rules of the authority shall apply to temporary appointees.

Part 5. Temporary retirement, reinstatement, retirement and dismissal.

(Temporary retirement, reinstatement, retirement and dismissal)

Article 61. The temporary retirement, reinstatement, retirement, and dismissal of personnel of the service shall be effected by the appointing officer, subject to this law and rules of the authority.

Section 4. 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.

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 studies and, as a result thereof, draft and submit to the cabinet a pay plan conforming to the position classification plan.

(Compensation schedule)

Article 64. A compensation schedule shall be provided in the pay plan. The compensation schedule, which shall be determined after taking into consideration the cost of living, prevailing wage rates and other pertinent factors as determined by the authority, shall include a clearly specified range of pay for each grade or class.

(Matters to be provided in pay plan)

Article 65. In addition to the compensation schedule of the preceding article, the following items shall be provided in the pay plan:

1. Standards for an increase of pay within a same grade or class;
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 number of dependents, 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.

(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 class of positions in which he is employed.

(Revisions 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 cabinet 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 as prescribed in the preceding 2 paragraphs, necessary determinations concerning payrolls shall be provided by rules of the authority.

(Auditing of payroll)

Article 69. Where it is necessary to ensure 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 it is 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 it is deemed necessary, according to its nature report the case to the board of audit or the public procurator for action.

Section 5. 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, determinations 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 of 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 making necessary determinations 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 take appropriate action thereon.

(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 exercise diligence in administering 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 and with the appropriate agencies involved and surveillance over such agencies.

Section 6. Status, disciplinary punishment and guarantee.

(Basic standard for status, disciplinary punishment and guarantee).

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

Except as prescribed by this law, determinations 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 or rules of the authority.

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

(Forfeiture of office due to disqualification)

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

(Removal from office by impeachment)

Article 77. Provisions for impeachment of persons in the service shall be prescribed by this law and rules of the authority.

(Instances of demotion and dismissal against his will).

Article 78. 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 sufficient merits.

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 the position he holds.

(Instances of temporary retirement against his will)

Article 79. In cases where a person in the service falls under one of the following cases, or in other cases established by rules of the authority, 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.

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.

(Effect of temporary retirement)

Article 80. The period of temporary retirement in any case as specified in Item 1 of the preceding article shall be as provided by the rules of the authority; if the disability ceases to exist during the period of temporary retirement, the temporary retirement shall be deemed to have been automatically cancelled and the reinstatement shall be ordered forthwith.

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

In any case of temporary retirement the permission for such temporary retirement shall automatically be deemed to have been cancelled when the reason for such retirement has ceased to exist.

While still retaining his status in the service, a person who is temporarily retired does not attend to his official duties. During his temporary retirement, he shall be paid as provided in the compensation plan.

(Exceptions to application)

Article 81. In regard to the status of personnel mentioned below, the provisions of Article 75, Article 78 to the preceding

Article inclusive and Articles 89 to 92 inclusive shall not apply:

1. Temporary personnel;
2. Personnel in conditional period of initial appointment;
3. Persons who, in consequence of a revision of the allocation of positions by the classification plan, suffer the same result as a reduction of pay or demotion.

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

As to which of the persons enumerated in Item 3 of Paragraph 1 shall be demoted or temporarily retired or dismissed, the decision shall be made according to the rules of the authority.

Part 2. Disciplinary punishment

(Instances of disciplinary punishment)

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

(Effect of disciplinary punishment)

Article 83. The period of suspension from duty shall be provided by the rules of the authority within the limit of but not more than one year.

While still retaining his status in the service, a person who is suspended from duty does not attend to his official duties. A person suspended from duty shall not be paid for services during such period of suspension except under provisions of Article 92.

(Administrator of disciplinary punishment)

Article 84. Disciplinary punishment shall be administered by an appointing officer. The authority may file charges against any member of the service subject investigation as herein provided.

(Relations with criminal court)

Article 85. While a case which is to be subjected to disciplinary punishment is in the criminal court, administrative disciplinary proceedings may be taken on the same case at the discretion of the authority. Any disciplinary action under this law shall not preclude the person involved from being subjected to criminal prosecution on the same or related facts.

Part 3. Guarantee.

Division 1. Application for administrative action on working conditions.

(Application for administrative action on working conditions)

Article 86. 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.

(Review and evaluation of case)

Article 87. 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 with due regard to fairness to the public and all persons concerned and in terms of maintaining and improving the efficiency of personnel of the service.

(Action to be taken as a result of evaluation)

Article 88. 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 on the matters under its jurisdiction, and recommend to the head of an appropriate agency of government to take action in regard to other matters.

Division 2. Review of disadvantageous action taken against the will of personnel.

(Delivery of written statement of charges for reduction of pay and so forth, taken against the will of personnel)

Article 89. When a person in the service, against his will, has his pay 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 90. The employee subject to the action specified in Paragraph 1 of the preceding Article may, within 30 days after he has received the written statement of charges, appeal to the authority for review thereof.

(Investigation)

Article 91. 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 employee subject to the action demands a hearing, such hearing shall be accorded. If requested by the employee concerned, the hearing shall be a public hearing.

The officer who took the action or his representative and the employee subject to the action may appear at all hearings, be represented by counsel of their own choosing, be heard and present witnesses, 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.

(Action to be taken as a result of investigation)

Article 92. If, as a result of the investigation, the validity of the charges is established, the authority shall approve or in its discretion revise the action of the employing agency of government. If, as a result of such investigation, it is established that the accused was not guilty as charged, the authority shall reverse the action of the employing agency of government and take such action as may be advisable and necessary to restore employment rights to the member of the service and correct any injustice that may have been done him by reason of such inaccurate accusation. The authority may in such cases order that the accused be reimbursed for any salary lost by reason of such inaccurate accusation. Findings of the authority in such cases shall be final and subject to review only by the authority under its rules.

Division 3. Compensation for injury and disease incurred in line of duty.

(Compensation for injury and disease incurred in line of duty)

Article 93. In case 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 employee 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.

(Matters to be provided in law)

Article 94. In the compensation system mentioned in the preceding Article, the following matters shall be provided:

1. Protection of the employee concerned against economic distress during periods of incapacity resultant of injury or disease incurred in line of duty.

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

(Responsibility of the authority for drafting compensation system)

Article 95. The authority shall conduct essential studies in regard to the compensation system as soon as practicable, and submit its recommendations thereon to the cabinet. The injury compensation plan shall be administered by the authority.

Section 7. Performance on duty.

(Basic standard for performance on duty)

Article 96. Any person in the service, as a servant of the community, shall attend to his duties in the interest of the public, and exert his utmost in the performance of his duties.

Except as prescribed in this law, determinations necessary for enforcing the basic standard specified in the preceding paragraphs shall be provided by rules of the authority.

(Subscription to oath)

Article 97. 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 98. Personnel of the service in the performance of their duties shall comply with laws and orders and faithfully observe the orders of their superiors on matters pertaining to the performance of their official duties. Personnel of the service shall be permitted to form or refrain from forming or to join or refrain from joining associations or other employee organizations. Through such organizations, personnel of the service may designate representatives of their own choice for purposes of negotiating with proper authorities relative to conditions of employment and for other lawful purposes including social welfare activities. Such negotiations shall be solely in the sense of presenting grievances and making and discussing recommendations. Such presentation of grievances and recommendations shall be subject in all particulars to the procedures of the authority. No person in the service shall be denied the right to present grievances or make recommendations by reason of his non-membership in an employee organization. Personnel of the police services, fire services, personnel of the National Fire Defense Board and personnel of the Maritime Safety Board (Coast Guard) and personnel of penal institutions shall be denied the right to organize employee associations or to join employee associations. No person in the service shall be denied the freedom to present grievances or voice opinions by reason of their known membership in an employee organization. Employees may join associations of their own choosing.

The association or other employee organization described in the preceding paragraph may be incorporated as a juridical person. The provisions in the civil law (Law 89 of 1896) and the law on procedure of non-contentious cases (Law 14 of 1898) concerning juridical persons described in Article 34 of the civil law shall be applied mutatis mutandis to juridical persons described in the preceding paragraph.

(Prohibition of acts causing loss of credit)

Article 99. 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 100. 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 or order, he shall require the permission of the head of his employing agency of government or in the case of a retired employee, the head of the agency of government having jurisdiction over the position he held at the time of retirement or any position similar thereto.

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.

The preceding paragraphs shall not apply where information is requested by the authority during an investigation or hearing conducted by the authority. It shall not be necessary for the individual to secure permission from anyone to inform and testify before the authority on secret, confidential or restricted information when so requested by the authority during or as a part of such investigations or hearings conducted under the official auspices of the authority. Failure to inform and testify before the authority of such information upon its official request shall make the individual liable to the penal provisions of this law.

(Undivided attention to duty)

Article 101. Personnel of the service, except in cases authorized by rules of the authority, shall give their full working time and occupational attention to the duties of their public position. Except as authorized by rules of the authority, personnel of the service may not hold concurrently two or more positions in the employ of the government. Personnel in the employ of the government shall not be paid for service in more than one position at any one time.

Nothing contained in the preceding paragraph shall be construed to preclude the assignment, by competent authority, of personnel in the service to duties other than those of their public position in the event of an earthquake, fire, flood or other major catastrophe.

Personnel in the service shall not while receiving pay of the national government perform duties or carry on activities for or in behalf of employee organizations. However such personnel of the national government may perform the activities specified and approved in Article 98 of this law under conditions or circumstances approved by or prescribed by rules of this authority.

(Restriction of political activities)

Article 102. No person in the service shall solicit, 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.

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

(Exclusion from private enterprise)

Article 103. 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.

Any person is hereby prohibited for a period of two years after leaving the service from accepting or serving in a position with private, commercial, industrial or financial enterprise which directly or indirectly involves a close connection with any agency of the national public service with which such person was formerly employed.

The provisions of the preceding two paragraphs shall not apply to cases wherein approval is given by the authority on the recommendation of the head of the employing agency of government, as provided by rules of the authority.

With respect to a profit making enterprise, when 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 employee to submit a report regarding his holding 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 notice to the employee to the same effect, as provided by rules of the authority.

Upon receipt of the notice mentioned in the preceding paragraph, if the employee concerned has objection to the substance thereof, he may file a protest with the authority within 30 days after he has received the said notice.

The provisions of Paragraphs 2 and 3 of Article 91 shall apply correspondingly to the instances of protest as specified in the preceding paragraph.

An employee who has not filed any protest as specified in Paragraph 6 and an employee whose protest has not been sustained as the result of investigation by the authority shall divest himself 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 the rules of the authority.

(Restriction of participation in other undertakings or business)

Article 104. If a person in the service is, in consideration of an 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, the permission of the authority and the head of the employing agency of government shall be required.

(Scope of duties of personnel)

Article 105. Apart from taking charge of duties prescribed by law, rule or directive, personnel of the service as such shall assume no other obligation whatever.

(Conditions of work)

Article 106. Necessary determinations 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 8. Pension to retired employees.

(Basic standard for pension to retired employees)

Article 107. Persons in the service who have faithfully served for a reasonable period of time and retired shall be given pension.

Necessary determinations concerning pensions 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 a pension as provided by law.

(Object of the pension system)

Article 108. 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 retirement or death.

In the cases of Paragraph 3 of the preceding Article, due adjustments with the compensation system specified in Article 93 shall be effected.

The pension system shall be designed on a sound actuarial 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 cabinet.

Chapter 4. Penal provisions.

Article 109. A person who violates the prohibition prescribed in Article 39 shall be sentenced not to exceed 3 years in penal servitude or fined not to exceed 10,000 yen.

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 value shall be sought and collected.

Article 110. 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 5,000 yen;

1. A person who has been subpoenaed as a witness in accordance with the provision of Paragraph 2 of Article 17 and has made a false statement;

2. A person who has been ordered to produce books, records or copies thereof in accordance with the provision of Paragraph 2 of Article 17 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 Paragraph 2 of Article 103.

Article 111. A person who has been subpoenaed as a witness in accordance with the provision of Paragraph 2 of Article 17 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 sentenced not to exceed one year in penal servitude or fined not to exceed 3,000 yen.

Supplementary provisions:

Article 1. In this law the provision of Article 2 of the Supplementary Provisions shall be enforced from November 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 penal provisions and supplementary provisions related thereto) may be gradually applied as practicable, as provided by law, rules or directives of the authority.

Article 2. A temporary National Personnel Authority (to be hereinafter referred to as the Temporary Authority) shall be set up under the jurisdiction of the Cabinet.

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

The Temporary Authority 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 Authority".

The Temporary Authority shall be composed of a president and 2 commissioners.

The president and commissioners of the Temporary Authority shall retire upon the installation of the Authority. In this case the president of the Temporary Authority shall promptly hand over charge to the president of the Authority.

The provisions of Paragraph 1 of Article 5, Paragraph 3 to 5 inclusive of the same article and Paragraph 2 of Article 11 shall apply correspondingly in respect of the president and commissioners.

The Temporary Authority shall have a secretariat.

The Temporary Authority shall have a director-general whose duties and compensation shall be those described in Article 14 and other necessary personnel prescribed by Cabinet order.

Personnel of the Temporary National Personnel Commission shall on installation of the Authority become personnel of the Temporary National Personnel Commission shall on installation of the Authority become personnel of the Authority in conditional status for a period of 6 months thereafter. If not dismissed during the conditional period such personnel shall on termination of that period be regarded as having qualified themselves in the examination or the evaluation based on this law, or otherwise as holding positions in which they are so serving under the procedure based on this law and shall thereby be given permanent status in the service.

Necessary determinations concerning the implementation of the powers of the Temporary Authority may be provided by Cabinet order until July 1, 1948, after which time such determinations shall be provided by law or rules of the Authority.

Article 3. In paragraph 6 of Article 5, the Department of the University shall include the Department of Universities under the "University Ordinance", or the colleges under the "College Ordinance".

Article 4. Of commissioners who are appointed at the outset, the term of office of 2 shall, without prejudice to the provisions of Paragraph 1 of Article 7 be 5 years for 1 and 3 years for the other. In this case, which commissioner shall have which term of office shall be decided by the Cabinet.

Article 5. In case commissioners other than the president are simultaneously appointed from the outset, in applying the provision of Paragraph 3 of Article 11, "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 Item 3 of Article 36 shall include those effected under the provisions heretofore in force.

Article 7. The temporary retirement or 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 Item 2 or Item 3 of Article 82 shall also apply to acts committed before the application of the provisions of the same article

Article 9. Persons actually holding on a date which shall be established by the Authority, positions as vice ministers, heads and assistant heads of bureaus, section heads, and assistant section heads and other positions of similar organizational level in the service as designated by the authority shall, as provided by rules of the Authority be deemed as having received temporary employment in such positions. Such temporary employment shall not exceed 3 years from July 1, 1948, and may be sooner terminated by rules or directive of the Authority. The Authority shall from time to time designate additional positions as of similar organizational level and such positions shall be subject to the provisions of this article. However, in the interest of the service the Authority may at its discretion hold examinations and effect replacements of personnel in any position, group of positions, or occupation or series of occupations in the service.

In regard to the positions as specified in the preceding paragraph, it shall be the duty of the authority by greatest diligence to administer the necessary examinations under the law within 2 years after July 1, 1948.

Article 10. Persons in positions other than those specified, and from time to time specified by the Authority under the foregoing article, shall be regarded as having qualified under the procedures based on this law for the positions held by them on dates as specified by the Authority and in all respects subject to the rules of the Authority.

Article 11. Prior to July 1, 1951, an appointing officer may, with the permission of the Authority and subject to its rules, extend temporary employment beyond the limits specified in Paragraph 1 of Article 60.

Article 12. The provisions of Article 100 shall also apply to former personnel who had retired before the enforcement of the provisions of the same article.

Article 13. In case 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 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 revisions 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 laws, rules or directives of the Authority.

Article 15. Prior to July 1, 1951, the Authority may extend cooperation and technical advice incident to the installation and operation of Civil Service Agencies of Prefectures, cities and other local public bodies based on the principles established under this law.

Article 16. The coverage of the trade union law (Law 51 of 1945), the labor relations adjustment law (Law 25 of 1946), the labor standards law (Law 49 of 1947), and the mariners law (Law 100 of 1947), and any other ordinances, rules, or orders issued under the provisions of these laws, shall not apply to any personnel of the regular service as defined in Article 2 of the National Public Service Law (Law 120 of 1947).

New Supplementary Provisions to amendments:

Article 1. The present law shall come into force as from the day of its promulgation. However, the provisions of Paragraph 3 and 4 of Article 13 of the revised National Public Service Law shall take effect as from the annual budget for the Fiscal Year 1949 and the revised provisions of Article 9 of the Employment Security Law referred to in Article 4 of the supplementary provisions and the revised provisions of Article 10 of the Mariners' Employment Security Law in Article 6 of the Supplementary Provisions shall take effect as from the date prescribed by rules of the authority.

Article 2. Persons in the service actively holding elective public office on the effective date of the revised provision of the revised provision of Paragraph 2 of Article 102, National Public Service Law, shall, unless he resign from such elective office and communicate a copy of his resignation to the National Personnel Authority within 30 days counting from the effective date of the revised provision of the same paragraph, lose his position in the service effective after a lapse of the 30 day period referred to above.

Article 3. With respect to conditions of work of persons in the regular government service the provision of the labor standard law, the parts of the Mariners' Law related to the labor standard and orders issued thereunder shall be applied correspondingly until such a time as a separate law is enacted, and administered as long as such provisions are not in conflict with the spirit of the National Public Service Law and are not inconsistent with the matters provided by rules of the Authority issued thereunder. However, the provisions relating to the Authority of the labor standard supervisory organs shall not be applied correspondingly to the working conditions of personnel in the regular government service.

In cases of the preceding paragraph, necessary matters shall be provided by rules of the Authority.

Article 4. The following amendments shall be made to the Employment Security Law, (Law 141 of 1947).

In Paragraph 1, line 3 of Article 9, delete "special". In line 4 of the same paragraph delete "Labor Minister" and add "The National Personnel Authority".

Delete all of Paragraph 2 of Article 9. Paragraph 3 of Article 9 becomes Paragraph 2, and add at the beginning of this paragraph "Prior to application of the National Public Service Law, (Law 120 of 1947)" preceding "the Labor Minister". In line 1 after "office" delete period and substitute therefor;. In line 3 after "Governor" delete period and substitute therefor "and".

Article 5. With respect to application of penal provisions for an act committed before the enforcement of the National Public Service Law which violates the provisions of laws, orders, and directives enumerated in the same Article, the same shall follow the instance heretofore enforced notwithstanding the provisions of the same Article.

Article 6. A part of the Marines' Employment Security Law (Law 130 of 1948) shall be revised as follows:

Article 1. Delete "Maritime enterprise" and substitute "non-governmental Maritime enterprise (hereinafter referred to as Maritime enterprise)".

Add, as a second paragraph, "The recruitment, qualification and appointment of officials and employees who man vessels in the service of the National Government and whose salaries, wages, allowances or other compensation are paid from the National Treasury, shall be in accordance with the provisions of the National Public Service Law (Law 120 of 1947)".

Article 8. (Paragraph 2). Add "matters concerning personnel actions and administration shall conform to the provisions of the National Public Service Law (Law 120 of 1947)".

Article 10. Delete "the Minister of Transportation" and substitute "the National Personnel Authority."

Article 28. Add "The administration of personnel affairs of such Seamens Training Institutes shall be governed by the provisions of the National Public Service Law (Law Number 120 of 1947)."

Article 7. The Cabinet Order 201 of 1948 (Cabinet Order concerning temporary measures to be taken in consequence of the letter of the Supreme Commander for the Allied Powers to the Prime Minister, dated July 22, 1948) shall be abolished as it applies to employees of the National Government.

With respect to the application of penal provisions for any act committed before the abolition of the Cabinet order referred to in the preceding paragraph which violates the provisions of Paragraph 1 of Article 2 of the same Cabinet order, the same shall follow the instances heretofore in force.

Article 8. On the effective date of this law, "National Personnel Commission", "Chairman of the National Personnel Commission", "Commissioner of the National Personnel Commission" and "Rules of the National Personnel Commission" in other laws and orders shall read respectively, "National Personnel Authority," "President of the National Personnel Authority," "Commissioner of the National Personnel Authority", and "Rules of the National Personnel Authority".

Article 9. Persons actually holding positions or employment in the Temporary National Personnel Commission on the effective date of this law shall be deemed to hold equivalent appointments or employment in the National Personnel Authority unless other written notification of action is given them by the authority.

Article 10. Employees of the Diet and the Supreme Court shall be included in the provisions of the regular service as defined by this law until December 31, 1951.

Article 11. Any employee association or union actually existing on the effective date of provision of Article 16 (old Article 17) of the Supplementary Provisions of the National Public Service Law, and having its main constituents, personnel of the regular government service, may continue its existence by restricting its membership to personnel of the government service, providing

democratic processes for the election of officers and the conduct of business and otherwise conforming its organization and purpose to the provision of this Article and the general purport of this law. Such organizations shall register with the Authority under procedures of that authority.

(End of draft law)

In the field of public corporations concepts embody the following basic principles:

A. The enactment of a law creating the "Japanese National Railway Corporation" which,

(1) Establishes a non-stock public corporation for the purpose of acquiring and thereafter owning and operating the properties and undertakings now owned and operated by the Japanese Government Railways.

(2) Provides for management of the corporation by a board of seven directors, appointed by Prime Minister and confirmed by both Houses of Diet: term of office of Director 3 years, salary equivalent to that of a vice Minister. Directors prohibited from having financial interest in any corporation engaged in transportation business and from having other interests that might prejudicially affect discharge of duties.

(3) Provides corporation with requisite corporate powers, consistent with purpose for which formed. These are specifically enumerated in Article 3, Tab "A". In addition corporation given right of eminent domain consistent with existing law.

(4) Provides for submission of annual financial statements to Diet after review and approval by Minister of Finance; and for annual audit by Board of Audit as directed by Prime Minister.

(5) Provides for short term borrowing from government and for issuance of bonds for purposes stated in the law, with principal and interest of bonds guaranteed by government.

(6) Prohibits private investment in corporation other than by acquisition of bonds.

(7) Provides for payment of profits into National Treasury at end of each Fiscal Year.

(8) Provides that labor-management relations including collective bargaining and arbitration procedures shall be governed by provisions of a separate law.

(9) Provides corporation shall, upon order of Cabinet, have power to take over and operate any supporting or connecting railways or other means of transport necessary to the functioning of the National Railways when in operation of such other carriers is suspended for any cause and the Nation's transportation is thereby substantially interfered with; operation to be for period of emergency only with adequate compensation to owner of property affected.

(10) Provides corporation shall be subject to any tax or other levy imposed by Government.

(11) Provides for vesting in the corporation, on the effective date of law, of all properties, operations and undertakings of the present Government Railways.

(12) Provides for appointment by Prime Minister of a commission of 7 members (not more than three of whom are Government officials) to resolve questions of ownership of property at time of vesting in corporations, with right of appeal to courts from decisions of commission.

(13) Provides corporation shall be liable for negligent acts of corporation or agents to same extent as a private juridical person.

(14) Provides penal clauses and repeals inconsistent laws.

B. The enactment of a law creating a non-stock public corporation to take over the properties and functions of the tobacco and other monopolies which

(1) Provides requisite corporate powers consistent with the purposes for which formed, and

(2) Provides similar provisions relating to labor relations as contained in the Railways Corporation Law.

C. The enactment of the "National Negotiations Law for Public Corporations" which,

(1) Provides as the objective of the law: "To systemize and provide orderly channels for the exercise of the collective bargaining processes by employees of public corporations so that they may fully avail themselves of rights guaranteed by Article 28 of the Constitution of Japan".

(2) Provides as the policy of the law: "To encourage the practice and procedure of collective bargaining that will result in written collective agreements insuring the friendly and peaceful adjustment of grievances or disputes that may arise out of differences as to wages, hours or other working conditions" and "to ensure the maximum efficiency and uninterrupted operation of public corporations in the interest of National health, safety, and welfare".

(3) Provides law shall be applicable to all employees of public corporations.

(4) Provides that high-ranking supervisory officials of public corporations whose status clearly identifies them with management of the corporation shall not be eligible to represent labor in the bargaining process.

(5) Provides that employees covered by law shall be prohibited from resorting to strikes, slow downs, or any other acts hampering the normal course of work of the Corporation.

(6) Provides for dismissal or loss of other employment rights and possible penal punishment for resorting to above prohibited acts.

(7) Provides for determination of representation of labor and management around bargaining table. Desired goal is that appropriate and fair representation be accorded all unions representing workers governed by law as well as workers having no union affiliation.

(8) Provides for annual meeting at fixed time between labor and management committees on issue of basic wages and for other meetings if request of either committee for purpose of exploratory discussions for purpose of negotiation on specified issues.

(9) Provides that matters which may be bargained collectively shall be limited in scope to include matters relating to wages, hours of work and working conditions and excluding matters affecting operation of the public corporation except that conditions directly affecting safety of workers, even though related to operation, procedures, as well as the manner in which a reduction in personnel shall be affected may be dealt with.

(10) Provides for ratification by Diet and appropriation of necessary funds before wage increase resulting from collective bargaining become effective where wage increases would involve expenditure of Government funds not appropriated for that purpose.

(11) Provides for conciliation to be carried out under general auspices of neutral members of Central Labor Relations Committee.

(12) Provides for compulsory arbitration, in event agreement cannot be reached by negotiation and conciliation, on issues properly included within the negotiations agenda.

(13) Provides compulsory arbitration shall be conducted by a special panel of 3 experts, one of whom shall be selected by labor, one by management, and the third by agreement between labor and management.

(14) Suggests permanent labor management committee to facilitate cooperation on all matters and to establish appeals procedures for orderly settlement of routine grievances.

(15) Provides that management be prohibited from discriminating in regard to hire or tenure of employment because of union activity of an employee.

(16) Provides that protective labor standards legislation and social security legislation shall be applicable to all public corporation employees.

Note: It is further understood that the (Ashida) Cabinet contemplated recommending to the Diet the separation of the present Communications Ministry into two Ministries, - one responsible for Communications and the other for the Postal Services.

FEC-267/2FEC-RESTRICTEDFEC-267/216 November 1948FAR EASTERN COMMISSIONCABINET DRAFT OF PROPOSED REVISION OF NATIONAL PUBLIC
SERVICE LAW
Corrections to FEC-267/1Note by the Secretary General

1. The attached, a corrected version of page 23 of the Cabinet Draft of the Proposed Revision of the National Public Service Law (FEC-267/1), has been received by the Secretariat and is circulated herewith for the information of the Far Eastern Commission.

2. Members are requested to substitute the attached for page 23 of their copies of FEC-267/1.

3. Members are also requested to note the following additional corrections to FEC-267/1:

Page 6, Article 12, paragraph 4 - The word "proved" in line 2 should be deleted and replaced by the word "provided"

Page 8, Article 16, paragraph 1 - Delete the word "If" at the beginning of the sentence. This sentence then reads, "The authority shall make rules, etc."

Page 8, Article 16, paragraph 3, line 3 - Delete the words "they are" and insert the words "it is."

NELSON T. JOHNSON
Secretary General

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

(Subscription to oath)

Article 97. 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 98. Personnel of the service in the performance of their duties shall comply with laws and orders and faithfully observe the orders of their superiors on matters pertaining to the performance of their official duties.

Personnel of the service shall be permitted to form or refrain from forming or to join or refrain from joining associations or other employee organizations. Through such organizations, personnel of the service may designate representatives of their own choice for purposes of negotiating with proper authorities relative to conditions of employment and for other lawful purposes including social welfare activities. Such negotiations shall be solely in the sense of presenting grievances and making and discussing recommendations. Such presentation of grievances and recommendations shall be subject in all particulars to the procedures of the authority. No person in the service shall be denied the freedom to present grievances or voice opinions by reason of his non-membership in an employee organization. Employees may join associations of their own choosing.

Personnel of the police services, fire services, personnel of the National Fire Defense Board and personnel of the Maritime Safety Board (Coast Guard) and personnel of penal institutions shall be denied the right to organize employee associations or to join employee associations.

Personnel of the service shall not strike or engage in delaying or other dispute tactics against the public of Japan represented by the national government as employer, or resort to delaying tactics which reduce the efficiency of governmental operation; nor shall personnel of the service or other persons attempt, conspire to effect, instigate or incite such illegal actions.

The association or other employee organization described in the preceding paragraphs may be incorporated as a juridical person. The provisions in the civil law (Law 89 of 1896) and the law on procedure of non-contentious cases (Law 14 of 1898) concerning juridical persons described in Article 34 of the civil law shall be applied mutatis mutandis to juridical persons described in the preceding paragraph.

(Prohibition of acts causing loss of credit)

Article 99. 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 100. 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 or order, he shall require the permission of the head of his employing agency of government or in the case of a retired employee, the head of the agency of government having jurisdiction over the position he held at the time of retirement or any position similar thereto.

FEC-267/3FEC-RESTRICTEDFEC-267/326 November 1948FAR EASTERN COMMISSION

BILL FOR PARTIAL AMENDMENT OF
THE NATIONAL PUBLIC SERVICE LAW
As Submitted to the Diet 9 November 1948
(Reference: FEC-267)

Note by the Secretary General

1. The enclosure, the text of a bill for the partial amendment of the National Public Service Law as submitted to the Third National Diet on 9 November 1948, is circulated herewith by the Secretariat for the information of the Far Eastern Commission.

2. The amendments contained in the enclosure refer to the text of the National Public Service Law promulgated 21 October 1947 (FEC-267).

3. The enclosure supersedes FEC-267/1 and /2 which had set forth a preliminary draft of the proposed bill.

NELSON T. JOHNSON
Secretary General

FEC-267/3

E N C L O S U R EBILL FOR PARTIAL AMENDMENT OF
THE NATIONAL PUBLIC SERVICE LAW
As Submitted to the Diet 9 November 1948

A part of the National Public Service Law (Law No. 120 of 1947) shall be amended as follows:

Except where otherwise specified in this Law, "National Personnel Commission" shall read "National Personnel Authority", "Chairman of the National Personnel Commission" shall read "President of the National Personnel Authority", "Commissioners of the National Personnel Commission" shall read "Commissioners of the National Personnel Authority", "Secretariat" (Jimukyoku) shall read "Secretariat" (Jimusokyoku), "Executive Director" shall read "Director-General", "rules of the National Personnel Commission" shall read "rules of the National Personnel Authority", and "Prime Minister" shall read "Cabinet". However, the "Secretariat" (Jimukyoku), "Executive Director" and "Prime Minister" in Article 2 of the Supplementary Provisions of the National Public Service Law shall remain unchanged.

(Object and Effect of this Law)

Article 1. 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 Public Service 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.

This Law shall solely establish the standards for administration of the civil service referred to in Article 73 of the Constitution of Japan.

No person shall willfully violate or attempt or conspire to violate this Law or any part of it, or the rules or directives issued thereunder, or commit or attempt to commit any fraud incident to the administration of or obstruct the enforcement of this Law or the rules or regulations enacted or directives issued thereunder.

If any provision of this Law or the application thereof is held invalid, the remainder of this Law or other applications of such provision shall not be affected.

In so far as they are inconsistent or in conflict with prior laws or implementations thereunder, the provisions of this Law shall control.

(Regular and Special Government Service)

Article 2. The National Public Service shall be divided into the Regular Government Service and the Special Government Service.

The Regular Government Service shall be comprised of all positions in the National Public Service other than those in the Special Government Service.

The Special Government Service shall be comprised of the following types of positions:

1. The Prime Minister
2. Ministers of State
3. Commissioners of the National Personnel Authority and Auditors of the Board of Audit
4. Director-General of the Cabinet Secretariat
5. Deputy Directors-General of the Cabinet Secretariat
6. Parliamentary Vice-Ministers
7. Director of the Liaison and Coordination Agency
8. Confidential Secretaries to the Prime Minister (not exceeding three in number) and other Confidential Secretaries (one for each Minister of State or head of agency included in the Special Government Service)
9. Positions, the occupancy of which requires an election or the appointment to which requires a resolution or consent of one or both Houses of the Diet
10. Director of the Imperial House Office, Grand Chamberlain, Chamberlains, and such other personnel of the Imperial House Office as designated by law or rules of the National Personnel Authority
11. Ambassadors and Ministers
12. Judges and one Confidential Secretary to the Chief Justice of the Supreme Court and one Confidential Secretary to each Associate Justice.

The provisions of this Law shall apply specifically to all positions in the Regular Government Service (to be hereinafter referred to as the service and persons holding positions therein as personnel). The National Personnel Authority shall have authority to determine whether positions are in the National Public Service or other service, and, within the provisions of this Article, to determine whether positions are in the Regular Government Service or the Special Government Service.

The provisions of this Law shall not apply to positions in the Special Government Service unless otherwise provided by an amendment to this Law.

The Government shall not pay salary, wage, or other compensation for services to personnel other than in the Regular Government Service or the Special Government Service.

The provision of the preceding paragraph shall not apply to contracts between the National Government or a subdivision thereof, and foreign nationals for personal services on an individual basis.

(Installation)

Article 3. 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) is created and charged with primary responsibility for enforcement of this Law.

In administering the National Civil Service the Authority shall be set up under the jurisdiction of the Cabinet and shall report to the Prime Minister under the standards provided in this Law.

Subject to this Law the Authority shall develop, coordinate, integrate, and order policies, standards, procedures, rules, and programs and recommend legislative and other necessary action for the government service with respect to the following matters:

1. Position classification, compensation, dual compensation, pay plan, examination, qualifications, recruitment, employment eligible lists, certification of eligibles, appointment, conditional period, temporary appointment, part-time employment, dual employment, oath of office, promotion, demotion, transfer, reinstatement, reassignment, retirement, pension, dismissal, reduction in force, evaluation of work performance, the definition of technical personnel terms and related matters.

2. Hours of work, leave of absence, temporary retirement, health, safety, recreation, education and training, welfare, personal conduct, political activity, exclusion from private enterprise, preservation of secrecy, discipline, separation, equitable treatment, status, guarantee, employee application for administrative action, grievance procedure, compensation for illness and injury, and investigation, research, and inspection regarding governmental personnel administration and related matters.

3. Personnel records and statistics, control and audit of payrolls to the extent that the delivery of authorized compensation in conformity with this Law and rules and directives of the Authority is assured.

4. Administration of the National Personnel Council.

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

Within the administrative sphere in which the Authority is empowered to act by this Law, the decisions and actions of the Authority shall be subject to review only by the Authority under its own procedures.

The provision of the preceding paragraph shall not in any way affect the right of access to the courts on questions of Law.

(Personnel)

Article 4. The Authority shall be composed of three Commissioners.

One of the Commissioners shall be designated and appointed as President.

The Authority shall appoint a Director-General and such other personnel as it may deem necessary to properly and adequately conduct the business of the Authority within the limitation of its budget.

The Authority shall control its own internal operating organizational structure, and the provisions of the National Government Organization Law (Law No. 120 of 1948) shall not apply to the Authority.

In Article 5, Paragraph 5, "one year" shall read "five years", and "an officer of a political party" shall read "an officer, political adviser, or other similarly politically influential member of a political party"; and in Paragraph 6, "of the same professional subdivision" and "or high school (in universities where there is no professional subdivision, graduates of the same department)" shall be deleted.

In Article 7, Paragraph 3, the proviso shall be deleted.

In Article 8, the text of Paragraph 1 shall be revised as follows:

"A Commissioner shall not be removed from office against his will except under one of the following specifications:"

In Paragraph 1 of the same Article, Item 3 shall read as follows and the proviso in Paragraph 3 and Paragraph 6 shall be deleted.

"3. When he has completed his term of office and has not been reappointed, or when he has been continuously in office as a Commissioner for 12 years".

In Article 9, Paragraph 2 shall read as follows (in English version only):

"When the Cabinet intends to bring impeachment action against a Commissioner, charges shall be filed by the Cabinet in writing setting forth the alleged offence, both in general and particular, and submitted to the Supreme Court."

(Salary)

Article 10. A Commissioner shall be compensated on the same basis as a Minister of State and no Commissioner shall be paid by the Government, less in total compensation than is paid for all purposes to any Minister of State.

In Article 11, Paragraph 1, "the" shall be added after "among" (in English version only), and in Paragraph 2, "affairs of the Commission" shall read "affairs of the Authority".

(Meetings of the Authority)

Article 12. Regular meetings of the Authority shall, as a rule, be held at least once a week at a fixed place, as provided by rules of the Authority.

Proceedings at a meeting of the Authority shall be recorded in its minutes.

The minutes specified in the preceding paragraph shall be prepared by the Executive Secretary.

Necessary determinations concerning the proceedings of the Authority shall be provided by rules of the Authority.

The Director-General of the Authority shall be present at the meetings of the Authority as Executive Secretary.

When exercising the powers enumerated below, the Authority shall require a resolution of the Authority:

1. The enactment, amendment, or abrogation of rules of the Authority;
2. Disbursements from the emergency operating fund as specified in Article 13.
3. Recommendations to the head of the appropriate agency of government as specified in Article 22;
4. Submit opinions of the Authority to the Diet and the Cabinet as specified in Article 23;

5. Report to the Diet and the Cabinet as specified in Article 24;
6. Drafting of a position classification plan as specified in Article 29;
7. Determination of standards for evaluation and designation of an evaluating body as specified in Article 36 (including cases to be correspondingly applied under Article 37);
8. Designation of examining bodies as specified in Article 48;
9. Approval of temporary employment and its renewal, restriction of number of personnel for temporary employment and determination of their qualifications, and cancellation of temporary employment as specified in Article 60, except as provided by rules of the Authority;
10. Drafting of a pay plan as specified in Article 63;
11. Preparation of revisions of the pay plan as specified in Article 67;
12. Recommendations to the head of an appropriate agency of government, and drafting plans concerning recognition for efficient performance or measures for correcting failure to perform efficiently as specified in Article 72, except as provided by rules of the Authority;
13. Evaluation of a case as specified in Article 87;
14. Evaluation of an action as specified in Article 92;
15. Drafting of important matters concerning compensation as specified in Article 95;
16. Evaluation of a protest as specified in Article 103;
17. Drafting of important matters concerning pension as specified in Article 108;
18. Other matters which, by a resolution of the Authority, require a resolution of the Authority.

(Secretariat and Budget of the Authority)

Article 13. The Authority shall have a Secretariat, and legal counsel under its own jurisdiction.

The organization of the Authority's Secretariat and necessary determinations concerning legal counsel shall be as provided by rules of the Authority.

The Authority shall annually and prior to the beginning of each fiscal year, present to the Cabinet for inclusion in the national budget, a request for its necessary expenses for the ensuing fiscal year. Such requests shall cover purchase of land, construction of buildings, rental of offices, purchase of furniture, equipment, supplies, payments of salaries, wages, and allowances of staff together with all other services and things necessary to the complete administration and enforcement of this Law.

An emergency operating fund under the supervision of the President of the Authority shall be provided among the expenditures mentioned in the preceding paragraph and shall be discontinued March 31, 1952; disbursement from this fund shall require a resolution of the Authority.

In the event the Cabinet desires to revise the annual budget request of the Authority for operating funds so presented, the request as compiled by the Authority and the request as revised by the Cabinet shall be presented to the Diet for consideration.

The Authority may establish local offices as it deems necessary with the approval of the Diet.

(Director-General of the Authority)

Article 14. The Director-General of the Authority shall be the executive assistant to the President. Subject to general supervision of the President, the Director-General shall direct and supervise all administrative and technical activities of the Authority; plan programs to achieve the objectives of this Law; plan, recruit, organize, direct staff of the Authority; and do such other proper and legal acts as may be necessary to achieve the objectives of this Law; act as the Executive Secretary of the meetings of the Authority and Chairman of the National Personnel Council.

Except for family allowances and overtime allowances as provided by law, the Director-General shall be compensated on the same basis as a Vice-Minister and the Director-General shall be paid by the Government, not less in total compensation than is paid for all purposes to any Vice-Minister.

(Prohibition of Personnel of the Authority from Holding Concurrent Positions)

Article 15. No Commissioner or Director-General shall hold concurrently any other position.

(Rules and Directives of the Authority)

Article 16. The Authority shall make rules, issue directives and establish procedures concerning matters necessary for the execution of this Law. The Authority may revise its rules from time to time at its discretion.

Rules and revision of the rules of the Authority shall be published in the Official Gazette.

The Authority is authorized to issue directives in the absence of a rule or to implement a rule by the issuance of directives in any area where it is authorized to make rules or take other action under this Law.

(Control of Delivery of Compensation)

Article 18. The Authority shall control delivery of compensation to personnel of the service.

No compensation shall be paid or delivered to personnel of the service contrary to the rules or directives of the Authority.

In Article 19, Paragraph 4, "prescribed in Paragraph 2" shall read "maintained by the Prime Minister's Office or any ministry or agency of the government".

In Article 21, "unimportant functions" shall read "certain of these functions as prescribed by rules of the Authority".

In Article 22, Paragraph 2, "transfer of personnel between the various ministries or agencies of the National Government" shall read "transfer of personnel between the various ministries or agencies of the National Government or other matters relating to labor utilization".

(Advice on Enactment, Amendment or Abrogation of Laws and Orders)

Article 23. If, in order to insure 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 Diet and to the Cabinet simultaneously.

In Article 24, Paragraph 1 shall be revised as follows:

"The Authority shall make an annual report to the Diet and the Cabinet of its activities and accomplishments covering each fiscal year of its operation".

In Article 27, "social status or family origin" shall read "social status, family origin, or political opinions or affiliations except as provided in Item 5 of Article 38."

(Principle of Meeting Changing Conditions)

Article 28. The standards concerning compensation, hours of work and other working conditions to be established under this Law may be from time to time revised by the Diet to meet changing conditions. It shall be the duty of the Authority to recommend such changes.

The Authority shall report to the Diet and the Cabinet simultaneously on the propriety of salary and wage schedules not less than once each year. If factors entering into wage determination at any time suggest a wage revision of such schedules by 5% or more either upward or downward, such report thereon shall be made to the Diet and the Cabinet with appropriate recommendations by the Authority.

In Article 29, Paragraph 2, "classified by classes determined according to the kinds of duties" shall read "classified according to the kinds of duties" and "grades according to" shall be deleted; in Paragraph 3, "in the same grade and class" shall read "in the same class under substantially the same employment conditions"; in Paragraph 4, "before the enforcement of this Law" shall be deleted; and the following shall be added as Paragraph 5:

"The classification plan as provided by Article 14 of the Law Administering the New Pay (Law No. 46 of 1948) shall be construed as being and meeting the requirements of the plan referred to in this Article and otherwise in this Law and shall remain in effect until subsequent modifications are recommended by the Authority and enacted by the Diet".

In Article 30, Paragraph 1 shall be revised as follows:

"The position classification plan may be gradually enforced, commencing first with segments where it is practicable."

In Article 31, Paragraph 1, "In the event of enforcing" shall read "In effectuating", and "grades of a class" shall read "classes".

(Prohibition of Classification of Positions by other than the Position Classification Plan)

Article 32. In regard to all positions in the Regular Service, no classification of positions on any basis other than the position classification plan shall be made.

(Basic Standard for Appointment and Dismissal)

Article 33. Appointment of a person in the service shall, as determined by this Law and the rules of the Authority, be made entirely on the basis of the result of his examination and the merit of his performance of duties or other demonstrated abilities.

The Authority shall at its discretion determine whether an examination shall be original entrance, or promotional, or both.

Dismissal of a person in the service shall be for cause as provided by law.

Except as prescribed in this Law, determination necessary for enforcing the basic standard mentioned in the preceding three paragraphs shall be provided by rules of the Authority.

(Definition of Technical Terms)

Article 34. The Authority by rule shall define, amplify and authorize the use of technical terms as it deems necessary in administering this Law.

In Article 36, Paragraph 1, "a grade or grades of a class or classes of positions" shall read "positions", and Paragraph 3 of the same Article shall be deleted.

In Article 37, Paragraph 1, shall be revised as follows:

"Promotion of personnel shall be by competitive examination (to be hereinafter referred to as examination) among incumbents of positions of lower levels than that to which the promotional position under consideration belongs. However, the Authority may at its discretion restrict the scope of persons to be examined when such restriction is deemed necessary."

In Article 38, line 4, "or quasi-incompetent" shall be deleted (in English version only), and in Item 4, "Article 109, Item 3 of Article 110," shall read "Articles 109 to 111 inclusive".

In Article 40, Paragraph 1, between "mark" and "rating" a comma (,) shall be inserted.

In Article 42, "according to grade or grades of a class or classes of positions" shall be deleted.

In Article 44, "grade or grades of a class or classes of positions involved" shall read "positions involved".

In Article 45, "grade and class of" and "and shall be practical in character" shall be deleted.

In Article 47, Paragraph 2, "grade and class of positions" shall read "positions", and "the subjects of examination and the individual weights thereof" shall be deleted; in Paragraph 3 "may unfailingly become known" shall read "may reasonably become known" and the following paragraph shall be added:

"Examinations announced or in process may be cancelled or revised by the Authority."

In Article 50, "by grade and class of positions" shall be deleted.

In Article 51, "appropriate" and "in the grade and class" shall be deleted.

In Article 52, "appropriate" and "in the grade and class" shall be deleted.

In Article 54, ",either in whole or in part," shall be deleted.

(Appointing Officer)

Article 55. Except as specifically prescribed by law, the appointing power shall be vested with the Cabinet, each Minister (this refers to the Prime Minister, the Attorney General and Ministers of each Ministry to be same hereinafter), the president of the Board of Audit, the president of the National Personnel Authority and the heads of each independent organization. The authority of the head of these organs to appoint personnel in the service shall be restricted to positions within the organizational structure of such official, while the Cabinet shall appoint personnel only to positions within the organizations directly presided over by the Cabinet. However, the authority to appoint heads of independent organizations shall be vested with each Minister.

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. All such delegations of appointing power shall be certified to the Authority in writing in advance of the effective date.

No person shall be appointed, employed, promoted or transferred in the service or assigned to perform the duties of any position in the service who has not met the requirements of this Law and the rules enacted and directives issued thereunder.

In Article 56, the following proviso shall be added:

"However, prior to July 1, 1951, the Authority by resolution may restrict the choice to less than the top five names as applied to any position or group of positions."

(Conditional Period of Appointment)

Article 59. Any initial or promotional appointment to any position in the regular service 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 determinations concerning conditional initial appointment or the establishment of a conditional period in excess of six months shall be provided by rules of the Authority.

In Article 60, Paragraph 2, "by grade and class of positions" shall be deleted; in Paragraph 3, "or rules of the Authority" shall be added after "the preceding two paragraphs"; and in Paragraph 5, "Cabinet Orders issued thereunder" shall be deleted.

In Article 61, "subject to this Law and rules of the Authority." shall be added after "the appointing officer.", the period (.) being substituted by a comma (,).

In Article 62, Paragraph 2 shall be revised as follows:

"The purport of the provision of the preceding paragraph shall be achieved as quickly as possible."

In Article 64, Paragraph 2 shall be revised as follows:

"The compensation schedule, which shall be determined after taking into consideration the cost of living, prevailing wage rates and other pertinent factors as determined by the Authority, shall include a clearly specified range of pay for each grade or class."

In Article 65, Paragraph 1, "Matters concerning" shall be deleted (in English version only), in Item 1, "a same grade" shall read "a same grade or class;" and in Item 5, "number of dependents" and a comma (,) shall be added after "in regard to".

In Article 65, Paragraph 1, "grade and class of the position" shall read "class of positions" and Paragraph 2 shall be deleted.

In Article 68, Paragraph 3, "Cabinet Order and" shall be deleted.

In Articles 69 and 70, "order or rules of the Commission," shall read "order, rules or directives of the Authority,".

In Article 72, Paragraph 3, "submit them to the Prime Minister." shall read "take appropriate action thereon."

In Article 75, Paragraph 1, "or rules of the Authority." shall be added after "law.", the period (.) being deleted; and in Paragraph 2, "grade" shall be deleted (in English version only).

(Separation from the Service)

Article 77. Provisions for separation of persons from the service shall be prescribed by this Law and rules of the Authority.

In Article 78, Item 1, "any" shall read "sufficient", in Item 3, "positions of a grade or grades or class or classes." shall read "the position he holds;", and the following shall be added as Item 4 in the same Article:

"4. When he becomes supernumerary or his position is 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."

In Article 79, after "In cases where a person in the service falls under one of the following cases," shall be added "or in other cases established by rules of the authority."

In Article 80, Paragraph 1 shall be revised as follows:

"The period of temporary retirement in any case as specified in Item 1 of the preceding Article shall be as provided by rules of the Authority. If the debility ceases to exist during the period of temporary retirement, the temporary retirement shall be deemed to have been automatically cancelled and the reinstatement shall be ordered forthwith."

After Paragraph 2 of the same Article, the following shall be added as Paragraph 3: "In any case of temporary retirement the permission for such temporary retirement shall automatically be deemed to have been cancelled when the reason for such retirement has ceased to exist."; and in Paragraph 3 which now becomes Paragraph 4, "receive one-third of his pay," shall read "not be paid compensation of any kind unless provided in the pay plan."

In Article 81, Paragraph 1, Item 3 shall be deleted, and in Item 4 which becomes Item 3, "grade" shall be deleted (in English version only), and Paragraph 3 shall be deleted.

In Article 83, Paragraph 1 shall be revised as follows:

"The period of suspension from duty shall be provided by rules of the Authority within the limit of but not more than one year."

In Paragraph 2 of the same Article, "While he is suspended from duty, he shall receive one-third of his pay," shall read "A person suspended from duty shall not be paid for services during such period of suspension except under the provisions of Article 92, "; and Paragraph 3 shall be deleted.

In Article 84, the following paragraph shall be added:

"The Authority may file charges against any member of the service subject to investigation as herein provided."

(Relations with Criminal Court)

Article 85. While a case which is to be subjected to disciplinary punishment is in the criminal court, administrative disciplinary proceedings may be taken on the same case at the discretion of the Authority or the appointing officer with the approval of the Authority. Any disciplinary action under this Law shall not preclude the person involved from being subjected to criminal prosecution on the same or related facts.

In Article 89, "grade" shall be deleted from title and article (in English version only).

(Action to be Taken as a Result of Investigation)

Article 92. If, as a result of the investigation, the validity of the charges is established, the Authority shall approve or in its discretion revise the action of the employing agency of government.

If, as a result of such investigation, it is established that the accused was not guilty as charged, the Authority shall reverse the action of the employing agency of government and take such action as may be advisable and necessary to restore employment rights to the member of the service and correct any injustice that may have been done him by reason of such inaccurate accusation. The Authority may in such cases order that the accused be reimbursed for any salary lost by reason of such inaccurate accusation.

Findings of the Authority in cases referred to in the preceding two paragraphs shall be final and subject to review only by the Authority under its rules.

(Responsibility of the Authority for Drafting and Administering Compensation System)

Article 95. The Authority shall conduct essential studies in regard to the compensation system as soon as practicable, and submit its recommendations thereon to the Cabinet. The injury compensation plan shall be administered by the Authority.

(Duty to obey Laws and Orders and Orders of Superiors; and Employee Organizations)

Article 98. Personnel of the service in the performance of their duties shall comply with laws and orders and faithfully observe the orders of their superiors on matters pertaining to the performance of their official duties.

Personnel of the service shall be permitted to form or refrain from forming or to join or refrain from joining associations or other employee organizations. Through such organization, personnel of the service may designate representatives of their own choice and negotiate subject to the procedures of the Authority with proper authorities for conditions of work and for other lawful purposes including social and welfare activities, provided, however, that such negotiation does not include the right of collective agreement with the Government. No person in the service shall be denied the freedom to present grievances or voice opinions by reason of his non-membership in an employee organization.

Personnel of the service shall not be subjected to adverse treatment on the ground that they are the constituent members of the associations or other organization referred to in the preceding paragraph, or have attempted to form or join it, or that they have performed lawful actions in such organization.

Personnel of the police services and fire services (including personnel of the National Fire Defence Board) and personnel of the Maritime Safety Board (Coast Guard) and penal institutions shall be denied the right to organize the employee organizations or to join the employee organizations as specified in Paragraph 2.

Personnel of the service shall not strike or engage in delaying or other dispute tactics against the public of Japan represented by the National Government as employer, or resort to delaying tactics which reduce the efficiency of governmental operations, nor shall personnel of the service or other persons attempt, conspire to effect, instigate or incite such illegal actions.

Any person in the service who shall resort to strike or any or all of the unlawful tactics as prescribed in the preceding paragraph shall not contest against the National Government with the rights to appointment or employment acquired and possessed by him under laws and orders at the time of such strike, dispute or delaying tactics.

The association or other employee organization referred to in Paragraph 2 may be incorporated as a juridical person. The provisions of the Civil Code (Law No. 89 of 1896) and the Law on Procedure of Non-Contentious Cases (Law No. 14 of 1898) concerning juridical persons as specified in Article 34 of the Civil Code shall be applied correspondingly to juridical persons referred to in this paragraph. However, 'the competent government agency' in such provisions shall be taken to read 'the National Personnel Authority'.

In Article 100, the following paragraph shall be added as Paragraph 4:

"The preceding three paragraphs shall not apply where information is requested by the Authority during an investigation or hearing conducted by the Authority. It shall not be necessary for the individual to secure permission from anyone to inform and testify before the Authority on secret, confidential or restricted information when so requested by the Authority during or as a part of such investigations or hearings conducted under the official auspices of the Authority. Failure to inform and testify before the Authority on such information upon its official request shall make the individual liable to the penal provisions of this Law.

(Undivided Attention to Duty)

Article 101. Personnel of the service, except in cases authorized by rules of the Authority, shall give their full working time and occupational attention to the duties of their public position, and perform only those duties which it is the responsibility of the National Government to perform. Except as authorized by rules of the Authority, personnel of the service may not hold concurrently two or more positions in the employ of the government. Personnel in the employ of the government shall not be paid for service in more than one position at any one time.

Nothing contained in the preceding paragraph shall be construed to preclude the assignment, by competent authority, of personnel in the service to duties other than those of their public position in the event of an earthquake, fire, flood or other major catastrophe.

Personnel of the service shall not, while receiving pay of the National Government, perform duties or carry on activities for or in behalf of employee organizations. However, such personnel of the National Government may perform the activities specified and approved in Article 98 of this Law under conditions or circumstances approved by or prescribed by rules of the Authority.

In Article 102, Paragraph 1, "or political purpose." shall read "or political purpose or engage in any political activity as defined by the rules of the Authority other than to exercise his right to vote."; in Paragraph 2, "in cases provided by rules of the Commission." shall be deleted, a period (.) being placed after "office"; and Paragraph 3 shall be revised as follows:

"No person in the service shall be an officer, political adviser, or member with similar political function of any political party or political organization".

In Article 103, Paragraph 2 shall be revised as follows:

"Any person is hereby prohibited for a period of two years after leaving the service from accepting or serving in a position with a profit-making enterprise which directly or indirectly involves a close connection with any agency of the national public service with which such person was formerly employed within five years prior to separation from the service."

In Article 104, "the head of the employing agency of government" shall read "the Authority and the head of the employing agency of government".

(Scope of Duties of Personnel)

Article 105. Apart from taking charge of duties prescribed by law, order, rule or directive, personnel of the service as such shall assume no other obligation whatever.

In Article 108, Paragraph 3, "sound basis" shall read "sound actuarial basis".

Article 109. A person falling under one of the following cases shall be sentenced to not to exceed one year in penal servitude or fined not to exceed thirty thousand yen:

1. A Cabinet member who concurs in the appointment of a Commissioner who does not qualify under the provisions of Article 5;
2. A person who accepts an appointment to a position in violation of Paragraph 3 of Article 7;
3. Cabinet members who wilfully refrain from removing a Commissioner in violation of Paragraph 3 of Article 8;
4. Cabinet members who fail to appoint a Commissioner within 60 days after a vacancy in the Authority occurs. However, in cases where the consent of the Diet is not obtained during the said period, this shall not be applicable;
5. A person who holds two positions in violation of Article 15;
6. A person who wilfully withholds publication of rules and amendments of rules in the Official Gazette in violation of Paragraph 2 of Article 16;
7. A person who wilfully fails to prepare and maintain records or revise records, in violation of Article 19;
8. A person who wilfully fails to submit reports or information in violation of Article 20;
9. A person who is guilty of discrimination in violation of Article 27;
10. An employee or officer of the National Government who withholds or suppresses publicity of examinations in violation of Paragraph 3 of Article 47;
11. A person who effects a suspension in violation of Paragraph 1 of Article 83;
12. A person who wilfully fails to comply with a decision, action or order of the Authority made in accordance with Article 92;

13. A person who divulges secrets in violation of Paragraphs 1 or 2 of Article 100;
14. A person who holds a position in any enterprise in violation of Article 103;
15. An appointing officer who extends temporary employment in violation of Article 11 of the Supplementary provisions.

Article 110. A person falling under one of the following cases shall be sentenced to not to exceed three years in penal servitude or fined not to exceed one hundred thousand yen:

1. A person who violates Paragraph 6 of Article 2;
2. A person who pays compensation in violation of Article 10 or Article 14;
3. A person who has been subpoenaed as a witness in accordance with the provision of Paragraph 2 of Article 17 and has made a false statement;
4. A person who has been subpoenaed as a witness in accordance with the provision of Paragraph 2 of Article 17 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;
5. A person who has been ordered to produce books, records or copies thereof in accordance with the provision of Paragraph 2 of Article 17 and knowingly produces false books, records or copies thereof;
6. A person who pays or delivers compensation in violation of Article 18;
7. A person who makes an appointment in violation of Paragraph 1 of Article 33;
8. A person who violates the prohibition prescribed in Article 39;
9. A person who commits an act of fraud in violation of Article 40;
10. A person who obstructs the right to examination or appointment or furnishes information in violation of Article 41;
11. A person who pays compensation in violation of Article 66 or Paragraph 1 of Article 63;
12. A person who delivers compensation in violation of Article 68;
13. A Commissioner who wilfully fails to take appropriate steps in regard to payment of compensation in violation of Article 70;
14. A person who pays a suspended person in the service in violation of Paragraph 2 of Article 83;
15. A person who wilfully prevents the presentation of an application for administrative action on working conditions, in violation of Article 86;

16. A person who organizes an organization in violation of Paragraph 4 of Article 98;
17. Any person who conspires to effect, instigates or incites the illegal action defined in the first part of Paragraph 5 of Article 98, or attempts such action.
18. A person who fails to inform and testify in violation of Paragraph 4 of Article 100;
19. A person who violates the restrictions on political activity set forth in Paragraph 1 of Article 102;
20. An appointing officer who fails to enforce the termination of a temporary appointment in accordance with Paragraph 1 of Article 9 of the Supplementary Provisions.

Money or other benefit given or received by the person mentioned in Item 8 of the preceding paragraph shall be confiscated. When it is not possible to collect such amount either in whole or in part, its value shall be sought and collected.

Article 111. A person who attempts to accomplish or who orders, wilfully permits, instigates, or is an accessory to the accomplishment of any of the acts enumerated in Items 1, 3, 4, 5 and 13 of Article 109, or Items 1 to 7 inclusive, 9 to 16 inclusive, 18 and 20 of Article 110 shall be subject to the penalty prescribed in each of these Articles.

Supplementary Provisions

In Article 1, Paragraph 2 shall be deleted and in Paragraph 3, "the supplementary provisions" shall read "the penal provisions and supplementary provisions", and "law or rules of the Commission" shall read "law, rules or directives of the Authority."

In Article 2, Paragraph 5 shall be revised as follows:

"The Chairman and members of the Temporary Commission actually holding office on the date of establishment of the Authority shall, pending the appointment of Commissioners of the Authority, be deemed as holding the office of such Commissioners, and, until that time, the Chairman shall perform the duties of the President of the Authority. The Chairman and members of the Temporary Commission shall retire upon the appointment of Commissioners of the Authority, and in this case, the Chairman of the Temporary Commission shall promptly hand over charge to the President of the Authority. Such appointments shall be consummated within five days following the establishment of the Authority."

In the same Article, after Paragraph 8 the following shall be added as Paragraph 9:

"Personnel of the Temporary National Personnel Commission shall on the establishment of the Authority become personnel of the Authority in conditional status for a period of six months thereafter. Employees who successfully complete such conditional period shall thereupon be regarded as having qualified themselves in the examination or the evaluation based on this Law, or otherwise as holding positions in which they are so serving under the procedure based on this Law and shall thereby be given permanent status in the service. No provision of this paragraph shall exempt personnel of the Authority from application of the provisions of Article 9 of the Supplementary Provisions."

Article 3 shall be revised as follows:

"In Paragraph 6 of Article 5, the department of the university shall include the department of the universities under the previous "University Ordinance (Imperial Ordinance No. 388 of 1918)", or the colleges under the previous "College Ordinance (Imperial Ordinance No. 61 of 1903)".

In Article 5, "Commissions." shall read "Commissioners" (in English version only)

Article 9 to 11 inclusive shall be revised as follows:

"Article 9. Persons actually holding on a date which shall be established by the Authority, positions as Vice-Ministers, heads and assistant heads of bureaus, section heads, and assistant section heads and other positions of similar organizational level in the service as designated by the Authority shall, as provided by rules of the Authority, be deemed as having received temporary employment in such positions. Such temporary employment shall not exceed three years from July 1, 1948, and may be sooner terminated by rules or directives of the Authority. The Authority shall from time to time designate additional positions as of similar organizational level and such positions shall be subject to the provisions of this Article. However, in the interest of the services the Authority may at its discretion hold examinations and effect replacements of personnel in any position, group of positions, or occupation or series of occupations in the service.

In regard to the positions as specified in the preceding paragraph, it shall be the duty of the Authority by greatest diligence to administer the necessary examinations under this Law within two years after July 1, 1948."

"Article 10. Persons in positions other than those specified, and from time to time specified by the Authority under the preceding Article, shall be regarded as having qualified under the procedures based on this Law for the positions held by them on dates as specified by the Authority and in all respects subject to the rules of the Authority."

"Article 11. Prior to July 1, 1951, an appointing officer may, with the permission of the Authority and subject to its rules, extend temporary employment beyond the limits specified in Paragraph 1 of Article 60."

In Article 13, "such as diplomatic and consular officials, other personnel stationed abroad, school teachers, court officials or public procurators" shall be deleted.

The following two Articles shall be added to the Supplementary Provisions:

"Article 15. Prior to July 1, 1951, the Authority may extend cooperation and technical advice incident to the installation and operation of civil service agencies of prefectures, cities and other local public bodies based on the principles established under this Law."

"Article 16. The coverage of the Trade Union Law (Law No. 51 of 1945), the Labor Relations Adjustment Law (Law No. 25 of 1946), the Labor Standard Law (Law No. 49 of 1947), and the Mariners' Law (Law No. 100 of 1947), and any ordinances, rules, or orders issued under the provisions of these Laws, shall not apply to any personnel of the regular service as defined in Article 2 of the National Public Service Law (Law No. 120 of 1947)."

Second Supplementary Provisions

Article 1. The present Law shall come into force as from the day of its promulgation. However, the provisions of Paragraphs 3 to 5 inclusive of Article 13 of the revised National Public Service Law shall take effect as from the annual budget for the fiscal year 1949 and the provisions of Article 6 of these Supplementary Provisions and the revised provisions of Article 10 of the Mariners' Employment Security Law in Article 7 of these Supplementary Provisions shall take effect as from the date prescribed by rules of the Authority.

Article 2. A person in the service actively holding elective public office on the effective date of the revised provision of Paragraph 2 of Article 102, National Public Service Law, shall lose his position in the service effective as of February 1, 1949 unless he resign from such elective office and communicate to the National Personnel Authority a copy of his resignation and official certification that such resignation has been accepted and has become effective prior to February 1, 1949.

Article 3. With respect to persons in the regular government service the provisions of the Labor Standard Law, the provisions of the Mariners' Law and orders issued thereunder shall be applied correspondingly until such a time as a separate law is enacted and administered, as long as such provisions are not in conflict with the spirit of the National Public Service Law and are not inconsistent with the matters provided by laws enacted pursuant to the National Public Service Law or rules of the Authority issued thereunder. However, the provisions relating to the authority of the labor standard supervisory organs shall not be applied correspondingly to the working conditions of personnel in the regular government service.

2. In cases of the preceding paragraph, necessary determinations shall be provided by rules of the Authority.

Article 4. Any employee association or union actually existing on the effective date of provisions of Article 16 of the Supplementary Provisions of the National Public Service Law and having as its main constituents personnel of the government service, may continue its existence. All such associations shall provide democratic processes for the election of officers and the conduct of business and otherwise conform in organization, purpose and procedure to the provisions of this Law. Such organizations shall register with the National Personnel Authority under procedures of that authority.

2. Necessary determinations concerning the employee associations or unions referred to in the preceding paragraph shall be provided by law or rules of the Authority.

Article 5. With respect to the application of penal provisions for any act committed before the enforcement of the provisions of Article 16 of the Supplementary Provisions of the National Public Service Law which violates the provisions of laws, orders and directives enumerated in the same Article, the same shall follow the instances heretofore in force, notwithstanding the provisions of the same Article.

Article 6. A part of the Employment Security Law (Law No. 141 of 1947) shall be revised as follows:

2. In Article 9, Paragraph 1, "special" shall be deleted (in English version only) and "Minister of Labor" shall read "the National Personnel Authority"; Paragraph 2 shall be

deleted; Paragraph 3 shall be renumbered as Paragraph 2, in which "Prior to application of the National Public Service Law (Law No. 120 of 1947)" shall be added at the beginning, and in line 1 after "office" a period (.) shall be deleted and replaced by a semicolon (;), and in line 3 after "governor" a period (.) shall be deleted and replaced by "and" (in English version only).

Article 7. A part of the Mariners' Employment Security Law shall be revised as follows:

In Article 1, "maritime enterprise" shall read "non-governmental maritime enterprise (to be hereinafter referred to as maritime enterprise)", and the following shall be added as Paragraph 2:

2. "The recruitment, qualifications and appointment of officials and employees who man vessels in the service of the National Government and whose salaries, wages, allowances or other compensation are paid from the national treasury, shall be in accordance with the provisions of the National Public Service Law (Law No. 120 of 1947)."

In Article 8, after Paragraph 2 the following paragraph shall be added:

3. "Matters concerning personnel actions and administration shall conform to the provisions of the National Public Service Law (Law No. 120 of 1947)."

In Article 10, "the Minister of Transportation" shall read "the National Personnel Authority".

In Article 28, the following paragraph shall be added:

2. "The administration of personnel affairs of such Seamen's Training institutes shall be governed by the provisions of the National Public Service Law (Law No. 120 of 1947)".

Article 8. The Cabinet Order Concerning Temporary Measures to be Taken in Consequence of the Letter of the Supreme Commander for the Allied Powers to the Prime Minister, dated July 22, 1948 (Cabinet Order No. 201 of 1948) shall be abolished as it applies to personnel of the National Government.

2. With respect to the application of penal provisions for any act committed before the abolition of the Cabinet Order referred to in the preceding paragraph which violates the provisions of paragraph 1 of Article 2 of the same Cabinet Order, the same shall follow the instances heretofore in force.

Article 9. On the effective date of this Law, "National Personnel Commission", "Chairman of the National Personnel Commission", "Commissioner of the National Personnel Commission" and "Rules of the National Personnel Commission" in other Laws and orders shall be taken to read respectively, "National Personnel Authority", "President of the National Personnel Authority", "Commissioner of the National Personnel Authority", and "Rules of the National Personnel Authority" respectively.

Article 10. Persons actually holding positions or employment in the Temporary National Personnel Commission on the effective date of this Law shall be deemed to hold equivalent appointments or employment in the National Personnel Authority unless other written notification of action is given them by the Authority. The position of Director-General of the Authority shall be regarded as equivalent to Executive Director of the Temporary Commission.

Article 11. Employees of the Diet and the Courts shall be included in the provisions of the regular service as defined by this law until December 31, 1951.

Article 12. The Ordinance relating to Disciplinary Punishment of Government Officials (Imperial Ordinance No. 63 of 1899), the Official Organization of the Higher and Junior Civil Service Examination Committees (Imperial Ordinance No. 9 of 1918), the Higher Civil Service Examination Ordinance (Imperial Ordinance No. 15 of 1929), the Official Organization of the First Class Officials Selection Committee (Imperial Ordinance No. 4 of 1941), the Ordinance relating to Special Provisions in regard to the Qualification of Second Class Administrative Officials (Imperial Ordinance No. 77 of 1945), the Official Organization of the Second Class Administrative Officials Selection Committee (Imperial Ordinance No. 78 of 1945), and the Law concerning Temporary Measures to be Taken for the Higher and Junior Civil Service Examination Committees (Law No. 53 of 1948) and orders issued thereunder shall be abolished on the effective date of this Law.

However, the Higher Civil Service Examination Ordinance and the Higher Civil Service Examination Committee shall be regarded as continuing their respective existence under the conditions provided by the laws heretofore in force, insofar as, in the case of the former, the examinations referred to in Article 66 of the Court Organization Law (Law No. 59 of 1947) and Article 3 of the Lawyers Law (Law No. 53 of 1933) are concerned, and, in the case of the latter, the Third Division is concerned until not later than December 31, 1948.

On the effective date of **this** Law, personnel actually engaged on a full-time basis in the business of the committees established by the laws and orders prescribed in Paragraph 1 shall be regarded as having been relieved of their posts on that date without any written notification for such action.

FEC-267/4FEC-RESTRICTEDFEC-267/47 December 1948FAR EASTERN COMMISSIONADOPTION OF THE NATIONAL PUBLIC SERVICE LAW REVISION BILL
(References: FEC-267, FEC-267/3, FEC-318/8)Note by the Secretary General

1. The National Public Service Law revision bill (FEC-267/3) was approved with certain amendments by the Third National Diet on 30 November 1948 and promulgated immediately after its approval.

2. No authorized version of the final amendments to the bill as it was passed by the Diet has been received by the Secretariat. The final amendments will be circulated as soon as they are received.

3. The Supreme Commander's statement concerning the passage of this bill has been circulated as FEC-318/8.

NELSON T. JOHNSON
Secretary General

FEC-267/4

FEC-267/5FEC-RESTRICTEDFEC-267/525 February 1949FAR EASTERN COMMISSIONREVISED NATIONAL PUBLIC SERVICE LAWNote by the Secretary General

1. The enclosure, the official text of the National Public Service Law as of 1 January 1949, as prepared for the Japanese National Personnel Authority, has been received from the Supreme Commander for the Allied Powers and is circulated herewith for the information of the Far Eastern Commission.
2. The enclosure incorporates all amendments made to the National Public Service Law up to the present time.
3. The enclosure supersedes the draft amendments previously circulated as FEC-267/1, 267/2, and 267/3.

NELSON T. JOHNSON
Secretary General

FEC-267/5

E N C L O S U R EREVISED NATIONAL PUBLIC SERVICE LAW

(Law No. 120 of 1947 - As Revised by
Law No. 222, 258, and 265 of 1948)

CHAPTER I. GENERAL PROVISIONS

(Object and Effect of this Law)

Article 1. The object of this Law is to assure the people democratic and efficient administration of their public affairs by establishing basic standards (including adequate measures to promote the welfare and interest of personnel) which shall be applicable to all personnel in the national public service, 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.

This Law shall solely establish the standards for administration of the civil service referred to in Article 73 of the Constitution of Japan.

No person shall wilfully violate or attempt or conspire to violate this Law or any part of it, or the rules or directives issued thereunder, or commit or attempt to commit any fraud incident to the administration of or obstruct the enforcement of this Law or the rules or regulations enacted or directives issued thereunder.

If any provision of this Law or the application thereof is held invalid, the remainder of this Law or other applications of such provision shall not be affected.

In so far as they are inconsistent or in conflict with prior laws or implementations thereunder, the provisions of this Law shall control.

(Regular and Special Government Service)

Article 2. The national public service shall be divided into the regular government service and the special government service.

The regular government service shall be comprised of all positions in the national public service other than those in the special government service.

The special government service shall be comprised of the following types of positions:

1. The Prime Minister
2. Ministers of State
3. Commissioners of the National Personnel Authority and Auditors of the Board of Audit
4. Director-General of the Cabinet Secretariat
5. Deputy Director-General of the Cabinet Secretariat
6. Parliamentary Vice-Ministers
7. Director of the Liaison and Coordination Agency
8. Confidential Secretaries to the Prime Minister (not exceeding three in number) and other Confidential Secretaries (one for each Minister of State or head of agency included in the special government service)

9. Positions, the occupancy of which requires an election or the appointment to which requires a resolution or consent of one or both Houses of the Diet
10. Director of the Imperial House Office, Grand Chamberlain, Chamberlains, and other personnel of the Imperial House Office as designated by law or rules of the National Personnel Authority
11. Ambassadors and Ministers
12. Judges, and one Confidential Secretary to the Chief Justice of the Supreme Court and one Confidential Secretary to each Associate Justice
13. Employees engaged in the service of the Allied Forces in compliance with the demands of the Allied Forces
14. Personnel of Kodan as designated by the National Personnel Authority (However, the present item shall be effective until March 31, 1949)

The provisions of this Law shall apply specifically to all positions in the regular government service (to be hereinafter referred to as the service and persons holding positions therein as personnel). The National Personnel Authority shall have authority to determine whether positions are in the national public service or other service, and, within the provisions of this Article, to determine whether positions are in the regular government service or the special government service.

The provisions of this Law shall not apply to positions in the special government service unless specifically provided by an amendment to this Law.

The Government shall not pay salary, wage, or other compensation for services to personnel other than in the regular government service or the special government service.

The provisions of the preceding paragraph shall not apply to contracts between the National Government or a subdivision thereof, and foreign nationals for personal services on an individual basis.

CHAPTER II. THE NATIONAL PERSONNEL AUTHORITY

(Installation)

Article 3. In order to ensure the thorough-going enforcement of this Law and attain its objectives, the National Personnel Authority is created and charged with responsibility for enforcement of this Law.

In administering the national civil service, the Authority shall be set up under the jurisdiction of the Cabinet and shall report to the Prime Minister under the standards provided in this Law.

Subject to this Law the Authority shall develop, coordinate, integrate, and order policies, standards, procedures, rules, and programs and recommend legislative and other necessary action for the government service with respect to the following matters:

1. Position classification, compensation, dual compensation, pay plan, examination, qualifications, recruitment, employment eligible lists, certification of eligibles, appointment, conditional period, temporary appointment, part-time employment, dual employment, oath of office, promotion, demotion, transfer, reinstatement, reassignment, retirement, pension, dismissal, reduction in force, evaluation of work performance, the definition of personnel terms, and related matters.

2. Hours of work, leave of absence, temporary retirement, health, safety, recreation, education and training, welfare, personal conduct, political activity, exclusion from private enterprise, preservation of secrecy, discipline, separation, equitable treatment, status, guarantee, employee application for administrative action, grievance procedure, compensation for illness and injury while on official duty, and investigation, research, and inspection regarding governmental personnel administration and related matters.

3. Personnel records and statistics, control and audit of payrolls to the extent that the payment of authorized compensation in conformity with this Law and rules and directives of the Authority is assured.

4. Administration of the National Personnel Council.

5. Other matters placed under its jurisdiction on the basis of Law.

Within the sphere in which the Authority is empowered to act by this Law, the decisions and actions of the Authority shall be subject to review only by the Authority under its own procedures.

The provision of the preceding paragraph shall not in any way affect the right of access to the courts on questions of Law.

(Personnel)

Article 4. The Authority shall be composed of three Commissioners.

One of the Commissioners shall be designated and appointed as President.

The Authority shall appoint a Director-General and such other personnel as it may deem necessary to properly and adequately conduct the business of the Authority within the limitations of its budget.

The Authority shall control its own internal operating organizational structure, and the provisions of the National Government Organization Law (Law No. 120 of 1948) shall not apply to the Authority.

(Commissioners of the Authority)

Article 5. Commissioners of the Authority shall be appointed, with the consent of the Diet, by the Cabinet from among persons 35 years old or more, who are 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 specifications shall 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 labor by the criminal court or who has been punished upon conviction of an offense prescribed in Chapter IV;

3. A person who falls under one of the specifications mentioned in Item 3 or Item 5 of Article 38.

No person shall be eligible for appointment as a Commissioner who has been a candidate for national or prefectural elective public office or who is or has been an officer, political adviser, or other similarly politically influential member of a political party within five years previous to the proposed date of appointment, as provided by rules of the Authority.

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

(Oath Taking and Performance of Duties)

Article 6. After he has been appointed as a Commissioner, the new incumbent shall not exercise the powers pertaining to his office until he has signed a written oath before the Chief Justice of the Supreme Court, as provided by rules of the Authority.

The provisions of Section VII of Chapter III shall apply correspondingly to Commissioners.

(Term of Office)

Article 7. The term of office of a Commissioner shall be four 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 shall not remain in office continuously for a period exceeding 12 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.

(Retirement and Removal from Office)

Article 8. A Commissioner shall not be removed from office against his will except under one of the following specifications:

1. When he has come under one of the instances mentioned in Paragraph 3 of Article 5;
2. When his removal from office is affirmed on public impeachment proceedings based on charges filed by the Diet.
3. When he has completed his term of office and has not been reappointed, or when he has been continuously in office as a commissioner for 12 years.

The causes for impeachment prescribed in Item 2 of the preceding paragraph shall be as follows:

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 removed from office, with the consent of the Diet, by the Cabinet.

The provision of the preceding paragraph shall not jeopardize the position of a Commissioner who has not changed his political status in regard to party affiliations.

(Impeachment of Commissioner)

Article 9. Proceedings for impeachment of a Commissioner shall be conducted by the Supreme Court.

When the Diet intends to bring impeachment action against a Commissioner, charges shall be filed by the Diet in writing setting forth the alleged offense, both in general and particular, and submitted to the Supreme Court.

In the case of the preceding paragraph, the Diet 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 the Diet and the accused Commissioner at least thirty days in advance of the date set for hearing.

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

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.

(Salary)

Article 10. A Commissioner shall be compensated on the same basis as a Minister of State and no Commissioner shall be paid by the Government, less in total compensation than is paid for all purposes to any Minister of State.

(President of the Authority)

Article 11. The President of the Authority shall be appointed by the Cabinet from among the Commissioners.

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

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

(Meetings of the Authority)

Article 12. Regular meetings of the Authority shall, as a rule, be held at least once a week at a fixed place, as provided by rules of the Authority.

Proceedings at a meeting of the Authority shall be recorded in its minutes.

The minutes specified in the preceding paragraph shall be prepared by the Executive Secretary.

Necessary determinations concerning the proceedings of the Authority shall be provided by rules of the Authority.

The Director-General of the Authority shall be present at the meetings of the Authority as Executive Secretary.

When exercising the powers enumerated below, the Authority shall require a resolution of the Authority:

1. The enactment, amendment, or revocation of rules of the Authority;
2. Disbursements from the emergency operating fund as specified in Article 13;
3. Recommendations to the head of the appropriate agency of government as specified in Article 22;
4. Submit opinions of the Authority to the Diet and the Cabinet as specified in Article 23;
5. Report to the Diet and the Cabinet as specified in Article 24;
6. Recommendation to the Diet and the Cabinet under Article 28;
7. Drafting of a position classification plan as specified in Article 29;
8. Determination of standards for evaluation and designation of an evaluating body as specified in Article 36 (including cases to be correspondingly applied in Article 37);
9. Designation of examining bodies as specified in Article 48;
10. Approval of temporary employment and its renewal, restriction of number of personnel for temporary employment and determination of their qualifications, and cancellation of temporary employment as specified in Article 60, except as provided by rules of the Authority;
11. Drafting of a pay plan as specified in Article 63;
12. Preparation of revisions of the pay plan as specified in Article 67;
13. Recommendations to the head of an appropriate agency of government, and drafting plans concerning recognition for efficient performance or measures for correcting failure to perform efficiently as specified in Article 72, except as provided by rules of the Authority;
14. Evaluation of a case as specified in Article 87;
15. Evaluation of an action as specified in Article 92;
16. Drafting of important matters concerning compensation as specified in Article 95;
17. Evaluation of a protest as specified in Article 103;
18. Drafting of important matters concerning pension as specified in Article 108;
19. Other matters which, by a resolution of the Authority, require a resolution of the Authority.

(Secretariat and Budget of the Authority)

Article 13. The Authority shall have a Secretariat, and legal counsel under its own jurisdiction.

The organization of the Authority's Secretariat and necessary determinations concerning legal counsel shall be as provided by rules of the Authority.

The Authority shall annually and prior to the beginning of each fiscal year, present to the Cabinet for inclusion in the national budget, a request for its necessary expenses for the ensuing fiscal year. Such requests shall cover purchase of land, construction of buildings, rental of offices, purchase of furniture, equipment, supplies, payments of salaries, wages, and allowances of staff together with all other services and things necessary to the complete administration and enforcement of this Law.

An emergency operating fund under the supervision of the President of the Authority shall be provided among the expenditures mentioned in the preceding paragraph and shall be discontinued March 31, 1952; disbursement from this fund shall require a resolution of the Authority.

In the event the Cabinet desires to revise the annual budget request of the Authority for operating funds so presented, the request as compiled by the Authority and the request as revised by the Cabinet shall be presented to the Diet for consideration.

The Authority may establish local offices as it deems necessary with the approval of the Diet.

(Director-General of the Authority)

Article 14. The Director-General of the Authority shall be the executive assistant to the President. Subject to general supervision of the President, the Director-General shall direct and supervise all administrative and technical activities of the Authority; plan programs to achieve the objectives of this Law; plan, recruit, organize, direct staff of the Authority; and do such other proper and legal acts as may be necessary to achieve the objectives of this Law; act as the Executive Secretary of the meetings of the Authority and Chairman of the National Personnel Council.

Except for family allowances and overtime allowances as provided by law, the Director-General shall be compensated on the same basis as a Vice-Minister and the Director-General shall be paid by the government, not less in total compensation than is paid for all purposes to any Vice-Minister.

(Prohibition of Personnel of the Authority from Holding Concurrent Positions)

Article 15. No Commissioner or Director-General shall hold concurrently any other position.

(Rules and Directives of the Authority)

Article 16. The Authority shall make rules, issue directives, and establish procedures concerning matters necessary for the execution of this Law. The Authority may revise or revoke its rules from time to time at its discretion.

Rules and revision or revocation of the rules of the Authority shall be published in the Official Gazette.

The Authority is authorized to issue directives to implement a rule or take other action under this Law.

(Investigation)

Article 17. The Authority, or any person or persons designated by the Authority may conduct investigations of 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 in conducting the investigations specified therein, subpoena witnesses or demand the presentation of books and records or copies thereof pertinent or alleged to be pertinent to any investigation or hearing.

(Control of Payment of Compensation)

Article 18. The Authority shall control payment of compensation to personnel of the service.

No compensation shall be paid to personnel of the service contrary to the rules or directives of the Authority.

(Personnel Records)

Article 19. The Authority shall administer matters concerning personnel records relating to personnel of the service.

The Authority shall prescribe that the Prime Minister's Office and any ministries 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 determinations concerning personnel records shall be provided by rules of the Authority.

Where it is deemed that the personnel records maintained by the Prime Minister's Office or any ministry or agency of the government are contrary to the rules of the Authority, the Authority may order revisions and such other steps as may be called for.

(Statistical Reporting)

Article 20. The Authority shall, as provided by rules of the Authority, prescribe and administer a system 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.

(Delegation of Functions)

Article 21. Of the functions prescribed in this Law, the Authority may delegate certain of these functions as prescribed by rules of the Authority 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.

(Recommendations for Improvement of Personnel Administration)

Article 22. The Authority may make recommendations to any appropriate minister or head of other agency of government concerning improvements of personnel administration.

The Authority may make recommendations to any appropriate minister or head of another agency of government concerning the change of placement and transfer of personnel between the various ministries or agencies of the National Government or other matters relating to labor utilization so as to contribute to the improved efficiency of administrative operations throughout the Government.

In the cases of the preceding two paragraphs, the Authority shall submit a report thereon to the Cabinet.

(Advice on Enactment, Amendment or Revocation of Laws and Orders)

Article 23. If, in order to ensure the realization of the objectives of this Law, the Authority has opinions concerning the enactment or amendment or revocation of laws and orders, it shall submit them to the Diet and to the Cabinet simultaneously.

(Report on Business)

Article 24. The Authority shall make an annual report to the Diet and the Cabinet of its activities and accomplishments covering each fiscal year of operation.

The Cabinet shall publish the report mentioned in the preceding paragraph.

(Directors of Personnel)

Article 25. In the Prime Minister's Office, the various ministries and other agencies of government designated by rules of the Authority, there shall be, as a member of its staff, a Director of Personnel.

The Director shall be head of a bureau or division in charge of business pertaining to personnel functions, and assist the head of the agency of government concerned by taking charge of business pertaining to personnel functions.

(National Personnel Council)

Article 26. In order to ensure close contact and mutual cooperation concerning the enforcement of this Law between the Authority and the Prime Minister's Office, the various ministries and other agencies of government, there shall be set up in the Authority a National Personnel Council.

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

The Chairman shall be the Director-General and members shall be the Directors specified in the preceding Article.

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

Except as prescribed in the preceding four paragraphs, necessary determinations concerning the National Personnel Council shall be provided by rules of the Authority.

CHAPTER III. STANDARDS FOR THE SERVICE

Section I. General Rules

(Principles of Equal Treatment)

Article 27. In the administration of this Law, all of the people shall be accorded equal treatment and shall not be discriminated against by reason of race, religious faith, sex, social status, family origin, or political opinions or affiliations except as provided in Item 5, Article 38.

(Principle of Meeting Changing Conditions)

Article 28. The standards concerning compensation, hours of work and other working conditions to be established under this Law may be from time to time revised by the Diet to bring them into accord with general conditions of society. It shall be the duty of the Authority to recommend such changes.

The Authority shall report to the Diet and the Cabinet simultaneously on the propriety of salary and wage schedules not less than once each year. If factors entering into wage determination at any time suggest a wage revision of such schedules by 5% or more either upward or downward, such report thereon shall be made to the Diet and the Cabinet with appropriate recommendations by the Authority.

Section II. Position Classification Plan

(Establishment of Position Classification Plan)

Article 29. The position classification plan shall be prescribed by Law.

The Authority shall develop a position classification plan whereby all positions in the service are classified according to the kinds of duties and by the degrees of complexity of duties and responsibilities involved.

In the position classification plan, classification of positions shall be so effected that the same qualifications may reasonably be required for and the same schedules of basic pay may be applied equitably to all positions in the same class under substantially the same employment conditions.

The plan as provided in the preceding three paragraphs shall be submitted to the Diet for approval.

The classification plan as provided by Article 9 of the Law Administering the New Pay (Law No. 46 of 1948) shall be construed as being and meeting the requirements of the plan referred to in this Article and otherwise in this Law and shall remain in effect until subsequent modifications are recommended by the Authority and enacted by the Diet.

(Enforcement of the Position Classification Plan)

Article 30. The position classification plan may be gradually enforced, commencing first with things which can be put into effect.

Except as prescribed in this Law, determinations necessary for the enforcement of the position classification plan shall be provided by rules of the Authority.

(Allocation of Positions)

Article 31. In effectuating 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.

(Prohibition of Classification of Positions by other than the Position Classification Plan)

Article 32. In regard to all positions in the regular service, no classification of positions on any basis other than the position classification plan shall be made.

Section III. Examination, Appointment and Dismissal

(Basic Standard for Appointment and Dismissal)

Article 33. Appointment of a person in the service shall, as determined by this Law and the rules of the Authority, be made entirely on the basis of the result of his examination and the merit of his performance of duties or other demonstrated abilities.

The Authority shall at its discretion determine whether an examination shall be original entrance, or promotional, or both.

Dismissal of a person in the service shall be for cause as provided by law.

Except as prescribed in this Law, determinations necessary for enforcing the basic standard mentioned in the preceding three paragraphs shall be provided by rules of the Authority.

Part I. General Rules:

(Definition of Terms)

Article 34. The Authority by rule shall define, amplify and authorize the use of terms as it deems necessary in administering this Law.

(Method of Filling Vacancies)

Article 35. When a vacancy occurs in the service, an appointing officer, except as specially provided by law or rules of the Authority, may appoint a person by any one of the following 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.

(Method of Initial Appointment)

Article 36. Initial appointment of personnel shall be by competitive examination. However, in cases where, with respect to positions prescribed by rules of the Authority, the approval of the Authority has been obtained, this provision shall not preclude such initial appointment by means of an evaluation of demonstrated abilities other than by competitive examination.

The evaluation specified in the proviso of the preceding paragraph shall be conducted by the Authority or an evaluating body appointed by the Authority in accordance with standards established by the Authority.

(Method of Promotion)

Article 37. Promotion of personnel shall be by competitive examination, to be hereinafter referred to as examination, among incumbents of positions of lower levels than that to which the promotional position under consideration belongs. However, the Authority may at its discretion restrict the scope of persons to be examined when such restriction is deemed necessary.

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 incumbents concerned, promotion may be made by means of an evaluation based on the past service record of such incumbents

The provision of Paragraph 2 of the preceding Article shall apply correspondingly to the instances of the evaluation under the preceding paragraph.

(Provisions for Disqualification)

Article 38. No person falling under one of the following types of cases shall be eligible to appointment in the service, except as provided by rules of the Authority:

1. A person who has been adjudicated incompetent or quasi-incompetent;
2. A person who has been sentenced to a penalty heavier than imprisonment without hard labor by the criminal court, 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 who has committed a crime prescribed in Articles 109 to 111 inclusive and has been convicted;
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.

(Prohibition of Illegal Acts Concerning Personnel Matters)

Article 39. No person shall, for the purpose of realizing 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. Resignation, temporary retirement or failure to accept appointment;
2. Withdrawal of his application for examination or appointment, or suspension of competition for appointment;
3. Effecting or recommending employment, increase in pay, retention in employment or other advantage in the service.

(Prohibition of Acts of Fraud Concerning Personnel Matters)

Article 40. No person shall make any false or dishonest statement, record, certificate, mark, rating, evaluation or report with regard to any examination, evaluation, personnel record or appointment.

(Prohibition Against Obstructing the Right to Examination or Appointment and Furnishing of Information)

Article 41. No person belonging to any examining body or other personnel in the service shall obstruct any person in his right to examination or appointment or furnish any special or secret information for the purpose of favorably affecting or discriminating against the rights or prospects of any person with respect to examination or appointment in the service.

Part 2. Examination

(Instances of Holding Examination)

Article 42. Examination shall be held, as provided by rules of the Authority.

(Disqualifications for Examination)

Article 43. Persons who are ineligible to appointment for reasons other than those specified in Article 44 shall not compete in an examination.

(Prerequisites of Eligibility for Examination)

Article 44. For persons intending to compete in an examination, objective and uniformly applicable qualifications which constitute a minimum essential to the performance of the duties of positions involved, shall be determined as prerequisites by rules of the Authority.

(Content of Examination)

Article 45. Each examination shall have as its object the accurate measurement of the relative abilities of the persons examined to perform the duties of the positions concerned.

(Entrance Examination to be Open and Equal)

Article 46. Entrance examination shall be open and on equal terms to any citizen who possesses the minimum qualifications determined as prerequisites by rules of the Authority.

(Announcement of Entrance Examination)

Article 47. Announcement of entrance examinations 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 positions for which examination is to be held, the rates of pay, the prerequisites of eligibility, 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 reasonably become known to all persons qualified for such examination.

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

Examinations announced or in process may be cancelled or revised by the Authority.

(Examining Bodies)

Article 48. Examinations shall, as provided by rules of the Authority, be conducted only by examining bodies determined by the Authority.

(Time and Place of Examination)

Article 49. The time and place of examinations shall be so decided that they may be reasonably accessible to any qualified citizen in the country.

Part 3. Employment Eligible Lists

(Preparation of Eligible List)

Article 50. In regard to employment of personnel by examination, employment eligible lists (entrance eligible lists and promotion eligible lists) shall be prepared as provided by rules of the Authority.

(Persons to be Entered in Entrance Eligible List)

Article 51. The names and examination scores of those who have achieved the qualifying score or better under entrance examination shall be entered in the entrance eligible list in the precise order of their examination scores as eligible to appointment to the appropriate positions covered by the list.

(Persons to be Entered in Promotional Eligible List)

Article 52. The names and examination scores of those who have achieved the qualifying score or better in promotion examinations shall be entered in the promotional eligible list in the precise order of their examination scores as eligible to promotion to the appropriate positions covered by the list.